DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD
MEETING

IN THE MATTER OF:
Solloso, Inc.,
t/a El Rincon
1826 Colombia Road NW
Retailer CR - ANC 1C
License No. 60003
Case #19-251-00086

(Chief of Police Hearing
Request)

Wednesday,
July 17, 2019


PRESENT:

DONOVAN W. ANDERSON, Chairperson
BOBBY CATO, JR., Member
MIKE SILVERSTEIN, Member
JAMES SHORT, Member
RAFI CROCKETT, Member
ALSO PRESENT:

MANUEL SOLLOSO, APPLICANT

LIEUTENANT BRIAN HOLLAN, DC MPD

INVESTIGATOR GEORGE GARCIA, ABRA

INVESTIGATOR MARK BRASHEARS, ABRA
Proceedings

10:41 a.m.

CHAIRPERSON ANDERSON: All right. The next case is a Fact-Finding Hearing, Case No. 19-251-00086, El Rincon, License No. 60003.

Will the parties, please, approach and identify themselves for the record, please?

You can come up. You can pull a chair up, please.

Could the parties identify themselves for the record? I'll start with the Investigators, please.

INVESTIGATOR GARCIA: ABRA Investigator George Garcia.

CHAIRPERSON ANDERSON: Good morning, Mr. Garcia.

INVESTIGATOR BRASHEARS: ABRA Supervisory Investigator Mark Brashears.

CHAIRPERSON ANDERSON: Good morning, Mr. Brashears.

INVESTIGATOR BRASHEARS: Good morning, sir.
LIEUTENANT HOLLAN: Lieutenant Brian Hollan, Metropolitan Police Department.

CHAIRPERSON ANDERSON: I'm sorry, your last name?

LIEUTENANT HOLLAN: Hollan, H-O-L-L-A-N.

CHAIRPERSON ANDERSON: Good morning, Lieutenant Hollan.

Yes, sir? Introduce yourself for the record, please.

MR. SOLLOSO: My name is Manuel Solloso.

CHAIRPERSON ANDERSON: Good morning, Mr. Solloso. You know, I'm not saying that you have appeared in front of me sufficient times, but I apologize that I still don't have your name easily, so I do apologize for that, sir.

Make sure that you sign in. There is a sign-in sheet there. There is a sign-in sheet. If you could, please, make sure you sign in on the desk there is a sign-in sheet.

MR. SOLLOSO: Oh, yeah, I sign it.
CHAIRPERSON ANDERSON: You signed it?

MR. SOLLOSO: Yeah.

CHAIRPERSON ANDERSON: Okay. That's fine.

MR. SOLLOSO: I put my name and my -- the date.

CHAIRPERSON ANDERSON: Okay. Thank you, Mr. Solloso.

All right. This -- Mr. Solloso, this -- the purpose of this Fact-Finding Hearing is that the Chief of Police had requested that we have a Fact-Finding Hearing regarding one of the security guards that you had working at your establishment.

And it's my understanding that the security guard was not -- didn't have the proper, I think, identification and I think that the impression was that they were, and if I'm incorrect, a police officer. And so therefore, the security officer was arrested.

And I know that it was someone that you employed to work for your facility.
The purpose of this hearing today, again, because it was requested by the Chief of Police, is to make a determination to see whether or not we are going to state that there is -- we are not going to take any further action or whether or not we are going to refer this matter over to the Attorney General for further investigation.

So we have not made a decision, so we are listening. Again, no one is going to be under oath today. The Board cannot, at a Fact-Finding Hearing, force you to agree to anything. It's just we are just gathering information to make a decision.

MR. SOLLOSO: Thank you.

CHAIRPERSON ANDERSON: And so, yes, what we are going to do is that I'm going to have the Investigators tell us what it is that they investigated and I'll have the Lieutenant also share with us from his perspective why the Chief of Police asked us to have this Fact-Finding Hearing. And you can respond once you hear what
was said. Okay?

MR. SOLLOSO: Okay. Thank you very much.

CHAIRPERSON ANDERSON: All right. Thank you. All right. So Investigator Garcia, so just can you start off by stating your name for the record and where you are employed and how you are familiar with this case.

INVESTIGATOR GARCIA: I'm employed by ABRA and Investigator George Garcia.

First off, I just want to make a correction to the report for the CCN number. And my report states CCN 18199951.

CHAIRPERSON ANDERSON: Investigator, please, speak slower. I think that Mr. Solloso it's -- he is trying to listen intently, because I notice when he -- when I'm speaking, he is trying to listen intently to me.

INVESTIGATOR GARCIA: Okay.

CHAIRPERSON ANDERSON: So just speak a little bit slower, so to make sure that he is also following along.
INVESTIGATOR GARCIA: Okay.

CHAIRPERSON ANDERSON: Do you have a copy of the report that was filed by the Agency?

MR. SOLLOSO: No. I knew nothing about that.

CHAIRPERSON ANDERSON: Could we make sure that he gets a copy of the report? That I don't know -- was it -- do we know whether or not a copy was ever provided to him?

MR. SOLLOSO: Thank you.

CHAIRPERSON ANDERSON: All right. Go ahead, Mr. Garcia.

INVESTIGATOR GARCIA: Okay. So I just wanted to make that correction of the CCN number. The correct CCN number should be 19071409.

CHAIRPERSON ANDERSON: That's fine. Where are you asking us to make the correction? I see that on the front page. So where are you asking us to make that correction?

INVESTIGATOR GARCIA: Under details. It states "As well as MPD-251 report CCN 18199951."
MEMBER SHORT: What's the correct one again?

INVESTIGATOR GARCIA: The correct one should be 190 --

CHAIRPERSON ANDERSON: That's what I have here.

MEMBER SHORT: Okay.

CHAIRPERSON ANDERSON: 1 -- at least-- oh, you're talking about -- oh.

INVESTIGATOR GARCIA: Yeah.

CHAIRPERSON ANDERSON: Oh, okay.

Okay. All right. I was reading the second one that has the correct one. So you are saying the first paragraph, the CCN number --

INVESTIGATOR GARCIA: Correct.

CHAIRPERSON ANDERSON: -- is incorrect. So what is that CCN number, please?

INVESTIGATOR GARCIA: It's 19071409.

CHAIRPERSON ANDERSON: Okay. All right. Thank you.

INVESTIGATOR GARCIA: You're welcome.

CHAIRPERSON ANDERSON: Go ahead, sir.
INVESTIGATOR GARCIA: And I was assigned to investigate MPD-251, 19071409, on Tuesday, April 30, 2019. As a result of an official Fact-Finding request initiated by the MPD Chief of Police. Primarily due to the establishment's history and the arrest of an establishment's security officer.

I was made aware of their complaint regarding El Rincon located at 1826 Columbia Road, N.W.

And on Friday, April 26th, at approximately 10:36 p.m., MPD Officers Espinal, Grabowski and Tobe responded to 1826 Columbia Road, N.W., to investigate a possible security officer working without a D.C. Security License.

While approaching the location, officers observed S-1, who was later identified as Jose Ariaga, walking on the 1800 Block of Columbia Road, N.W. Officers conducted a stop and an investigation revealed that Mr. Ariaga was not licensed to operate in the District of Columbia.
Mr. Ariaga was then -- was not licensed to carry a baton either. Mr. Ariaga was then placed under arrest and transported to the 3rd District Station for processing.

On Friday, May 3, 2019, at approximately 10:00 p.m., I visited El Rincon to investigate the incident involving the security officer. I made contact with and interviewed the owner, Manuel Solloso, who was not present during the night of the incident.

Mr. Solloso stated that he had hired a security company by the name of Premier Security Services to provide the establishment with security officers. Mr. Solloso then stated that he was unaware that Mr. Ariaga was an unlicensed security officer to work in the District of Columbia.

Mr. Solloso also was unaware that Mr. Ariaga was unable to possess prohibited items such as a baton, a security velcro patches, a thin blue line velcro patch, a ballistic panel vest, a duty belt keepers, handcuffs, tazers with
holsters and a security officer badge in Washington, D.C.

While at the establishment, I conducted a regulatory inspection in which no ABRA violations were found.

And on Saturday, May 18, 2019, I interviewed the responding officer, A. Sharma. Officer Sharma stated that El Rincon Security Officer, Jose Ariaga, would be monitored for about one to two days prior to his arrest on April 26, 2019.

Officer Sharma stated that Mr. Ariaga was unable to provide any information about being a licensed security officer in the District of Columbia.

Officer Sharma stated that Mr. Ariaga was then placed under arrest on April 26, 2019 on the 1800 Block of Columbia Road, N.W.

And that's -- I'm sorry, I determined that no ABRA violations occurred during the date of the incident.

CHAIRPERSON ANDERSON: All right.
Thank you, Mr. Garcia.

INVESTIGATOR GARCIA: Um-hum.

CHAIRPERSON ANDERSON: Supervisory Investigator Brashears, do you need -- do you want to add anything?

INVESTIGATOR BRASHEARS: No, sir.

CHAIRPERSON ANDERSON: Thank you.

Lieutenant Hollan, this was a request that was made by the Chief of Police. Is there anything you want to add to this report?

LIEUTENANT HOLLAN: I would just add that, you know, we appreciate that in light of their history, they are attempting to implement some sort of security. However, we think it is important that they follow the proper rules, procedures, licensing requirements.

There are a number of things about this particular incident that concern us. The fact that the security -- unlicensed security guard had a badge that said Maryland Special Agent, not just the fact that he was wearing the tazer, but he was wearing it in such a fashion
that a reasonable person would perceive it to be a pistol, similar like police officers wear pistols on their service belts.

So those sort of things fill us with concern.

CHAIRPERSON ANDERSON: All right. Mr. Sollosso, from your, tell me, perspective, what's this all about?

MR. SOLLOSO: However I do it, because when I pick up this gentleman, I pick up by the phone and make it him to come in, he is to come in. He is coming. When I see this gentleman, he said -- to me he look like a policeman. I cannot say to the policeman show me your ID.

CHAIRPERSON ANDERSON: All right.

MR. SOLLOSO: I mean, they ask it from me, I do it, but they asking myself to the police, to me it's like picking money from your pocket, something like that. It's disrespectful. What do I say? I don't know if he is police. If I wait, police will with a permit -- will they permit? I don't know that. They have a watch.
They have uniform. They have a gun. I don't know if his gun probably -- properly or plastic. I don't know what it does. I seen it in the uniform. What can I say?

CHAIRPERSON ANDERSON: Well, but you hired him, so --

MR. SOLLOSO: I hired him.

CHAIRPERSON ANDERSON: -- sir, explain to me how you came to hire this person to be in your establishment.

MR. SOLLOSO: I needed security.

CHAIRPERSON ANDERSON: All right.

MR. SOLLOSO: By the law from the ABRA, they send him to me a security four hours, after 10:00 until close, four or five hours after 10:00 p.m. For Friday and Saturday, he make it five hours.

CHAIRPERSON ANDERSON: All right.

MR. SOLLOSO: The rest of the week, four hours. He seem to me a policeman. I mean, security. If he -- police is better. The company tried to charge me $25 per hour plus the
taxes. This company or this gentleman buy the
full -- I don't know whatever the -- if he work
for the company or work in private area, I don't
know. He charging me $20 an hour.

So when I see the police for me, $5
less or $10, if it was same company is charging
me $30, want $25 minimum. This one he come for
$20. I said well, money is money, you know.

CHAIRPERSON ANDERSON: Okay. I think
what this says, sir, is that it doesn't appear
that because one company is much cheaper, is
cheaper that it is actually the better one,
because I guess what you are saying to me is that
you hired a security company. One company was
charging $25. This company was charging $20.
And so therefore that's a $5 --

MR. SOLLOSO: Less.

CHAIRPERSON ANDERSON: -- less. But
you hired this company. But now you are here
before the ABC Board because it appears that the
Chief of Police had some -- didn't -- is not of
the opinion that this company -- at least this
officer or the -- your contractor could work in D.C. in the position that you hired them for.

So have you terminated the contract?

Did you hire a new company or are you still using this company to provide security?

MR. SOLLOSO: He done all the -- like the policeman with a business card or the company and everything.

CHAIRPERSON ANDERSON: But are you still using them, sir?

MR. SOLLOSO: Not now.

CHAIRPERSON ANDERSON: So who is it that are you using to provide security to your establishment?

MR. SOLLOSO: Another company.

CHAIRPERSON ANDERSON: And how did you find this company?

MR. SOLLOSO: By the phone.

CHAIRPERSON ANDERSON: By the phone?

MR. SOLLOSO: Yeah.

CHAIRPERSON ANDERSON: So in hiring them, what type of questions do you ask them?
MR. SOLLOSO: I ask if -- there are things, but this is not the police. This is a security, from the security company.

CHAIRPERSON ANDERSON: Right. But I'm just -- but let me ask you a question. Did the police, the D.C. Police did they advise you why they had a problem with this other person?

MR. SOLLOSO: No.

CHAIRPERSON ANDERSON: No? So you don't know why?

MR. SOLLOSO: I don't know what is going on with it. From that day, I receive this paper to come in here. Nobody tell me why you do it or so what happened or don't happen or I don't know. I ask for that guy, he says the police arrest. He take it later, later after they take it, we call him, he say no, I don't want to work any more, sorry.

CHAIRPERSON ANDERSON: So he just said he doesn't want to work any more. So --

MR. SOLLOSO: So I say what happened you want to come into work or you -- because no
explanation to me he have a license or don't have a license or is that a violation of the law or something like that. He only tell me he is supposed to have a license from Maryland, but not from D.C.

CHAIRPERSON ANDERSON: Okay.

MR. SOLLOSO: That's what people tell me. But the people do talking, but I don't know exactly the police or something like that coming to me and say you don't have any more security because the security have problems, a problem, nobody tell me nothing.

CHAIRPERSON ANDERSON: But let me ask you a question. So what type of background information do you utilize when you hire people to work in your establishment?

MR. SOLLOSO: Nothing.

CHAIRPERSON ANDERSON: No, but you --

MR. SOLLOSO: The come in with the reasons got, the police come in front of me and I say okay.

CHAIRPERSON ANDERSON: But it's your
business. Suppose this is a robber. Suppose
that you are hiring somebody who is going to rob
you? So I --

MR. SOLLOSO: We need it. At that
time, we need it.

CHAIRPERSON ANDERSON: I know that we
ordered for you to have security, but it would
appear that you have to do a little bit more
research in trying to find out the type of people
that --

MR. SOLLOSO: I understand.

CHAIRPERSON ANDERSON: -- you are
going to hire to work for you, because whatever
that security guard does, I mean in this
particular case, it's -- the police are saying
that he is impersonating a police officer. He is
not licensed in D.C. to work.

But in other cases, if he does not
interact appropriately with your customers, you
are going to be in trouble. I mean, you are
responsible because he is your employee. He is
an employee. He is an extension of you. So you
have to -- maybe I'm not -- maybe you need to
talk to, you know, other businessmen to see what
type of security that they utilize and not
necessarily look at someone who shows up because
you are responsible for that person's action.

MR. SOLLOSO: Usually take it that
way. We try to, one day or two or three days to
know if he is working and not to give application
to fill it out to stay. That's how more times
they using that, you know, give a chance to try
and you okay or not okay.

So like it's someone is coming from
the -- supposed to -- the regional company and no
good, because come in and start in one hour or
two hours and have to go out to the door, go
around to the Columbia Road. I don't know when
he going to do it, but there's some problems,
person to have their own problems himself and he
want to call them.

CHAIRPERSON ANDERSON: Lieutenant, and
I know that -- and we are not -- I'm not asking
you to give advice. I'm going to ask the Agency,
but clearly, the Chief of Police had concerns. I'm not sure how this person came to their attention, but is there any type of guidance that your office can provide to Mr. Solloso about what he should look for in hiring security? Because yeah, for him not to run afoul of the law.

LIEUTENANT HOLLAN: Well, sir, the biggest thing MPD would advise him to look for is someone who actually has a license from the D.C. Government to operate a security company in the District of Columbia.

That -- because they are subject to licensing and inspections to make sure they are in compliance with those regulations, that, in and of itself, is like the biggest sign that vetted, they are going to act appropriately. They know their limits. They are not going to overstep their authority. There are different levels between security officers, special police officers.

Certainly, this security guard would
kind of blur those lines. And he had absolutely no credentialing within the District of Columbia, so the biggest thing he could do would be ask any security company who is looking at hiring him, are you licensed to operate a security company in the District?

CHAIRPERSON ANDERSON: Thank you, Lieutenant.

Have you heard, sir, like the type of questions to ask the security company that you are going to -- that you are hiring? I don't want you to come in front of us. I don't want your employee to be arrested by the police. I also don't want your employee to do something that will bring you back in front of this Board.

And I think that he has given you some type of advice to say these are some questions you should ask. And sometimes we have to be careful with cost. Cost is not -- so these are questions that you need to look for in asking even the company that is now providing.

I know that you have to do it, because
of the Board order, but I still don't want you to
hire someone or accompany and then every week
you're before the Board because this person has
done something that is improper.

All right. Now, does any other Board
Members -- yes, Mr. Short?

MR. SOLLOSO: It's something to play,
because you never know what is coming.

CHAIRPERSON ANDERSON: Yes, Mr. Short?

MEMBER SHORT: Mr. Solloso, do you
realize that you could check with any police
officer or you could have called -- you could
have -- as was said to you by the Chair,
Chairperson, if they are not a registered company
in the District of Columbia, maybe that's the
reason why they were cheaper.

Did that ever come in your mind to you
that they weren't -- they didn't have the proper
credentials, that's why they were cheaper?

MR. SOLLOSO: That's not the problem
because I'm making money enough to do -- to cover
the events.
MEMBER SHORT: Okay. And speaking of money, on this same evening had that gentleman assaulted someone inside of your establishment, you would have been sued. It would have cost you a lot of money if this gentleman had of tazed someone and they found out he wasn't licensed to have that tazer in the District of Columbia, what do you think would happen to your business and your ABC License?

MR. SOLLOSO: Nothing.

MEMBER SHORT: Nothing? You think nothing?

MR. SOLLOSO: If he don't have a license, nothing to make the business.

MEMBER SHORT: That's all I have, Mr. Chair. Thank you very much. That's all I have.

CHAIRPERSON ANDERSON: Go ahead, Mr. Silverstein.

MEMBER SILVERSTEIN: This is almost mind-numbing. And I can't help but think of the line from Cool Hand Luke, what we have here is a failure to communicate.
Do you understand that the license to operate a security agency is different from a driver's license? That a driver's license or if someone has a driver's license in Virginia, they can drive in Washington. They can drive in Maryland.

But for a security guard, they have to be licensed, to operate in the District of Columbia they have to be licensed in the District of Columbia.

Do you understand that?

MR. SOLLOSO: I do now, yeah.

MEMBER SILVERSTEIN: You did not before?

MR. SOLLOSO: No. No, sir. I don't know that.

MEMBER SILVERSTEIN: Okay.

MR. SOLLOSO: I didn't know that.

MEMBER SILVERSTEIN: So --

MR. SOLLOSO: To me it's the --

MEMBER SILVERSTEIN: -- when --

MR. SOLLOSO: -- Virginia, Maryland
and Washington, to me is the same police, I mean.

MEMBER SILVERSTEIN: I'm glad that if

nothing else --

MR. SOLLOSO: Thank you.

MEMBER SILVERSTEIN: -- you have had

this epiphany.

MR. SOLLOSO: Thank you.

MEMBER SILVERSTEIN: Now, will you

check when you hire a person in the future that

they are licensed to operate in the District of

Columbia?

MR. SOLLOSO: Of course, I do it. I

must do it.

MEMBER SILVERSTEIN: Our work is done.

CHAIRPERSON ANDERSON: Any other

questions by any other Board Members?

Mr. Garcia, anything you want to add?

INVESTIGATOR GARCIA: No.

CHAIRPERSON ANDERSON: Mr. Brashears?

INVESTIGATOR BRASHEARS: No, sir.

CHAIRPERSON ANDERSON: Lieutenant?

LIEUTENANT HOLLAN: No, sir.
CHAIRPERSON ANDERSON: All right. Mr. Sollosa, you are ordered by the ABC Board to have security. And one of the things that you have to remember is that these are -- they are your employee. And whatever action is taken by this employee, it's attributable to you.

In this particular case, I believe you hired a company and so therefore and you did not recognize the fact that in order for the person to work, they have to be licensed in D.C. So in hind -- other companies provide security, these are some basic questions you have to ask, sir, because if they are not properly licensed, meaning that they are not properly trained in D.C., you are ultimately responsible for their action.

It is your license that is on -- he is not here today, this security officer that you hired. You are the one who is here. He didn't come back to work. He is probably finding another job somewhere else and he is fine. But you are the one who is sitting here today in
front of the ABC Board.

So if you take nothing else from this hearing, it is -- if you are hiring a security company, you have to use the same type of guidance as when you hire an employee. Sir, you hire someone to work in your establishment. You check their résumé. You check their references. You make sure that these are folks who can legally work in D.C., that they have the requisite qualifications to work in your establishment, because if not, whatever action that they do, you are ultimately responsible for that. Okay?

MR. SOLLOSO: Okay. Thank you.

CHAIRPERSON ANDERSON: All right.

MR. SOLLOSO: Thank you.

CHAIRPERSON ANDERSON: The Board will take this matter under advisement. We will decide whether or not we will take any further action or whether or not we will refer this out.

But I mean, I believe -- yeah, we can make a decision. I believe that -- yeah.
My recommendation to the Board is that we take no further action. Is there a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON ANDERSON: Mr. Silverstein has seconded the motion.

All those in favor say aye.

MEMBER SILVERSTEIN: Aye.

MEMBER CROCKETT: Aye.

CHAIRPERSON ANDERSON: Aye.

MEMBER CATO: Aye.

CHAIRPERSON ANDERSON: Those opposed?

MEMBER SHORT: Opposed.

CHAIRPERSON ANDERSON: The matter passes 4-1 with Mr. Short in opposition.

And basically what this says, sir, is that we are not going to take any further action regarding this matter. But you are on notice that -- you are -- that if you are going to hire a security company to provide security in your establishment, you have to make sure that they are licensed in the District of Columbia to provide the services. Okay?
MR. SOLLOSO: Thank you.

CHAIRPERSON ANDERSON: Have a good day. Thank you.

MR. SOLLOSO: Thank you.

CHAIRPERSON ANDERSON: All right.

MEMBER SHORT: Thank you, Lieutenant.

CHAIRPERSON ANDERSON: All right.

Yeah, I'm sorry, thank you, Lieutenant and Investigators. Thank you for being here today.

MEMBER SHORT: Thank you all.

(Whereupon, the Fact-Finding Hearing was concluded at 11:09 a.m.)
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CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: El Rincon

Before: DCABRA

Date: 07-17-19

Place: Washington, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

Neal R. Gross
Court Reporter