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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

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IN THE MATTER OF: :  
Lemma Holdings, LLC :  
t/a Bliss : Case #15-251-00160  
2122 24th Place NE : Summary Suspension  
Retailer CT : Hearing  
ANC 5C :  
Chief of Police Closure :  
September 28, 2015 :

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Wednesday, October 7, 2015

Whereupon, the above-referenced matter  
came on for hearing at the Alcoholic Beverage  
Control Board, Reeves Center, 2000 14th Street,  
N.W., Suite 400S, Washington, D.C. 20009.

1 CHAIRPERSON:

2 RUTHANNE MILLER, Presiding

3

4 BOARD MEMBERS:

5 DONALD BROOKS

6 MICHAEL SILVERSTEIN

7 JAMES SHORT

8 HERMAN JONES

9

10 ALSO PRESENT:

11 MAUREEN ZANIEL,

12 on behalf of the District of Columbia

13 MAKAN SHIRAFKAN,

14 on behalf of the Licensee

15 HENOCK ANDARGIE, Owner, Bliss

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## 1 P R O C E E D I N G S

2 CHAIRPERSON MILLER: Okay. We have a  
3 couple Board Members who will be joining us  
4 shortly, and rather than keeping you all waiting,  
5 I want to start with the preliminaries; that is,  
6 I am going to call a case. It is Case No.  
7 15-251-00160, Bliss, located at 2122 24th Place,  
8 Northeast, License No. 95711, in ANC-5C.

9 I am going to ask you to identify  
10 yourselves for the record. Then I am going to  
11 just make a few preliminary remarks, and then  
12 we'll hear from you all.

13 Okay.

14 MS. ZANIEL: [Speaking off mic.]

15 BOARD MEMBER: Can't hear. The mic --

16 MS. ZANIEL: Good afternoon. Maureen  
17 Zaniel on behalf of the District of Columbia.

18 MR. SHIRAFKAN: Good afternoon. Makan  
19 Shirafkan on behalf of the Licensee.

20 MR. ANDARGIE: Henock Andargie with  
21 Bliss, the owner of Bliss.

22 CHAIRPERSON MILLER: Okay, thank you.

1           Okay. So the Board has before it a  
2 summary suspension hearing involving Bliss. On  
3 Sunday, September 27, 2015, approximately 2:30  
4 a.m., members of MPD were alerted to a stabbing  
5 that occurred inside this establishment.  
6 Specifically, several patrons became involved in  
7 an altercation which led to at least two patrons  
8 suffering lacerations.

9           Additionally, there are allegations that  
10 the MPD's efforts to investigate and preserve the  
11 crime scene were thwarted by the establishment's  
12 personnel.

13           As a result of this incident, the Chief  
14 of Police, Cathy Lanier, closed the establishment  
15 pursuant to her authority under D.C. Official  
16 Code Section 25-827.

17           Chief Lanier submitted a letter to ABRA  
18 dated September 28, 2015, seeking revocation of  
19 the establishment's ABC license.

20           The Board voted 6-zero on September 30th,  
21 2015, to continue the suspension of the  
22 establishment's license. The Respondent

1 requested a hearing on October 2nd, 2015, under  
2 D.C. Official Code Section 25-826(c).

3 Today the Board will be hearing testimony  
4 from the Office of the Attorney General, the  
5 Respondent, and the respective witnesses. The  
6 purpose of the hearing is so that the Board can  
7 determined under D.C. Official Code Section  
8 25-826 whether the operations of the Respondent  
9 presented imminent danger to the health and  
10 safety of the public.

11 The Board will be announcing its decision  
12 at the conclusion of today's hearing. The Board  
13 asks that the parties stick to the facts and  
14 issues related to the incident. The facts and  
15 issues proposed, contained in the Summary  
16 Suspension Notice dated October 2nd, 2015, and  
17 the case report for investigation, No.  
18 15-251-00160.

19 The Board is only interested in hearing  
20 about those matters that can be used to establish  
21 whether the establishment is in imminent danger  
22 to the health and safety of the public.

1           The Board will begin this hearing by  
2 hearing the opening statement from the  
3 Government, represented by Senior Assistant  
4 Attorney General Maureen Zaniel, followed by the  
5 opening statement of Makan Shirafkan on behalf of  
6 the Respondent.

7           But before opening statements, are there  
8 any procedural matters the parties would like to  
9 bring to the Board's attention?

10           MS. ZANIEL: Two things.

11           CHAIRPERSON MILLER: Okay.

12           MS. ZANIEL: One is we've been told that  
13 we would not proceed to an evidentiary hearing  
14 today.

15           CHAIRPERSON MILLER: Okay.

16           MS. ZANIEL: And that's by agreement of  
17 the parties.

18           MR. SHIRAFKAN: Yes.

19           CHAIRPERSON MILLER: Okay. Then that  
20 would be continued if that were the case, so you  
21 don't have to worry about that.

22           MS. ZANIEL: If such a hearing became

1 needed, correct.

2 CHAIRPERSON MILLER: Correct. Okay.

3 MS. ZANIEL: We have an Offer in  
4 Compromise that we'd like to present to the Board  
5 at this time.

6 CHAIRPERSON MILLER: Okay.

7 MS. ZANIEL: And are you ready for that?

8 CHAIRPERSON MILLER: Yes.

9 MS. ZANIEL: Okay. First, I'd like to  
10 say that the District of Columbia in no way  
11 condones the conduct that was exhibited in Bliss  
12 on the night of September 27th, especially with  
13 regards to cooperation with MPD. So you have  
14 that information in the notice.

15 CHAIRPERSON MILLER: Let me also just say  
16 for the record that we were provided a copy of an  
17 Offer in Compromise, if that hasn't changed, that  
18 the Board has that before it. We have a copy.

19 MS. ZANIEL: Exactly. It has not  
20 changed.

21 CHAIRPERSON MILLER: Okay. So we do have  
22 a copy. So whatever you're saying, I just wanted

1 to let you know that we do have a copy in front  
2 of us.

3 MS. ZANIEL: Exactly. I just wanted to  
4 give a brief opening.

5 CHAIRPERSON MILLER: Okay.

6 MS. ZANIEL: The goal, obviously, when a  
7 place has been shut down is to try to ameliorate  
8 the threat to the public safety, and that would  
9 be true whether it's in a tavern or in a  
10 nightclub or in a bar. And in those places, if  
11 such an incident occurs, there should be no  
12 secrets, no victims who were afraid to cooperate,  
13 no employees who don't know very clearly how to  
14 conduct themselves when such events occurred.

15 We believe the OIC addresses those  
16 issues, and we would point to it at this time.

17 I am not going to read through every  
18 provision because I think that's not a good use  
19 of time. I would focus on the fact that before  
20 the place is allowed to reopen, the Offer in  
21 Compromise requires certain training to go  
22 forward, and that training would be training on

1 the security training and specifically with all  
2 the details of the Security Plan.

3 Now, the Security Plan was also available  
4 to the Board. Does the Board have that?

5 CHAIRPERSON MILLER: I would say that we  
6 were provided by e-mail last night, a Security  
7 Plan, and then we were informed today that there  
8 were some changes. I don't know. So I, for one,  
9 haven't had a chance to compare it to see what's  
10 different, just so you know that.

11 MS. ZANIEL: Okay. There may have been.

12 CHAIRPERSON MILLER: Probably true for  
13 everybody, but yeah.

14 MS. ZANIEL: There may have been a couple  
15 of additions that just implement what's in the  
16 Offer in Compromise.

17 CHAIRPERSON MILLER: Okay.

18 MR. SILVERSTEIN: When we get to that, I  
19 would trust that Mr. Shirafkan could help us out  
20 with that, so in due time.

21 MS. ZANIEL: Absolutely.

22 And I have seen the version, so I'm

1 satisfied with it from my perspective.

2           So the training that has to take place is  
3 training on the Security Plan itself, a detailed  
4 security training with respect to how you handle  
5 all issues, a crime scene preservation training,  
6 because that was something that was not done  
7 appropriately at Bliss, not done at all, frankly.  
8 And the last portion of the training that has to  
9 be addressed prior to reopening is for employees  
10 to know how to aid an injured or ill person in  
11 the establishment.

12           It's my understanding that the Licensee  
13 has scheduled for tomorrow a training which will  
14 cover all of those components.

15           The OIC requires the training materials  
16 to be submitted to the Board, so you will have an  
17 opportunity to see exactly the nature and the  
18 quality of the training the persons will receive.

19           CHAIRPERSON MILLER: Can you -- I'm sorry  
20 to interrupt you, but can you tell us where that  
21 is in the OIC? Because that was something we  
22 were concerned about and didn't notice it.

1 MS. ZANIEL: Okay. It's at paragraph 2  
2 and paragraph 11.

3 CHAIRPERSON MILLER: Where are the  
4 training materials that are being provided to the  
5 Board?

6 MS. ZANIEL: They will be provided  
7 subsequent to the training being delivered  
8 tomorrow.

9 MR. SHIRAFKAN: I have brought it. I  
10 have brought it with me.

11 CHAIRPERSON MILLER: Oh, you have the  
12 materials.

13 MR. SHIRAFKAN: Yes. I've got to from  
14 the people, so that that way, I could present  
15 that as well.

16 CHAIRPERSON MILLER: Okay, good.  
17 Okay.

18 MS. ZANIEL: So I believe the Offer in  
19 Compromise highlights the -- or focuses on the  
20 training that will help to make this place be  
21 able to run in compliance with law.

22 A Security Plan is detailed. It is in

1 compliance with Title 25 as well as having many  
2 additional features.

3           There are an abundance of cameras in the  
4 establishment. What I think may be helpful is  
5 for an ABRA investigator to view the angles of  
6 the cameras to make an opinion or a  
7 recommendation as to whether any of those ought  
8 to be changed to further illuminate what goes on  
9 in the tavern.

10           The Security Plan and the OIC  
11 appropriately covers overcrowding, how to ID  
12 people, how to count people as they're coming in,  
13 how to wand, and if necessary from a wandering, do  
14 a further pat-down. It clearly lays out how the  
15 incident log is to be maintained.

16           The OIC further requires that if any  
17 weapons are found, they be appropriately secured  
18 and documented and that information given over to  
19 MPD.

20           I think those are the things I wanted to  
21 highlight, and I'll turn that over to Mr.  
22 Shirafkan at this point, if he wants to have

1 further comment on that.

2 MR. SHIRAFKAN: This is my opening, is  
3 it, sum it into one? Well, Madam Chair --

4 CHAIRPERSON MILLER: This is a little  
5 more informal, so yeah. You could just address  
6 the issues, yeah.

7 MR. SHIRAFKAN: Good afternoon again.  
8 It's my pleasure to represent the Licensee, and  
9 I'll say it's my pleasure because the owner has  
10 placed basically his business in my hands, the  
11 faith of his business in my hands, and not only  
12 him, but everybody that works for him.

13 When I was preparing for this hearing, as  
14 usually, as a lawyer would, I sat down and I  
15 pulled up cases, every case I think you guys have  
16 had in this matter, legal arguments, and all  
17 sorts of things. And I sat with Henock, and he  
18 told me -- he said, "Stop. We're not going to do  
19 that."

20 I said, "Well, what do you mean?"

21 He said, "We're wrong. We're going to go  
22 in there. We're going to say we're sorry, we're

1 going to own up to our mistake, and we're going  
2 to learn and move forward in the right  
3 direction."

4 So you're not going to hear a whole lot  
5 of facts or things as to why and when. There's  
6 no excuses. It's just that we're sorry that this  
7 happened.

8 With regards to this incident, though, I  
9 just will say one issue, and that is I think you  
10 have seen or you have heard what has happened,  
11 and I want you to keep in mind that this was not  
12 an intentional act. There is prevention or  
13 obstruction of investigation and there is a time  
14 when there is intentional and there is a time  
15 when there is a lack of knowledge, and you'd say,  
16 "Sorry. We didn't know that this would mean the  
17 crime scene and this would be I'm obstructing,"  
18 and moving forward, we will do everything that is  
19 required to get that knowledge and get other  
20 knowledges, so that we can teach our staff,  
21 because at the end of the day, we're responsible  
22 for them. And what knowledge they have or don't

1 have is on us, and we own up to it. So we want  
2 to learn, and we want to move forward in the  
3 right direction.

4 As to moving forward, we have, as it was  
5 mentioned, one, in regards to the Security Plan,  
6 I did resubmit one this morning, and that was  
7 because there were a few lines that I noticed in  
8 the Offer in Compromise that was not clear in  
9 there, for example, that someone may be  
10 terminated if they don't adhere to it. There are  
11 bits and pieces, but I wanted it to be clear.

12 Further, I made copies for everyone, if I  
13 may, of the offering of the Security Plan, and  
14 what I did in that was I went into it, and on  
15 each section of Offer in Compromise, whatever  
16 number Offer in Compromise is, I tabbed it into  
17 the Security Plan, so that you can look, number  
18 2, number 4, whatever the numbers are.

19 ATTENDEE: [Speaking off mic.]

20 MR. SHIRAFKAN: You did with the tab?

21 ATTENDEE: I made copies of it. Uh-huh.

22 MR. SHIRAFKAN: Okay. Apparently, they

1 already have -- if not, I have more copies.

2 Okay. It's in the packet.

3 So that that's why I wanted to make sure  
4 it makes it easier, so that you can reflect back  
5 from Offer in Compromise into Security Plan,  
6 seeing each section, where it has been addressed  
7 in the security plan.

8 As far as the training, I have also  
9 brought information as to who it is that is doing  
10 the training. Mr. Jeff Jackson, who was with  
11 ABRA before, and Chief of Police, former Chief of  
12 Police, Chief Monroe, they have a group that they  
13 teach certain trainings on best practices which,  
14 from my understanding, is a compliance of what  
15 ABRA wants from Jeff Jackson's experience,  
16 further, from Chief Lanier's best practices  
17 guide.

18 And when we drafted the Security Plan, I  
19 would say that I referred to Chief Lanier's  
20 guides, and I tried to implement parts from that  
21 into it.

22 I've brought also what topics they cover

1 in their training. If the Board wants, I can  
2 hand that to them, so that particularly on what  
3 is this group doing.

4 In regards to going forward, this mistake  
5 has already -- they have paid for it dearly  
6 because, as you know, as you probably saw in my  
7 letter, past weekend was Howard Homecoming, which  
8 was one of the biggest weekends for this  
9 business. They were shut down, and they learned  
10 a hard lesson that not just safety, not just --  
11 in every aspect -- reputation, financial -- in  
12 every aspect, they were shut down, and they,  
13 believe me, have learned from this.

14 And this is not going to be the only  
15 training tomorrow because tomorrow, if the Board  
16 approves it, this would be a training that takes  
17 places. They go over best practices and the  
18 security plan. Hopefully, if the Board permits,  
19 they would be able to open, and then there is  
20 more training. There is TIPS training. There is  
21 every new security that comes on board. Every  
22 bartender that comes on board, we want to make

1 sure that they have that knowledge that's needed  
2 so that we don't end up in this position again.

3           Lastly, when I got this case, I went over  
4 to the site, and I was absolutely -- I was  
5 shocked in the sense that what this venue used to  
6 be and what it is today, and I complimented  
7 Henock in regards to the vision that he had and  
8 what he has done with this place. It's an  
9 upscale, very nice place, with a nice crowd, and  
10 we just don't want this ever to happen again, and  
11 we'll do anything that it takes.

12           I have brought pictures of the venue just  
13 in case you have not been in it and if you want  
14 to see what improvements has been done and what  
15 investment has been done into this establishment.

16           Lastly, as we go forward, you will see  
17 that there are issues and items, like signs for  
18 weapons, and we even purchased a caution tape,  
19 and we said we -- we didn't want to say we're  
20 going to promise we're going to do it. We are  
21 doing it, and I just wanted to show everyone that  
22 we're serious about this, and we hope that we can

1 resolve this matter.

2 Thank you.

3 CHAIRPERSON MILLER: Thank you.

4 So I think how we would like to proceed  
5 is to ask you some questions on the Offer in  
6 Compromise or on the situation in general. We've  
7 had a chance to read through the Offer in  
8 Compromise.

9 I mean, first, I'd like to ask you -- you  
10 made a statement about how you're going to do  
11 everything you can so that this type of incident  
12 never happens again. So how do you think you  
13 could prevent this type of incident in the  
14 future, or what are you doing that you think will  
15 actually prevent something like this from  
16 happening again?

17 MR. SHIRAFKAN: There is twofold to this.  
18 One is, what are we going to do to preserve crime  
19 scenes, and then what are we going to do to make  
20 sure or try to make sure the incident to begin  
21 with doesn't happen?

22 CHAIRPERSON MILLER: Right. I understand

1 the first one, you know, how to preserve a crime  
2 scene. Yeah.

3 MR. SHIRAFKAN: Okay. Because that's the  
4 easy one.

5 CHAIRPERSON MILLER: Yeah.

6 MR. SHIRAFKAN: That's the easy one.

7 CHAIRPERSON MILLER: Okay.

8 MR. SHIRAFKAN: As far as what to do for  
9 future, we're always -- no matter what Security  
10 Plan is written, no matter what we put on any  
11 word, at the end of the day, it comes down to the  
12 staff taking reasonable actions when things  
13 happen. We can never say you have to do one,  
14 two, and three, and that's it. It's always about  
15 training them to learn what is that reasonable  
16 measure.

17 That reasonable standard comes to them by  
18 informing them, by giving them knowledge, by  
19 going through a training and then continually  
20 keeping them up with the training so that they  
21 are aware of all the information because when we  
22 make judgments, it's based on whatever

1    informations we have.

2                    So the plan is to not only go through the  
3    security training, not only go through this  
4    overall best practices, but make sure that the  
5    staff know when it comes to making that  
6    reasonable judgment, "You better make the right  
7    judgment, and if you don't, there's  
8    repercussions.  If you don't follow what  
9    information we have provided to you, you are  
10   going to be terminated," and that would set the  
11   standard for everyone else to invest, hopes  
12   follow, because we don't have a magic ball to say  
13   what is exactly going to happen or how is someone  
14   exactly going to react.  All we can do is train  
15   them.

16                   CHAIRPERSON MILLER:  So have they had any  
17   training?

18                   MR. SHIRAFKAN:  In the past?

19                   CHAIRPERSON MILLER:  Mm-hmm.

20                   MR. SHIRAFKAN:  Yes.  In the past, they  
21   have had host training, and I don't know if I  
22   provided -- they had TIPS training and host

1 training. These were the --

2 CHAIRPERSON MILLER: Not security  
3 training or --

4 MR. SHIRAFKAN: Their past security  
5 training was limited to -- not as formal. So  
6 there is some sort of orientation where someone  
7 gets hired, and they are perhaps shadowing  
8 someone or they are told certain things, but this  
9 training has not been done before.

10 CHAIRPERSON MILLER: Okay. So I'm just  
11 going to ask a few more questions and then let my  
12 Board Members ask their questions as well.

13 So you call for crime scene prevention  
14 training and Security Plan training before the  
15 establishment is opened, but not alcohol  
16 awareness training. So we're wondering why  
17 alcohol awareness training can wait.

18 MR. SHIRAFKAN: I think part of our --  
19 the alcohol awareness training can be included in  
20 the training that is being done by Ms. Jackson  
21 and Chief Monroe. What we're talking about was  
22 when we have new bartenders or service that come

1 on board, for them to be able to have some time  
2 too, because if we're bringing someone into the  
3 establishment, then it's easy. Yes, we can have  
4 everyone there and get them through the training.  
5 But when we're hiring one individual and they  
6 have to go outside and through the outside source  
7 to a company or whatnot to get the training  
8 that's needed to come back.

9 But as far as having tomorrow for those  
10 folks to include alcohol awareness, that  
11 shouldn't be a problem.

12 CHAIRPERSON MILLER: Okay, good.

13 You know, some of this may just be a  
14 choice of words, but number two says --

15 MR. SILVERSTEIN: Well, wait.

16 CHAIRPERSON MILLER: Oh, I'm sorry. Do  
17 you have a question?

18 MR. SILVERSTEIN: It that's -- is that's  
19 the case, then are we assuming that this is  
20 something that you are pledging on the record  
21 that will be done if this is agreed to and this  
22 is part of -- this standard becomes part of the

1 OIC?

2 MR. SHIRAFKAN: If I could --

3 MR. SILVERSTEIN: How do we --

4 MR. SHIRAFKAN: Absolutely. The only  
5 thing --

6 MR. SHIRAFKAN: -- lock this in if we do  
7 it?

8 MR. SHIRAFKAN: I fully understand. The  
9 only thing that I need to do is -- if the Board  
10 allows it at whatever point -- I'd like to -- I  
11 don't want to make a representation. I'd like to  
12 make a call to Ms. Jackson, "Can you do this?" --

13 CHAIRPERSON MILLER: Mm-hmm, okay.

14 MR. SHIRAFKAN: -- because then we're not  
15 saying yes and then another company has to come  
16 and do that.

17 So if that would be the option, I would  
18 like to exercise that and be able to call and  
19 say, "Can you do this tomorrow along with this  
20 program?" and if it's yes, then for it to be done  
21 tomorrow.

22 MR. SILVERSTEIN: Thank you, Counselor.

1           Go right ahead now. I'm sorry, Madam  
2 Chair.

3           CHAIRPERSON MILLER: Okay. No, that's  
4 very good. That's a very good point. I'm glad  
5 we got that resolved that way.

6           Number two says, Prior to reopening, the  
7 Respondent shall conduct and complete two  
8 trainings with all available personnel associated  
9 with day-to-day operations.

10           First of all, who had a personnel  
11 associated with day-to-day operations? Have you  
12 identified them?

13           MR. SHIRAFKAN: It would be anyone that's  
14 working there: all security, all servers, all  
15 cocktailers, bartenders.

16           MR. ANDARGIE: Managers as well.

17           MR. SHIRAFKAN: Managers, busboys, bar  
18 backs, everyone that's working.

19           CHAIRPERSON MILLER: Everyone.

20           MR. SHIRAFKAN: Yeah.

21           CHAIRPERSON MILLER: All employees?

22           MR. SHIRAFKAN: All employees.

1 CHAIRPERSON MILLER: Okay.

2 MS. ZANIEL: And such a list is to be  
3 turned over to you.

4 CHAIRPERSON MILLER: A list would be  
5 turned over to us?

6 MR. SHIRAFKAN: I have brought the list.  
7 The only thing that I ask -- I have brought the  
8 list, and I don't have a problem with that. The  
9 only thing that I ask, if there is a seal  
10 procedure, just for the privacy of the folks that  
11 work for us, I don't want that to be a public  
12 record. If there is a way that we could seal  
13 that part of it, just so -- I don't want to  
14 divulge on their privacy.

15 CHAIRPERSON MILLER: Just that they work  
16 for you?

17 MR. SHIRAFKAN: I'm sorry?

18 CHAIRPERSON MILLER: They want to keep in  
19 confidence that they are employees?

20 MR. SHIRAFKAN: Yes.

21 CHAIRPERSON MILLER: Well, this is the  
22 first time we've had that question, so -- okay.

1 I'm not sure. We'd have to look into that, but  
2 there's nothing -- it's just that they are your  
3 employees.

4 MR. ANDARGIE: It shouldn't be an issue.

5 MR. SHIRAFKAN: No problem.

6 CHAIRPERSON MILLER: What does it mean,  
7 "available"?

8 MR. SHIRAFKAN: Oh. There was a part  
9 that we discussed. Say there is an employee who  
10 is out of town. We have a list, 50 people, 60  
11 people work. One person is not here. We didn't  
12 want the entire process to be halt for that one  
13 person, so we said we could move forward with  
14 that one person when they return. They can't  
15 return to work until they go through the  
16 training, and then they come back to work.

17 MR. SHORT: Madam Chair?

18 CHAIRPERSON MILLER: Yes.

19 MR. SHORT: Just playing the devil's  
20 advocate, suppose on the day there is a terrible  
21 storm and only four are available, and then you  
22 still want to open up and then train those other

1 ones later; is that correct?

2 MR. SHIRAFKAN: If that were the case,  
3 you are absolutely right, but we couldn't open --  
4 practically, we can't open with four people. So  
5 there's a minimal number of people given the rest  
6 of the number of securities that we need. There  
7 is a minimal number of people that we must have  
8 per our Security Agreement that we couldn't be  
9 open. So those folks at a very minimum have to  
10 be there tomorrow, and then the rest would be  
11 trained.

12 MR. SHORT: Okay. Now, would that --  
13 you're saying that, but again, you're saying you  
14 have security people who might be trained and  
15 might not be trained on the day that you're  
16 calling for this training.

17 Now, what's to say the training is going  
18 to be the very same for the second training?

19 MR. SHIRAFKAN: We can admit to using the  
20 same people for the second training, and that's  
21 fine.

22 MR. SHORT: That means you open up with

1 some people trained and some not trained.

2 MR. SHIRAFKAN: The not-trained people  
3 are not going to work. They are not going to  
4 work until they go through the same training as  
5 been done, so those folks who are not there, they  
6 don't get to work.

7 MR. SHORT: What's the minimum number of  
8 people which you would ask us to open you up with  
9 to get trained of all types, not just security?

10 MR. SHIRAFKAN: Court's indulgence. I  
11 just want to make sure what we're saying on the  
12 record.

13 [Mr. Shirafkan and Mr. Andargie  
14 conferring.]

15 MR. SHIRAFKAN: So at least 30 people is  
16 needed to get the operation going.

17 MR. SHORT: How many of those are  
18 security?

19 MR. SHIRAFKAN: Fifteen.

20 MR. ANDARGIE: Fifteen.

21 MR. SHORT: So every time you open, there  
22 is a minimum of 15 security working? Is that --

1           MR. ANDARGIE: On Friday, it's 10. On  
2 Saturday, it's 15, minimum.

3           MR. SHORT: But it would be great if all  
4 of the security people could be trained at the  
5 same time.

6           MR. SHIRAFKAN: Absolutely.

7           MR. ANDARGIE: Yes.

8           MR. SHIRAFKAN: And --

9           MR. SHORT: Before you open.

10          MR. SHIRAFKAN: And for our purposes, for  
11 the Licensee's purpose, this is also the most  
12 convenient way for us also would be to have  
13 everyone there instead of, you know, 20 here, 5  
14 come later, because then our operation is also  
15 hindering on being able to only use the people  
16 that have gone through the training. So it's in  
17 our interest as well, as well as I think the  
18 employees because they want to be able to get  
19 back on the schedule to get this training because  
20 they're not going to work, and we're not going to  
21 use them until they have gone through the  
22 training.

1           MR. SHORT: For the purpose of not being  
2 redundant -- and maybe this is already been clear  
3 or maybe not clear -- our ABRA investigator  
4 probably will be there when your training takes  
5 place. Is that --

6           MR. ANDARGIE: That's fine.

7           MR. SHIRAFKAN: That's fine. That's  
8 absolutely fine.

9           MR. SHORT: Camera angles, all those  
10 things will be taken care of before you open?

11          MR. SHIRAFKAN: The camera angles, there  
12 are two points to be made about that. One, if  
13 there is -- that's not part of the prior to  
14 opening for the camera angles to be changed or  
15 not, but further, the last Offer in Compromise  
16 that we got, actually, it did not have the camera  
17 angles being anything touched.

18          There was one off camera angle that we  
19 had received, and that had -- in regards to ABRA  
20 investigator coming in, telling us if we need to  
21 move camera angles, we don't have a problem with  
22 doing it. I'm just letting you know the Offer in

1 Compromise that's in front of you, the last  
2 document that we got, that wasn't part of it.

3 And we're fine. We'll still do it, but I  
4 will tell you, to move cameras, I don't think we  
5 can stand here and say that will happen prior to  
6 opening. But we're okay if that's what the Board  
7 wants, for the ABRA investigator to come and say  
8 -- tell us to change.

9 MR. SHORT: Okay.

10 MS. ZANIEL: And I may have misspoken,  
11 and we had talked about cameras at some point.  
12 So if I misspoke, I apologize.

13 But what is contemplated from my point of  
14 view is that an ABRA investigator be allowed to  
15 review all of the camera angles, make  
16 recommendations, but not that they immediately  
17 need to be carried out because the  
18 recommendation, you know, may not be appropriate  
19 or just may not help as much as one thinks.

20 But I do believe the ABRA investigator  
21 should be able to conduct such -- such a review  
22 of the cameras and make recommendations within a

1 short amount of time. I would say 3 days or  
2 whenever the ABRA investigator can come in.

3 MR. JONES: Madam Chair?

4 CHAIRPERSON MILLER: Yes, Mr. Jones.

5 MR. JONES: Not to belabor the point too  
6 extensively, but I know one of the items of  
7 concern or areas of concern, particularly for  
8 Board Member Short just related to this  
9 particular instance, is my understanding that the  
10 entirety of the altercation, the event wasn't  
11 sufficiently captured on camera. And given that  
12 understanding, part of the challenge that we are  
13 having individually and somewhat collectively is  
14 if the situation had escalated into something far  
15 worse than what it was, not that what happened  
16 wasn't bad enough, then it wouldn't have been  
17 caught on camera sufficiently.

18 Given that, there is some area of concern  
19 about whether or not having the cameras reviewed,  
20 assessed, and adjusted accordingly isn't  
21 something that could be connected to helping to  
22 prevent something from work or being able to

1 better reconcile something that did happen that  
2 was out of sorts of out of bounds.

3           It actually provides the establishment --  
4 as you well know, Mr. Shirafkan, it provides the  
5 establishment coverage, protection. It has the  
6 ability to protect you as well as it provides us  
7 the ability and MPD, an ability, an insight, to  
8 help resolve who did what to whom in a better --  
9 better set of circumstances other than "Oh, I  
10 thought I saw" or "Maybe that happened" or  
11 whatever the case may be.

12           So I think that's where -- not to speak  
13 for him, but I think that's where Board Member  
14 Short is coming from, not issuing a mandate, not  
15 saying that it has to be. He's just asking it  
16 from the standpoint of letting you know that that  
17 was an area that we observed as a point of  
18 weakness that was a point of concern and the  
19 reason why.

20           MR. SHIRAFKAN: Thank you.

21           I will make two points. One is that in  
22 regards to the sufficiency of it, the cameras, I

1 believe, that you have viewed, there are only two  
2 cameras that were brought back -- of the angles,  
3 there was only two. I think No. 9 and No. 10.  
4 Those were the only two that were brought over,  
5 but there were three other angles at least where  
6 the fight happens. You see that. You see the  
7 other angle where the folks come in, security  
8 comes in, and I think you've actually seen where  
9 they come out. There's also an outside camera  
10 that captures it.

11           So when I reviewed all the cameras, there  
12 were more cameras than what was turned over. So  
13 I will just let you know that there are more  
14 views of what happened than what was brought over  
15 for this case, and had this case gone, then more  
16 of these cameras would have, I guess, exposed.

17           But with that being said, still we have  
18 no problem with ABRA coming into -- giving us  
19 feedback, giving us suggestions. We want that.  
20 I just don't want it to be where on Thursday,  
21 they say move all of these, and we can't move  
22 anybody about a week to come in and do it. So I

1 just don't want to bound the Licensee into  
2 something saying 100 percent, whatever ABRA  
3 investigator says, we have to do it. But we  
4 welcome them to come and give us their feedback,  
5 even in writing, preferably, so it's every -- we  
6 know that this is what has been told to us.

7 Does that address that?

8 MR. JONES: Thank you.

9 CHAIRPERSON MILLER: As a follow-up, I'm  
10 not exactly clear what's involved, how many  
11 cameras you have and how --

12 MR. SHIRAFKAN: There are 50 or 55.

13 MR. JONES: Fifty-five.

14 CHAIRPERSON MILLER: Fifty-five cameras.

15 MR. SHIRAFKAN: There are 55 cameras --

16 CHAIRPERSON MILLER: I see.

17 MR. SHIRAFKAN: -- in the establishment,  
18 and with regards to this incident, I have  
19 reviewed four cameras that captured the story  
20 line of how it goes.

21 Now, it's not 100 percent. I'll be the  
22 first one to tell you it is not 100 percent, but

1 there is more than just what has been presented.  
2 So your concern about how --

3 MR. JONES: Appreciate that feedback. I  
4 just wanted you to have a basis for where we were  
5 coming from.

6 CHAIRPERSON MILLER: But what would be a  
7 reasonable amount of time to provide for someone  
8 to review the cameras? Do you know?

9 MR. SHIRAFKAN: To review the cameras,  
10 that's up to the board, what do they have  
11 available. As far as fixing or moving the  
12 cameras --

13 CHAIRPERSON MILLER: Oh, okay.

14 MR. ANDARGIE: It just would depend  
15 essentially on what kind of work would be  
16 necessary, if they needed additional cameras or  
17 if they needed directional movements.

18 CHAIRPERSON MILLER: Right, okay.

19 MR. ANDARGIE: It just depends on what is  
20 required.

21 CHAIRPERSON MILLER: Okay.

22 MS. ZANIEL: The camera layout is

1 currently part of the Security Plan.

2 CHAIRPERSON MILLER: Okay. We have that.  
3 Okay.

4 So, Ms. Zaniel, you are not particularly  
5 concerned that the cameras have to all be  
6 reviewed prior to the reopening with respect to  
7 imminent danger?

8 MS. ZANIEL: I don't think it's the most  
9 significant factor going to imminent threat.

10 I do think what is the biggest factor --  
11 and I have already spoken to the owner and his  
12 attorney about this -- is what starts at the top.  
13 It's how you run a business. It's how you run a  
14 law firm. It's how you run a nightclub. It  
15 starts at the top. So if he intends to run a  
16 business where things are not going to be  
17 allowed, where all of his staff is properly  
18 trained, where the response to an incident is  
19 appropriate, then we should be able to have  
20 confidence that this is a place that should do  
21 business in the District of Columbia. And  
22 without that, I don't see it.

1           I think the cameras are an after-a-fact  
2 thing, and I hear that they can be part of a  
3 deterrent. And I think that's true. I just  
4 don't think they're the most important factor at  
5 this point.

6           CHAIRPERSON MILLER: Okay.

7           MS. ZANIEL: I do think -- if I can go  
8 back for a moment on the training thing.

9           CHAIRPERSON MILLER: Mm-hmm, yeah.

10          MS. ZANIEL: We contemplate that  
11 everybody available, meaning unless they're in  
12 the hospital or had some other sort of injury,  
13 they will be at the training, and if it doesn't  
14 turn out that way, I'll be the first one back  
15 here to tell you we shouldn't allow them to open.

16          CHAIRPERSON MILLER: Okay.

17                    And how many employees are there?

18          MR. ANDARGIE: In total -- I can count.  
19 I brought the list for the Board.

20          CHAIRPERSON MILLER: Okay. You're going  
21 to turn that over to the Board? Okay.

22          MR. SHIRAFKAN: Sixty-three.

1 CHAIRPERSON MILLER: Okay, thank you.

2 MR. SILVERSTEIN: Fifty-three?

3 MR. SHIRAFKAN: Sixty-three.

4 MR. SILVERSTEIN: Sixty-three.

5 MR. SILVERSTEIN: I always compare these  
6 hearings with the Supreme Court hearings because  
7 you never know what question comes. I try to be  
8 prepared as much as I can.

9 CHAIRPERSON MILLER: Thanks.

10 [Laughter.]

11 CHAIRPERSON MILLER: How about -- here's  
12 a question from the report. This nails issue,  
13 which was supposedly, though not conclusively  
14 related to the injuries -- I don't know. Have  
15 you rectified that situation?

16 MR. SHIRAFKAN: There is a -- you've seen  
17 the pictures. It's just like the walls here.

18 CHAIRPERSON MILLER: Okay.

19 MR. SHIRAFKAN: There's just wood walls,  
20 and at some point when you allow me, I can pass  
21 on the picture so that you can see what the place  
22 looks like.

1           If I may, just so you have an idea what  
2 the inside is --

3           CHAIRPERSON MILLER: Okay.

4           MR. SHIRAFKAN: -- there are wood panels,  
5 and these wood panels are just like these wood  
6 panels. We can't see what's behind it.

7           CHAIRPERSON MILLER: Okay.

8           MR. SHIRAFKAN: So we believe from  
9 somebody going into it, the wood broke, and the  
10 content inside of it, there are nails. On the  
11 report assay, there are nails that are inside  
12 that are holding the panels. That's what caused  
13 it.

14           As far as what we can -- to that specific  
15 area, of course it's going to get fixed, so that  
16 that nail is not poking anybody, but if the  
17 question is what could we do for the future nails  
18 in the wall, honestly I don't think there is  
19 anything that could be done with the walls, if  
20 I'm understanding the question correctly.

21           CHAIRPERSON MILLER: Is it related to any  
22 overcrowding in that area, pushing people against

1 the wall? Is it just related to --

2 MR. SHIRAFKAN: But this is an  
3 altercation. The altercation, when the  
4 push-and-shove had come, someone apparently was  
5 pushed into the wall and the corner of the wall.  
6 So the corner was two woods coming together.  
7 That wood had broken and been exposed, and when  
8 it was exposed, it showed that there were nails  
9 inside the wall.

10 CHAIRPERSON MILLER: Okay.

11 MR. SHIRAFKAN: And that's what we think  
12 was one of the problems.

13 CHAIRPERSON MILLER: Okay. And I want to  
14 ask about the -- whatever training materials you  
15 brought with you, that you do give them to our  
16 staff for us to review --

17 MR. SHIRAFKAN: Absolutely.

18 CHAIRPERSON MILLER: -- because that can  
19 be critical.

20 MR. SHIRAFKAN: Absolutely.

21 What I have done is in this -- the first  
22 one is training topics. This is the topics that

1 I asked and said, "What topics do you guys  
2 usually cover? So that if there's more, we can  
3 add to it and make sure that you cover it." So  
4 the first set is all the topics that they cover.

5 And then I asked for a brief explanation,  
6 and he said, "My manual is big, so I'm going to  
7 give you a brief explanation of different areas,"  
8 so I've also brought copies of those as well.

9 But if there's anything else that you  
10 see, he's assured me that you could do more, if  
11 need be.

12 CHAIRPERSON MILLER: Well, does he have  
13 an agenda for your particular --

14 MR. SHIRAFKAN: I have brought, yes.

15 CHAIRPERSON MILLER: That's in there?

16 MR. SHIRAFKAN: Yes, ma'am.

17 CHAIRPERSON MILLER: Okay.

18 MR. SHORT: Madam Chair?

19 CHAIRPERSON MILLER: Yes. Go ahead, Mr.  
20 Short.

21 MR. SHORT: You said that the manual, a  
22 training manual? And this is just excerpts from

1 it?

2 MR. SHIRAFKAN: Well, I believe -- yes,  
3 yes. Mr. Jackson and Mr. Monroe, they have a --

4 MR. ANDARGIE: Teaching manual.

5 MR. SHIRAFKAN: -- teaching manual that  
6 they use to teach different -- depending on what  
7 the need of different circumstances are, they  
8 tend to teach different stuff.

9 Given what we're doing and given what  
10 I've told them about this case and the outline of  
11 what they want to cover, they pull that section  
12 and said, "Well, these are the parts that applies  
13 to you."

14 MR. SHORT: Not getting off the subject,  
15 but just public safety, does that include the  
16 fire alarm report for the club -- what's the  
17 capacity of the club?

18 MR. ANDARGIE: It's 1,060.

19 MR. SHORT: 1,060.

20 So I would imagine the club can get kind  
21 of noisy when you have music playing and people  
22 dancing.

1 MR. ANDARGIE: Mm-hmm.

2 MR. SHORT: What do you do if the fire  
3 alarm is pulled and no one hears it because all  
4 of the music and --

5 MR. ANDARGIE: We have strobes.

6 MR. SHORT: Strobe lights?

7 MR. ANDARGIE: Right. Strobe lights  
8 that, you know, go through the whole building and  
9 as well as the sound is really -- it's -- you can  
10 really go right through the sound system with it.

11 MR. SHORT: Good, good. Okay.

12 MR. ANDARGIE: And there's a  
13 voice-animated person telling --

14 MR. SHORT: Directing people to leave the  
15 building?

16 MR. ANDARGIE: Right. People to, you  
17 know, the nearest exit.

18 MR. SHORT: That's the kind of answer I  
19 like to hear. Thank you. Thank you very much.

20 MR. SHIRAFKAN: Madam Chair?

21 CHAIRPERSON MILLER: Yes.

22 MR. SHIRAFKAN: The handouts that were

1 just handed out, I think there was two extra  
2 copies, one for Government and one for me. I  
3 think I gave everything over. Thank you very  
4 much.

5 CHAIRPERSON MILLER: Oh, you got it?  
6 Okay.

7 MR. SHIRAFKAN: Thank you. Thank you  
8 very much.

9 CHAIRPERSON MILLER: With respect to the  
10 cameras, there was also a reference in the  
11 report, I believe, to time stamp issues. Have  
12 those been corrected?

13 MR. ANDARGIE: Yes, they have.

14 CHAIRPERSON MILLER: Is there a way to  
15 prevent those from happening?

16 MR. ANDARGIE: What had happened was  
17 there's three DVR systems, and what happened was  
18 I think one of the power cycles went off on one  
19 of them, so it was 6 minutes off of the other  
20 DVR.

21 CHAIRPERSON MILLER: Okay.

22 MR. ANDARGIE: So the time stamps were

1 kind of messed up because of that.

2 CHAIRPERSON MILLER: Okay.

3 MR. SHIRAFKAN: And we have -- in our new  
4 Security Plan, you'll see one of the sheets is a  
5 log sheet for the security system for the  
6 security camera. So that way, in the future,  
7 when the head of security is starting at night,  
8 that's one of the things that he could look at  
9 and see are these times all matching. That way  
10 -- this doesn't happen in hindsight, basically.

11 CHAIRPERSON MILLER: Mm-hmm.

12 MR. ANDARGIE: Also, I added a backup  
13 power system.

14 CHAIRPERSON MILLER: Okay.

15 MR. ANDARGIE: So whenever there is a  
16 power outage of some sort, the backup power will  
17 kick in --

18 CHAIRPERSON MILLER: Okay.

19 MR. ANDARGIE: -- to keep the times.

20 MR. SHORT: Is that like an emergency  
21 generator?

22 MR. ANDARGIE: It's just a -- it's for

1 computers, primarily. It's just like a backup  
2 power source. So when the power goes out or if  
3 there's an outage of some sort, that -- all the  
4 power goes through the battery, so it keeps  
5 everything going on. It doesn't turn off.

6 MR. SHORT: That's alarm systems,  
7 everything in the building?

8 MR. ANDARGIE: Oh, no, no. It's just for  
9 the camera systems, this -- the backup power.

10 MR. SHORT: Is it just like a basic ups  
11 by APC?

12 MR. ANDARGIE: Yeah, exactly.

13 CHAIRPERSON MILLER: I have one other  
14 question on the training. I think that you said  
15 this, and I just want to confirm, but you  
16 obviously -- there's no issue with our  
17 investigators observing the training to make sure  
18 it's adequate?

19 MR. SHIRAFKAN: That's fine.

20 CHAIRPERSON MILLER: So then I assume you  
21 have no issue with notifying the Board when you  
22 know when and where the training is going to be?

1 MR. SHIRAFKAN: It will be tomorrow.

2 CHAIRPERSON MILLER: Okay.

3 MR. SHIRAFKAN: So we ask -- I hope that  
4 you can provide investigator, but it's tomorrow.  
5 And is it at Bliss?

6 MR. ANDARGIE: At Bliss, yeah.

7 MR. SHIRAFKAN: At Bliss. I'm sorry.

8 CHAIRPERSON MILLER: What time?

9 MR. ANDARGIE: At Bliss.

10 MR. SHIRAFKAN: At what time?

11 MR. ANDARGIE: Right now we're shooting  
12 for 6 p.m.

13 CHAIRPERSON MILLER: And then if there  
14 are future trainings, the Board would want to be  
15 notified as well.

16 MR. ANDARGIE: Yeah, it shouldn't be an  
17 issue.

18 CHAIRPERSON MILLER: Okay. Other  
19 questions?

20 Mr. Jones.

21 MR. JONES: Yeah.

22 Oh, did you want Board Member

1 Silverstein?

2 MR. SILVERSTEIN: No, I had none.

3 MR. JONES: Okay. So let's see. I'm not  
4 sure where to start, but I usually find a place  
5 there.

6 Okay. I appreciate you coming in. I  
7 appreciate the angle and direction that you're  
8 going. In terms of what you're trying to do, it  
9 seems like you're on the right path, but there  
10 are some things that -- two major -- well, at  
11 least one major thing that gives me pause, and  
12 that is related to -- it is very noticeable in  
13 its absence in this OIC which is different from  
14 some others and that was addressed, which is that  
15 the items that are to be trained, the training  
16 materials themselves are provided to the Board  
17 for a review and approval prior to them being  
18 utilized to say that they have addressed this  
19 requirement or this issue.

20 Now, that's something that we have put in  
21 -- or have it put in, in the past -- excuse me.  
22 That is something that has been presented to us

1 that we have been willing to accept in OICs in  
2 the past because what we have noticed is that  
3 there's varying levels of quality of training  
4 that we've seen and experienced from the time  
5 that we've been doing these activities.

6 And that concern is just to ensure that  
7 everything you say that you're going to do, that  
8 we've laid eyes on it based on our commitment to  
9 the public, based on our commitment to performing  
10 this duty, that everything that you've said  
11 you're going to do since this is a matter of  
12 imminent danger and it's a high level of concern  
13 related to stabbings, that all these trainings  
14 that you say you're going to do are fully, truly  
15 comprehensive by our review and assessment.

16 It's obviously not in this OIC, and I  
17 know you're a smart man, Mr. Shirafkan, so I know  
18 you've seen OICs that had it in there before. So  
19 I'm going to assume it was an intentional  
20 omission based on your discussions with the OAG,  
21 and I want to understand why.

22 MR. SHIRAFKAN: There are two issues that

1 raise that. One was that because of the timing,  
2 of course, it's the fact that this incident  
3 happened. There was a shutdown. Wednesday,  
4 we're here. And if we wanted to make sure that  
5 we get everything possible and we said, "Well, if  
6 there is an ABRA investigator," which we  
7 anticipated and who is going to come there and  
8 see this, then we didn't think that was going to  
9 be something that's going to be a hindrance on  
10 this.

11 But more specifically, this case, this  
12 problem, it was never an issue of an operation as  
13 a whole, if I may say, meaning -- how do I put  
14 this so that I have the right choice of words?

15 MR. JONES: I don't get easily offended.

16 MR. SHIRAFKAN: The crime scene --  
17 because I don't want to belittle what's happened.

18 MR. JONES: Right. Yeah, yeah.

19 MR. SHIRAFKAN: Obviously, we're here.

20 But the crime scene prevention, that was  
21 the key problem here, but then that we didn't  
22 have cameras working -- it wasn't that we didn't

1 have security immediately, you know, stopping the  
2 right. This was an issue of crime scene  
3 preservation, and since that was the main issue  
4 of this entire case, we figure that by giving the  
5 Security Plan that goes in detail, based on the  
6 Chief of Police -- former Chief and current Chief  
7 -- so we figured that is the height of standard  
8 that could be in regards to crime scene  
9 prevention, and we thought with OAG's officer,  
10 that is the main key.

11 Now, there are other issues that need to  
12 be addressed, but if that's the main key, then  
13 Security Plan and what's been provided today does  
14 give the Board the opportunity to look at it and  
15 say, "Well, does this take care of it? Are we  
16 satisfied with this main issue being addressed  
17 with this training, and then we look at other  
18 stuff?"

19 MR. JONES: All right.

20 Did you have anything to add?

21 MS. ZANIEL: No, other than -- well, yes,  
22 then.

1 [Laughter.]

2 MS. ZANIEL: You do have the materials,  
3 and granted, maybe you haven't had an opportunity  
4 to look at them in advance and say, "Yes, we  
5 think those are the appropriate things." But you  
6 do have them now, and you can exercise that.

7 What you see on a piece of paper still  
8 doesn't guarantee quality, and that's why it's so  
9 important for the ABRA investigator to be present  
10 at those sorts of trainings, and I think that is  
11 useful information for the Board to have.

12 MR. JONES: Okay. Was that contemplated,  
13 and is it something that I just overlooked in the  
14 OIC, that being the requirement that an ABRA  
15 investigator be present and provide his approval,  
16 his or her approval?

17 I'm sorry, Mike. Did you have something?

18 MS. ZANIEL: I don't think it's written  
19 there, but I do feel like we talked about it at  
20 some point, so --

21 MR. SHIRAFKAN: It wasn't written there.  
22 It wasn't intentionally omitted. When we

1 discussed it -- and given -- as now I do my  
2 homework, given priors, I anticipated this, and  
3 we had no objection with that. So it's not an  
4 issue that we intention put out or that's not an  
5 issue.

6 MR. JONES: That's not an issue. Okay,  
7 cool.

8 And I'll pause. I have a second point,  
9 but did you want to ask --

10 MR. SILVERSTEIN: Yeah. I was going to  
11 ask -- we've been given, among other things, Mr.  
12 Shirafkan, an 11-page document here. It says the  
13 goal of every employee of this organization is  
14 for patrons to have a safe and enjoyable  
15 experience. It goes into many things.

16 Specifically, what is this? Is this sort  
17 of the outline of the training, or is this --

18 MR. SHIRAFKAN: This is -- well, there  
19 are two trainings. Remember, there are two  
20 trainings that take place. First is the security  
21 plan, which is the operating manual by what the  
22 staff are going to go by.

1           In addition to that -- and we really  
2 focused on making sure that -- at least we tried  
3 to have all that we could cover in the Security  
4 Manual because this is what is in the place.  
5 This is what's available to everyone on a daily  
6 basis.

7           And in addition to this, that's where we  
8 have the -- I'll just quote it as "best  
9 practices" or something on top of what our  
10 security plan has.

11           So, yes, this is an outline of this  
12 second training, which is in case there was  
13 something that wasn't covered in the Security  
14 Plan, if there was something -- some additional  
15 advice that the District has over what the  
16 Security Plan says and they say, "Well, you do 3,  
17 Level 3 here. You need to do Level 5 here. This  
18 is what we think is better practice," so that's  
19 why this outline is also as well to supplement  
20 the Security Plan and to have that second over  
21 training.

22           MR. SILVERSTEIN: Okay.

1 I'm sorry. Go ahead.

2 MR. JONES: Not a problem.

3 So the other item  
4 that I observed was just a -- and it may be  
5 something that's covered in detail that I just  
6 missed in the review of the Security Plan. But  
7 in terms of continuing ongoing training of new  
8 employees and refresher training as provided to  
9 existing employees, one of the things that we  
10 recently -- well, we recently delved into was  
11 being provided some opportunity to have the ABRA  
12 investigator to be given notice of said training,  
13 so that that individual could come out there and  
14 view -- similar or analogous to the initial  
15 trainings, to be given a sufficient, i.e., 48  
16 hours' notice of any refresher training or any  
17 training or new employees to ensure that the  
18 follow-on training was just as thorough and just  
19 as good as the initial training.

20 Is that something that you were aware of  
21 and chose not to include, or was it just  
22 something that you weren't aware of?

1           And anybody can speak to it, just a  
2 general question.

3           MR. SHIRAFKAN: I wasn't aware of  
4 subsequent trainings --

5           MR. JONES: Okay.

6           MR. SHIRAFKAN: -- requiring ABRA  
7 investigator to be there.

8           MR. JONES: Okay.

9           MR. SHIRAFKAN: But if that's something,  
10 again, that the Board is concerned with and says,  
11 "Well, if you're going to do this training, and  
12 then on annual basis, you're going to so  
13 refresher training, we want to have our ABRA  
14 investigator to come to make sure this is as good  
15 as the first one," I can talk to and I can -- I  
16 don't think we have a problem.

17           MR. ANDARGIE: I don't think -- that's  
18 not an issue we have.

19           MR. SHIRAFKAN: We don't have an issue at  
20 all with that.

21           MR. JONES: Okay. All right, that's  
22 fine.

1 MR. SHIRAFKAN: The only thing --

2 MR. JONES: Yeah.

3 MR. SHIRAFKAN: The only thing that -- I  
4 don't know if he even observed. If we're hiring  
5 someone new, I just want to clarify that for  
6 those over -- everyone training, yes, absolutely  
7 we can do that. But we're hiring one person new  
8 and they have to go through this training and  
9 then to start working, I don't think the Board  
10 means those circumstances, right? Not if we're  
11 hiring someone new and then call ABRA and say,  
12 "Well, we need you to have an investigator come  
13 to this one person and make sure they're trained  
14 as much as everyone else."

15 For the refreshers, yes. We welcome  
16 that. No problem at all. But because --  
17 remember we're putting the standard that anyone  
18 new who is going to start working, they also have  
19 to go through a training, but that's going to be  
20 one person here, two persons there. It's not  
21 going to be this let's bring the company to the  
22 venue and have all the staff here.

1           MR. JONES: Okay. So I'll be succinct.  
2 Yes, that is actually what we were contemplating,  
3 but it doesn't necessarily -- that's not what  
4 we're mandating, right?

5           So I'm trying to understand how you're  
6 going to help us understand how you're meeting  
7 the letter of what it is that you have addressed  
8 in your OIC, item 4, where it says new employees  
9 shall be trained on X and Y.

10           Our assumption in reading that is that  
11 the same level of training that the staff is  
12 getting at the initial onset is the exact same  
13 level of training that the new employee is going  
14 to get, and if that's the case -- that's our  
15 assumption, and if that's the case, then there  
16 shouldn't be a problem with an ABRA investigator  
17 being given notice of this, so we can observe it  
18 and confirm.

19           I can guarantee we're not going to be at  
20 every single one of these trainings, but the  
21 intent here is that the threat of an ABRA person  
22 being there will keep you on your toes to ensure

1 that these new staff members are just as well  
2 trained as the initial training people or the  
3 people that were initially trained at the onset  
4 when this stuff was fresh in your mind and it was  
5 causing you pain. We want that same level of  
6 urgency applied to every set of training to  
7 ensure that this situation doesn't happen again  
8 in the future, that someone doesn't have a lapse,  
9 because they had not as good of a training as the  
10 individuals did at the beginning and they happen  
11 to accidentally forget and clean up a crime scene  
12 in the future. It's to help protect you but help  
13 to give us a warm-and-fuzzy that, yes, they're  
14 getting the same level of training that we  
15 expect.

16 So that was the genesis of the question,  
17 is really if you're saying you're going to do  
18 this in your OIC, I need to understand how and  
19 how you are going to provide that assurance to  
20 the Board that it's being done at an adequate  
21 level going forward, because 8 months from now,  
22 you're not going to be as much on our radar,

1 hopefully, as you are today, right? So from that  
2 standpoint, that was really where I was coming  
3 from.

4 But I'm not mandating. I'm just asking  
5 for clarify from my standpoint right now because  
6 I don't know where the rest of the Board stands.

7 MR. ANDARGIE: Yeah, that's fine.

8 MR. SHIRAFKAN: We can do that.

9 MR. ANDARGIE: We can do that.

10 MR. JONES: Okay. Fair enough. Thank  
11 you.

12 Those are the two main things I had,  
13 Madam Chair. Thank you.

14 CHAIRPERSON MILLER: Okay. So you mean  
15 you can do that, does that mean you can just  
16 describe in OIC how you're going to do training  
17 for new employees?

18 MR. SHIRAFKAN: When we have a new  
19 employee that is being hired --

20 CHAIRPERSON MILLER: Yeah.

21 MR. SHIRAFKAN: -- we can send ABRA an  
22 e-mail or some sort of notice that you require.

1 We can give you an e-mail saying we are hiring  
2 this person, they are going to go through this  
3 training, and then if an ABRA investigator wants  
4 to go and see the training they're getting, then  
5 fine.

6 CHAIRPERSON MILLER: Okay, all right.  
7 Yeah. So you understand that the ABRA  
8 investigator is not required to be there, but  
9 we're required to be notified in the event that  
10 the ABRA investigator does go there. Okay.

11 Did you say how often you're going to do  
12 a refresher? Refresher training, how often?

13 MR. SHIRAFKAN: I think we had talked  
14 about -- I don't think we ever discussed it in  
15 regards to --

16 CHAIRPERSON MILLER: Time?

17 MR. SHIRAFKAN: -- how often.

18 In past practices, it's been annual, at  
19 least with some others that I've dealt with, or  
20 if I go talk to people. It's usually annual  
21 training. That's the usual of what -- it's in  
22 the practice.

1           Now, as far as if the Board wanted more,  
2 then we can discuss that, but annual is what I  
3 think we have talked about.

4           CHAIRPERSON MILLER: Okay.

5           Other questions?

6           Mr. Brooks.

7           MR. BROOKS: Yes. Thank you, Madam  
8 Chair.

9           In looking at the OIC, No. 4, the last  
10 sentence on the second page, I just want to be  
11 clear on when -- you mention new bartender and  
12 servers will complete the alcohol readiness  
13 training and security training within 3 months of  
14 employment. Are we talking -- is that still what  
15 we're talking about here? Because I thought it  
16 was prior.

17           MR. SHIRAFKAN: The way we had discussed  
18 this was there are two trainings. One was  
19 alcohol awareness, and one is for security; in  
20 fact, the Security Plan.

21           MR. BROOKS: Okay.

22           MR. SHIRAFKAN: The Security Plan, at

1 least our conversation was that that was the more  
2 imminent, and it covers alcohol, non-alcohol, and  
3 everything else.

4 MR. BROOKS: Sure.

5 MR. SHIRAFKAN: So we said that is to be  
6 done prior to, but in addition to that, these  
7 folks who are serving, they are within 3 months  
8 of working to go and get a TIPS training because  
9 this training that they go through already has a  
10 lot of the TIPS training in it as well. I mean,  
11 the TIPS is another certificate, and we didn't  
12 want to make it too, I guess, hindering in a  
13 sense of if someone is trying to get employment,  
14 they go through the training, they learn  
15 everything there is, and then to go within 3  
16 months, they would have to go there. That's what  
17 the conversation we've had in regards to why that  
18 part of it would be the -- within 3 months.

19 MR. BROOKS: Bartenders and servers.

20 MR. SHIRAFKAN: Bartenders and servers  
21 only, yes.

22 MR. BROOKS: Okay. So this is different

1 from the other training that you've described to  
2 me.

3 MR. SHIRAFKAN: Yes.

4 MR. BROOKS: And it would be -- a person  
5 would come on, on board, work for up to 3 months,  
6 and then get trained?

7 MR. SHIRAFKAN: This, yes. The bartender  
8 or server who comes on board, they can't come on  
9 board unless they go through this main --

10 MR. BROOKS: Okay.

11 MR. SHIRAFKAN: -- security training,  
12 which includes a lot of the alcohol and --

13 MR. BROOKS: Right.

14 MR. SHIRAFKAN: But bartenders and  
15 servers who -- we want them to also be  
16 TIPS-certified. That, they will have 3 months to  
17 get that additional certification.

18 MR. BROOKS: So this is TIPS, basically?

19 MR. SHIRAFKAN: Yes.

20 MR. BROOKS: Okay.

21 MS. ZANIEL: So might I suggest, I think  
22 it would clarify the provision you're focusing on

1 -- and you're right to bring it up, certainly --  
2 in that last sentence, the words "and security  
3 training" are deleted, I think it's a more  
4 accurate reflection of the intention.

5 MR. SHIRAFKAN: Okay.

6 MS. ZANIEL: So the only thing that would  
7 be left in the 3-month time frame of alcoholic  
8 awareness for bartenders and servers only.

9 MR. SHIRAFKAN: Okay. All right.

10 MS. ZANIEL: Right?

11 MR. SHIRAFKAN: Yes.

12 MR. BROOKS: Thank you.

13 CHAIRPERSON MILLER: Mr. Short?

14 MR. SHORT: Yes. On No. 7, when we talk  
15 about the RDOs --

16 MR. SHIRAFKAN: Yes.

17 MR. SHORT: -- what about on special  
18 events or private parties that happen when  
19 there's not a weekend involved? Because the last  
20 sentence says "except special events." So if you  
21 have a special event on a holiday in the middle  
22 of the week, what about the RDO for that

1 particular time?

2 MR. SHIRAFKAN: What we discussed was  
3 that there is nightclub events, the main events,  
4 and then there is -- an example, Sweet 16  
5 birthday that has 15 people, a bar mitzvah, or  
6 it's something that of a small caliber. So our  
7 agreement discussed that we would have definitely  
8 MPD on usual nights of the week. Now, even if  
9 New Year falls on a Wednesday, that's fine. It's  
10 still policy.

11 But if there is an exception where we  
12 say, "Well, this is not something that we need to  
13 have four officers or two officers here because  
14 there's 50 people coming for a fund-raiser," even  
15 with that, we weren't going to say we're not  
16 going to do anything. We said we would give  
17 72-hour notice to ABRA so that if ABRA figures,  
18 "Well, we still want MPD there," then we would  
19 try to get someone there.

20 But to say to have MPD -- I understand  
21 perhaps -- maybe I do -- the Board's concern is,  
22 well, what if this big event, whether it's bar

1 mitzvah of a thousand people or New Year's Eve,  
2 if it falls -- what if it falls on a Wednesday?  
3 Where do we define this private events? And  
4 frankly, it's very difficult. On one end, I  
5 don't want to say that the licensee is going to  
6 every night for everything that they're going to  
7 open, if it's five in the afternoon to seven in  
8 the afternoon, they're going to have MPD there --

9 Yes, sir.

10 MR. SHORT: Let's say your capacity is  
11 1,060. Could you have a number that said if you  
12 are going to have over 400 or 350 people that  
13 you're going to notify MPD and have some  
14 protection there? Because when you start talking  
15 about large crowds, you're looking for more  
16 police protection --

17 MR. SHIRAFKAN: Absolutely.

18 MR. SHORT: -- and not only protect the  
19 people that are coming there, but also to protect  
20 the business itself.

21 MR. SHIRAFKAN: That would actually make  
22 it much easier on us, that if we could set this

1 standard on -- if we anticipate -- somebody books  
2 the place and says, "I'm going to have 50  
3 people," or, "No, I'm going to have this bar  
4 mitzvah, and it has 500 people," if we could set  
5 it so that at a certain number we don't -- we  
6 would rather have it that way than this notice  
7 requirement because under this, every time we  
8 have anything, no matter how small or how big, we  
9 have to always, within 72 hours, notify ABRA. We  
10 would much rather have it at a certain number,  
11 that if that number is anticipated, then we call  
12 MPD.

13 Yes.

14 MR. SHORT: Go ahead, Mike.

15 MR. SILVERSTEIN: Well, would it be  
16 helpful if you put in there "not open to the  
17 general public"? If you're going to call  
18 something a private event, I mean, you know --  
19 we've been through the birthday party thing way  
20 too often here.

21 MR. SHIRAFKAN: Right.

22 MR. SILVERSTEIN: Where, you know, it's

1 always somebody's birthday, and it's always happy  
2 hour somewhere.

3 But if you were to say that there is --  
4 that these events are not open to the general  
5 public, is that our understanding when you're  
6 talking about private events?

7 MR. ANDARGIE: Yeah, for the most part.  
8 Yes. That's what it is.

9 MR. SILVERSTEIN: And that the general  
10 public will not be allowed to enter. You have to  
11 have an invitation, or there has to be some nexus  
12 with, you know, if it's a fund-raiser, corporate  
13 event, something like that.

14 MR. SHORT: So you're going to amend No.  
15 7 to address that? Is that acceptable?

16 MR. SHIRAFKAN: That is. That is.  
17 That's helpful.

18 CHAIRPERSON MILLER: Instead of a number?

19 MR. SHIRAFKAN: I'm sorry. But we will  
20 define special events as "events that are not  
21 open to general public."

22 MR. SILVERSTEIN: "Such as."

1 MR. SHIRAFKAN: "Such as."

2 Now, just so I'm clear --

3 MR. JONES: So I'll just -- as an  
4 individual Board Member, I disagree with that, so  
5 we will talk about that in the back. But we'll  
6 figure that out, but I may be in the minority on  
7 that one, so we'll figure out what to go with  
8 from there.

9 MR. SHIRAFKAN: I'll put the note, and  
10 you let me know what to do.

11 As far as this -- now, if this is a  
12 special event, so that it's not open to the  
13 general public, such as these events, does the  
14 Board still want notice that we're doing special  
15 events?

16 MR. JONES: Yes.

17 MR. SHORT: Yes.

18 CHAIRPERSON MILLER: As the alternative  
19 or in addition, the consideration that you would  
20 do a number?

21 MR. ANDARGIE: Yeah. If we had a set  
22 number.

1           CHAIRPERSON MILLER: Set number. Is that  
2 something that you all want to think about today?  
3 I'm not saying -- I know Mr. Jones wants to talk  
4 about certain issues, and so I'm not sure whether  
5 this is one of them and whether we should get  
6 your input to what an appropriate number is.

7           MR. SHIRAFKAN: The Court's indulgence.  
8 When in doubt, go to the manual.

9           CHAIRPERSON MILLER: Okay.

10           [Pause.]

11           MR. SHIRAFKAN: The number that was  
12 suggested, the 500, we are -- because there is no  
13 magic number, so we're okay with 500. And mind  
14 you, we're going to -- or I guess the number that  
15 -- if there's another number that's suggested,  
16 we're okay with that. We're okay with -- if  
17 there is an event and we anticipate that there's  
18 going to be 500 people there and it falls into  
19 this special events, then we have the MPD,  
20 servers with MPD.

21           MR. SHORT: You're get a contract for the  
22 RDO?

1 MR. SHIRAFKAN: Yes.

2 MR. SHORT: Mr. Jones?

3 MR. JONES: I just have -- and it's not  
4 really directed at the party. This is more cause  
5 for pause. You can't just reserve RDO 2 or 3  
6 days ahead of time, right? So that's something  
7 where we need to think about how it affects the  
8 Licensee and what they can do to plan  
9 accordingly, if we're going to impose that, one  
10 way or the other, because as Shirafkan knows, you  
11 can't just call 72 hours ahead of time and have  
12 it booked with RDO. So I think that's something  
13 that we haven't really thought through well  
14 enough and contemplated well enough to address it  
15 appropriately.

16 MR. SHIRAFKAN: And I agree to what Mr.  
17 Jones said.

18 If there was a provision, if this is the  
19 concern of the Board -- and I understand. I've  
20 been -- I totally understand that on one hand, we  
21 don't want to open up the door to anything that  
22 all of a sudden is a private event, but it has a

1 whole lot of people come in.

2           But I'll tell you, most of the time, the  
3 reservations, if someone calls and says, "I want  
4 to do an event," if it's big enough to have  
5 certain numbers, most of the time -- and if  
6 there is a way that we could prove to you that,  
7 look, we just go this, but we don't want to shoot  
8 ourselves in the foot and not have this business,  
9 then I definitely would love to have some wording  
10 that says that.

11           But for most parts, if we get functions  
12 that are over a certain number, it's usually a  
13 certain amount of time given. And that's why  
14 when I said to 500, it's not that I'm trying to  
15 raise the number. It's because of exactly that  
16 that usually last-minute part, shorter, smaller  
17 groups versus if we have bigger groups, we tend  
18 to try to get notice in advance.

19           But I will bring you back to Mr. Jones'  
20 point that I also would like to have the wording.  
21 That if something was to come up and someone  
22 says, "We had a party at the Watergate and now

1 it's canceled. We'd like to do it here. It's a  
2 wedding," I don't want to be a point where I say,  
3 "Well, I can't do it because RDO can't be  
4 provided."

5 If we can have the wording that if we  
6 showed you that this just came, "We didn't know  
7 about this. We don't want to say no to the  
8 business. Can we go forward?" I think then  
9 that's fair to the Licenses as well.

10 MR. SHORT: Do you mind being monitored  
11 to do those events, having an ABRA investigator  
12 come, because it's a short notice and you're  
13 going to have a large crowd?

14 MR. SHIRAFKAN: On the short notices --

15 MR. ANDARGIE: Oh, yeah. They have free  
16 access to --

17 MR. SHIRAFKAN: That's actually a great  
18 advice. Yes, we could do that. On times where  
19 last-minute something comes, we can notify you  
20 and say, "We can't get RDO because it's last  
21 minute. We just got this, but please, if you can  
22 have an investigator come up and monitor."

1           MR. SHORT: And also, you will notice the  
2 Fifth District and let them know that something  
3 special come up?

4           MR. SHIRAFKAN: Sure.

5           CHAIRPERSON MILLER: Mr. Rodriguez.

6           MR. RODRIGUEZ: Okay. Mr. Shirafkan and  
7 Mr. Andargie, I'm getting good feedback from you  
8 all. It sounds positive. It sounds like you're  
9 very committed. I am listening to the questions  
10 and your responses.

11           I want to go to No. 17 on the agreement.  
12 Now that you have made some very strong  
13 commitments here in terms of your plan, I am  
14 interested in the disciplinary part, the tough  
15 part when your employees don't come through for  
16 you, when maybe one or two employees ruins the  
17 whole thing for everybody else.

18           Tell me on this how you plan to deal with  
19 that on your Security Plan. I'd like to see some  
20 specifics on that Security Plan.

21           MR. SHIRAFKAN: We actually had this very  
22 discussion, and one of the things that we're

1 going to -- when all the staff are there is to  
2 explain to them exactly what you said, which is  
3 one person's action could affect everyone's  
4 family, and it is not personal if we get rid of  
5 that one person because it's for the better good  
6 of all.

7           If you notice on -- right at the  
8 beginning -- and that's actually one of the  
9 changes I made this morning, because throughout  
10 this, if you put it on a Word document and put  
11 "termination," I think you'll see this six, seven  
12 times: "If you don't do this, we're going to get  
13 rid of you." But I put it right at the  
14 beginning, and I added that sentence today, this  
15 morning, that if you don't comply, you can be  
16 suspended; you can be terminated. And frankly, I  
17 put "you may be suspended" and not just straight  
18 terminated because I was involved in a civil case  
19 where it says you shall be terminated, and that  
20 that called for something to not be terminated,  
21 and then they got sued later by someone else.

22           So, legally, I had to kind of put "You

1 may be suspended or terminated," but I put that  
2 up at the beginning for that very purpose so that  
3 they know.

4           And I think given the closure that they  
5 just had -- and they don't know what's going to  
6 happen -- all the staff have realized that it's  
7 not about I like you or I don't like you, whether  
8 you're a good man or not. If you don't do what  
9 we say to do and if you even do it and your  
10 reasonable judgment is not good enough and if you  
11 don't do what we have promised, you're taking  
12 this man's investment and everybody else's family  
13 that's going to get affected by it.

14           MR. RODRIGUEZ: Possibly, the public may  
15 not be protected.

16           MR. SHIRAFKAN: Absolutely.

17           MR. RODRIGUEZ: That's our concern here.

18           MR. SHIRAFKAN: Absolutely.

19           MR. RODRIGUEZ: Thank you, sir.

20           CHAIRPERSON MILLER: Any other questions?

21           [No audible response.]

22           CHAIRPERSON MILLER: Okay. Anything else

1 you all want to say?

2 MS. ZANIEL: The other thing I'd like to  
3 say is this, and perhaps it's a standard, and  
4 perhaps it's not. But having looked at the  
5 video, it seems that the house lights don't come  
6 up when the altercation occurred, and so I wanted  
7 to be sure that that's -- and I think it's in the  
8 Security Plan is where we put it, but it seems  
9 like an obvious thing to me, and yet it didn't  
10 happen. And I don't know whether it happens in  
11 other clubs. But clearly, in order to be able to  
12 assess the situation as quickly as possible,  
13 lights need to come up.

14 MR. SHIRAFKAN: In our Security Plan, I  
15 think the quote that's used is "Lights up, music  
16 down." That's the combo, but it is in our  
17 Security Plan. I put it in there that in case of  
18 altercation, music needs to be lowered, the  
19 lights are to go up, so that the camera can  
20 capture, the people can see what's going on, and  
21 then that's --

22 CHAIRPERSON MILLER: So do you think the

1 Security Plan is the fix to that problem, that  
2 they didn't know to put on the lights, or was it  
3 a power thing, or was it a --

4 MR. SHIRAFKAN: I think it's a  
5 combination, Madam Chair. I think it's a  
6 combination. I think it's a matter of people  
7 being properly trained and knowing, everyone in a  
8 room knowing that this is the way it goes, and  
9 then not realizing it's 2:30. Well, no, it could  
10 happen at 2:59. It could happen at 3:01. And  
11 safety doesn't stop just because the clock is  
12 stopped or the hours are stopped.

13 MR. RODRIGUEZ: That's probably when most  
14 things happen at the end, in closing.

15 MR. SHIRAFKAN: Absolutely.

16 CHAIRPERSON MILLER: Oh, you want to say  
17 something about my instructions? Okay. Mr.  
18 Short.

19 MR. SHORT: In light of the information I  
20 have about public safety and nightclubs, it  
21 should be that the lights come fully on -- that  
22 should be the language -- and the music is cut

1 off. When you say cut the music down a little  
2 bit, people are dancing and still socializing.  
3 The deejay is in the groove. Music off. Lights  
4 fully on.

5 MR. SHIRAFKAN: And I'll make a comment  
6 with regards to that. I didn't put that in  
7 there, and I'm not challenging what you're  
8 saying, but there are situations where you are  
9 absolutely right, that if it's severe, if  
10 something happens -- say, for example, in this  
11 case, perhaps, yes, but then there are times  
12 where people get into a minor altercation. I've  
13 noticed that if the lights -- lights come up, and  
14 in past experience, as the Board Members know --  
15 we used to do this. So having the light up,  
16 people knew that "Well, something has happened,"  
17 but once you shut the music completely down,  
18 there are three rooms or sometimes there are  
19 floors in this place. In this venue, there are  
20 three separate areas. So if in one room, a fight  
21 has occurred, the lights are up, they're dealing  
22 with it. They've separated everyone, preserving

1 the crime scene. To shut the entire music down  
2 actually sometimes creates more of a chaos  
3 because the guys in the other room are saying,  
4 "Oh, what's going on? Something is going on, so  
5 let's rush to see it." And that's the challenge.

6 I know there is no right answer. I know  
7 there is no right answer. It's just that when we  
8 are dealing with these things, I don't want to  
9 promote you something that on the other end, then  
10 we say, well, practicality, sometimes it creates  
11 more of a problem if we completely shut the music  
12 down for every incident that happens.

13 MR. SHORT: Well, let me ask you this.  
14 According to the testimony we just heard from the  
15 OAG, when this occurred, the music didn't go down  
16 or the lights didn't come on. So, then again,  
17 that goes right back to what you just said. That  
18 put more people in danger.

19 Are we going to keep the people in danger  
20 in the dark, or are we going to allow them to let  
21 everybody know, "There's something going on. You  
22 need to pay attention?"

1           I know you addressed it. I know you  
2 might have seen some of the films from around the  
3 country, especially New Jersey, where people  
4 thought part of the show was going on and  
5 realized there was a fire going. People were  
6 clapping. The music was still going. And I  
7 think several people, a couple dozen people got  
8 injured. Maybe several got trampled to death  
9 when people finally decided it wasn't a part of  
10 the show. The music was still playing when  
11 people were getting trampled.

12           So I think we need to find some way where  
13 we can help protect the public when these kind of  
14 things happen besides just saying lower the music  
15 because --

16           MR. SHIRAFKAN: I agree, and this goes to  
17 the beginning when I said the keyword of  
18 "reasonable." It's finding that reasonable  
19 balance.

20           I agree with you, if there's a fire. If  
21 there is this incident that we had here, if there  
22 were certain incidents, yeah. Music shut down.

1 Lights, everything up. But then --

2 MR. SHORT: How do you delineate? How do  
3 you delineate who makes that call and how that  
4 call is made? Because now you're saying there is  
5 a fire in one part. You say three portions.  
6 There's a fire in one part, so the lights come up  
7 there, and the music go down a little bit. But  
8 in the other two parts, they don't know when the  
9 smoke is building and the danger is building. So  
10 how do we -- how do we address that? It's a very  
11 dangerous situation.

12 MR. SHIRAFKAN: I agree.

13 MR. SHORT: You and I know it's very  
14 dangerous.

15 MR. SHIRAFKAN: I agree, and the bottom  
16 is believe me, I am not saying that if there is a  
17 fire, if there is a major incident -- and again,  
18 we go now into finishing up major. But if there  
19 is an incident of endangering everyone else or  
20 risk of the crime scene being tampered with, I  
21 agree that everything freezes, but there are  
22 incidents that are not as drastic as that, and we

1 don't -- and that's where we go back to when we  
2 teach our staff, how do we teach them, so that  
3 it's not the minute we're saying someone has to  
4 leave because they're intoxicated, everything  
5 shuts down, or when there's a fire, you don't  
6 shut anything down.

7           If you look at the Security Plan, I tried  
8 to -- I tried, to the best of what we could come  
9 up with, to address this by having different  
10 levels and teaching -- teaching our staff that  
11 there is Level 1, Level 2, Level 3.

12           MR. SHORT: Thank you.

13           MR. SHIRAFKAN: And that's as life is.

14           So, with incidents, this magic ball that  
15 we don't know what's going to come up, if it's  
16 Level 3, this is how you react. If it's Level 2,  
17 50/50. Which Level 2 is this? And if it's Level  
18 1, you're just escorting somebody out. You don't  
19 need to bring more attention to it.

20           MR. SHORT: How are levels -- I'm a  
21 security person. Something happens in Section 1.  
22 The people in Section 3, how do they know the

1 levels? How do the employment -- I know the  
2 training is going to help.

3 MR. SHIRAFKAN: Exactly. The training is  
4 going to put this level for them, so that when  
5 they call to say, "I've got a level one," well,  
6 then you're just escorting someone out. It's  
7 cordial. There's not a problem. We don't need  
8 to even send more security. That's a Level 1.

9 I've got a Level 2. Well, we're going to  
10 send some security, make sure what's going on.  
11 The manager needs to go over there to see what's  
12 going on.

13 Level 3, hey, it's shut down. It's time  
14 to freeze.

15 MR. SHORT: Thank you. You answered my  
16 question. Thank you.

17 CHAIRPERSON MILLER: Okay. All right.  
18 So --

19 MR. SILVERSTEIN: Madam Chair, I'd like  
20 to go in the back and discuss these matters.

21 CHAIRPERSON MILLER: Okay. So we have  
22 two unresolved issues that the Board needs to

1 talk about, so we're going to go into Executive  
2 Session to talk about that.

3 And then you may have some issues to just  
4 reminding or whatever that you better resolve.

5 So I'm going to read the instructions and  
6 go into Executive Session. As Chairperson of the  
7 Alcoholic Beverage Control Board for the District  
8 of Columbia and in accordance with D.C. Official  
9 Code Section 2-574(b) of the Open Meetings Act, I  
10 move that the agency board hold a closed meeting  
11 for the purpose of seeking legal advice from our  
12 counsel on Case No. 15-251-00160, and  
13 deliberating upon some of the issues for the  
14 reasons cited in Section 2-574(b)13 of the Open  
15 Meetings Act.

16 Is there a second?

17 MR. SILVERSTEIN: Second.

18 CHAIRPERSON MILLER: It's been seconded.

19 Mr. Rodriguez?

20 MR. SHORT: I agree.

21 CHAIRPERSON MILLER: Mr. Silverstein?

22 MR. SILVERSTEIN: I agree.

1 CHAIRPERSON MILLER: Mr. Short?

2 MR. SHORT: I agree.

3 CHAIRPERSON MILLER: Mr. Jones?

4 MR. JONES: I agree.

5 CHAIRPERSON MILLER: The motion has  
6 passed by a 6-zero-zero vote. I hereby give  
7 notice that the agency board will recess this  
8 proceeding and hold a closed meeting pursuant to  
9 2-574(b) of the Open Meetings Act, and we will  
10 return shortly, I hope.

11 And I know we have some other people here  
12 for another case or two, some fact-finding cases,  
13 so we are running a little bit behind now. I  
14 mean, I would think you would have at least a  
15 half an hour if you want to go take a break and  
16 come back. I'm sorry about that.

17 MR. SILVERSTEIN: I trust that you all  
18 can work on some wording --

19 MR. SHIRAFKAN: Yes.

20 MR. SILVERSTEIN: -- while we're in  
21 there, get as much done as you can.

22 MR. SHIRAFKAN: Thank you very much.

1           MR. SILVERSTEIN: Thank you all for your  
2 understanding.

3           [The Board went into Executive Session  
4 off the record.]

5           CHAIRPERSON MILLER: We're back on the  
6 record with the Bliss case, and what I want to  
7 say is, you know, in general, it's a very good  
8 Offer in Compromise, and there were a few issues  
9 that we needed to talk about that we were able to  
10 resolve.

11           There's one issue which I'll get to,  
12 which is going to take us a little bit more time,  
13 and maybe or maybe not, you may be able to assist  
14 us. I don't know.

15           But once I address that, I'd like to take  
16 the fact-finding hearing, so they can be heard  
17 and get on their way while you may think about  
18 that other issue or not, but that's going to take  
19 us more time, and I don't want to keep them  
20 waiting too long.

21           MR. SHIRAFKAN: Sure, Madam Chair.

22           CHAIRPERSON MILLER: And I know you've

1 made some changes already.

2 MR. SHIRAFKAN: Yes. Based on the  
3 conversations we've had, there's a new copy. I'm  
4 assuming it's coming out.

5 CHAIRPERSON MILLER: Okay, that's great.

6 MR. SHIRAFKAN: We've printed it, and  
7 they're bringing it out.

8 And for the record, I did check with Mr.  
9 Jackson in regards to the question that was  
10 raised on whether I could present to the Board in  
11 regards to alcoholic awareness training.

12 CHAIRPERSON MILLER: Right.

13 MR. SHIRAFKAN: He said, "Yes. I am  
14 certified. I can do it. I am going to do it,"  
15 so yes, that will be part of the training. I  
16 just want to make sure I'll check with you before  
17 I --

18 CHAIRPERSON MILLER: Okay. Thank you.  
19 All right.

20 So one of the issues that was unresolved  
21 that we went to talk about relates to provision  
22 No. 7, the special events such as private

1 parties, fund-raisers, corporate events, what  
2 kind of arrangement would -- well, what kind of  
3 situation would require RDO, and we talked about,  
4 you know, before, whether it would be numbers or  
5 whether it would be closed to the public, that  
6 kind of thing.

7           So, anyway, what the Board has determined  
8 in its mind would be reasonable would be that for  
9 all events where you have 400 persons or greater  
10 that you must have RDO, that that number would be  
11 a set number, and that under 400, you should  
12 notify ABRA that -- whatever kind of event you're  
13 having.

14           So I thought from what I heard you say  
15 earlier, Mr. Shirafkan, that the number was fine,  
16 and is that something that you all want to think  
17 about, or is that something you can bring in the  
18 RDO -- I mean put in events?

19           MR. SHIRAFKAN: When we -- if we can --  
20 there's a part of it that I agree. There's a  
21 part of it that is a little bit --

22           CHAIRPERSON MILLER: Okay.

1           MR. SHIRAFKAN: The wording that we put  
2 in there said "except special events, events not  
3 open to the general public, such as private  
4 parties, fund-raisers, corporate events. In such  
5 cases, if the event is anticipated to have over"  
6 -- I put 500, but "400 patrons, the Licensee is  
7 to make every effort to obtain RDO and notify  
8 ABRA Of such booking."

9           And frankly, that was the question of if  
10 we get another venue, 500, the thousand party,  
11 something that happens where -- from another  
12 place, they can't do it and now it's being  
13 shifted over, RDO is 2 weeks out. And we make  
14 effort. We notify ABRA. RDO says, "We don't  
15 have anybody to give you. You guys should,  
16 beginning of the month, said it." Then it's to  
17 have the Licensee lose that business is kind of  
18 harsh.

19           So that's where the ABRA investigator  
20 would be able to -- because we're notifying him,  
21 and if you want, I will hand out the wording, if  
22 I may.

1           So we thought -- and I can change this  
2   500 to 400, but this puts the combination of the  
3   number where if there's an event with -- that is  
4   not open to the public and it has a number, and  
5   it gives the benefit of -- we'll try to get RDO  
6   and notify ABRA, but if RDO can't be available  
7   because of short time of notice that we got, ABRA  
8   knows already, and they can send an investigator  
9   or whatnot to see what's going on.

10           CHAIRPERSON MILLER: Okay. Well, we'll  
11   have to think about that.

12           MR. SHIRAFKAN: Absolutely.

13           CHAIRPERSON MILLER: But let me ask you  
14   why you have a thousand in capacity. What is  
15   your capacity? 1,060?

16           MR. ANDARGIE: Thousand, yeah.

17           MS. ZANIEL: Thousand.

18           CHAIRPERSON MILLER: And you have to have  
19   RDO on those notes, on your regular nights,  
20   whether it's a thousand -- or I don't know what  
21   you normally have. So what would make it safe on  
22   a different night having --

1           MR. SHIRAFKAN: The difference is this.  
2 That on regular nights, if we're open Thursday,  
3 Friday, Saturday, exactly --

4           CHAIRPERSON MILLER: Yeah.

5           MR. SHIRAFKAN: -- a month in advance, we  
6 let the Police Department know we need these  
7 people, but when a private event comes up -- and  
8 our regular nights, we know when we're going to  
9 be open, so, of course, we'll have RDO. But what  
10 happens when a private event comes and it is 600  
11 people? Then to say that, well, you can't take  
12 this business because you can't have RDO, that's  
13 an extreme hardship on the Licensee. So the  
14 balance of it was to say try to get RDO and  
15 notify ABRA. If RDO can be made available,  
16 great. If they can't be made available, you have  
17 let ABRA know to send -- if they want to send  
18 somebody to see how is the operation going.

19           To say that every incident -- because  
20 we're talking about these private events. If  
21 every incident or private event, if you can't get  
22 RDO, then you can't take the contract, it's kind

1 of harsh on the Licensee.

2 CHAIRPERSON MILLER: Okay. I hear what  
3 you're saying. I think the Board will consider  
4 that.

5 Is there any number that you think would  
6 require RDO? A thousand? I mean, does it -- I'm  
7 just trying to understand.

8 MR. SHIRAFKAN: I'm okay with the 400.  
9 I'm okay with the number. It's the question of  
10 when that contract comes up. You see, so it's  
11 not so much that the number I want to raise or  
12 not. I'm okay with the 400. When I say "I," the  
13 Licensee is okay with the number. It's just a  
14 question of do we have enough time, and if we  
15 make every effort to get the RDO and we can't get  
16 it --

17 CHAIRPERSON MILLER: Right.

18 MR. SHIRAFKAN: -- are we positioning now  
19 ourself that we can't just take --

20 CHAIRPERSON MILLER: I understand that.  
21 I understand that.

22 MR. SHIRAFKAN: -- the business?

1           CHAIRPERSON MILLER: But it's just a  
2 balance way in between public safety and, you  
3 know, your business or whatever, and so I'm just  
4 asking you. If you didn't have enough notice --  
5 you're saying it wouldn't matter if you had a  
6 thousand because --

7           MR. SHIRAFKAN: You're saying if I didn't  
8 have enough notice or --

9           CHAIRPERSON MILLER: Yeah, to get RDO,  
10 but you had a thousand people. Would that -- are  
11 you saying you still don't need RDO?

12          MR. SHIRAFKAN: Court's indulgence.

13          CHAIRPERSON MILLER: Okay.

14          MR. SHIRAFKAN: It's not mine.

15                 [Mr. Shirafkan and Mr. Andargie  
16 conferring.]

17          CHAIRPERSON MILLER: Okay.

18          MR. SHIRAFKAN: I don't have an answer.

19          CHAIRPERSON MILLER: Okay, that's fine.

20          MR. SHIRAFKAN: Later, I can --

21          CHAIRPERSON MILLER: That's all right.

22 We can all think about that then.

1 MR. SHIRAFKAN: Thank you.

2 CHAIRPERSON MILLER: I hear you, what  
3 you're saying, and we are going to have to go  
4 back one more time anyway.

5 MR. SHIRAFKAN: Thank you.

6 CHAIRPERSON MILLER: Okay. We did notice  
7 that in your plan, you actually said -- this is  
8 really basic -- that you would comply with the  
9 Security Plan. Is that in the OIC? It seems  
10 like a basic, like there are all these things,  
11 and that the security plan shall contain this and  
12 that, and you'll have a Security Plan. But I  
13 didn't think you would mind adding that if it's  
14 --

15 MR. SHIRAFKAN: We were under impression  
16 that once there is a Security Plan attached to a  
17 license and it's submitted, then they have to, by  
18 statute, follow the Security Plan. If they don't  
19 -- that's at least our understanding. We can  
20 definitely put that in there.

21 MS. ZANIEL: We certainly intended it to  
22 be --

1 CHAIRPERSON MILLER: Yes, exactly.

2 MS. ZANIEL: -- that they have to follow  
3 the Security Plan.

4 CHAIRPERSON MILLER: Okay, okay.

5 MS. ZANIEL: That's without question.

6 CHAIRPERSON MILLER: And I think that you  
7 agreed -- and it may be in your new revision --  
8 that you would notify ABRA of ongoing training?

9 MR. SHIRAFKAN: Yes, I did put that in  
10 there.

11 CHAIRPERSON MILLER: Okay, good. All  
12 right.

13 And I think that you have given us -- but  
14 I haven't seen it, but a list of employees,  
15 correct?

16 MR. SHIRAFKAN: No, Madam Chair. It's  
17 right here.

18 CHAIRPERSON MILLER: Okay. Okay, good.

19 MR. SHIRAFKAN: Yes.

20 CHAIRPERSON MILLER: But my point is when  
21 you have the training, we like to get a copy of  
22 the sign-in sheet, so that we know that those who

1 took it were the same as your employees.

2 MR. ANDARGIE: Yeah. We'll have a  
3 sign-in sheet with the roster.

4 CHAIRPERSON MILLER: Okay. Okay.

5 And with respect to the camera situation,  
6 we heard you that -- you know, we think it's  
7 important that the camera angles all be ideally  
8 situated and the cameras be functioning, but not  
9 necessarily prior to opening, that you have -- it  
10 sounds like you have plenty of cameras that are  
11 functioning, and that wasn't key to imminent  
12 danger.

13 So we -- I don't know if you put this in  
14 at all to the OIC.

15 MS. ZANIEL: Paragraph 21.

16 MR. SHIRAFKAN: We did.

17 CHAIRPERSON MILLER: You did?

18 MR. SHIRAFKAN: Yes.

19 CHAIRPERSON MILLER: Would you --

20 MR. SHIRAFKAN: Yes. I pass on No. 21.

21 CHAIRPERSON MILLER: Okay.

22 MR. SHIRAFKAN: Basically, what we talked

1 about, was discussed was that within 10 calendar  
2 days of the approval of this, ABRA would send an  
3 investigator who would come and give us a  
4 feedback. Within 30 days from that evaluation,  
5 we would submit something in writing back to the  
6 Board as to what suggestions we've taken.

7 CHAIRPERSON MILLER: Okay.

8 MR. SHIRAFKAN: Obviously, we're not  
9 saying 100 percent, but we're going to definitely  
10 take that and then send the feedback and explain  
11 what have we done or not.

12 CHAIRPERSON MILLER: Okay, all right. So  
13 we'll take a look at that. That sounds good.  
14 All right.

15 MR. JONES: Madam Chair?

16 CHAIRPERSON MILLER: Yeah, Mr. Jones.  
17 Yeah.

18 MR. JONES: Just to be candid and frank,  
19 I think one of the things that the Board had  
20 considered and would probably be more amenable to  
21 receiving favorably is not just a report saying  
22 what you're going to do, but have executed some

1 closure on the action within that 30 additional  
2 days. So within a total of 60 days of being  
3 notified of what recommendations there are, that  
4 by the end of that 60-day period, those have been  
5 brought to effect.

6 MR. SHIRAFKAN: And if I may, if it's  
7 okay with the Board on this No. 21, we can even  
8 make it into just 60 days that we would give  
9 notification and proof of what's been done, so  
10 that in one step, everything has been done.

11 CHAIRPERSON MILLER: Fine. Okay.

12 So, finally, we think that training is  
13 really important, and I think we have discussed  
14 that here, how people are going to react to  
15 emergency situations, and you have a plan, a  
16 Security Plan, et cetera. So we think that  
17 that's critical, and therefore, we think there  
18 should be a provision in the OIC providing that  
19 the Board approve the training materials and  
20 training prior to reopening.

21 And this is the issue. We just recently  
22 dealt with a suspension case, and we were

1 provided training materials to review and -- in  
2 conjunction with the Security Plan, and the  
3 Security Plan happened to have been very well  
4 written. And so the training materials didn't  
5 look that great, but we thought we'll give them  
6 the benefit of the doubt, that the training --  
7 the Security Plan is a good plan, so -- and we  
8 sent our investigators to observe the training.

9           And the training was not adequate at all,  
10 and therefore, the establishment lost more time  
11 because then they had to get additional training.

12           So what I'm saying is that we need more  
13 time. We can do this after the fact-finding  
14 hearings to look at your training materials more  
15 carefully and see if we can tell whether or not  
16 we think that they would be adequate. It shares  
17 some of the weaknesses that we saw the last time  
18 around. It's not really a clear agenda or  
19 PowerPoint of what the training is going to be.

20           But we're going to give it some study  
21 after we deal with the fact-findings.

22           MR. SHIRAFKAN: If I may, obviously we

1 want feedback.

2 CHAIRPERSON MILLER: Yeah.

3 MR. SHIRAFKAN: One, if not this  
4 provider, is there a provider that the Board says  
5 this is who? Because we don't have that this is  
6 the group.

7 Just so you know, I've also reached out,  
8 if hosted something, that I know in past some  
9 have used from San Diego. They are not even  
10 available for the next 60 days, and I've  
11 contacted them as well.

12 CHAIRPERSON MILLER: Right, right.

13 MR. SHIRAFKAN: So I just wanted to  
14 inform you.

15 MR. JONES: So I just want to make the  
16 point. So we're not in the business of vetting,  
17 verifying, providing any feedback or  
18 recommendations aren't adequate or not adequate  
19 trainers. That's why we are very adamant about  
20 having the opportunity to review training  
21 materials to confirm that we're comfortable with  
22 the content that's being provided and sending

1 investigator out there to review the process as  
2 well because we're not in the business of  
3 vetting, approving, recommending trainings. So  
4 you're not going to get a name from us.

5 MR. SHIRAFKAN: Okay.

6 CHAIRPERSON MILLER: You might want to  
7 check with other establishments who have been  
8 through this process, though, and see whose --  
9 you know, what was successful and what wasn't.

10 So that's where we are right now. So  
11 what I'd like to do is take the fact-findings if  
12 I could and --

13 MR. SHIRAFKAN: Sure.

14 CHAIRPERSON MILLER: And if you can give  
15 any of this a little more thought or whatever to  
16 take a break, we'll get back to you.

17 MR. SHIRAFKAN: Okay.

18 CHAIRPERSON MILLER: Hopefully, it won't  
19 be too long. Okay.

20 MR. SHIRAFKAN: That's fine. Thank you.

21 CHAIRPERSON MILLER: Okay.

22 [Recess taken.]

1           CHAIRPERSON MILLER: Okay. We're back on  
2 the record in the Bliss case.

3           So the Board had some more time to look  
4 at a few of the outstanding issues, and I believe  
5 you did as well.

6           So I just want to cover three points, and  
7 then I'm going to ask you where you're at. But  
8 we did look again at the RDO matter, which is  
9 mentioned in the Offer in Compromise and No. 7,  
10 and the Board is of the view that there should be  
11 a requirement, something to the effect that if  
12 the event will have 400 patrons or more, then the  
13 establishment shall secure RDO 2 weeks ahead of  
14 the event, something to that effect.

15           The other item -- and I don't know if  
16 this is already in the OIC, and just so it  
17 doesn't get forgotten and it's not even in  
18 controversy -- is a statement or something to the  
19 effect that the Licensee will comply with the  
20 Security Plan, okay? That's an easy one.

21           MS. ZANIEL: And that is required as a  
22 matter of law --

1 CHAIRPERSON MILLER: Okay.

2 MS. ZANIEL: -- once it's Board-approved.

3 CHAIRPERSON MILLER: Okay. And that's  
4 why you didn't have it -- but yeah. Okay.

5 And then, third, that training materials  
6 and training -- for the trainings referenced in  
7 Provision No. 2 shall be approved by the Board  
8 prior to reopening.

9 That's it.

10 MR. SHIRAFKAN: Is there an immediate  
11 time as far as -- so if we were to provide this  
12 tomorrow, is it to next Wednesday? I don't know  
13 what the next schedule is.

14 CHAIRPERSON MILLER: Okay. So we know  
15 you're very close on this OIC, and we are willing  
16 to hang in a little bit longer if the language  
17 can be incorporated that covers all these points.

18 I know there's an issue now with respect  
19 to your training plan, so maybe you can let us  
20 know what your training plans exactly are going  
21 to be and what materials -- at least the  
22 materials that we should be reviewing, or do you

1 have something else, or where are you?

2 MR. SHIRAFKAN: I have three options that  
3 -- because, initially, we looked at -- well there  
4 are two options. We looked at this issue of  
5 whether the material that we have submitted or  
6 there is another case that was prior to -- to --  
7 we ask that -- we ask that we find either another  
8 group or I could be allowed to perhaps for the  
9 time being due to training -- the security manual  
10 that you have in front of you was drafted by us,  
11 and we could either -- us do it or we have  
12 another gentleman, that Mr. Brooks, who has done  
13 this for another case that has been approved  
14 already. The material for that case was already  
15 approved.

16 CHAIRPERSON MILLER: Mm-hmm.

17 MR. SHIRAFKAN: And therefore, we find  
18 that -- we believe that you would find him and  
19 his material qualified as it was in the other  
20 case.

21 CHAIRPERSON MILLER: Mm-hmm.

22 MR. SHIRAFKAN: And therefore, if you

1 would allow, we could use his services.

2 I don't have a date of tomorrow for him  
3 because I haven't been able to get in touch with  
4 him right now, but I would ask that if you allow,  
5 we find him immediately to do that -- find him  
6 qualified to do that training as he has done in  
7 the previous cases.

8 CHAIRPERSON MILLER: Okay. So what it  
9 would mean is -- this is kind of generic in the  
10 OIC that the training materials have to be  
11 approved by us. We could sign off on that. We  
12 don't have to have the materials per se to sign  
13 off on this requirement that the training and the  
14 training materials be approved. So we're hoping  
15 that we can get -- or I would think you might be  
16 hoping that you could get tonight approved, the  
17 OIC, so then you can go forward with the plan.

18 So, as soon as you have training  
19 materials, you could e-mail them to our General  
20 Counsel, who would e-mail them to us, and we  
21 could review them. And so that would be what  
22 would be left for our review, and we can -- we

1 can do that before Wednesday. We don't have to  
2 be here to do that. We can be pulled.

3 MS. ZANIEL: So were you asking to  
4 approve both the training materials and the  
5 specific trainer?

6 MR. SHIRAFKAN: No.

7 CHAIRPERSON MILLER: No, not the trainer.  
8 The training materials.

9 MR. JONES: Okay. I just want to  
10 reemphasize what I tried to make clear  
11 previously. We do not vet. We don't critique.  
12 We don't assess trainers. That's why we are  
13 eagerly interested in reviewing the training  
14 materials in detail because we don't.

15 MS. ZANIEL: I heard that. It doesn't  
16 sound very different, but I understand what  
17 you're saying.

18 MR. JONES: It doesn't sound very  
19 different than what?

20 CHAIRPERSON MILLER: It is different when  
21 you see it on paper. We have seen different  
22 training materials on paper, and they are very

1 different, so --

2 MS. ZANIEL: Very well.

3 CHAIRPERSON MILLER: Okay.

4 MR. SHIRAFKAN: Just so I'm clear, we'll  
5 finish up the OIC that we have, see if we can  
6 reach a computer, and we'll get it cleaned up --

7 CHAIRPERSON MILLER: Okay.

8 MR. SHIRAFKAN: -- to get that approved.

9 And then as far as the training material,  
10 I'll provide that as soon as I have General  
11 Counsel -- do we have to have another hearing for  
12 that approval? No, if I get it approved.

13 And from there, the first schedule that  
14 we have this trainer, training can get done, and  
15 we can --

16 CHAIRPERSON MILLER: Notify us then of  
17 the date and the place, so an investigator will  
18 come.

19 MR. SHIRAFKAN: Okay, okay. Thank you.

20 MR. RODRIGUEZ: We want to work with you.

21 MR. SHIRAFKAN: Thank you. We appreciate  
22 that.

1 CHAIRPERSON MILLER: Yeah.

2 MR. SHIRAFKAN: We definitely appreciate  
3 it.

4 CHAIRPERSON MILLER: Okay.

5 MR. SILVERSTEIN: I want to thank all of  
6 you for the work that you're doing on this. We  
7 got burned the last time, but we want to get it  
8 done right, and we don't want to delay anyone any  
9 longer than we have to while still getting it  
10 right.

11 MR. SHIRAFKAN: We appreciate that.  
12 Thank you. We appreciate that.

13 MR. SHORT: Your cooperation is  
14 appreciated, and your earnestness is appreciated.  
15 Thank you.

16 MR. RODRIGUEZ: So we'll be on alert  
17 waiting for --

18 CHAIRPERSON MILLER: The final --

19 MR. RODRIGUEZ: -- the final, and so  
20 we'll be, you know -- we don't have to wait until  
21 next Wednesday to have a hearing. We continue to  
22 work with you.

1 CHAIRPERSON MILLER: Okay.

2 Yeah, Mr. Jones.

3 MR. JONES: I'm always the party pooper.  
4 So there's been a lot of thank-yous and all that  
5 going on, and I do respect and appreciate the  
6 candor in which you have been presenting yourself  
7 today.

8 But one thing I would like to bring to  
9 your attention, don't rush this. I know you're  
10 eager to reopen. I know you're eager to try and  
11 be in compliance, but one thing that we found to  
12 be tried and true, those entities that rush this  
13 process and hasten things that aren't properly  
14 done just usually extend the process for  
15 themselves.

16 You have your destiny within reason  
17 within your hands. Just follow through on it.  
18 Just do it appropriately. Do it above board, and  
19 things will go smoothly.

20 What trips up most entities is that they  
21 try to rush it, try to cut corners, and we're not  
22 going to compromise ourselves in the process of

1 trying to rush you to get open. So just take  
2 your due diligence, and do it right.

3 MR. SHIRAFKAN: Thank you.

4 CHAIRPERSON MILLER: Okay. We'll be on  
5 call.

6 MR. SHIRAFKAN: Thank you very much.  
7 Sorry it's taken so long.

8 CHAIRPERSON MILLER: Well, that's the  
9 nature of this. Thank you.

10 So we're going to recess, and we'll be  
11 back one more time. Thank you.

12 [Recess taken.]

13 CHAIRPERSON MILLER: We're back on the  
14 record in the Bliss case, and the Licensee gave  
15 us an Offer in Compromise that had been revised,  
16 and it's almost there. It's just that there are  
17 a few things. If you put it in front of you --  
18 whoops.

19 MR. SHIRAFKAN: [Speaking off mic.]

20 CHAIRPERSON MILLER: You don't have a  
21 copy? Oh.

22 MR. SHIRAFKAN: [Speaking off mic.]

1 [Pause.]

2 CHAIRPERSON MILLER: Okay. So I  
3 appreciate that I think that you were revising  
4 the last version of the Offer in Compromise to  
5 respond to the Board's comments, and so there are  
6 a couple places where there seems to be a  
7 disconnect, and so I wanted to just tell you  
8 where they are and what we think it should really  
9 be at this point, and you can agree or not.

10 Provision No. 2, where it says "such  
11 training materials is to be approved by the Board  
12 prior to training," what the Board had intended  
13 would be that such training materials are to be  
14 approved by the Board prior to reopening the  
15 establishment.

16 Your No. 3, within 60 days of opening,  
17 all of the Respondent's employees shall complete  
18 one alcohol awareness training, that looks like a  
19 big typo.

20 MR. SHIRAFKAN: Yeah.

21 CHAIRPERSON MILLER: Okay. Because you  
22 have already put alcohol awareness training in

1 No. 2.

2 MS. ZANIEL: They had it in the order to  
3 respond to an earlier comment by the Board, but  
4 it's now in both 2 and 3. It's just duplicative.  
5 Who cares?

6 MR. SHIRAFKAN: Yeah.

7 CHAIRPERSON MILLER: It's almost  
8 contradictory. One says prior to reopening; the  
9 other one says within 60 days.

10 MS. ZANIEL: I see. Thank you. Sorry.

11 CHAIRPERSON MILLER: Okay.

12 MS. ZANIEL: I don't have it in front of  
13 me.

14 CHAIRPERSON MILLER: We're just trying to  
15 make it clean, so --

16 MR. SHIRAFKAN: Yeah. I think what  
17 happened is when they were -- I think when we  
18 went back, we had a couple hands on it.

19 CHAIRPERSON MILLER: Sure, I understand.  
20 That's what I'm saying. A lot of these look like  
21 typo kind of things.

22 So do you mean to just delete No. 3?

1 MR. SHIRAFKAN: We can, yeah, delete No.  
2 3 because we already have the --

3 CHAIRPERSON MILLER: In No. 2.

4 MR. SHIRAFKAN: -- awareness training, so  
5 we don't -- yeah.

6 CHAIRPERSON MILLER: Okay.

7 MR. SHIRAFKAN: In No. 3.

8 CHAIRPERSON MILLER: Okay. No. 4, the  
9 last line says Licensee is required to notify the  
10 Board on new employees going through the required  
11 training.

12 Okay. So I think that the Board failed  
13 to tell you how much notification we would like,  
14 and so we think that there should be a specific  
15 time period for that in there, similar to what  
16 we've done in other cases.

17 So we would recommend that it say  
18 Licensee is required to notify the Board 48 hours  
19 in advance of new employees going through the  
20 required training.

21 MR. SHIRAFKAN: That such notice shall be  
22 48 hours in advance of --

1           CHAIRPERSON MILLER:  However.  Just so  
2   that it shows that the notice is 48 hours in  
3   advance of the training.

4           And also I'm pretty sure we stated this,  
5   and you might have missed it, but we would like  
6   the date and the time of the training, the notice  
7   to include that.

8           MR. SHIRAFKAN:  This includes a date and  
9   time of training for this sentence that we're  
10  talking about?

11          CHAIRPERSON MILLER:  Yeah, which applies  
12  to new -- which does this apply to?  New  
13  employees, right.

14          MR. SHIRAFKAN:  Right.  Okay.

15          CHAIRPERSON MILLER:  No.  5 talks about  
16  documentation for completed training, and we  
17  started to look at it.  It seemed to be missing  
18  some things, and so then we found in a previous  
19  case, a paragraph that exactly characterized what  
20  the written certification should be.

21          So I'd like to read it on the record, and  
22  if you agree with it, we'll just give you a copy

1 of this language, which would say the Respondent  
2 shall document by written certification, the  
3 completed training of all personnel associated  
4 with day-to-day operations. This documentation  
5 shall also include the subject matter of the  
6 training, the training material, the date of the  
7 training, the ongoing frequency of the training,  
8 and the name of the person or company conducting  
9 the training. All training material required by  
10 this Offer in Compromise shall be submitted to  
11 and approved by the Board prior to the reopening  
12 of the establishment.

13 I can give this to you to look over.

14 MR. SHIRAFKAN: Counsel just did.

15 CHAIRPERSON MILLER: Oh, she did? Okay.

16 MR. SHIRAFKAN: Yes, yes.

17 CHAIRPERSON MILLER: See if that -- if  
18 that is okay or if there's something, you know --  
19 this is your Offer in Compromise, so if there's  
20 something that's not okay, feel free to let us  
21 know.

22 [Pause.]

1 MR. SHIRAFKAN: I just had a question.

2 CHAIRPERSON MILLER: Yeah, okay.

3 MR. SHIRAFKAN: So as a course of action  
4 -- so we would send the material. So, just  
5 hypothetically, I would have the trainer, say,  
6 Friday morning, just hypothetically, right?  
7 Friday morning, we want you to train our staff.  
8 Tomorrow morning, we send the material. The  
9 Board -- I think it will take some -- I don't  
10 know if it will take 48 hours or how long it will  
11 take to approve this material, but come Friday  
12 morning, if the Board has approved the material,  
13 then everything is green light.

14 If we have not received any answer back,  
15 then we go forward with the training. We get to  
16 open, and then if you say that --

17 CHAIRPERSON MILLER: No. You go forward  
18 with the training. Our investigators will be  
19 notified, and most likely will be at the  
20 training.

21 MR. SHIRAFKAN: Okay.

22 CHAIRPERSON MILLER: And they'll observe

1 the adequacy of the training.

2 MR. SHIRAFKAN: Okay. So if the  
3 investigator then says it's okay, we get the  
4 green light, or do we have to -- or I was just  
5 trying to understand. And if they don't get --  
6 if they say no, then obviously we're not going to  
7 be able to come back.

8 So if the investigator comes back and  
9 says, "This training is fine," then we're okay,  
10 right?

11 MR. SHORT: You can report that to our  
12 attorney.

13 MR. SHIRAFKAN: Okay.

14 MR. JONES: How this is played out in  
15 other situations has been the investigator will  
16 draft the report. That report will be submitted  
17 to the Board. The Board will review the report  
18 in conjunction with the training materials and  
19 provide you consolidated feedback for both items.

20 CHAIRPERSON MILLER: Okay. So let's just  
21 say hypothetically, when would -- are you aiming  
22 to open, would you like to open? This weekend or

1 --

2 MR. JONES: Well, so you have training.  
3 You've given us training materials. You haven't  
4 gotten feedback from us that the training  
5 materials have been approved or not approved.  
6 You proceed with the training. There will be an  
7 investigator there who will document a report.  
8 We will get that report based on performance of  
9 the training, and the Board is already in the  
10 process of reviewing the training materials.

11 You will get feedback to both based on  
12 Board's assessment of that, and it will be done  
13 in a timely fashion.

14 From that standpoint, if there's some  
15 deficiency identified in the training materials,  
16 i.e., the training was performed phenomenally,  
17 but you left out something really important.  
18 Then we would expect you to address that  
19 deficiency prior to being allowed to reopen.

20 MR. SHIRAFKAN: Okay, that clarifies it.  
21 Thanks.

22 MR. JONES: You're welcome.

1           CHAIRPERSON MILLER: So the Board will  
2 try to move as quickly as possible. If we get a  
3 favorable report --

4           MR. SHIRAFKAN: We're fine. We have an  
5 understanding now.

6           CHAIRPERSON MILLER: Okay.

7           MR. SHIRAFKAN: I just didn't want to  
8 advise something that --

9           CHAIRPERSON MILLER: Yeah.

10          MR. SHIRAFKAN: -- that was wrong, so --

11          CHAIRPERSON MILLER: Okay, okay.

12          Okay, No. 7. It may be a typo or not,  
13 but this is what -- the last sentence says, "In  
14 such cases, if the event is anticipated to have  
15 over 400 patrons, the Licensee is to obtain RDO."  
16 I think I said this. If I didn't, this is what  
17 the Board would think you should do.

18          That it should read, "In such cases, if  
19 the event is anticipated to have over 400  
20 patrons, the Licenses is to request RDO 2 weeks  
21 prior to the event."

22          MS. ZANIEL: So I don't understand what

1 the intention is. So if they request it 2 weeks  
2 in advance and are unable to get it, what  
3 happens?

4 CHAIRPERSON MILLER: I think that the law  
5 --

6 MR. SILVERSTEIN: The 2 weeks in advance  
7 is essentially that there is a good-faith effort  
8 to do so. It isn't a matter of someone saying 10  
9 minutes before the event, "Oh, we need RDO."

10 MS. ZANIEL: All right.

11 MR. SILVERSTEIN: The minimum, absolute  
12 bare minimum that you can request is 5 days in  
13 order to get it staffed, but 5 days is iffy. So  
14 this is simply for that purpose.

15 Mr. Shirafkan, are you --

16 MR. SHIRAFKAN: We're fine. Thank you.

17 MR. SILVERSTEIN: Okay.

18 MR. SHIRAFKAN: We're okay with that.

19 CHAIRPERSON MILLER: Mr. Jones?

20 MR. JONES: And just for clarification on  
21 the wording --

22 CHAIRPERSON MILLER: Okay.

1           MR. JONES: This is more for us. I  
2 thought it was "secure" and not "request."

3           CHAIRPERSON MILLER: Well, the reason, we  
4 had said "secure," and actually, my understanding  
5 with RDO is you can't -- you can request it, but  
6 there's sometimes -- it's not in their control  
7 whether or not they get the RDO necessarily. I  
8 mean, sometimes RDO, they have to go off and be  
9 in an emergency or somewhere else.

10          MR. JONES: So the process of securing is  
11 doing all that you are responsible for doing as a  
12 Licensee --

13          CHAIRPERSON MILLER: Yeah.

14          MR. JONES: -- to make the request,  
15 right?

16          CHAIRPERSON MILLER: Yeah.

17          MR. JONES: But securing is also paying,  
18 right?

19          CHAIRPERSON MILLER: Okay.

20          MR. JONES: So I don't want it to be just  
21 limited to "I requested it." You have to commit  
22 to it, and committing to it is securing it, and

1   securing it is paying.  If the RDO doesn't  
2   provide it --

3               MR. SILVERSTEIN:  Secure versus  
4   obtaining.  Secure versus obtaining.

5               MR. JONES:  Versus obtaining.  Thank you,  
6   yes.

7               CHAIRPERSON MILLER:  Okay.

8               MR. SHIRAFKAN:  That's right.  That's --  
9   we're right.  Okay.  That's where I wanted the  
10   clarification.  So secure versus --

11              CHAIRPERSON MILLER:  Secure.  Okay.

12              MR. JONES:  Yes.

13              MR. SHIRAFKAN:  So we're not saying that  
14   we have to get -- we agree 2 weeks prior, maximum  
15   2 weeks prior, you have to request and secure.

16              MR. JONES:  Pay for it, which is  
17   basically --

18              MR. SHIRAFKAN:  Pay for it.

19              MR. JONES:  That's the securing process,  
20   yes.

21              MR. SHIRAFKAN:  Okay.  I just wanted a  
22   clarification on what we are meaning by secure

1 because I just don't want somebody looking at it  
2 saying secure meaning you didn't -- you did  
3 everything you could.

4 CHAIRPERSON MILLER: Right.

5 MR. SHIRAFKAN: But you couldn't get RDO,  
6 so you can't open --

7 MR. JONES: Right.

8 MR. SHIRAFKAN: -- because you didn't  
9 secure it.

10 CHAIRPERSON MILLER: Exactly.

11 MR. SHIRAFKAN: So we're doing everything  
12 that it takes --

13 MR. SILVERSTEIN: Exactly.

14 CHAIRPERSON MILLER: To get it, and then  
15 everything in your control, but it's not all in  
16 your control.

17 MR. JONES: So we recognize that the  
18 actual provisioning of officers for the RDO  
19 activities outside of your control, our control.  
20 It's up to MPD, and if whatever reason, they  
21 don't have the resources, they can't fill your  
22 request, as long as you submitted a timely

1 request and you submitted appropriate funds for  
2 that timely request, we consider your burden to  
3 have been met.

4 MR. SHIRAFKAN: Got it. Thank you.

5 MS. ZANIEL: I'd prefer that the word  
6 "secure" not be used and spell it out that way  
7 because --

8 MR. SILVERSTEIN: Well, request and pay  
9 for.

10 MR. JONES: Paid for, okay.

11 MS. ZANIEL: Yes.

12 MR. SHIRAFKAN: Right. That's what I  
13 said, request and pay for and take all actions in  
14 --

15 MR. JONES: That's fair enough, yeah.

16 CHAIRPERSON MILLER: I mean, you're an  
17 equal party to this, Ms. Zaniel. So you should  
18 be definitely comfortable with whatever language.

19 MS. ZANIEL: I think anybody on the  
20 outside picking up a Word document --

21 CHAIRPERSON MILLER: Yeah.

22 MS. ZANIEL: -- that says secure means

1 that they have obtained it --

2 CHAIRPERSON MILLER: Yeah.

3 MS. ZANIEL: -- and it won't necessarily  
4 be true.

5 CHAIRPERSON MILLER: Right. That was my  
6 concern too. Okay.

7 MR. SHIRAFKAN: Okay. Take all action --

8 MS. ZANIEL: The word "paid," please.

9 MR. SHIRAFKAN: I did. Request and pay  
10 for.

11 MS. ZANIEL: Perfect.

12 CHAIRPERSON MILLER: Okay.

13 MR. SHIRAFKAN: And take any other  
14 reasonable available action to secure such.

15 CHAIRPERSON MILLER: Okay.

16 MR. JONES: Right, to secure.

17 MR. SHIRAFKAN: Okay.

18 CHAIRPERSON MILLER: One other thing, and  
19 this is a pure typo. On paragraph 16, first  
20 sentence, it states in my copy, "The Security  
21 Plan shall state that zed by the establishment."  
22 So I checked -- I did. I checked an earlier

1 version, and it should be "shall state that  
2 cameras utilized by the establishment."

3 MS. ZANIEL: It must mean some weird  
4 computer thing. I wasn't aware of. I didn't  
5 want to show my ignorance. I had seen it.

6 CHAIRPERSON MILLER: That's it.

7 So do you think you can make final  
8 changes and we'll vote on it?

9 MR. SHIRAFKAN: I can do that right now  
10 if you --

11 CHAIRPERSON MILLER: Okay. Don't rush  
12 because you don't want to make a mistake.

13 MR. SHIRAFKAN: Yes.

14 CHAIRPERSON MILLER: I think we're almost  
15 there. Right.

16 MS. ZANIEL: Is there another, an extra  
17 copy that I may have? Because I don't have one  
18 currently.

19 CHAIRPERSON MILLER: Of the previous, the  
20 last version?

21 MS. ZANIEL: Yes.

22 CHAIRPERSON MILLER: Does somebody have a

1 clean copy?

2 MS. ZANIEL: One that contains  
3 signatures.

4 MR. BROOKS: I have one here.

5 MS. ZANIEL: I think Ms. Jenkins --

6 MR. BROOKS: I have one.

7 MS. ZANIEL: Thank you.

8 [Pause.]

9 CHAIRPERSON MILLER: Okay. If everybody  
10 has had a chance to review it, this was basically  
11 -- you already agreed to what we said.

12 You know, I see one mistake in No. 6, and  
13 I'm just going to suggest that, you know, you can  
14 pen it or whatever. You can get your agreement  
15 on the record as to what it should say, and then  
16 tomorrow you could submit corrected copy, if you  
17 think -- I don't know if others have found other  
18 mistakes.

19 And the only thing I see is in paragraph  
20 6 where you talk about taking all reasonable  
21 actions in Licensee's control to secure RDO. We  
22 talked about --

1 MR. SHORT: That's good.

2 CHAIRPERSON MILLER: -- 2 weeks prior to  
3 the event that you would -- as I understand it.

4 MR. SHORT: Yes, to secure the RDO.

5 CHAIRPERSON MILLER: Yeah. Is to request  
6 it.

7 Last sentence?

8 MR. SHIRAFKAN: Yes, I see it. I'm  
9 shocked. Where did it go? I think we've got so  
10 many versions now of this document that,  
11 unfortunately, it's revised No. 38, 39.

12 CHAIRPERSON MILLER: And I understand  
13 there were printing problems.

14 MR. SHIRAFKAN: I will put the 2 weeks,  
15 and I'm very clear on what that was.

16 CHAIRPERSON MILLER: Okay.

17 MR. SILVERSTEIN: And in such case, if  
18 the event has over 400.

19 MR. SHIRAFKAN: Okay.

20 CHAIRPERSON MILLER: Oh. What is he  
21 talking about?

22 MR. SILVERSTEIN: Same thing, not

1 anticipated --

2 CHAIRPERSON MILLER: Oh, okay, not  
3 anticipated.

4 MR. SILVERSTEIN: You can't quantify  
5 anticipation.

6 MS. ZANIEL: Well, but that triggers the  
7 need to get the RDO.

8 CHAIRPERSON MILLER: They have to  
9 anticipate.

10 MS. ZANIEL: So it has to be anticipated.

11 CHAIRPERSON MILLER: They don't know for  
12 sure 2 weeks in advance, so they anticipate 400.

13 MR. JONES: I'm actually -- I read that,  
14 too, and I think I'm okay with the language, with  
15 the understanding being that our expectation is  
16 that if you have a special event that exceeds  
17 your expectations, that you have a clicker, and  
18 you're maintaining your capacity at that 400 or  
19 below, right? So we're not having you -- "Oh, I  
20 anticipated it being 400," and it ends up being  
21 900. "Oh. Well, I anticipated wrong." That's  
22 not going to fly.

1           So I think we're -- that is what our  
2 understanding is, and I'm assuming that -- well,  
3 I will ask. Do you understand that that is our  
4 assumption?

5           MR. SHIRAFKAN: Yes.

6           CHAIRPERSON MILLER: All right. But I'm  
7 a little bit confused now because if they  
8 anticipate 400 is the threshold and they get RDO  
9 and they happen to go over 400, they have RDO out  
10 there. Are you saying they can't go over?

11          MR. JONES: No. So they anticipate it  
12 being 300, and it ends up being 900.

13          CHAIRPERSON MILLER: Oh, okay.

14          MR. JONES: They haven't gotten RDO.

15          CHAIRPERSON MILLER: Without RDO.

16          MR. JONES: Right. So they're tapping in  
17 at 4 --

18          CHAIRPERSON MILLER: Got it.

19          MR. JONES: -- because that's what our  
20 expectation was.

21          MR. SHIRAFKAN: We fully understand. We  
22 fully understand.

1 CHAIRPERSON MILLER: Thank you.

2 MR. SHIRAFKAN: If we have a contract, if  
3 we have an agreement that they specifically say  
4 in the agreement, "We have a bar mitzvah, and we  
5 have invited 450 people," then that is  
6 anticipation over 400.

7 MR. JONES: Right.

8 MR. SHIRAFKAN: "We're having a party,  
9 and we're anticipating 400 people." Okay. But  
10 if we have an event -- and you're right. If we  
11 anticipate 200 people to come, this is what the  
12 contract says, this is what staff is ready for,  
13 and then it ends up being more, than absolutely.  
14 I understand what you're saying.

15 MR. JONES: [Speaking off mic.]

16 MR. SHIRAFKAN: I'm sorry?

17 MR. JONES: If you say 200, when you're  
18 using the clipper, you'll cut it off at 200 on  
19 those special events.

20 CHAIRPERSON MILLER: No.

21 MR. JONES: So just for clarification --

22 CHAIRPERSON MILLER: Now I'm getting

1 confused.

2 MR. JONES: My expectation is it would be  
3 limited to the 400.

4 CHAIRPERSON MILLER: 400.

5 MR. JONES: Two to 400.

6 CHAIRPERSON MILLER: Two to 400.

7 MR. JONES: So if you're anticipating an  
8 event to be 200 and it exceeds your anticipated  
9 expectations and it gets to above 400, you won't  
10 avow more than that number of people. You have a  
11 clicker, and you will treat it as if your  
12 capacity is 400.

13 MR. SHIRAFKAN: That makes -- yes, yes.  
14 Because if somebody says "I have 300" and it ends  
15 up being 400, that makes sense. But if somebody  
16 says "I have 300" and it becomes 600 or a  
17 thousand, then obviously something is wrong here.  
18 We're getting good faith. We understand.

19 CHAIRPERSON MILLER: Okay. Anything else  
20 then?

21 [No audible response.]

22 CHAIRPERSON MILLER: Okay. So I'm going

1 to make a motion to approve this Offer in  
2 Compromise, and it's going to be based on my  
3 understanding that you include in paragraph 6 to  
4 request the RDO 2 weeks in advance.

5 MR. SHIRAFKAN: Yes.

6 CHAIRPERSON MILLER: Okay. Then my  
7 motion is to approve this Offer in Compromise for  
8 Bliss. Do I have a second?

9 MR. BROOKS: Second.

10 CHAIRPERSON MILLER: Mr. Brooks has  
11 seconded the motion.

12 All those in favor say "aye."

13 [Chorus of ayes.]

14 CHAIRPERSON MILLER: All those opposed?

15 [No audible response.]

16 CHAIRPERSON MILLER: All those  
17 abstaining?

18 [No audible response.]

19 CHAIRPERSON MILLER: Motion passes,  
20 6-zero-zero.

21 Okay. You can go home now.

22 MR. RODRIGUEZ: Eight o'clock is a good

1 time.

2 CHAIRPERSON MILLER: Thank you.

3 [Whereupon, the above-entitled matter  
4 concluded.]

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