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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: :
Precious Pies and Catering, :
LLC., t/a Layla Lounge, :
501 Morse Street Northeast : Case #15-251-00179
License #97637 : Summary Suspension
Retailer CT : Hearing
Chief of Police Closure, :
October 22, 2015 :

- - - - - X

Monday, November 2, 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.

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CHAIRPERSON:

RUTHANNE MILLER, Presiding

BOARD MEMBERS:

NICK ALBERTI

JAMES SHORT

HECTOR RODRIGUEZ

ALSO PRESENT:

FERNANDO RIVERO, ESQ.,

on behalf of Office of Attorney General

SCOTT ROME, ESQ.

On behalf of the Licensee

JUDY ENGLAND

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P R O C E E D I N G S

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CHAIRPERSON MILLER: Okay. Good morning, everyone. Welcome to the District of Columbia's Alcoholic Beverage Control Board. Today is November 2nd, 2015.

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My name is Ruthanne Miller. I'm the chairperson, and joining me to my right is Mr. Nick Alberti, and Mr. Hector Rodriguez will be joining us momentarily, to my right. And to my left is Mr. Tim Short.

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The Board has four members in attendance for the conduct of business this morning and three constitutes a quorum. Copies of today's hearing calendar and agenda are available at the receptionist's desk. Please be aware that these recordings are being recorded by a court reporter. Accordingly we'd ask you to refrain from any disruptive noises or actions in the hearing room. If you have any electronic devices or cell phones or pagers, please make certain that they're turned off to avoid any interruption

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1 of the proceeding.

2 The Open Meeting Act requires that the
3 public hearing in each case be open to the
4 public. The Board may, consistent with Section
5 405B of the Open Meetings Act, enter a closed
6 meeting during or after the public hearing on a
7 case to consult with an attorney to obtain legal
8 advice, discuss settlement agreement, or
9 deliberate upon a decision in an adjudication
10 proceeding.

11 So the Board has before it one case this
12 morning. It's Case No. 15-251-00179. It's Layla
13 Lounge, located at 501 Morris Street Northeast,
14 License No. 97637.

15 Layla Lounge holds a Retailer's Class C
16 license. The Chief of Police, Cathy Lanier,
17 initially suspended the license based on an
18 alleged homicide that occurred inside the
19 establishment on October 22nd, 2015.

20 After ABRA conducted its own
21 investigation into the incident the Board voted
22 four to zero on October 26th, 2015, in accordance

1 with District of Columbia Official Code 25-826 to
2 continue the summary suspension. Subsequently
3 the respondent requested a hearing on October
4 29th, 2015, under D.C. Official Code 25-826C.

5 Today the Board will be hearing testimony
6 from the Office of Attorney General, the
7 respondent, and the respective witnesses. The
8 purpose of the hearing is so that the Board can
9 determine under D.C. Official Code 25-826,
10 whether the operations of the respondent present
11 an imminent danger to the health and safety of
12 the public.

13 The Board will be announcing its decision
14 at the conclusion of today's hearing. The Board
15 asks that the parties stick to the facts and
16 issues related to the incident. The facts and
17 issues are those contained in the summary
18 suspension notice dated October 26th, 2015, and
19 the case report from Investigation No. 15-251-
20 00179.

21 Please note that the Board is only
22 interested in hearing about those matters that

1 can be used to establish whether the
2 establishment is an imminent danger to the health
3 and safety of the public. The Board will begin
4 this case by hearing the opening statement from
5 the Government, followed by the opening statement
6 of the respondent. But before we go into any
7 type of hearing I want to ask whether there are
8 any preliminary matters that the parties would
9 like to bring to the Board's attention. Mr.
10 Rivero.

11 MR. RIVERO: Good morning, Board Members.
12 Fernando Rivero for the District of Columbia.

13 MR. ROME: Good morning, Board Members.
14 Scott Rome of the Veritas Law Firm on behalf of
15 the licensee.

16 CHAIRPERSON MILLER: Okay. Good morning.

17 MR. RIVERO: The Government and the
18 licensee have an offer and compromise to present
19 to the Board at this time.

20 CHAIRPERSON MILLER: Okay.

21 MR. RIVERO: Copies of the offer and
22 compromise have been provided to the board

1 members just shortly before this hearing so I
2 presume that you have those with you.

3 CHAIRPERSON MILLER: Yes, we do, so we
4 can follow along up here with the offer and
5 compromise. Uh-huh.

6 MR. RIVERO: Right. So I'll go ahead and
7 start. The offer and compromise was based upon
8 the preliminary investigation, the evidence that
9 was available at the time, and continued
10 consultations and meeting with the licensee. The
11 Office of the Attorney General inquired further
12 about such things like operations and the like in
13 order to determine what offer and compromise
14 would be suitable for a case of this nature in
15 order to address the so-called imminent danger,
16 which is the legal standard under the law in a
17 summary suspension proceeding, which is the case
18 here.

19 So the agreement indicates that the
20 licensee, which is Precious Pies and Catering,
21 LLC., trading as Layla Lounge, agrees to revise
22 its security practices and provide training to

1 its current employees, their security employees,
2 or other relevant employees including managers or
3 bartenders as applicable to conform to the
4 following. And you'll see a number of items
5 right below that section.

6 I want to stop just to highlight that
7 some of this training is not just limited to
8 security employees. If you look down in the list
9 of items that are to be covered by the training,
10 there are three specifically I draw your
11 attention to, that is inspection of
12 identification and detection of false IDs,
13 procedures for preserving a crime scene, and
14 procedure to call MPD or to call for medical
15 assistance. The Office of the Attorney General
16 believes it's appropriate for managers or
17 bartenders to understand these practices in these
18 areas and not just security employees.

19 The other items do pertain to security
20 employees, and they are the following. Escort
21 patrons who are violent aggressors to the posted
22 Metropolitan Police Department officers. By way

1 of a proffer in this case there was a
2 reimbursable detail posted outside and the person
3 who was one of the aggressors was not escorted to
4 the officers that were posted outside. So this
5 is a very important point in terms of creating a
6 more safe environment.

7 The training would also cover de-
8 escalation or diffusion of verbal and physical
9 altercations, or other violent incidents.
10 Obviously we had an altercation as a subject of
11 this case.

12 Also, the licensee agrees to continue the
13 use of so-called wands. These are hand-held
14 magnetometers, at the entrance of the
15 establishment for the purpose of detecting
16 weapons carried by patrons. The wands will be
17 used in conjunction with physical pat down
18 searches as specified in the licensee's security
19 plan. The wands will be used at the point of pat
20 down when patrons are directly in front of the
21 establishment, within view of the establishment
22 security camera.

1 Let me pause here for a moment. By way
2 of a proffer, testimony would likely show that
3 there was in fact an employee that was wandng
4 patrons that evening. But that person was not
5 recorded by the video camera. Turns out, the
6 practice as it was applied, is that this employee
7 would wand the patrons as they lined up outside
8 the establishment into the sidewalk. This, of
9 course, I thought was a possible opening with
10 wands. For instance, someone is wanded and the
11 employee walks away, there is really nothing to
12 stop a patron from having some secreted weapon
13 inside his or her jacket, for instance, that
14 would evade detection at the point of pat down.
15 So this practice is immediately stopped and it
16 will be changed to conform to what I've just
17 described so that all aspects of the security
18 procedure are captured on camera.

19 Also proper pat down procedures. By way
20 of proffer there would be evidence that would
21 likely show that the establishment did in fact
22 pat down patrons as they were coming in to a high

1 degree, but it wasn't 100 percent, let us say.
2 And so it was important to review pat down
3 procedures and to have training on effective pat
4 down procedures.

5 CHAIRPERSON MILLER: Mr. Rivero, I don't
6 normally want to interrupt but I'm just not clear
7 on one point, and this is a very important point
8 about the wandering, because you said that they're
9 going to change the procedure so that wandering
10 won't be done all the way back at the sidewalk,
11 that it will -- will it be done at point of
12 entry?

13 MR. RIVERO: Yes.

14 CHAIRPERSON MILLER: Okay. So it wasn't
15 just to get it captured on camera. It's also
16 that nothing could happen in between the sidewalk
17 and the --

18 MR. RIVERO: Correct.

19 CHAIRPERSON MILLER: -- entry. Okay.

20 MR. RIVERO: At the point of entry it's
21 obvious when you leave the front to go to the
22 sidewalk, if you return, you're right back where

1 you started. You're going to get wanded again,
2 you're going to get patted down again. All of
3 that.

4 CHAIRPERSON MILLER: Okay. Okay.

5 MR. RIVERO: Does that answer the
6 question?

7 CHAIRPERSON MILLER: And that's going to
8 be set forth in the security plan?

9 MR. RIVERO: Correct.

10 CHAIRPERSON MILLER: Okay. Thank you.
11 Yes. Uh-huh.

12 MR. RIVERO: And the last point here in
13 terms of security practices that need to be
14 revised, and training provided to the relevant
15 employees, I have added a procedure for the
16 recovery of weapons and their surrender to MPD.
17 As this Board understands often when there are
18 pat downs or wandings of patrons, weapons are
19 discovered. And licensees then tend to perhaps
20 collect them. And so it was important to have a
21 procedure in place such that the licensee turns
22 over to MPD, whether through the reimbursable

1 detail, or through some other arrangement, those
2 weapons that are discovered on a particular
3 evening.

4 Secondly I'm now on the second page. The
5 licensee agrees to reorient the angle of cameras
6 to eliminate so-called blind spots in the
7 establishment, including dance floor areas and
8 stairwells. The licensee agrees to obtain
9 additional cameras if necessary to eliminate the
10 blind spots.

11 I'll stop here for a moment and talk
12 about how this relates to this particular case.
13 There was video footage available and it was
14 reviewed by the Agency. Unfortunately the video
15 or the recording of the altercation was not
16 clearly recorded. And that, in large part, had
17 to do with where the cameras were pointing. And
18 so by reorienting the camera angle in this case
19 to the second floor dance area, where in fact I
20 understand the altercation took place, we could
21 get in more full view of what actually happened.

22 Also, having done these cases before it's

1 often the case the stairwells are not necessarily
2 covered by cameras and anything can happen in
3 those stair wells as well, so we're covering
4 those areas. So this is part of the agreement.

5 Next the revised security plan will also
6 state that the cameras utilized by the
7 establishment will be operational and the plan
8 will include a diagram showing the placement and
9 angle of the cameras. This will be important,
10 particularly in the diagram, to assist ABRA in
11 its inspection of how effective the new camera
12 arrangement is in covering all of the areas of
13 the establishment that need to be covered by
14 video recording.

15 Next, the licensee agrees to continue to
16 retain video recordings for at least 30 days.
17 This is a standard language that already existed,
18 but I wanted to make sure that in the revision of
19 the security plan this didn't fall out, so I've
20 highlighted that to ensure that it is continued
21 to be included.

22 Next, the licensee agrees to submit to

1 the Board a revised security plan reflecting the
2 changes in this offer and compromise within four
3 days. The revised security plan shall comply
4 with all applicable statutes and regulations in
5 Title 25 of the D.C. Official Code, and Title 23
6 of the D.C. Municipal Regulations. So, for
7 instance, the security plan may retain some
8 language now that wasn't necessarily implicated
9 with the facts of this case and they are required
10 by law and they will be therefore retained in the
11 new plan.

12 The licensee agrees that the revised
13 camera placement will be inspected by ABRA. This
14 provides the agency an opportunity to determine
15 whether any defects in terms of coverage. The
16 licensee will submit to the ABC board
17 documentation to show that employees have
18 received training in accordance with the terms of
19 this offer and compromise. The documentation
20 shall include the trainer's credentials, the
21 training curriculum, and certificate's evidencing
22 completion of training. I understand some

1 training took place over the weekend, but it's
2 important, at least for my purposes, to make sure
3 that the Board had documents at its disposal so
4 that it could satisfy itself that the topics that
5 were covered are indeed the topics that I had
6 required, or that our office had required of us;
7 of the licensee agreement.

8 All newly hired security employees and
9 other relevant employees as applicable will be
10 trained in accordance with this offer and
11 compromise prior to commencing employment. So
12 this current agreement obviously governs the
13 current employees. Next month they're going to
14 hire new employees. And so this provision is
15 intending to ensure that all future employees
16 have the same level of training as the current
17 employees will have once the current training is
18 completed.

19 And I use the phrase, "as applicable"
20 again to understand that new bartenders or new
21 managers, for instance, would have to understand
22 those three subjects that I have mentioned

1 previously on the page of the agreement.

2 Licensee agrees to preserve contracts
3 that document all live entertainment and to have
4 the contracts available for inspection by the
5 Metropolitan Police Department or the Alcoholic
6 Beverage Regulation Administration.

7 I'll stop here for a moment to explain
8 how this actually relates to the case. There was
9 entertainment provided that evening and there was
10 evidence which show that it wasn't quite clear
11 how the arrangement was made because there was no
12 actual contract that our office discovered
13 existed. It's important to have contracts in
14 place because that way we can understand the
15 licensee's and the entertainment's
16 responsibilities and obligations, and that helps
17 with that investigation.

18 In particular, the entertainment included
19 a band or it was evidenced that it was supposed
20 to include a band that has been involved in cases
21 where there have been injuries in the past that
22 have resulted in summary suspensions.

1 And that leads me to my next point, that
2 the licensee will no longer permit the bands that
3 go by the following name: TCB, TOB, Bounce Beat
4 Kings, or their members to perform at the
5 establishment. The Board may recall that a
6 particular band had been the subject of summary
7 suspension proceedings in the last recent years
8 or so.

9 Testimony would have shown that
10 unfortunately the band known as TCB was training
11 in a different name, not surprisingly, to be
12 featured in this particular performance this
13 evening. And in fact the band was scheduled to
14 perform, but the altercation and the incident
15 ended the performance for the night.

16 We believe that while the Government has
17 limitations and has to respect the entertainment
18 choices of licensees consistent with the
19 Constitution, we are tailoring this limitation
20 finely to a particular group that has been
21 associated, has a history of these kinds of
22 incidents, such that we minimize the imminent

1 danger or eliminate it all together when such a
2 band is not performing. Plenty of other
3 entertainment options. So we're not limiting the
4 licensee too much or in an inappropriate way in
5 my opinion.

6 Next, the licensee will comply with all
7 applicable conditions of this agreement prior to
8 the resumption of operation. So before they open
9 again they have to comply with all the terms
10 here.

11 The licensee also agrees to abide by the
12 District of Columbia Human Rights Act in its
13 operations. I'll explain why I particularly put
14 this here. But the investigation and testimony
15 would show by way of proffer, that on the evening
16 in question the entry was restricted to males
17 ages 21 and up, but females 18 and up could
18 enter. And no surprise to folks, this is
19 actually a violation of the Human Rights Act of
20 the District of Columbia. The licensee has now
21 become aware and will abide by the anti-
22 discrimination law in the city.

1 Finally, this matter will be referred to
2 the Office of the Attorney General for a show-
3 cause review. As the Board understands, this is
4 a summary suspension proceeding. It is not a
5 punitive proceeding and we have to simply ensure
6 that imminent danger is eliminated and the
7 establishment is safe to be open to the public.
8 The standard is essentially one that there is
9 absolutely nothing that can be done short of
10 keeping the establishment closed in order to
11 protect the public. That's the rationale behind
12 the phrase, imminent danger.

13 This offer and compromise addresses that
14 situation, and if these conditions are met the
15 Office of the Attorney General submits that the
16 imminent danger standard is met and the
17 establishment would be safe to open to the
18 public. It goes without saying and I'm sure that
19 the board members understand, that the Office of
20 the Attorney General and myself in particular, do
21 take this case very seriously. We do understand
22 that there was a fatality pronounced at the

1 hospital according to the investigation. Unclear
2 whether the person actually died at the
3 establishment, but the person was pronounced dead
4 at the hospital according to available
5 information.

6 So naturally we want these conditions to
7 be in place before the establishment opens, and
8 we believe that the establishment will be able to
9 operate going forward. I found that in my view
10 the licensee did not have much experience with
11 operating this particular type of situation.
12 It's unfortunate that this is a hard lesson
13 learned, but they have been cooperative and they
14 have been willing to work with our office to
15 agree to these terms.

16 I will now answer any questions that the
17 Board may have.

18 CHAIRPERSON MILLER: I just want to
19 follow up on one question but then also turn to
20 the licensee in case they want to say anything
21 before we do all the Board's questions.

22 MR. RIVERO: Sure.

1 CHAIRPERSON MILLER: But did you just say
2 that the licensee was inexperienced in certain
3 matters? What were you referring to?

4 MR. RIVERO: The licensee had been
5 operating for maybe one or two years, and my
6 understanding is this particular kind of
7 entertainment, this was sort of the first time
8 they were trying it. It was under the
9 arrangement that I'm talking about that was not
10 evidenced by a contract, was a Wednesday night
11 type of performance. And so this was the first
12 time they had tried that kind of performance.
13 And the first time that they were having to
14 escalate their security measures because of the
15 particular kind of performance that it was.

16 Normally my understanding is there's a
17 different clientele, they're open at earlier
18 hours of the evening, and they did not require
19 this particular kind of arrangement. So that's
20 what I meant by the normal operations usually
21 used to dealing with the public in a different
22 way.

1 CHAIRPERSON MILLER: Okay. Thank you.
2 Mr. Rome, do you want to -- first of all is the
3 licensee in support of this offer and compromise?

4 MR. ROME: We are indeed in support of
5 this offer and compromise. The licensee is with
6 me today. That's Ms. Judy England. She's the
7 owner.

8 CHAIRPERSON MILLER: Okay.

9 MR. ROME: This is a family owned
10 establishment. Her brother, Mr. Washington, also
11 a manager there. We've also brought the new head
12 of security and we've also brought two ABC
13 managers with us today, all who have sat through
14 the training, the ABC managers and the security,
15 all who have sat through the training that
16 occurred over the weekend.

17 The licensee just briefly wants to
18 emphasize that this is a serious matter just like
19 Mr. Rivera stated. They understand the horrible
20 nature of what has occurred. They have extreme
21 sympathy for the victim's family and want to
22 cooperate in whatever way possible, you know,

1 given that they've cooperated with MPD and with
2 ABRA from the start. They waived the requirement
3 voluntarily for a 48 hearing so that these steps
4 could be put in place. And regardless of who is
5 at fault they want to do everything possible to
6 make sure that something like this never happens
7 again. And, you know, without taking
8 responsibility they understand that violence can
9 happen in any establishment but they also
10 understand that there are steps that can be taken
11 to help prevent it from happening again. And
12 they've already begun taking such steps and
13 making serious efforts to comply with anything
14 that's been asked of them, anything that was
15 asked in the OIC they've stepped right in and
16 have taken responsibility to take those matters
17 into their own hands.

18 I can go through each of those. I'm not
19 sure how the Board wants me to go through on
20 what's been done so far, or if you just want to
21 ask questions based on what he's presented
22 before. But the basic areas that they've stepped

1 in without me going into detail was the new
2 training session that has occurred, the new
3 cameras that were installed, or old cameras that
4 we repositioned, the new security plan that's
5 going to be drafted based on everything that
6 we've set forth today, the stopping of certain
7 bands and other live entertainment that could
8 help lead to things like this.

9 And one thing that's not mentioned in
10 this security plan -- well, actually, there's two
11 things that are not mentioned in this offer and
12 compromise that they've also been willing to do
13 but don't need to be spelled out is they've let
14 go at least three members of the security staff
15 that they felt could have done better on the
16 night in question, and one of those being the
17 head of security that's been replaced.

18 And also they're willing to make
19 significant changes to their operation, including
20 if the Board feels it's necessary, changing the
21 name and just present themselves -- this is not
22 the way they want to be presented, and they're

1 willing to take whatever steps are necessary to
2 put themselves in the correct light.

3 CHAIRPERSON MILLER: Okay. I just have a
4 few questions and then I'm going to open it up to
5 Board member's questions. But just on that last
6 point, are you saying that the establishment
7 might want to change its image or change the
8 clientele that it attracts?

9 MR. ROME: Indeed.

10 CHAIRPERSON MILLER: Is that possible?
11 Do they have a plan to do that?

12 MR. ROME: I think they do. I know they
13 do. I know they have a plan. And what they'd
14 like to do is bring in more of a happy hour crowd
15 and more of an older crowd. This is located in
16 Union Market, which is an area that is undergoing
17 a significant amount of change right now. There
18 are a couple of high-end restaurants that have
19 opened up there, in between the warehouses there
20 is the Union Market itself, which is a high end,
21 you know, grocery type establishment and fast
22 casual dining establishments inside of there.

1 And there's actually offices that have moved in
2 to there and they want to draw more of the office
3 crowd. So they cannot do a complete change of
4 their operations overnight, but they see this as
5 time to get with the times, to get with the
6 neighborhood and make themselves more of an
7 operation that's more conducive to, you know,
8 young professionals that are in the area and
9 things such as that, to stop having to rely on
10 bands and under 21 enters; under 21 citizens
11 coming in to there. So yes, that's part of what
12 they'd like to do.

13 CHAIRPERSON MILLER: Okay. With respect
14 to training it seems like training is really
15 important in this case. For instance with the --
16 something possibly have gone wrong with the
17 wanding, which possibly could have led to other
18 things, among other things. And so we have, in
19 previous cases involving suspension hearings,
20 actually sent an investigator to the training
21 session to assess the adequacy of the training
22 and report back to the Board. And so I'm

1 wondering if that is eliminated here, if you've
2 already done all the training. And if so maybe
3 you could give us a little more information about
4 that training.

5 MR. ROME: Sure.

6 CHAIRPERSON MILLER: What they did, what
7 the credentials, so that the Board might be able
8 to determine whether it's comfortable with the
9 training without that report by the investigator.

10 MR. ROME: Sure. And we actually
11 requested that an investigator be present for the
12 training.

13 CHAIRPERSON MILLER: Oh, you did?

14 MR. ROME: What's that?

15 CHAIRPERSON MILLER: I said, oh you did?

16 MR. ROME: We did.

17 CHAIRPERSON MILLER: Yeah.

18 MR. ROME: And between conversations with
19 Board's counsel and with others they felt it was
20 not appropriate or necessary in this case. We
21 did use Mr. Derek Brooks to conduct the training,
22 who is the -- I believe on the last summary

1 suspension he is the individual who trained the
2 establishment, and that was just a couple weeks
3 ago.

4 CHAIRPERSON MILLER: Uh-huh.

5 MR. ROME: We stressed to Mr. Brooks that
6 we wanted everything that was covered in that,
7 covered in this, in addition to whatever is in
8 this OIC that was not in that situation.

9 CHAIRPERSON MILLER: Okay.

10 MR. ROME: I talked to Mr. Rivero. Mr.
11 Rivero felt it was best, also, along with the
12 Board's counsel, to have Mr. Brooks conduct the
13 training without ABRA approval and that we could
14 simply present the materials to you, present the
15 resume to you, present Mr. Brooks' history, which
16 we have provided. I believe there was even a
17 PowerPoint presentation, which is not the full
18 training that he conducted but is part of what he
19 trained on that night, in addition to Mr. Brooks'
20 resume that I think you should have. So that's
21 why we --

22 CHAIRPERSON MILLER: Okay. And also

1 certificates of those who participated in the
2 training?

3 MR. ROME: Sure. What we presented so
4 far is certificate that the establishment itself
5 underwent the training, but Mr. Brooks said that
6 it would be a couple of days before he can
7 present the actual certificates with the names on
8 them from who underwent the training. So what we
9 did in the meantime is provide a full sign-in
10 sheet that has the name, the position, and the
11 signature of all, looks like 19 individuals, that
12 underwent the training, including ABC managers,
13 security personnel, and the owners who are
14 present, and the managers.

15 CHAIRPERSON MILLER: Okay.

16 MR. ROME: So it's safe to say that
17 everyone who is on that sign-in sheet will
18 receive a certificate similar to the one given to
19 the establishment but with their name printed on
20 it. He just could not do it in the short
21 turnaround that we had.

22 CHAIRPERSON MILLER: Okay. With respect

1 to the cameras, and I think you made reference to
2 Cameras, so number 12 says licensee will comply
3 with all applicable conditions of this agreement
4 prior to the resumption of operations. And
5 number 2 above, says licensee agrees to obtain
6 additional cameras if necessary to eliminate
7 blind spots. So I'm wondering, who determines
8 whether it's necessary and what have you done so
9 far on cameras? It sounded like you already did
10 something with respect to cameras.

11 MR. ROME: That's correct. One of the
12 items that we have given to you is an invoice
13 from New Technology Alarm, LLC., and that is an
14 invoice for the purchase of the two additional
15 cameras.

16 The cameras that were in place that night
17 actually covered a great deal of what happened,
18 but a lot was focused on behind the bar instead
19 of what was out in the general public for
20 public's protection. So they repositioned
21 current cameras that were in there and bought
22 these two additional cameras and made sure that

1 they covered more of the area to prevent, as Mr.
2 Rivero said, some of the blind spots.

3 We've also provided a floorplan showing
4 where each of those cameras have been installed,
5 and there is sort of lines coming out from each
6 of the circled cameras to show the viewing area
7 of each such camera, including some that show
8 outside of the establishment and some inside of
9 the establishment.

10 I believe that the OIC also calls for an
11 ABRA investigator to come out and review those
12 cameras, and you know, they're certainly open to
13 that at any time to come and make sure that
14 they're all operational and they do indeed cover
15 the areas that they have stated that they cover.

16 CHAIRPERSON MILLER: So, but you do you
17 have an expert or something reviewing the cameras
18 to see if they cover all blind spots, et cetera,
19 or are you just -- or just the ABRA
20 investigators?

21 MR. ROME: We have not retained an expert
22 for that purpose. They, on their own with their

1 security managers, looked to make sure that all
2 the areas were covered.

3 CHAIRPERSON MILLER: Uh-huh.

4 MR. ROME: And if the ABRA investigator
5 comes out and says that there's not enough
6 coverage in a certain area, they're willing to
7 return the cameras or purchase another camera as
8 they may need.

9 CHAIRPERSON MILLER: Okay. Good. All
10 right. I'm going to open up to others. Other
11 questions?

12 MR. SHORT: I have --

13 CHAIRPERSON MILLER: Mr. Short. Yeah.

14 MR. SHORT: Good morning, all. I guess
15 this is to licensee.

16 MR. ROME: Yes.

17 MR. SHORT: How many security are at the
18 -- how many security do you have there?

19 MR. ROME: What's the total number of
20 security --

21 MR. SHORT: Currently.

22 MR. ROME: -- on staff? Twelve.

1 MR. SHORT: All 12 of those were trained?

2 MR. ROME: They were.

3 MR. SHORT: Is there a list that can be
4 provided for this Board of those personnel that
5 were trained in the position they hold?

6 MR. ROME: And we did, we provided that.
7 It's called Security Training Sign-in Sheet,
8 November 1st, 2015. They were indeed trained
9 yesterday and you can see that at least 12 of
10 those individuals were listed as security staff.

11 MR. SHORT: We were provided that
12 information in our package?

13 MR. RIVERO: Yes.

14 MR. ROME: It was given to us this
15 morning.

16 MR. SHORT: Okay. I guess in keeping
17 with the question that was just asked by the
18 Chair, is there any problem with having an ABRA
19 inspector or investigator come by and look at
20 those cameras prior to you opening up?

21 MR. ROME: There is no problem with that.

22 MR. SHORT: Okay. Thank you. That's all

1 I had, Madam Chair.

2 CHAIRPERSON MILLER: Okay. Others? Mr.
3 Alberti.

4 MR. ALBERTI: Good morning, Mr. Rome.
5 This may be a picky point but I only count 11
6 people listed as security. So is there someone
7 here who --

8 MR. ROME: Okay. So there is a twelfth,
9 but he has been crossed out and I have just been
10 informed that he is one of the three that has
11 been terminated as a security. So we could have
12 had all 12 changed but -- trained, but for public
13 safety it's actually better that there is 11 and
14 Mr. Briggs is not among them.

15 MR. ALBERTI: Okay. So you have 11.
16 Eleven on staff. Okay. Great.

17 I have a security plan here dated October
18 22nd, 2015. Is that the updated plan or, I
19 didn't think so. I don't believe that's the
20 updated plan. Do you have an updated plan or
21 will that be coming to us?

22 MR. ROME: We have an updated plan that

1 was on file but our plan is to revamp the entire
2 security plan based on what we've done in similar
3 situations and everything that's in this OIC.
4 And as stated in the OIC within four days of
5 today's date and before opening, you'll have the
6 full security plan that has everything necessary
7 under the law in addition to these 14 items from
8 the current OIC.

9 MR. ALBERTI: Okay. Something -- well,
10 maybe you can speak to this. You have done the
11 training already and the training usually is
12 training with respect to the security plan, which
13 has been updated. So how are you able to train
14 to the updated provisions in the security plan
15 without having had it?

16 MR. ROME: Sure, and the security plan
17 that we're going to use is based on the security
18 plan that we've done in a number of other
19 establishments, including a security plan that
20 was just used by this same ABRA -- not ABRA
21 investigator. I guess he is formally with ABRA,
22 but Mr. Brooks who had trained on a very similar

1 security plan before. We understand there were
2 going to be some differences from that security
3 plan because of the nature of this OIC, so we
4 made sure that this OIC was also included in what
5 he used to train them on, including, you know,
6 word for word, forwarded the items from the
7 written OIC that we received on Friday.

8 MR. ALBERTI: And again, this is again
9 being very picky, but I want to make sure we're
10 all on the same -- have an understanding here
11 about when wandng and pat downs are done,
12 because that seems to be very important here.
13 I'm a little troubled that the wandng was done
14 outside of the establishment and not after
15 someone is inside and you make sure that they're
16 not --

17 MR. ROME: I understand.

18 MR. ALBERTI: -- roaming around before
19 they enter the establishment. But it says in
20 your security, in this PowerPoint, it says with
21 respect to wandng, it says, "In a designated
22 space between the front door and the line." And

1 the way that's described to me it would appear
2 that it's not after they've entered the
3 establishment. It's outside, again. And I'm
4 wondering what your training did here.

5 MR. ROME: I don't believe that's how he
6 explained it when he was there. Can you
7 elaborate on what was -- there is a designated
8 space inside of the door where pat downs are
9 going to occur. Isn't that correct?

10 MS. ENGLAND: Well, according to what was
11 requested of us, the pat downs -- the pat downs
12 are occurred right in front of the building
13 before people get inside. We don't -- that was
14 what was asked of us to change and have the
15 wandering done in front of the view of the cameras.
16 We have outdoor cameras as well, and before they
17 were done going down the line. So --

18 MR. ALBERTI: So the pat downs are done
19 before you actually enter that front door. All
20 right. What do you do in inclement weather?

21 MS. ENGLAND: Then we'll bring them
22 inside, inclement weather.

1 MR. ALBERTI: Why not bring them in,
2 inside -- is there a problem with bringing them
3 inside?

4 MS. ENGLAND: I mean --

5 MR. ALBERTI: All right. So, again, how
6 do we assure that someone who is wanded and pat
7 down doesn't interact with someone who can slip
8 them something before they come in and get
9 weapon?

10 MS. ENGLAND: Right. We --

11 MR. ALBERTI: I know, you know, maybe my
12 imagination is running wild here --

13 MS. ENGLAND: Right. We have barriers,
14 have barriers.

15 MR. ALBERTI: -- but it's important to
16 us.

17 MS. ENGLAND: Right. We have barriers
18 and barricades that eliminate people from being
19 able just to pass him something right there.

20 MR. ALBERTI: Okay.

21 MR. ROME: And from what I understand
22 they were advised that you want to keep the

1 inside secure and have the people patted and
2 wanded right as they enter, but before entering.
3 So there's still no -- there's no space in
4 between from where they're patted and wanded and
5 when they get in so that as before, when it was
6 back in the line, it could happen anywhere along
7 the way. And they were also speaking with their
8 trainer and they went over what canopies need to
9 be put out so that they can do that even if it's
10 raining or in inclement weather, outside of the
11 establishment.

12 MR. ALBERTI: Okay.

13 MR. RIVERO: I need to add something
14 because --

15 MR. ALBERTI: Mr. Rivero.

16 MR. RIVERO: -- I drafted the language so
17 I want the Board to understand what I was
18 thinking when I did that. Okay?

19 CHAIRPERSON MILLER: Uh-huh.

20 MR. RIVERO: Based upon the understanding
21 I received, since I asked questions about the
22 space involved, it is not a distance of 20 feet

1 or 15 feet or anything like that. We're really
2 talking about maybe, you know, a five to 10 or
3 more or less foot distance, in front of the
4 establishment which is the area that's captured
5 by the cameras. Beyond that, and I think on the
6 other side of the barricades is when the checking
7 was taking place, and of course the cameras
8 wasn't able to record that.

9 So we're really not talking about a very
10 long distance. It is true that I -- that they
11 did tell me that there was a barricade that they
12 use, but that part was actually covered by the
13 camera angle beyond that. That was not covered
14 by the camera angle. So we're really not talking
15 about very large distance, and so I wanted to
16 make sure that all of the checking took place
17 within the camera view and licensee is correct
18 that according to my understanding, once you're
19 out on the other side of the barricades you have
20 to come back in and start the process all over
21 again.

22 MR. ALBERTI: Okay. Thank you for that.

1 I appreciate that. I have no further questions.

2 CHAIRPERSON MILLER: Mr. Rodriguez.

3 MR. RODRIGUEZ: Mr. Rome, I want to
4 really emphasize the importance of wanding and
5 pat downs. The distance is one thing, but the
6 efficiency is of concern to me. You know, you
7 can have, you know, the situation with
8 eliminating bands and distances, but if that
9 weapon gets inside it's too late to drain the
10 swamp. So I am concerned in your training that
11 you have the best training and focus on that
12 wanding and pat downs. It has to be efficient
13 and it has to be proper. Lives depend on it.

14 Once that weapon gets inside, you know,
15 we have all kind of people that come into our
16 establishments with all kind of issues, and we
17 don't know what their issues are. But if we
18 don't have weapons inside the establishment we
19 certainly cut out a lot of danger. And so
20 please, please emphasize the efficient and proper
21 training on the pat downs and the wanding.

22 MR. ROME: I understand. And our new

1 head of security is here and knows very well that
2 that needs to be a major point of emphasis from
3 here forward and if nothing else could bring it
4 across the tragic situation of that night, I
5 think gets it across that that needs to be a
6 point of emphasis going forward.

7 MR. RODRIGUEZ: All right.

8 CHAIRPERSON MILLER: Mr. Alberti?

9 MR. ALBERTI: I'm sorry. Just a couple
10 quick questions. Well, one quick question.

11 I see the resume for Mr. Derek Brooks.
12 He was the trainer, is that correct?

13 MR. ROME: That's correct.

14 MR. ALBERTI: I also have in front of me
15 a resume for a Kenneth George. Why do I have
16 that?

17 MR. ROME: That is the new head of
18 security that --

19 MR. ALBERTI: Okay.

20 MR. ROME: -- will be installed to
21 replace the terminated head of security.

22 MR. ALBERTI: Okay. Great. Thank you

1 for providing that.

2 CHAIRPERSON MILLER: Is that who --
3 excuse me. Is that who is here?

4 MR. ROME: It is, indeed.

5 CHAIRPERSON MILLER: And can you just
6 raise your hand so we can see who that is? Okay.
7 Thank you.

8 MR. ALBERTI: Okay. And I just want to
9 mention one other thing with respect to the
10 bands. Mr. Rivero, I think you eluded to the
11 fact that there had been other violent incidents
12 and there was at least one other -- recently, one
13 other violent incident at another establishment
14 at which TOB was performing. So I'm glad to see
15 that you've decided not to engage them anymore.
16 Thank you.

17 MR. ROME: And to address that, the
18 licensee did not even have a problem with
19 broadening the scope of bands that could be
20 prohibited from playing. But as I believe Mr.
21 Rivero stated, we were careful not to run afoul
22 the First Amendment issues and limit it to the

1 bands that we know have caused these issues in
2 the past.

3 MR. ALBERTI: Thank you.

4 MR. SHORT: Madam Chair.

5 CHAIRPERSON MILLER: Yes, Mr. Short.

6 MR. SHORT: And I'd like reemphasize what
7 one of the other board members has just -- Mr.
8 Rodriguez, that went before you, about the issue
9 of weapons getting inside. And also the question
10 we just asked about the security plan which you
11 stated isn't in place yet because you are
12 rewriting it. Is that what we're being told
13 today?

14 MR. ROME: Well, we're rewriting it so
15 that it reflects all the things that are in this
16 offer and compromise, and the reason we didn't
17 print it and have it here today is because we
18 wanted to make sure that this offer -- this offer
19 and compromise could change based on what the
20 discussion was today.

21 But everything that's in here, they were
22 trained on that. If there's something new that's

1 added today we couldn't have trained on whatever
2 hasn't been added yet. But if it's something
3 that's been discussed previously then they were
4 trained on it.

5 MR. SHORT: Okay. So even if that's
6 changed after the fact how can we trust and
7 verify that all of the employees with the changes
8 you admit might take place, how do we verify? We
9 want to trust you and we want to verify. But how
10 do we do that? How do you suggest we do that?

11 MR. ROME: Sure. So if it comes out that
12 there needs to be two lines instead of one, you
13 know, our head of security is here. We are
14 prepared to ensure that before they open they
15 will put in writing that they will train them on
16 the fact that there needs to be two separate
17 lines, or whatever the issue is.

18 The training that they underwent was
19 substantial and it took a number of hours. And
20 so we wanted to make sure all of that happened.
21 If there's one or two things that they need to be
22 trained on further --

1 MR. SHORT: Okay. Can I cut you off?

2 MR. ROME: Sure.

3 MR. SHORT: So what kind of training did
4 you have before this homicide occurred? What
5 kind of training did you have before that and how
6 was that verified?

7 MR. ROME: Well, some of the individual
8 security members have been trained through
9 different trainers, but there hadn't been one
10 overarching training session for this
11 establishment and so that's why we felt, Mr.
12 Rivero felt, and we agreed that it was necessary
13 to have that sort of training.

14 MR. SHORT: When is the new security plan
15 going to be available for this Board to review?

16 MR. ROME: Probably have it by 2:30,
17 depending on when we get out of here. It really
18 just needs to be -- we just didn't finalize it as
19 of yet because we didn't know what to go into it.
20 But it doesn't take long to -- I don't anticipate
21 it changing substantially from what they were
22 trained on and what we discussed in the past, but

1 if it --

2 MR. SHORT: Okay. Under the subject of
3 verification, under the subject of verification,
4 would you have a problem with one of our
5 investigators going over your staff with this
6 training, with the revocation of this security
7 plan because I just have a slight problem with
8 the fact that you don't have a security plan that
9 you were trained by, but you have one now have
10 one you're going to institute that you say they
11 haven't been trained on as of yet. How is that
12 going to take place? How is that working?

13 MR. ROME: Well, they have been trained
14 on this OIC, and by what was in their old
15 security plan, and by what had been done in
16 similar security plans for a number of other
17 establishments through this same trainer. So
18 unless there's something that differs from all of
19 those, then we saw that -- we saw it as more
20 important to get this training done, and we did
21 request that an ABRA investigator be present. We
22 were informed by Board's counsel that it might

1 not be necessary. We requested it. It did not
2 happen, but we're happy to have an ABRA
3 investigator come by at any time and look over
4 the training materials, to meet with our people.
5 They welcome it. At any time an ABRA
6 investigator wants to come and ask them about the
7 training that they underwent, they're happy to
8 talk.

9 MR. SHORT: Well, I'd like for -- Mr.
10 Rivero.

11 MR. RIVERO: Yeah, I just want to add
12 something because I think it might clarify and
13 address the concern of the Board on this
14 question.

15 The law, let's say, requires this level
16 of issues to be addressed in a security plan.
17 Those issues, some, were documented in their
18 current security plan. Some were not because at
19 the time that the security plan was filed with
20 the Board the law hadn't changed. The law --
21 there was a subsequent change that raised a
22 little bit the ceiling, the floor really, of what

1 security plans had to cover. Okay. So we knew
2 that.

3 There is that change, the standard is up
4 here now. That's the change that was reflected
5 in the law. Those areas, some were in the
6 security plan by happenstance, and those were
7 maintained and trained on. Those that were not
8 were trained on because the trainer understood
9 what the requirements of the law are as of today.

10 Then there is this standard up here,
11 which is what I required, based upon what the
12 facts of the case showed us. And of course these
13 items were directly communicated to the trainer
14 as well. So at no time of these three different
15 standards was there any subject matter that
16 slipped.

17 MR. SHORT: Thank you for the
18 clarification. That's all I have, Madam Chair.

19 CHAIRPERSON MILLER: So, Mr. Rivero, my
20 understanding is that the items in the OIC, even
21 though they haven't been written exactly into the
22 security plan yet, all those topics have been

1 flushed out so that Mr. Brooks was going to be
2 training on the pat down procedures that were
3 actually going to be in the security plan or
4 encompassed by the security plan or something?

5 MR. RIVERO: That's correct. The purpose
6 of this document is not to write out in detail
7 what a pat down procedure is and how exactly it
8 is conducted. That's not the purpose of this
9 document. But the trainer would have, or I
10 understand did this past weekend, describe it and
11 actually in detail and presumably train folks,
12 you know, hands-on exercises or whatever the
13 training required in order for there to be an
14 understanding.

15 The security plan would have a more
16 fleshed out description. This is just this
17 document here is just for purposes of reward to
18 understand the subject area that we required the
19 licensee to cover in training.

20 CHAIRPERSON MILLER: Okay. So when the
21 Board is evaluating the OIC and we'll have the
22 security plan which will delineate more what the

1 pat down procedure is, I assume, and they were
2 trained against that. And I'm not sure what kind
3 of training materials either have been submitted
4 to the Board, I haven't seen that yet, or will be
5 that might also flush out if the Board has
6 concerns about just a little bit more detail as
7 to what the employees were trained on.

8 MR. RIVERO: Right. I received a
9 PowerPoint presentation. It's in the Board's
10 materials as well, which gives more detail on
11 what the actual training session content was.
12 There were a couple of other documents related,
13 but I found the PowerPoint helpful in
14 understanding the flow of the training session
15 and the subjects covered.

16 CHAIRPERSON MILLER: So you actually have
17 reviewed the training materials?

18 MR. RIVERO: Well, they were provided to
19 me today and I looked at them before this
20 hearing.

21 CHAIRPERSON MILLER: Just today. Okay.
22 So you don't have an opinion as to -- or do you,

1 as to whether they were adequate in your view?

2 MR. RIVERO: I do not. I don't see --
3 nothing stood out to me that was deficient.
4 Nothing stood out to me that reflected
5 necessarily -- in other words, I could have
6 required something that would have been orally
7 provided. I didn't have an idea or an
8 expectation that the PowerPoint presentations
9 would document everything said. Just the main
10 points.

11 MR. ROME: And that's correct. That's
12 our understanding as well. He didn't just run
13 through this PowerPoint reading each line by
14 line. This shows the areas of emphasis and what
15 he would speak about on each of those issues.

16 And then in addition to the PowerPoint
17 presentation there was, I believe, three other
18 case studies, basically, that were provided as
19 well, including different types of altercations
20 in which the -- one in fact being a knife attack,
21 in which they go through the scenario, then they
22 go through what steps need to be taken, what

1 happened, and that's all in addition to the
2 PowerPoint. So there was more done that night,
3 but the PowerPoint presentation gives a good
4 overview of what they would be.

5 CHAIRPERSON MILLER: Okay. Any other
6 questions. Mr. Rodriguez.

7 MR. RODRIGUEZ: Yes, Mr. Rome. I am
8 concerned in this training about early response.
9 There seemed to have -- there was a problem in
10 terms from what I read in the report, that the
11 response, the engagement to the altercation,
12 needed a quicker response, possibly.

13 And so my question is, did you have --
14 your people have uniforms?

15 MR. ROME: They do.

16 MR. RODRIGUEZ: Identifiable uniforms?

17 MR. ROME: Yes.

18 MR. RODRIGUEZ: Okay. Now, did you have
19 roaming so-called undercover security walking
20 your floors?

21 MR. ROME: Undercover, no. All the
22 security people that were on hand that night had

1 the polo shirts with the word security on them
2 and the name of the establishment on it as well,
3 and they were all easily identified and I believe
4 Mr. Rivero can confirm that there were no issues
5 from the video or anything else spotting who the
6 security were.

7 The main way that they address your
8 concern is that at least -- well, there were
9 three individuals terminated. Two were
10 terminated in part because they didn't act
11 quickly enough or appropriately when that
12 incident occurred. One of which, who did alert
13 the head of security right away, but said that
14 there was an injury, which an injury could mean
15 many, many things, and we think this rose
16 substantially above the regular reporting of an
17 injury.

18 So if we wanted someone who could be more
19 forceful and take -- you know, there are certain
20 times that call for appropriate action. We don't
21 think that action was appropriate so we added new
22 security staff in that would take action.

1 MR. RODRIGUEZ: So we agree that early
2 engagement is crucial here.

3 MR. ROME: Certainly.

4 MR. RODRIGUEZ: And, you know, to prevent
5 injuries or even death. So just want you to keep
6 that in mind in your training and in the way you
7 -- and the strategic placement of your personnel
8 is going to be very important. So keep that in
9 mind. Appreciate it.

10 MR. ROME: I understand that and I'm sure
11 that they're listening and understand as well.

12 CHAIRPERSON MILLER: Okay. Any other
13 questions?

14 Anything else you want to add before the
15 Board deliberates on the offer and compromise?

16 MR. ROME: We have nothing further.

17 CHAIRPERSON MILLER: Okay. Okay. It's
18 my understanding that the Board would probably
19 want to deliberate in closed session first.
20 Okay. All right.

21 Then I'm going to take a vote on
22 deliberating in closed session on this OIC. As

1 Chairperson of the Alcoholic Beverage Control
2 Board for the District of Columbia in accordance
3 with Section 405 of the Open Meetings Amendment
4 Act of 2010, I move that the ABC Board hold a
5 closed meeting for the purpose of seeking legal
6 advice from our counsel on Case No. 15-251-00179,
7 Layla Lounge, per section 404B4 of the Open
8 Meetings Amendment Act of 2010, and deliberating
9 upon this proposed offer and compromise for the
10 reasons cited in Section 405B13 of the Open
11 Meetings Amendment Act of 2010. Is there a
12 second?

13 MR. SHORT: Second.

14 CHAIRPERSON MILLER: Mr. Short has
15 seconded the motion and I'll take a roll call
16 vote on the motion before us now that has been
17 seconded.

18 Mr. Alberti.

19 MR. ALBERTI: I agree.

20 CHAIRPERSON MILLER: Mr. Rodriguez.

21 MR. RODRIGUEZ: I agree.

22 CHAIRPERSON MILLER: Ms. Miller agrees.

1 Mr. Short?

2 MR. SHORT: I agree.

3 CHAIRPERSON MILLER: Appears that the
4 motion has passed by a four, zero, zero vote. I
5 hereby give notice that the ABC Board will recess
6 this proceeding to hold a closed meeting in the
7 ABC Board conference room pursuant to the Open
8 Meetings Amendment Act of 2010, and then we will
9 return shortly to give our decision on this.
10 Okay. Thank you very much.

11 [Board leaves to have closed session.]

12 CHAIRPERSON MILLER: Okay. The Board is
13 back on the record having deliberated in closed
14 session on the offer and compromise, and I want
15 to make a few comments and ask the parties a
16 couple things. And then I will be recommending
17 and moving a motion to approve the offer and
18 compromise. I think it is very comprehensive,
19 addresses the dangers that seem to be apparent
20 from the incident that occurred at this case.
21 And the establishment appears to be doing all
22 that it can and all that the Government is asking

1 it to do to make the place a safer place.

2 Okay. But the Board had just a few
3 concerns and I think that you shouldn't have a
4 problem addressing them. Given that we didn't
5 have an investigator go to the training and our
6 concern is still a little bit with the wanding
7 and pat down procedures, given that they appear
8 to be a part of what may have been the problem
9 that night.

10 So I cannot tell from, you know, when you
11 say in the offer and compromise that the security
12 plan and training are going to address proper pat
13 down procedures, for instance. So we're hoping
14 and would be looking for any details that you can
15 provide us, either in the security plan and/or in
16 materials that were used in training that
17 addressed in more detail, procedures for wanding
18 pat downs and also if you have a procedure for
19 bag searches. We haven't heard anything about
20 that but we're just concerned about any weapons
21 getting into the establishment.

22 MR. ALBERTI: So I'm not understanding

1 exactly what we're asking for here.

2 CHAIRPERSON MILLER: I'm asking -- well,
3 that if they have training materials that
4 addressed those areas of searching, pat downs,
5 wandings, bag searches in the --

6 MR. ALBERTI: So we're asking for a copy
7 of the training materials that talk about the
8 specifics of wandings and searches and pat downs
9 and bag searches. So hopefully during training
10 there was some materials that were used to train
11 to that describe the appropriate procedures and
12 we'd like a copy of that, those training
13 materials.

14 MR. ROME: Okay. And so if there are no
15 specific materials that address that we'll have
16 the trainer write up what he said on that day and
17 how he trained it, in depth, so that we can have
18 that attached to whatever is submitted.

19 CHAIRPERSON MILLER: Okay.

20 MR. ALBERTI: Okay. That would be
21 helpful. Thank you.

22 CHAIRPERSON MILLER: And also we will be

1 looking for how you address those topics in the
2 security plan.

3 MR. ROME: Sure. And whatever we get
4 from the trainer we'll have included into the
5 security plan as well.

6 CHAIRPERSON MILLER: Okay. All right.
7 So that's that. And also, you know, prior to
8 reopening I understand that the offer and
9 compromise does address the approval -- well, the
10 finding that the cameras are adequate to
11 eliminate blind spots. And so this anticipates
12 that the ABRA investigators will look at the
13 cameras prior to reopening. Okay.

14 And one other point, while the
15 investigator is there this goes to that same
16 concern the Board has about pat downs, wandings,
17 searches in general, and we would ask that the
18 head of security show our investigator the
19 techniques that will be employed for those
20 things. Okay? So there's no problem with that?

21 MR. ROME: There is not. I guess there's
22 a question just of procedure.

1 So they're open to the investigator
2 coming out to review the cameras at any time.
3 Would not like to come back before a full session
4 of the Board to show that that's happened. I el
5 the procedure recently has been they'll report
6 back to you if it's occurred and then I'll be
7 contacted by Board's counsel.

8 CHAIRPERSON MILLER: Correct.

9 MR. ROME: Okay.

10 CHAIRPERSON MILLER: So where we're
11 suggesting, or requesting at the same time that
12 the investigator is there, that the head of
13 security also identify the techniques that they
14 will be employing for pat downs and wanding and
15 bag searches.

16 MR. ROME: Understood.

17 CHAIRPERSON MILLER: Okay. All right.
18 Any other questions?

19 MR. ALBERTI: The security plan.

20 CHAIRPERSON MILLER: And the security
21 plan. Well, okay, this is just to clarify. The
22 security plan will also be submitted for review

1 prior to the Board's approval of lifting the
2 suspension, correct?

3 MR. ROME: It's not in the document but
4 I, myself, will take it home with me.

5 CHAIRPERSON MILLER: Oh, okay.

6 MR. ROME: Just so the Board understands
7 that. I will share with Mr. Rivero, before I
8 share it with the Board so that we can present it
9 together as approved by both of us. So that
10 might push back my 2:30 --

11 CHAIRPERSON MILLER: Okay.

12 MR. ROME: -- estimate earlier, but it
13 will be in by this time tomorrow for --

14 CHAIRPERSON MILLER: Okay. So, well,
15 first of all, number 12 says, "Licensee will
16 comply with all applicable conditions of this
17 agreements prior to the resumption of operation."
18 So I assume that was one of them.

19 Okay. And then the Board will review
20 those materials as soon as it can. All right.
21 Yeah, okay, you understand the Board is meeting
22 today and will meet again on Wednesday. And then

1 otherwise we reviewed documents outside of the
2 office. Okay.

3 MR. ROME: Our hope will be to have
4 everything to you by Wednesday, so that on
5 Wednesday you can review it when it's in. I
6 can't control, obviously, when the investigator
7 goes out there, but hopefully that occurs before
8 Wednesday too so that we can --

9 CHAIRPERSON MILLER: Okay.

10 MR. ROME: -- do that.

11 CHAIRPERSON MILLER: So if this just --
12 if you want the Board to decide by Wednesday it's
13 best to have him be submitted before Wednesday to
14 give us time to read, go through the materials,
15 which would be basically the security plan and
16 then any training materials.

17 MR. SHORT: Madam Chair.

18 CHAIRPERSON MILLER: Yes, Mr. Short.

19 MR. SHORT: I might suggest that you
20 might want to check with legal and find out when
21 the investigator can come out so they can
22 coordinate that.

1 MR. ROME: Certainly. Thank you.

2 MR. ALBERTI: We will certainly make Mr.
3 Ally [phonetic] aware and ask him to make the
4 investigators available quickly.

5 MR. ROME: Great.

6 MR. ALBERTI: When you can arrange a
7 time.

8 MR. ROME: Thank you.

9 CHAIRPERSON MILLER: Okay, then. Any
10 other questions or comments?

11 Okay. Then I'm going to move approval,
12 then, of the offer and compromise in the Layla
13 Lounge case. Do I have a second?

14 MR. RODRIGUEZ: Second it.

15 CHAIRPERSON MILLER: Mr. Rodriguez
16 seconded the motion.

17 MR. SHORT: With those stipulations,
18 correct? With those conditions?

19 CHAIRPERSON MILLER: Well, I'm not adding
20 it to the security. I'm not adding it to the
21 offer and compromise.

22 MR. SHORT: But this is just for the

1 record.

2 CHAIRPERSON MILLER: It's on the record
3 that they've agreed to those provisions and we
4 will be expecting them. Okay.

5 MR. SHORT: Thank you.

6 CHAIRPERSON MILLER: All right.

7 MR. RODRIGUEZ: My second stands, Madam
8 Chair.

9 CHAIRPERSON MILLER: Okay. Any other
10 comments?

11 [Vote taken.]

12 CHAIRPERSON MILLER: Motion passes, four,
13 zero, zero. All right. Thank you very much.
14 That concludes this hearing.

15 [Whereupon, the above-entitled matter
16 concluded.]

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