

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

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6 IN THE MATTER OF: :  
7 Down Under, Inc. : CASE #16-251-00067  
8 t/a Bravo Bravo :  
9 1001 Connecticut Ave Northwest:  
10 License #71564 :  
11 Retailer CN ANC 2B :  
12 Monday, March 30, 2016 :

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14 Monday, March 30, 2016

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

19  
20

1 CHAIRPERSON:

2 DONOVAN ANDERSON, Presiding

3

4 MEMBERS OF THE BOARD:

5 NICK ALBERTI

6 JAMES SHORT

7 MIKE SILVERSTEIN

8 RUTHANNE MILLER

9

10 OTHER PERSONS PRESENT

11 AMY SCHMIDT

12 MICHAEL FONSECA

13 EDGAR URIONA

14 DOUGLAS REQUE

15 MATTHEW MINORA

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17

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

2 CHAIRPERSON ANDERSON: The next case on  
3 our calendar is a summary suspension hearing for  
4 Case #16-251-00067, Bravo Bravo, license #71564.  
5 Will the parties please approach and identify  
6 themselves for the record, please.

7 MS. SCHMIDT: Good afternoon, I'm Amy  
8 Schmidt, Assistant Attorney General on behalf of  
9 the District of Columbia

10 MR. FONSECA: Michael Fonseca on behalf  
11 of the licensee.

12 MR. URIONA: Edgar Uriona.

13 CHAIRPERSON ANDERSON: Can you spell  
14 that? And can you also identify your position  
15 please?

16 MR. URIONA: I'm the owner and president.

17 CHAIRPERSON ANDERSON: Sorry, say what,  
18 sir?

19 MR. URIONA: I'm the president.

20 CHAIRPERSON ANDERSON: You're the  
21 president.

22 MR. REQUE: Douglas Reque, general

1 manager of Bravo Bravo.

2 MR. MINORA: Matthew Minora.

3 CHAIRPERSON ANDERSON: Okay, would  
4 everyone please sign in? All right pursuant to -  
5 - well this is a summary of suspension notice  
6 hearing. This establishment there was an  
7 incident that occurred, the chief of police had  
8 closed the establishment for 96 hours, they ABC  
9 board on its authority had issued a summary  
10 suspension of the establishment andso, therefore,  
11 we are here today to see whether or not we should  
12 have permanent closure, or whether or not there  
13 is some other decision that should be made  
14 regarding whether or not this establishment is an  
15 imminent danger to the community as was stated by  
16 the chief of police. So, do we have any -- are  
17 there any preliminary matters in this case?

18 MS. SCHMIDT: Yes, there is. We entered  
19 in an offer in compromise with the establishment  
20 and I believe you have a copy of the offer in  
21 compromise before you. I can read it into the  
22 record if you wish, or you could just ask ---

1 CHAIRPERSON ANDERSON: Yes, please read  
2 into the record what the offer in compromise is.

3 MR. FONSECA: It's 23 items, that's three  
4 pages.

5 CHAIRPERSON ANDERSON: But how do we --  
6 how does he know what it is?

7 MR. FONSECA: We will acknowledge we've  
8 reviewed this, read it, we've agreed to it and  
9 we're prepared to have Mr. Uriona sign the offer  
10 in compromise.

11 CHAIRPERSON ANDERSON: I just want to  
12 make sure for, you know, remember, I'm still new  
13 to this process, so I know that the record needs  
14 to -- we need to establish the record of the  
15 offer in compromise is, so if you're saying that  
16 there is a written offer in compromise that's a  
17 part of the record, that we don't.

18 MS. SCHMIDT: We can attach it to the  
19 record. I can read it, it's not.

20 CHAIRPERSON ANDERSON: I mean, you tell  
21 me, Ms. Schmidt. I mean you tell me. If it's  
22 unnecessary.

1 MR. SHORT: We've done this in the past,  
2 correct, Ms. Schmidt? We've acknowledged that  
3 both sides had read it, they both have copies of  
4 it, the board has copies of what the parties  
5 have, and we will make that part of the record.

6 MS. SCHMIDT: Yes.

7 MR. SHORT: We've done that in the past,  
8 am I correct, Ms. Schmidt?

9 MS. SCHMIDT: I have not done personally,  
10 but I believe the board has.

11 MR. SHORT: Okay, all right.

12 CHAIRPERSON ANDERSON: So there is an  
13 offer in compromise with 22 terms and Mr. Fonseca  
14 on behalf of your client the offer in compromise  
15 that has the 22 terms -- is this the offer in  
16 compromise that your client has agreed to?

17 MR. FONSECA: Yes, and he's actually  
18 executing the consent as we speak and just so the  
19 record will reflect that probably about 80% of  
20 the offer was made a new security plan which was  
21 filed today and of which copies you have, which,  
22 of course, you haven't had any opportunity to

1 review, and to the extent that you want to  
2 discuss those we're prepared to do that.

3 CHAIRPERSON ANDERSON: Now, Mr. -- what's  
4 your name again, sir?

5 MR. REQUE: His first name is Edgar.

6 CHAIRPERSON ANDERSON: Mr. Edgar -- do  
7 you understand clearly this offer in compromise,  
8 sir? Yes? And so you have thoroughly reviewed  
9 this with your attorney? I need you to vocalize  
10 and say yes or no.

11 MR. REQUE: Yes.

12 CHAIRPERSON ANDERSON: And do you clearly  
13 understand by accepting an offer in compromise  
14 that you're giving up your right to a hearing?

15 MR. REQUE: Yes.

16 CHAIRPERSON ANDERSON: And do you clearly  
17 understand that by accepting this offer in  
18 compromise you're also giving up your right to  
19 appeal this matter?

20 MR. ALBERTI: Can we just discuss this?

21 CHAIRPERSON ANDERSON: Yes, all right.

22 MR. ALBERTI: I want to take a look at

1 the security plan before we.

2 CHAIRPERSON ANDERSON: How do we want to  
3 do this?

4 MR. ALBERTI: I guess I have a question.

5 CHAIRPERSON ANDERSON: Questions. I  
6 think Mr. Alberti might have some questions.

7 MR. ALBERTI: Never mind, I think it's --  
8 it's in here, it says that the security plan will  
9 be approved before you're allowed to reopen.

10 MR. FONSECA: That is correct.

11 MR. ALBERTI: We don't necessarily have  
12 to approve it. Well, we could do it later today,  
13 we could do it at another time.

14 MR. FONSECA: Yes, I think [inaudible  
15 24:19].

16 MR. ALBERTI: I know you want to open  
17 quickly, but --

18 MR. FONSECA: Yeah, obviously, today is  
19 the 10th day counting the 96 hour closure, not to  
20 editorialize but we believe that at this point  
21 this is not an establishment that is an imminent  
22 danger, the security plan helps assist in that.

1 The new, and I separated it out which is in the  
2 security plan, three page plus a supplemental  
3 incident support log will make sure that there is  
4 never a two-sentence incident report for an  
5 incident where there was violent behavior. Also,  
6 the cameras that had blank, not blank, but blind  
7 spots, they went from 15 to 20 to 25. We have a  
8 diagram. It wasn't done until like 1:30 and so  
9 it shows all of the color patterns, but in  
10 essence in the layers of cross matches every  
11 space is covered. So, we won't ever have that  
12 incident where we can't capture exactly what  
13 happened even though cameras were there and  
14 allowed them to see activity going on and  
15 security was on it pretty quickly. In addition  
16 to that,

17 I know as part of this in going back to  
18 what your original question was, timing.  
19 Typically the investigator will now go back,  
20 confirm that these cameras and their angles are  
21 what they speak to and can confirm it for the  
22 satisfaction of the board and the agency and then

1 with the security plan being approved and  
2 normally, and then the training which was the  
3 last thing we were talking about before we came  
4 in here is to make sure that we have our  
5 acknowledgments that they received it and  
6 reviewed it similarly and they got some training  
7 in it, so they understand all of these things.

8 As I said, at this point they've got a  
9 zero tolerance policy in effect as to activities  
10 that go on and procedures that are in the plan,  
11 so they've come -- the counsel knows this stuff,  
12 helped draw up this plan, and assisted in doing  
13 the diagrams and so forth, so hopefully when the  
14 board sees this plan you'll be satisfied. If it  
15 needs to be tweaked, we'll jump right on it.

16 CHAIRPERSON ANDERSON: Any other  
17 questions? Yes, Mr. Short.

18 MR. SHORT: Good afternoon, Mr. Fonseca.  
19 With the training, who was training? How many  
20 personnel do they have on board and how many were  
21 trained?

22 MR. FONSECA: Right now, Mr. Reque is the

1 manager, general manager, and he's been in the  
2 industry a lot, and he was there, he saw what was  
3 going on, so he was eyes on and he knows  
4 procedures, so between him and his two  
5 supervisors and security are senior ones, I'll  
6 let you speak to it. They're going to make sure  
7 that there are minimum 8 components to get  
8 trained immediately and four more at times they  
9 will have as many as 15 but we're going to at  
10 least shoot for 8 to 10, so then when we get  
11 opened --

12 MR. SHORT: How many employees do they  
13 have in total?

14 MR. FONSECA: Well, it's not all  
15 employees, this would be security. For the plan  
16 we don't need bartenders and servers, I mean this  
17 is pretty much for security more than anything  
18 else.

19 MR. SILVERSTEIN: I need to ask a  
20 question. Probably when this last incident  
21 occurred someone had a puncture?

22 MR. FONSECA: That's not clear.

1 MR. SHORT: That's not clear, okay. Let  
2 me ask you this.

3 MR. FONSECA: Certainly.

4 MR. SHORT: Just for the sake of this  
5 hearing someone is injured again, what will this  
6 training teach this personnel about security.

7 MR. FONSECA: Much of what they did was  
8 correct.

9 MR. SHORT: But then?

10 MR. FONSECA: They got the two women that  
11 were injured to the RDO so that the --

12 MR. SHORT: I'm pleased that you  
13 mentioned that. Okay. Someone has internal  
14 injuries and you walk them? It might be best to  
15 put them in a chair, get the RDO to come in and  
16 let them call for an ambulance, because you walk  
17 someone out, that could be a lawsuit on that  
18 management and the owners, because the bottom  
19 line is the first thing to do for them is to get  
20 the person stabilized, sit them down, get an  
21 ambulance to come for them.

22 MR. FONSECA: I think that now --

1           MR. SHORT:    When you walked, when you  
2 walked them up the steps or out of the building,  
3 you're jeopardizing and then, also, that was a  
4 crime scene, correct?

5           MR. FONSECA:  That was taken care of and  
6 I'll let Mr. Reque speak to that but the incident  
7 wasn't as serious on the floor, and the injuries  
8 as there appears to be, because these were  
9 slashing injuries so they caused some bleeding,  
10 but these were free-walking individuals who were  
11 upset at each other.  They wanted to get the "h"  
12 out of the place and immediately it was secured  
13 and no one left as far as any of the rest of  
14 management and security and nothing was touched,  
15 and the band went over to the back there because  
16 they would have to walk over the crime scene, and  
17 they stayed there, and even talked to one of the  
18 assisting police officers of the arriving MPD.

19           So, I'll let Mr. Reque answer your  
20 specific questions as to that, but, yeah clearly  
21 if somebody were lying on the ground and we had  
22 what we call puncture wounds, that would have

1 been handled differently. But I think this  
2 incident report and the trainings have caused  
3 them to realize we've got a lot of steps to do.

4 MR. SHORT: Okay. I'd just like to  
5 remind you also, even with a slashing wound, if  
6 you hit one of the arteries it's best to pack it  
7 in and sit them down, don't walk an injured  
8 person because you don't know how injured they  
9 are. What I worked out it's good that this time  
10 nobody was killed, that no one died. We don't  
11 want that to happen.

12 So, basically, the reason I'm asking  
13 about this training and the issues is if that's  
14 in the security plan that you're going to not  
15 transport these people because of minimal  
16 injuries, because you don't know what the  
17 injuries are, and it was dark inside, unless you  
18 cut all the music off and cut all the lights on,  
19 then you won't see what's going on? Did that  
20 occur this time?

21 MR. FONSECA: Yes, the lights were turned  
22 on, actually, 10 minutes before because it was

1 closing time.

2 MR. SHORT: The music was off?

3 MR. FONSECA: The music was still going  
4 on but the lights were turned on.

5 MR. SHORT: Okay.

6 MR. FONSECA: When the incident happened  
7 everything got cut off.

8 MR. SHORT: Everything was cut off.

9 MR. FONSECA: Yeah.

10 MR. SHORT: Music down, lights on.

11 MR. FONSECA: The music was off and the  
12 lights were on --

13 MR. SHORT: Okay, thank you.

14 MR. FONSECA: -- when that incident  
15 occurred. Just to give an example, we had  
16 somewhat of a case like that where a young lady,  
17 she popped her knee out, you know, just walking  
18 around. So that is the procedure, we sit them  
19 down and we actually got the ambulance to go in  
20 there. This happened probably about five to six  
21 months ago. So, I guess every matter is taken  
22 care of as to what to do so I really see your

1 point and we don't want to make things worse  
2 depending on the case.

3 MR. SHORT: Okay, as long as you  
4 understand. That's the point I make is that you  
5 understood what the ramifications could be if not  
6 handled properly.

7 MR. FONSECA: Yeah, I would say that I  
8 think the [inaudible 32:00] the security plan and  
9 we will do some more extensive training on other  
10 issues related to just -- you know -- our normal  
11 procedures and things like that.

12 MR. SHORT: I'm glad to hear you say  
13 that. Thank you, that's all I have, Mr. Chair.

14 CHAIRPERSON ANDERSON: Yes, Mr.  
15 Silverstein.

16 MR. SILVERSTEIN: Thank you. Mr. Uriona,  
17 I noticed that 0.5 of this "respondent agrees to  
18 no longer have the live band called Back Yard  
19 Band or a band having a similar compilation of  
20 its members play at the establishment. I want to  
21 make sure that you understand the problems that  
22 we've had in that neighborhood with issues on

1 Sunday nights involving promoters and often  
2 involving go-go but just basically Sunday nights  
3 and promoters that have ended up in violence.  
4 You understand why this is -- why this is in  
5 there?

6 MR. URIONA: Yeah. As it happens I'm not  
7 there on this night but actually working with Mr.  
8 Minora, but if the manager and then after it  
9 happened it was like things that he was calling  
10 and what happened --

11 MR. SILVERSTEIN: You understand the  
12 history of this in our neighborhood.

13 MR. REQUE: That is actually something we  
14 comprehend totally and that's why it's on this,  
15 you know. On behalf of the business, obviously  
16 we want to continue doing business and Sunday  
17 nights it is around the area like you mentioned,  
18 it's been possibly in the past three or four  
19 months a lot of problems have been occurring  
20 around, so that's why we said not having  
21 promoters in there or a live band in there. I  
22 really don't want to go say that [inaudible]

1 34:03] at my facility, but at the same time we're  
2 going to be really careful what type of nights we  
3 establish in order not to have any problems  
4 around the area or at the [inaudible 34:12]

5 MR. SILVERSTEIN: Well, we're not trying  
6 to censor any particular type of music or  
7 anything of that sort, but on the other hand  
8 we've had a series, and it's not just the past  
9 several months, it's been years, where you have  
10 Sunday night, you have a promoter, often and this  
11 is the deal breaker, you have under 21, and a  
12 band that may have a following from different  
13 neighborhoods or different groups or crews and  
14 you put it all together and it's combustible.  
15 And, the entertainment industry, hospitality  
16 industry in this city is the second biggest  
17 taxpayer, second biggest industry after  
18 government, and we definitely want to protect  
19 everybody and we want to make sure that it's safe  
20 and just please be careful with who you bring in  
21 there and what you do on Sunday nights  
22 especially.

1 MR. REQUE: We will.

2 CHAIRPERSON ANDERSON: I'm sorry, what's  
3 your name, sir?

4 MR. REQUE: My name is Douglas.

5 CHAIRPERSON ANDERSON: What's your last  
6 name?

7 MR. REQUE: Reque, R-E-Q-U-E.

8 CHAIRPERSON ANDERSON: Mr. Reque, and I'm  
9 just speaking for myself, I like the answer you  
10 gave to the question before. I do have a problem  
11 with saying that we do not want to start any type  
12 of performance in an establishment. We're not  
13 reviewing, and again I'm speaking for myself, but  
14 in reviewing the offer in compromise I was  
15 surprised where it stated that if that's what you  
16 agreed to then so be it. But I do appreciate the  
17 fact that I -- again, I'm speaking for myself --  
18 I'm not in favor of a broad based banning of any  
19 type of entertainment. I think that if you have  
20 a certain type of entertainment and you think it  
21 might be not the ordinary then you work on your  
22 security plan. But I do not support saying that

1 we will not have certain types of establishments.  
2 We live in a city that is a diverse city, it's a  
3 vibrant city, and I do not support that. So, I  
4 appreciate the answer that you gave and, again,  
5 I'm just speaking for myself.

6 MR. REQUE: Okay. Yeah, I mean just  
7 pretty much we're aware that the District of  
8 Columbia is one of those cities. We live in  
9 Virginia, but it's actually one of the cities  
10 where everybody comes in and has a good time and  
11 I want to keep the same environment.

12 MR. FONSECA: If I may, to both the Chair  
13 and to member Silverstein, I appreciate the  
14 comments. Frankly when I saw that item I reached  
15 out to Ms. Schmidt and I said, and I can't speak  
16 to a summary suspension, oh I see, but I know  
17 this language would never survive a settlement  
18 agreement in a protested matter because they just  
19 won't touch genres and particular musicians and,  
20 you know, I came to understand that this was one  
21 that had been run past the agency so they were  
22 fine with it.

1           MR. ALBERTI: I sort of want to add to  
2 the comments. I agree with the Chair, we don't  
3 want to have a blanket ban of particular forms of  
4 entertainment, types of entertainment, but I  
5 assumed when I read that that it was the  
6 establishment's estimation or conclusion that how  
7 do I say, disruptive events -- and disruptive of  
8 fans -- customers, whatever, have come to see  
9 this ban before. I mean, we've seen this before  
10 where a particular band -- and I don't care about  
11 the type of music -- but a particular band has a  
12 following or attracts a crowd that week after  
13 week after week you see violent activities and if  
14 that's the case here, then I appreciate you  
15 singling out this particular band and I'm  
16 assuming that's probably the case here, if you're  
17 willing to do that.

18           MR. REQUE: That's a little bit more  
19 towards the direction.

20           MR. FONSECA: If I may, if we'd had  
21 testimony today we would have had an officer who  
22 would testify that this particular band that has

1 been playing there has drawn -- every Sunday  
2 night there were incidents because of this  
3 particular band.

4 CHAIRPERSON ANDERSON: Okay, all right,  
5 thank you. Yes, Ms. Miller.

6 MS. MILLER: I just have a few.  
7 Following up on member Short's questioning about  
8 the training and the proper way to exit people or  
9 not exit people, I'm wondering do you have any  
10 training in first aid for your employees.

11 MR. REQUE: We have one of the security  
12 guards that has some training for first aid, how  
13 to handle the first aid kit that we have in the  
14 facility.

15 MS. MILLER: So, there's one person who  
16 has had the training?

17 MR. REQUE: That has had the training,  
18 yes.

19 MS. MILLER: And if he's not there then  
20 there's nobody with the training?

21 MR. REQUE: He's the head of security so  
22 he's pretty much there every night we open up,

1 but I guess training a lot more people wouldn't  
2 hurt.

3 MS. MILLER: It wouldn't hurt. Okay.  
4 And then I also, this is kind of a little  
5 question, but training -- it says, "all personnel  
6 shall be trained on the terms of the revised  
7 security plan prior to the reopening of the  
8 establishment." Okay, that's all the current  
9 employees. How about when a new employee comes  
10 on board? Will you train them prior to their  
11 starting?

12 MR. REQUE: Well, my idea in speaking  
13 with Mr. Uriona that at Bravo Bravo pretty much  
14 we also want all the security and everybody, and  
15 all the employees to be aware of the rules that  
16 we have in the facility, and if they can't comply  
17 to the rules then it's a problem for us as well,  
18 to be compliant to ABRA as well. So, every  
19 employee will have to read this package and fully  
20 understand it, that those are the rules that are  
21 not only being given by us, but also by the  
22 board. So, everybody has a full understanding of

1 that.

2 MR. MINORA: If I may just going to your  
3 question, on the security plan the preamble  
4 portion states that a condition of employment or  
5 condition to retain employment [inaudible 40:47]  
6 to have training and this acknowledgement form  
7 that's in the exhibit [inaudible 40:50]

8 MS. MILLER: To read it and understand it  
9 or be trained in it?

10 MR. MINORA: To be trained in it.

11 MS. MILLER: So, who does the training on  
12 that?

13 MR. REQUE: I will have to do it.

14 MR. FONSECA: And the head of security,  
15 once they've gone through the plan together  
16 they'll be doing the training together.

17 MS. MILLER: Okay, so there's a new plan  
18 that the board's going to read that you just put  
19 together?

20 MR. FONSECA: Correct.

21 MS. MILLER: So is it -- you haven't done  
22 the training yet, obviously, because we haven't

1 approved it.

2 MR. FONSECA: Between now and tomorrow  
3 that's what they plan -- we're hoping if at all  
4 possible to get the license returned tomorrow so  
5 they could open on Friday. To return Friday, you  
6 know, they've lost, again I said this is the 10th  
7 day so every additional day gets to be pretty  
8 significant, especially going in to two weekends.

9 MS. MILLER: Okay. So, you're the head  
10 of security? No, you're the --

11 MR. REQUE: General manager.

12 MS. MILLER: -- general manager. You're  
13 going to do the training?

14 MR. REQUE: Correct.

15 MS. MILLER: So, it's just basically  
16 following the plans and explaining it to people?

17 MR. REQUE: Going point by point, you  
18 know, like [inaudible 42:06]. It's one of those  
19 things where they want to train everybody who's  
20 coming aboard and also has been working there and  
21 is also training for myself, that I've gone over  
22 at this point a million times, and I have to

1 fully understand it as well in order to train  
2 people, so that's pretty much what has been done.

3 We have our security staff pretty much  
4 lined up to either come in tonight or tomorrow  
5 during the day to get this training and that's  
6 why they have to understand it because if they  
7 don't follow one of these rules that are being  
8 brought upon ourselves as well, you know, we have  
9 to really question if they can work there or not.

10 MS. MILLER: Right, okay.

11 MR. MINORA: Mr. Reque, as the general  
12 manager, essentially has the ability to suspend  
13 or terminate people.

14 MS. MILLER: So, did you have a security  
15 plan before this or you didn't have one?

16 MR. REQUE: We had one but it was super  
17 out of date. We had a short version of what we  
18 found in the facility but you guys had a very --  
19 a longer one that we got with the reports we got  
20 from you.

21 MS. MILLER: So, you got something from  
22 ABRA that you modeled, or what? You drafted a

1 security plan, right?

2 MR. REQUE: Yeah.

3 MS. MILLER: What are you saying about  
4 ABRA?

5 MR. MINORA: What he's saying is that  
6 they have filed a security plan. [inaudible  
7 43:26] security plan, one that was ?? ABRA. So,  
8 they did not realize that they had an extensive  
9 one already on file with you until they saw it as  
10 part of the investigator's report.

11 MS. MILLER: Oh, okay.

12 MR. REQUE: Just as an example. This is  
13 what we had --

14 MS. MILLER: Right.

15 MR. REQUE: -- a very short version of it  
16 which -- now we know what exactly the security  
17 plan is.

18 MR. FONSECA: If I may, it's -- look the  
19 licensee is Down Under, nothing changes, what  
20 occurred is ownership for 20 years or more was  
21 with another gentleman, so there was a stop  
22 transfer, so as of August of 2015 Mr. Uriona and

1 -- it's your brother, correct?

2 MR. URIONA: Yes.

3 MR. FONSECA: Were the owners. And they  
4 inherited the history and everything was turned  
5 over including blown up two pages of a security  
6 plan when there was really a 28-page one that was  
7 done in 2013 which we find out when it's attached  
8 to this investigative report. And normally if  
9 you have a transfer it's an asset purchase and  
10 you cleanse the license, so to speak, it's a  
11 brand new license you start with and your  
12 investigative history, so in my mind, these guys  
13 are August 15 forward, but their history follows  
14 them. But that explains to some extent without  
15 it being an excuse why we are [inaudible 44:53].  
16 And it's good that we have a new one.

17 MR. SHORT: It's very good.

18 MS. MILLER: Okay, so as I assume it's  
19 improved upon even the 2013 plan.

20 MR. FONSECA: I believe so, I think there  
21 was too much fill-in in that 28 pages.

22 MS. MILLER: Okay, good. All right, my

1 last question is a general one. I know Mr.  
2 Fonseca that you touched upon some of the  
3 provisions, like with the cameras or whatever,  
4 but I want to know if you or Ms. Schmidt want to  
5 say anything else about how any of these  
6 provisions address the problems that gave rise to  
7 this summary suspension.

8 MS. SCHMIDT: Yes, for example, we did  
9 add a few provisions based specifically on this  
10 event. For example, #12, revised security plan  
11 shall indicate the procedure to having patrons  
12 remove their hats and hooded garments in order to  
13 be searched for weapons by security personnel.  
14 Because when we viewed the videotapes we saw that  
15 that was not being done, so that's one thing we  
16 put in there to ensure that this would be done.

17 And also the fact that there was no  
18 wandering before, and the security plan now has  
19 wandering -- even though the security plans did say  
20 they would use them, that was [inaudible 46:05],  
21 it was not being done, so we just made sure there  
22 definitely will be wandering at certain times.

1 That was another thing we put in there. And we  
2 specifically address the blind spot issue in the  
3 security in the offer in compromise which is now  
4 in the security plan because one of the things we  
5 saw on the videotapes was a picture of a camera  
6 facing a curtain.

7 And, I'm just trying to think what else  
8 we put in -- that's brand new. And, #18, I know  
9 that since the exit to the rear of the  
10 establishment there may have been witnesses to  
11 what happened and if they exited the police were  
12 not at the rear of the establishment at the time.  
13 And, also #19 is very important because the  
14 police were complaining, not just this week but  
15 when the patrons exited, it was one staircase  
16 going down to the street and there were a lot of  
17 incidents there when they were exiting, so we  
18 want to make sure there's an orderly exit at this  
19 point.

20 And #20, there were tents in front. I  
21 know it was to protect the patrons from the rain.  
22 I understand that, but you cannot have tents in

1 front of these entrances without the proper  
2 permit from DDOT and also it obscured a little  
3 bit of the view of the cameras, too. And those  
4 are -- these are some of the customized items  
5 that we've put in the security plan to address  
6 the issues that happened that night.

7 MS. MILLER: Okay, thank you.

8 CHAIRPERSON ANDERSON: Yes, Mr. Short.

9 MR. SHORT: You just mentioned wandering at  
10 particular times. I mean, that's kind of vague.  
11 What --

12 MS. SCHMIDT: Usually at nighttime when  
13 there are bands. In other words, when people are  
14 coming in for lunch they're not going to be  
15 wanded.

16 MR. SHORT: Okay, well can we spell it  
17 out in the plan?

18 MS. SCHMIDT: It is, it is.

19 MR. SHORT: It is spelled out, okay.  
20 Thank you.

21 CHAIRPERSON ANDERSON: Any other  
22 questions by any other board members? Anything

1 else that you guys want to add?

2 MR. FONSECA: Just ask to work with us to  
3 sign off that we have complied and hopefully we  
4 have an agreement that gets approved as quickly  
5 as possible. I know this -- we're not expecting  
6 you to do it today.

7 CHAIRPERSON ANDERSON: Well, don't be  
8 surprised, we might take a break.

9 MR. FONSECA: I appreciate that.

10 CHAIRPERSON ANDERSON: All right,  
11 anything else? All right, as Chairperson of the  
12 Alcoholic Beverage Control Board for the District  
13 of Columbia in accordance with section 4.5 of the  
14 Open Meetings Amendment Act of 2010, I move that  
15 ABC board hold a closed meeting for the purpose  
16 of seeking legal advice from our counsel on (I  
17 should have this all ready).

18 MR. SILVERSTEIN: It's this, right here.

19 CHAIRPERSON ANDERSON: On case #16-251-  
20 000067, Bravo Bravo, license #071564 of the Open  
21 Meetings Amendment Act of 2010. Is there a  
22 second?

1 MR. SHORT: Second.

2 CHAIRPERSON ANDERSON: Mr. Short has  
3 seconded the motion and I will now take a roll  
4 call vote on the motion before us now that it has  
5 been seconded. Ms. Miller?

6 MS. MILLER: Agree.

7 CHAIRPERSON ANDERSON: Mr. Alberti?

8 MR. ALBERTI: Agreed.

9 CHAIRPERSON ANDERSON: Mr. Short?

10 MR. SHORT: I agree.

11 CHAIRPERSON ANDERSON: Mr. Silverstein.

12 MR. SILVERSTEIN: I agree.

13 CHAIRPERSON ANDERSON: Mr. Anderson: I  
14 agree.

15 As it appears that the motion has passed  
16 I hereby give notice that the ABC Board will hold  
17 a closed meeting in the ABC Conference Room  
18 pursuant to the Open Meetings Amendment Act of  
19 2010. We're going to take a break and I'll see  
20 if we can make a decision now, but I'll let you  
21 know whether or not we can make a decision or we  
22 need more time. Okay, so we'll adjourn. I'd say

1 give us about 15 minutes. I don't see our other  
2 case here as yet and we'll adjourn for about 15  
3 minutes and then I will let you know if we are  
4 able to make a decision today.

5 MR. FONSECA: We'll gladly wait. Thank  
6 you.

7 [Off the record at 3:26 p.m.]

8 [On the record at 3:37 p.m.]

9 CHAIRPERSON ANDERSON: We're back on the  
10 record regarding Bravo Bravo and the board has  
11 deliberated and I am make a motion that the OIC  
12 should be accepted and that the opening of the  
13 club will be pending the review of the security  
14 report and also pending the ABRA investigator  
15 going back to visit the place, which is a part of  
16 the OIC so we're not making any orders that's not  
17 a part of the OIC.

18 MR. ALBERTI: Can I just ask a question?

19 CHAIRPERSON ANDERSON: Yes, Mr. Alberti.

20 MR. ALBERTI: I'm assuming you're not  
21 adding cameras, you're just repositioning?

22 MR. FONSECA: No, we added 15 to 25 and

1 repositioned and tweaked where needed.

2 MR. ALBERTI: Okay, so, all right, fine,  
3 you've got cameras. I didn't read it close  
4 enough. Thank you.

5 MR. SHORT: That answered my question.

6 CHAIRPERSON ANDERSON: All right, is  
7 there a second?

8 MR. SHORT: Second.

9 CHAIRPERSON ANDERSON: Mr. Short has  
10 seconded the motion. Those in favor, say aye.  
11 [chorus of ayes] Those opposed? The matter  
12 passed 5-zero-zero. Thank you very much. As I  
13 said before, we accept the OIC and as part of the  
14 OIC it's pending -- opening is pending the review  
15 of the security report by the investigator, so  
16 you just provided us the security report today so  
17 it's going to take a minute for us to review it  
18 but the board will make a decision quickly so I  
19 do appreciate the fact that the establishment is  
20 closed and will try as quickly as possible that  
21 it will be reopened.

22 MR. FONSECA: And if staff would let the

1 investigator know we have actually packets with  
2 screen shots for the three sets -- three monitors  
3 now have the 25 screens, so it might help to add  
4 for her record if it's going to be the same  
5 investigator, but it will be up. We came  
6 prepared, so if they want to see us before we  
7 leave, it might help.

8 CHAIRPERSON ANDERSON: Why don't you just  
9 hold on and the legal staff has abandoned us for  
10 the moment.

11 MR. FONSECA: Never abandoned, they  
12 didn't realize you came out of recess.

13 CHAIRPERSON ANDERSON: Well, they know  
14 that I try to be expedient so --

15 MR. ALBERTI: Can I just say one thing?

16 CHAIRPERSON ANDERSON: Yes, Mr. Alberti.

17 MR. ALBERTI: You know, I think we've all  
18 agreed that we're going to do our best to review  
19 the security plan very quickly so if we have  
20 comments it's on you to respond to our comments  
21 so be prepared. I just want to make sure you  
22 understand that before you go home.

1 MR. FONSECA: We're going to lose another  
2 night of sleep if it happens.

3 MR. ALBERTI: So, there may be some late  
4 nights and you may be on call at the phone but --

5 MR. FONSECA: Understood.

6 MR. ALBERTI: Just be prepared.

7 MR. SHORT: Mr. Chair?

8 CHAIRPERSON ANDERSON: Yes, Mr. Short.

9 MR. SHORT: One suggestion, it was  
10 mentioned about the EMS training or medical  
11 training or whatever. You say you have one  
12 person? I want you to have a couple more.

13 CHAIRPERSON ANDERSON: All right. Thank  
14 you very much. The board we're in recess until  
15 4:30. Thank you.

16 [Off the record 3:40 p.m.]

17 [On the record 4:35 p.m.]

18 CHAIRPERSON ANDERSON: All right, we're  
19 back on the record regarding Bravo Bravo and the  
20 board has deliberated and I make a motion that  
21 the OIC should be accepted and that the opening  
22 should -- the opening of the club will be pending

1 the review of the security report and also  
2 pending the Alcoholic Beverage Regulation  
3 Administration investigator going back to visit  
4 the place which is a part of the OIC so we're not  
5 making any orders that's not a part of the OIC.

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7 CHAIRPERSON ANDERSON: Yes, Mr. Alberti.

8 MR. ALBERTI: I'm assuming you're not  
9 adding cameras, you're just repositioning them?

10 MR. FONSECA: We added 15 to 25 and  
11 repositioned and tweaked where needed.

12 MR. ALBERTI: Okay, so all right, fine.

13 MR. FONSECA: They are cameras.

14 MR. ALBERTI: Absolutely, I didn't read  
15 it close enough. Thank you.

16 MR. SHORT: Answered my question.

17 CHAIRPERSON ANDERSON: All right, is  
18 there a second?

19 MR. SHORT: Second.

20 CHAIRPERSON ANDERSON: Mr. Short has  
21 seconded the motion. Those in favor say aye.  
22 [chorus of ayes] Those opposed? The matter

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10 sure you understand that before you go home.

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12 2:46] lose another night of sleep if it happens.

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14 nights and you may have some -- be on call with  
15 the phone, but just be prepared.

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20 mentioned about the EMS training or medical  
21 training or whatever. You say you have one  
22 person? I would like you to have a couple more.

1 Thank you.

2 CHAIRPERSON ANDERSON: All right thank  
3 you very much. The board, we're in recess until  
4 4:30.

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