

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
3 ALCOHOLIC BEVERAGE CONTROL BOARD

4 - - - - -X

5 IN THE MATTER OF: :
6 MPAC, LLC, t/a The Scene : Fact-finding
7 2221 Adams Place, NE : Hearing
8 License #ABRA-78642 :
9 Retailer CN : Case No.
10 ANC-5C : 15-251-00181
11 Request for a Fact-finding :
12 Hearing (MPD Letter Dated :
13 10/14/2015) :

14 - - - - -X

15

16 Wednesday, December 2, 2015

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

22

1 CHAIRPERSON:

2 DONOVAN ANDERSON, Presiding

3

4 BOARD MEMBERS:

5 RUTHANNE MILLER

6 NICK ALBERTI

7 MICHAEL SILVERSTEIN

8 JAMES SHORT

9

10 ALSO PRESENT:

11 WILLIE BLAKENEY, Owner

12 On behalf of The Scene

13 VERNON LEFTWICH, Investigator

14 On behalf of ABRA

15 SERGEANT MARKLEY

16 On behalf of Metropolitan Police Department,

17 Fifth District

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

2 [4:47 p.m.]

3 CHAIRMAN ANDERSON: All right. The next
4 case on our fact-finding agenda is Case No. 15-
5 251-00181, The Scene.

6 Are there -- will the parties please come
7 forward?

8 (Pause)

9 CHAIRMAN ANDERSON: Can you state your
10 name for the record. Also, there's a sign-in
11 sheet, where you need to sign your name, and
12 also, spell your name for the record, please.

13 MR. BLAKENEY: Willie Blakeney for The
14 Scene, W-I-L-L-I-E B-L-A-K-E-N-E-Y.

15 CHAIRMAN ANDERSON: And what's your
16 title, sir?

17 MR. BLAKENEY: I am the owner of The
18 Scene.

19 CHAIRMAN ANDERSON: Okay.

20 (Pause)

21 MR. LEFTWICH: Investigator Leftwich,
22 Vernon Leftwich, V-E-R-N-O-N, Leftwich, L-E-F-T-

1 W-I-C-H.

2 SGT. MARKLEY: Okay, Sergeant Markley,
3 Metropolitan Police Department, Fifth District.

4 CHAIRMAN ANDERSON: All right,
5 Investigator Leftwich, can you provide us a
6 background, please?

7 MR. LEFTWICH: Yes. On Sunday, October
8 11th, 2015 at approximately 2:00 a.m., I received
9 a call from Supervisor/Investigator Keith Gethers
10 (phonetic) informing me of an incident that
11 occurred at The Scene, which is located at 2221
12 Adams Place, North East.

13 The CCN number is 161294. The incident
14 occurred at approximately 1:50 a.m. The CCN
15 report stated that on the listed date, while PSA
16 505, a radio run came out for additional units to
17 respond to The Scene nightclub located at 2221
18 Adams Place.

19 Upon arriving, the officer noticed a mass
20 exit from the club, and once inside, observed V-1
21 laying on the stage unconscious and breathing.
22 The ambulance was called and transported the

1 victim to Howard University Hospital for
2 treatment.

3 The witness stated that while working on
4 security for the night club, he noticed S-1 come
5 across the stage and picked up the microphone and
6 strike V-1 two times in the head, and stated that
7 he did not know why he did it.

8 The Scene's license number is 078642.
9 It's a CX class.

10 On the night, once I arrived, I was
11 greeted by MPD officer Antonio McKnight
12 (phonetic), who informed me that he responded to
13 a radio call. He was working at an establishment
14 near. I believe he was working at Bliss that
15 night. He was the first to respond.

16 While there, again, he stated that he
17 observed a large number of patrons exiting the
18 establishment, and since he was alone, he did not
19 immediately enter the establishment for safety
20 reasons, and once there was a clear pathway in,
21 he went inside and he saw a young man named Damon
22 McDuffy (phonetic) laying on the stage

1 unconscious and vomiting.

2 Once he became -- he immediately called
3 ambulance service, and an ambulance arrived. And
4 before the ambulance took the victim to the
5 hospital, he regained consciousness. At that
6 time, Officer McKnight stated that he spoke with
7 the sister, as well as the girlfriend of the
8 victim, and stated that he was unable to -- that
9 neither of them were unable (sic) to identify the
10 suspect.

11 On that same day, I spoke with MPD
12 Sergeant Mark Lee. He stated that The Scene had
13 requested MPD detail, which is in accordance to
14 their bull (?) orders, but due to the lack of
15 manpower, there was no one that was assigned
16 specifically to the establishment.

17 On that same day, I was able to speak
18 with a reporting officer, who is Louise Pint
19 (phonetic). She informed me that when she
20 arrived to the establishment, that she was
21 informed that there was a band by the title TOB.
22 It was a go-go band, and they were performing.

1 It was a private birthday party.

2 She was able to obtain video footage from
3 the owner of the establishment, and she informed
4 myself that she would have a report completed
5 within two days.

6 I was also able to speak with the
7 security officer who was the first one to notice
8 the young man travel onto the stage. He stated
9 that he was under the impression that he was a
10 member of the band, or he was just moving the
11 microphone out of the way, and at that time, he
12 saw him pick up the microphone stand and hit the
13 victim in the head.

14 And at that time, he ran to chase him,
15 but the suspect ran immediately off the stage and
16 out of the establishment, and all of the security
17 personnel chased after him, but he got away
18 before they could catch him. MPD also stated
19 that they weren't able to detain him, as well.

20 I then spoke with the head of security,
21 Mr. Carl Harris. Mr. Harris stated that he was
22 standing in the back of the facility in a box

1 where the light is, and there was another
2 security officer there, as well, who moved the
3 light around to suspicious activity.

4 He stated that he saw Mr. McCoy
5 (phonetic) chasing after -- that's how he became
6 aware of the incident. And as soon as he chased
7 after, he saw him -- he left the establishment in
8 a pursuit for the victim -- I mean, for the
9 suspect, as well, and neither of them, again,
10 were able to catch him.

11 The head of security, Mr. Harris, stated
12 that the advertised birthday party was --
13 advertised hours were 11 p.m. till 3:00 a.m.
14 There were 15 security officers working that
15 night. There were two at the door conducting pat
16 searches, and the owner stated that he was also
17 at the door helping with ID checks.

18 There was one, again, security officer
19 controlling the lights, two at both bars, and
20 there were three working 2-way radios. The
21 security personnel, they wear all black and
22 shirts labeled security on them.

1 I witnessed myself, at the end of the
2 night, when all the staff were asked to remain in
3 the establishment, I saw all the security
4 personnel with labeled tee shirts on and dressed
5 in all black.

6 There was approximately 200 patrons in
7 the establishment at the time of the incident.
8 At the end of the night, I was also able to speak
9 with Mr. Blakeney. He informed me that the event
10 was 18 and over.

11 As soon as he became aware of the event,
12 after seeing patrons as well as security staff
13 running out of the establishment, he immediately
14 called police; stated there would be a mass exit,
15 and that he would need assistance and medical
16 attention.

17 Mr. Blakeney also informed me that there
18 was a cover charge. There were no promoters.
19 The band themselves self-promoted for the
20 birthday party of the lead singer. So, there
21 were 16 cameras that they have in the
22 establishment. The night of the incident, two

1 were not working.

2 The footage is kept for 45 days. The
3 night of the incident, Mr. Blakeney provided us -
4 - myself, as well as with MPD officers with video
5 footage. After reviewing the footage, it was
6 clear that there was no aggravation. There was
7 no arguing. Simply, this young man snuck into
8 the security system -- snuck onstage, and hit the
9 singer while he was performing, and immediately
10 ran off stage.

11 And then, you see the security staff
12 running after the young man, as well. And
13 viewing the footage from outside of the
14 establishment, you see him running up, and then
15 you immediately see police lights.

16 On the night of the incident, Sunday
17 morning I conducted a regulatory inspection, as
18 well. No ABRA violations were found. And after
19 reviewing the bull orders as well as the security
20 plan, the -- at the time of the submission of my
21 report, I had not received the incident report,
22 so Mr. Blakeney did provide me with the incident

1 report that I have copies of, as well, if you
2 guys would like to see.

3 And that's it, in brief.

4 (Pause)

5 CHAIRMAN ANDERSON: Officer --

6 SGT. MARKLEY: Yeah, Sergeant Markley,
7 fifth district.

8 When I arrived on the scene, I met with
9 Mr. Blakeney and some of the other staff, and
10 they were very cooperative, and they allowed us
11 accessibility to the cameras, so we could try to
12 determine you know, the suspect and perpetrator
13 to this crime.

14 So, I have nothing additional as far as
15 procedure of what happened there.

16 (Discussion off the record)

17 CHAIRMAN ANDERSON: Mr. Blakeney?

18 MR. BLAKENEY: Yes.

19 CHAIRMAN ANDERSON: Your version? Do you
20 have anything to add to this proceeding?

21 MR. BLAKENEY: The investigator,
22 Leftwich's testimony is pretty accurate. This

1 incident was really unprovoked, and had no idea
2 where this came from; almost preventable.

3 As he spoke earlier, this guy acted as if
4 he was part of the act, which was a group that
5 actually took the stage during intermission. And
6 they were a group of five guys with no band
7 behind them. They were actually performing to a
8 track act, and this gentleman actually just
9 walked on stage, picked up a mic stand and hit
10 this guy over the head.

11 I just don't know how to explain
12 something type of this magnitude, how you can
13 prevent something like this from occurring.

14 I was at the event checking IDs on this
15 evening of the event. Once I was notified that
16 someone was having a seizure on stage -- I was
17 not initially notified that someone was hit over
18 the head with an object.

19 I actually held the gate. Once I saw the
20 gentleman leaving at a high rate of speed,
21 running, and security in pursuit, I actually got
22 on the phone, and I called Sergeant Ferretti, who

1 actually mans the police detail for the clubs,
2 and who had actually sent me a text earlier that
3 day, approximately 10:30 p.m. to state that I
4 would not have a police detail, due to the march
5 -- the Million Man March and other events that
6 were going on that day.

7 He also, in my text, stated that he had
8 two officers that were assigned to the Echostage,
9 and that he could split those two officers and
10 have them monitor The Scene, as well.

11 During the incident, I notified and said,
12 hey, I don't know what's going on, but I think
13 whatever it is, it's serious. I'm going to shut
14 it down, and I need some units up here to control
15 the crowd and traffic.

16 During that time, I entered the club.
17 That's when I was notified that someone had been
18 -- the gentleman running had hit this guy over
19 the head with the mic stand. I actually got on
20 stage to assess them. The gentleman was actually
21 alert during that time, but he had vomited on
22 stage, and I talked to him.

1 I asked him to keep still, and I actually
2 had him squeeze my hand. He was showing a little
3 weakness on his left side, and I actually stayed
4 there on stage with him until the EMS got there,
5 to make sure that he didn't move -- just
6 (Inaudible) spine immobilization.

7 Once the EMS got there, I assisted with
8 actually getting him strapped down with the
9 collar on the board, and actually helped lift him
10 off stage to the cart and out the door to the
11 unit.

12 Again, this is something that was just
13 clearly unprovoked. I don't know how we could
14 have prevented this from happening.

15 CHAIRMAN ANDERSON: All right. Now, any
16 questions from any board members?

17 MS. MILLER: I don't know if I missed
18 something, but did they catch the guy?

19 MR. BLAKENEY: No, they did not.

20 MS. MILLER: They didn't. (Inaudible)

21 MR. BLAKENEY: No.

22 MS. MILLER: And how is the person that

1 was hit?

2 MR. BLAKENEY: I heard he is now
3 incarcerated. He has recuperated, and is now
4 incarcerated.

5 CHAIRMAN ANDERSON: The victim?

6 MS. MILLER: The victim?

7 MR. BLAKENEY: The victim, yes.

8 MS. MILLER: Oh, okay.

9 MR. BLAKENEY: He was wanted on some
10 other charges, or something, but --

11 (Simultaneous discussion)

12 CHAIRMAN ANDERSON: Yes, Mr. Short?

13 MR. SHORT: I guess I want to ask, the
14 name of the band that was playing that night was?

15 MR. BLAKENEY: TOB.

16 MALE SPEAKER: Take Over Band.

17 MR. SHORT: And have you ever hired them
18 before?

19 MR. BLAKENEY: Yes, I did.

20 MR. SHORT: This is the first time you
21 had any trouble with them or have an incident?

22 MR. BLAKENEY: No, it's not. But we had

1 them consistently on one date, so I decided,
2 because this was a special event, Fritz, who was
3 the lead (Inaudible) birthday, that we hosted
4 that (Inaudible) --

5 (Simultaneous discussion)

6 MR. SHORT: Well, I can only ask this and
7 hope I get an answer that sounds conducive to a
8 good business owner.

9 Probably this band has a reputation of --
10 a lot of places they play -- this is not the
11 first time I've heard the name, not only with
12 your establishment, but with other
13 establishments. There seems to be violence
14 follows that band, or bad luck or something.

15 MR. BLAKENEY: I wouldn't say it's so
16 much bad luck. Violence is everywhere in the
17 city, you know, these days. So, I would say this
18 particular incident was an isolated incident that
19 was just unprovoked.

20 MR. SHORT: I heard your testimony, and
21 it's quite compelling. I mean, you're running a
22 good evening. You're at the door checking --

1 MR. BLAKENEY: IDs.

2 MR. SHORT: IDs?

3 MR. BLAKENEY: Yes.

4 MR. SHORT: Someone sneaks onto the
5 stage, takes the mic stand, hammers the guy, who
6 is now locked up himself for --

7 I don't know. I don't know what to say
8 at this time. I don't understand.

9 CHAIRMAN ANDERSON: Mr. Alberti?

10 MR. ALBERTI: Mr. Short addressed the
11 band.

12 CHAIRMAN ANDERSON: Mr. Silverstein?

13 MR. SILVERSTEIN: No.

14 CHAIRMAN ANDERSON: No?

15 I don't have anything. I guess we'll
16 take it under advisement.

17 MR. ALBERTI: I'm just going to -- if I
18 may. I'm just going to follow up with Mr. Short.
19 Mr. Short stopped short of (Laughter) expressing
20 our --

21 (Simultaneous discussion)

22 MR. SHORT: I'm short all the time.

1 MR. ALBERTI: -- a little concerned with
2 this band. And we would really like to consider
3 your relationship to this band. I mean, we've
4 had another establishment that was -- I think
5 someone died, was it?

6 (Simultaneous discussion)

7 MR. BLAKENEY: I saw that in the media,
8 yes.

9 MR. ALBERTI: While the band was playing?

10 MR. BLAKENEY: Yes.

11 MR. ALBERTI: So, their reputation
12 follows them, and you need to, again, be aware of
13 that and take that into account.

14 (Simultaneous discussion)

15 MR. ALBERTI: I don't know if you want to
16 bring trouble on yourself (Laughter) so I'm just
17 -- I'll put that out there, and then I'll leave
18 it at that.

19 MR. BLAKENEY: For the record, and for
20 your information, we have closed The Scene for
21 good.

22 MS. MILLER: Yeah?

1 MR. ALBERTI: Okay.

2 MR. BLAKENEY: And hopefully, I won't be
3 seeing you all.

4 (Laughter)

5 (Simultaneous discussion)

6 MR. ALBERTI: Okay.

7 MS. MILLER: Well, thanks for coming by.

8 MR. SHORT: When are you closing? When
9 are you closing?

10 MR. BLAKENEY: Excuse me?

11 MR. SHORT: When are you closing?

12 MR. BLAKENEY: We actually closed last
13 month on the 30th. The building was sold on
14 September 9th, and we vacated the premises on the
15 30th.

16 MR. ALBERTI: How long have you been
17 there? You've been there quite a while, haven't
18 you?

19 MR. BLAKENEY: About 15 years, but 8
20 years as a venue.

21 MR. ALBERTI: Yeah.

22 MR. BLAKENEY: Yeah.

1 MR. SILVERSTEIN: Who bought the
2 building?

3 MR. BLAKENEY: Peter Marx, a developer
4 over there.

5 MALE SPEAKER: Mike, we don't need to
6 know (Laughter).

7 MR. SILVERSTEIN: No, it's interesting to
8 know if it's going to be -- if they plan to build
9 something there or if they plan to use the
10 existing facility for another venue.

11 MR. BLAKENEY: Well, this particular
12 gentleman, he owns all the buildings on the
13 street in the 2200 block of --

14 (Simultaneous discussion)

15 MR. SHORT: He's a monopolist. He's got
16 the whole --

17 MR. BLAKENEY: Yes.

18 MALE SPEAKER: Got the hotel and --

19 MR. BLAKENEY: Yes. He's been asking
20 since day one, you know, was I interested in
21 selling. And this time, he made an offer I
22 couldn't refuse. (Laughter)

1 MR. SHORT: I've heard that one before.

2 MR. ALBERTI: All right. Thank you.

3 MR. BLAKENEY: All right.

4 MS. MILLER: Good luck.

5 MR. BLAKENEY: Thanks a lot.

6 [Whereupon, at 5:05 p.m. the
7 above-entitled matter concluded.]