

Capital Reporting Company  
In the Matter of: Caribbean Vibes, Inc. t/a Club Timehri 07-25-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :  
 :  
Caribbean Vibes, Inc. :  
t/a Club Timehri :  
2439 18th Street, NW :  
Retailer CT : Show Cause  
License No. 77730 : Hearing  
ANC 1C :  
Case No. 12-251-00103 :  
Failed to Comply with Security :  
Plan, Allowed the Establishment :  
To be Used for an Unlawful or :  
Disorderly Purpose :  
-----x

July 25, 2012

The Alcoholic Beverage Control

Board met in the Alcoholic Beverage Control Hearing  
Room, Reeves Building, 2000 14th Street, N.W.,  
Washington, D.C., Ruthanne Miller, Chairperson,  
presiding.

PRESENT

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

HERMAN JONES, Member

CALVIN NOPHLIN, Member

MIKE SILVERSTEIN, Member

ALSO PRESENT

LOUISE PHILLIPS, OAG

MICHAEL STERN, OAG

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

2 10:06 a.m.

3 CHAIRPERSON MILLER: The next case on our  
4 calendar is scheduled for 10:00. It's now 10:06. It's  
5 Case No. 12-251-00103, a show cause hearing for Club  
6 Timehri, located at 2439 18th Street, N.W., License No.  
7 77730, in ANC 1C.

8 Would the parties in this case please come  
9 forward?

10 MS. GREEN: I see that Mr. Stern is not here.  
11 I can step in on behalf of the District if it's  
12 necessary. I'm not sure I can do a whole show cause but  
13 I may not need to if the other side is not here.

14 CHAIRPERSON MILLER: Why not? You have the  
15 burden of proof. Do you want to call him?

16 MS. GREEN: I can.

17 CHAIRPERSON MILLER: Okay. Look --

18 MS. GREEN: I just mean -- we pass then.

19 CHAIRPERSON MILLER: Our next case is at  
20 11:00. So do you want to give him a call, Ms. Phillips,  
21 and then let one of our legal staff know?

22 MS. PHILLIPS: Yes, if you have it. Glad to

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1 do it.

2 CHAIRPERSON MILLER: Because we don't have  
3 another case to pass to at this point.

4 MS. PHILLIPS: Oh, I'm sorry.

5 CHAIRPERSON MILLER: That's okay. It's not  
6 your fault.

7 MS. PHILLIPS: Okay. Madam Chair, he's on  
8 his way up. Okay. I guess Mr. Moussali (ph) noticed  
9 him in the lobby.

10 CHAIRPERSON MILLER: Okay. All right. Then  
11 we'll wait for him.

12 MS. PHILLIPS: Thank you for your indulgence.

13 CHAIRPERSON MILLER: Okay. I believe I  
14 called the case 12-251-00103, Club Timehri, 2439 18th  
15 Street, N.W., License No. 77730, in ANC 1C.

16 MR. STERN: Mike Stern representing the  
17 District of Columbia.

18 CHAIRPERSON MILLER: Okay. There is no one  
19 at the table representing the Licensee at this time at  
20 10:10. Mr. Stern, do you have any knowledge whether  
21 the Licensee will attend this hearing?

22 MR. STERN: I do not. When we were here for

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1 the -- we were here previously to set this in for an  
2 OIC. I had contact with the owner at that time. He  
3 said he was going to appear for that hearing. I have  
4 not heard from him since then. He didn't appear at  
5 that hearing.

6 CHAIRPERSON MILLER: Okay.

7 MR. STERN: I haven't heard from him since  
8 then.

9 CHAIRPERSON MILLER: Okay. Then are you  
10 prepared to present your case?

11 MR. STERN: We are, though I would ask, if I  
12 may have about five minutes?

13 CHAIRPERSON MILLER: Okay.

14 MR. STERN: That'd be fine. Thank you.

15 CHAIRPERSON MILLER: Sure.

16 CHAIRPERSON MILLER: Mr. Stern, I just want  
17 to make sure you're not waiting --

18 MR. STERN: Yes. I'm -- we're reading.

19 CHAIRPERSON MILLER: Are you ready?

20 MR. STERN: Yes.

21 CHAIRPERSON MILLER: Because I didn't --

22 MR. STERN: I'm sorry; I didn't know you were

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1 still waiting.

2 CHAIRPERSON MILLER: Okay.

3 MR. STERN: I mean, with --

4 CHAIRPERSON MILLER: I was waiting for a  
5 signal from you. So I just -- you know, sometimes that  
6 happens; you're waiting for me, I'm waiting for you.  
7 Okay. So we're ready to -- you're ready to proceed? Do  
8 you have any opening statements?

9 MR. STERN: Yes. In this case, the  
10 government's evidence will show that on Saturday, March  
11 10th, 2012 at approximately 1:45 to 2:00 a.m. in the  
12 morning, there was an altercation at Club Timehri. In  
13 that altercation, two men were arguing. One man ended  
14 up stabbing the other. The security guards at that time  
15 did not break up the fight, but later escorted the  
16 victim to the door and allowed him to walk out the  
17 establishment without calling the police or an  
18 ambulance for medical assistance or  
19 ABRA.

20 That investigation further revealed that on  
21 the night in question the establishment was not using  
22 metal detectors. And in fact, the metal -- one -- the

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1 metal detector was inoperable. The establishment's  
2 security plan calls for the use of metal detectors for  
3 everyone who enters the establishment. And that -- the  
4 evidence will show that the establishment violated  
5 their own security plan.

6           The evidence will also show that because the  
7 establishment allowed -- did not respond quickly to  
8 break up the fight and did not offer any medical  
9 assistance or attempt to call the police, they were  
10 allowing their establishment to be used for a  
11 disorderly purpose, unlawful purpose.

12           For these reasons, at the conclusion of the  
13 case we will ask that the Board fine the establishment  
14 involved in the two charges in the notice and fine the  
15 establishment \$4000 and suspend the establishment for  
16 ten days, all of which should be served. That will be  
17 the government's evidence.

18           CHAIRPERSON MILLER: Okay. Thank you. Do  
19 you swear the truth, the whole truth, nothing but the  
20 truth?

21           MR. PARKER: I do.

22           CHAIRPERSON MILLER: Thank you.

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1 MR. STERN: Yes. Investigator, if you can  
2 give us your name, spelling your last name for the  
3 record?

4 MR. PARKER: My name is Investigator Vincent  
5 Parker. The last name is P-A-R-K-E-R.

6 MR. STERN: And Mr. Parker, are you employed?

7 MR. PARKER: Yes, sir. I'm an ABRA  
8 investigator.

9 MR. STERN: Okay. And in the course of your  
10 duties, did you have occasion to become known with the  
11 establishment known as Club Timehri?

12 MR. PARKER: Yes, sir.

13 MR. STERN: Okay. Did you investigate  
14 instances that occurred at Club Timehri on March 10th,  
15 2012 --

16 MR. PARKER: Yes, sir.

17 MR. STERN: -- in the early morning hours?

18 MR. PARKER: Yes.

19 MR. STERN: Okay. Can you tell us how you  
20 became involved with Club Timehri?

21 MR. PARKER: On Saturday, March 10th, 2012 at  
22 approximately 2:09 a.m., ABRA received a phone call

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1 from MPD on the ABRA hotline, indicating that a male  
2 had been stabbed at the establishment.

3 MR. STERN: Okay. Thank you. Did you -- in  
4 the course of your investigation, did you learn how  
5 that MPD learned of the incident?

6 MR. PARKER: The MPD officers who made the  
7 call (inaudible) they were officers on the street in  
8 the area down where Club Timehri is located. I'm also  
9 including PSA officers in that area.

10 MR. STERN: Okay.

11 MR. PARKER: They were outside in the street  
12 and they observed the victim.

13 MR. STERN: Observed the victim, did you say?

14 MR. PARKER: Yes, sir.

15 MR. STERN: And do you know approximately  
16 where they observed the victim? Was he at the  
17 establishment at the time?

18 MR. PARKER: He was outside of the  
19 establishment located -- and we're not clear but it was  
20 on 18th Street. So

21 MR. STERN: Okay. And was the -- was he with  
22 personnel from the establishment?

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1 MR. PARKER: No, sir. He was with his male  
2 cousin.

3 MR. STERN: Okay. What was it -- in the  
4 course of your investigation, did you learn how the  
5 altercation occurred?

6 MR. PARKER: Reports from the witnesses of  
7 the establishment, as well as the victim of the assault  
8 -- was that he -- the victim accidentally stepped on a  
9 male's shoe inside of the establishment while dancing.  
10 The male whose shoe he stepped on and the victim became  
11 involved in a physical altercation. During the course  
12 of that physical altercation, the male victim was  
13 stabbed with an unknown object.

14 MR. STERN: Okay. Did the witnesses tell you  
15 what the response of the establishment was to that?

16 MR. PARKER: Outside of Club Timehri, I made  
17 contact with Niger Frasier (ph), who identified himself  
18 the cousin of the victim. Mr. Frasier stated that he  
19 witnessed the assault -- or he witnessed the fight  
20 between his cousin and the male suspect. He stated  
21 that he escorted his cousin out of the establishment  
22 after the fight --

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1           MR. STERN:   Okay.

2           MR. PARKER:  -- after Mr. Lewis was stabbed.  
3 Mr. Lewis and --

4           MR. STERN:  And did he say whether or not the  
5 establishment attempted to diffuse the altercation?

6           MR. PARKER:  Mr. Frasier didn't mention any  
7 attempt.

8           MR. STERN:  Okay.  Did he mention -- did he  
9 say whether or not any medical assistance was offered  
10 to the victims?

11           MR. PARKER:  Mr. Frasier stated that once he  
12 got Mr. Lewis outside the establishment, they flagged  
13 down the MPD officers in the area.  And that was the  
14 first contact they had.

15           MR. STERN:  So the establishment didn't offer  
16 any medical assistance?

17           MR. PARKER:  According to Mr. Frasier.

18           MR. STERN:  Okay.  Now, did you also find out  
19 whether or not the establishment was guarding against  
20 armed individuals entering the establishment?

21           MR. PARKER:  So my initial contact on the  
22 scene was with the MPD officers, as well as Mr.

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1 Frasier. I then made contact with the establishment. I  
2 spoke to -- I initially spoke to Chris Well (ph), who's  
3 the owner of the establishment. Mr. Well stated that  
4 he was not at the establishment at the time of this  
5 incident.

6 I fully questioned Mr. Wells if surveillance  
7 cameras were at the establishment. And he advised me  
8 that Club Timehri did not have any surveillance  
9 cameras. The next contact at the establishment was with  
10 McKinley Walker, Jr. He's an ABC manager. He also  
11 serves as the head of security at Club Timehri. My  
12 conversation with

13 Mr. Walker: "Would you describe the incident  
14 at approximately 1:45 a.m.?" Mr. Walker stated that  
15 club security escorted the male out of the  
16 establishment for fighting.

17 Mr. Walker stated that once outside the  
18 establishment, he observed that the male victim was  
19 bleeding profusely. And Mr. Walker stated that MPD  
20 officers then arrived. He didn't state --

21 MR. STERN: Okay. Did you speak to Ms. Lau  
22 (ph) at the establishment?

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1 MR. PARKER: I didn't speak to Ms. Lau, nor  
2 the security guard at Club Timehri.

3 MR. STERN: And does -- did Ms. Lau mention  
4 whether or not the establishment was using any sort of  
5 device to detect metal being brought into the --

6 MR. PARKER: Ms. Lau stated that the metal  
7 detecting wand was not in use on the night of this  
8 incident. Whereas, previously, during my conversation  
9 with Mr. Walker, he stated that the metal-detecting  
10 wand was in use.

11 MR. STERN: Okay. And did Ms. Lau say that  
12 she in fact was checking people as they come in -- came  
13 into the establishment?

14 MR. PARKER: Yes, sir. She stated that she  
15 was checking the female patrons' bags privately.

16 MR. STERN: And as the person checking the  
17 patrons, was she using a wand?

18 MR. PARKER: She was not.

19 MR. STERN: Okay. Now, did you have an  
20 opportunity to review the establishment's security  
21 plan?

22 MR. PARKER: I did. Page 7 of the security

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1 plan states that metal detectors are fully utilized and  
2 all guests are subject to body searches or pat downs.

3 MR. STERN: Okay. Did you -- in the course  
4 of your investigation, did you also determine whether  
5 the crime scene where the incident occurred was being  
6 preserved?

7 MR. PARKER: During my visit, myself and  
8 Supervisor Craig Stewart visited the establishment. We  
9 observed a bloody shirt in the trash can. I just  
10 photographed it and attached it to the investigative  
11 report. There was also blood splatters on the floor  
12 inside the establishment (inaudible) the door, on the  
13 steps leading into the establishment.

14 During a later conversation with MPD  
15 Detective Jackson, she stated that one of the employees  
16 of the establishment informed her that he was directed  
17 to clean up the blood inside the establishment.

18 MR. STERN: Okay. Were -- did the  
19 establishment have any documentation of the incident?

20 MR. PARKER: At the time of my visit, which  
21 was right after the incident, there was -- there was no  
22 documentation.

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1 MR. STERN: Okay. Thank you. On -- did you  
2 prepare a report in this matter?

3 MR. PARKER: Yes, sir. I did.

4 MR. STERN: Okay. And I'm going to show you  
5 -- did that report also include a copy of the security  
6 plan?

7 MR. PARKER: Yes, sir. It did.

8 MR. STERN: Okay. Let me show you what I  
9 have marked as government's Exhibit No. 1. Can you  
10 identify what that is?

11 MR. PARKER: This is Club Timehri's manager's  
12 security operation and procedures.

13 MR. STERN: Okay. And is that the security  
14 plan you were talking about?

15 MR. PARKER: Yes, sir.

16 MR. STERN: And that is part of your report?

17 MR. PARKER: Yes, sir.

18 MR. STERN: And can you tell from looking at  
19 it, where in your report that would be?

20 MR. PARKER: In my investigative report, that  
21 is Exhibit No. 5.

22 MR. STERN: Okay. Thank you. I've got the -

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1 - don't have copies for everybody but I understand --

2 CHAIRPERSON MILLER: We do have copies.

3 MR. STERN: That's what I was going to say,  
4 "But you have copies of those."

5 CHAIRPERSON MILLER: While I'm speaking, I  
6 want to welcome Mr. Jones, our Board member who just  
7 joined us on the dais.

8 MR. JONES: Thank you, Madam Chair.

9 MR. STERN: Okay. I would move the admission  
10 of government's Exhibit No. 1, which is marked as  
11 Exhibit 5 to the report. I'm not hearing any  
12 objection.

13 CHAIRPERSON MILLER: Government -- not hear  
14 any objection, no. Government Exhibit No. 1, which is  
15 Exhibit 5-2 of Mr. Parker's report and his --

16 MR. STERN: Now, I will also show you what  
17 I'll have marked in the future as government's Exhibit  
18 No. 2. Can you identify what that is?

19 MR. PARKER: This is the photograph taken by  
20 Supervisor Stewart of the bloody t-shirt in the  
21 trashcan at Club Timehri.

22 MR. STERN: Thank you. Move for admission of

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1 government's Exhibit No. 2.

2 CHAIRPERSON MILLER: Is government Exhibit  
3 No. 2 attached to Mr. Parker's report as well or no?

4 MR. STERN: Okay. Any --

5 MR. PARKER: I believe that's Exhibit No. 10.

6 MR. STERN: Government's Exhibit No. 3, tell  
7 me what that is.

8 MR. PARKER: This is a photograph taken  
9 (inaudible) by Supervisor Stewart on the steps leading  
10 into Club Timehri.

11 MR. STERN: And what is the relevance of that  
12 photograph?

13 MR. PARKER: There are blood stains on the  
14 steps --

15 MR. STERN: Okay.

16 MR. PARKER: -- of the establishment.

17 MR. STERN: I'd like to show you what I've  
18 marked as government's Exhibit No. 4. And if you can  
19 say what that is?

20 MR. PARKER: Yes, sir. No. 4 is also the  
21 steps leading to the establishment. It's just a closer  
22 shot of the blood stains on carpet.

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1 MR. STERN: Okay.

2 MR. PARKER: I don't think there is --

3 CHAIRPERSON MILLER: I'm sorry. What -- are  
4 we looking at Exhibit No. 4 of the report?

5 MR. STERN: Yes. No, no. What number is  
6 that in the report?

7 MR. PARKER: Well, the wider angle is Exhibit  
8 No. 2 in the report. And I actually think they're both  
9 attached with Exhibit No. 2. Both show blood stains on  
10 the --

11 MR. STERN: Okay. Now

12 CHAIRPERSON MILLER: How many pages of  
13 Exhibit No. 2 to Mr. Parker's report that you're  
14 referencing, three pages, two pages?

15 MR. PARKER: Just three pages.

16 CHAIRPERSON MILLER: Three pages. Okay.

17 MR. STERN: Thank you. Can you tell me what  
18 the injuries were to the victim?

19 MR. PARKER: The victim sustained a stab  
20 wound in the tricep, also had a puncture wound.

21 MR. STERN: Okay. When you were at the  
22 establishment on the 10th at 2:40 in the morning, did

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1 you have an occasion to check out -- to examine the  
2 metal detector?

3 MR. PARKER: Yes, sir. I did. After --

4 MR. STERN: What did you find?

5 MR. PARKER: After speaking with Mr. Walker  
6 and Ms. Lau and getting their contradictory statements  
7 about the metal detector, I asked Mr. Walker to  
8 retrieve the metal detector wand that he alleged was  
9 being used that night. After Mr. Walker got it, I  
10 asked him to wand me as he would wand patrons entering  
11 the establishment. Mr. Walker wanded me. The metal-  
12 detecting wand did not alarm. I had my regular key  
13 ring that I always keep in my pocket that has four  
14 metal keys, as well as a small metal screwdriver.

15 And once the metal-detecting wand did not  
16 alarm on that which was in my pocket, then I examined  
17 the metal-detecting wand closer and saw that the power  
18 light was not -- was not on. I made the determination  
19 was the metal-detecting wand was not operable on the  
20 night itself.

21 MR. STERN: Thank you. That's all the  
22 questions I have for you, officer.

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1 CHAIRPERSON MILLER: Mr. Stern, I just want  
2 to be clear about the exhibits. Did you -- you made  
3 reference to, I think, Exhibits 10, 3 and 2, attached  
4 to the investigative report. But I don't believe you  
5 moved them after the --

6 MR. STERN: Exhibit 5, Exhibit 2, and Exhibit  
7 10, I believe, were -- are the exhibits from the  
8 investigative reports. I was going to give them to the  
9 reporter as government's Exhibit 1, 2, 3, and 4 for the  
10 record, if that pleases the Board.

11 CHAIRPERSON MILLER: I'm not sure I'm clear.

12 MR. STERN: Okay.

13 CHAIRPERSON MILLER: Exhibit 1 --

14 MR. STERN: Alternatively --

15 CHAIRPERSON MILLER: Yeah.

16 MR. STERN: Did you write a report in this  
17 case?

18 MR. PARKER: Yes, sir. I did.

19 MR. STERN: And the case report that you  
20 wrote, is that the report in the record?

21 MR. PARKER: The case report was  
22 investigative - - investigation number 12-251-00103.

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1           MR. STERN: And the listed attachments, were  
2 they part of the report?

3           MR. PARKER: Yes, sir. They were.

4           MR. STERN: Okay. We would the admission of  
5 the investigative report in its entirety. That way it  
6 can save us having to separately number the exhibits  
7 that we used.

8           CHAIRPERSON MILLER: I think that's a good  
9 idea.

10          MR. STERN: Thank you.

11          CHAIRPERSON MILLER: If there are no  
12 objections, the report with all the exhibits is  
13 admitted. Okay.

14          MR. STERN: Thank you. No further questions.

15          CHAIRPERSON MILLER: Board questions? Mr.  
16 Nophlin?

17          MR. NOPHLIN: Investigator Parker, did you  
18 look at -- do they have cameras?

19          MR. PARKER: No, sir. They did not have  
20 surveillance cameras at the time of this incident.

21          MR. NOPHLIN: I'm -- should have read the  
22 plan - - security plan but were they supposed to have

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1 cameras in?

2 MR. PARKER: Surveillance cameras were not in  
3 the security plan requirement at the time of this  
4 incident. Subsequent to this incident, there's been a  
5 supplemental investigation. And they have installed  
6 surveillance cameras. But at the time of this  
7 incident, there were no surveillance cameras at the  
8 time and they were not required at that time.

9 MR. NOPHLIN: They weren't required?

10 MR. PARKER: Yes.

11 MR. NOPHLIN: Okay. The other question I  
12 have is the exhibit, in terms of the blood that you saw  
13 that was reported, how do we know that that blood  
14 wasn't there before?

15 MR. PARKER: The photographs are just photos  
16 of the blood stains on the carpet -- on the concrete at  
17 the time. This exhibit -- the -- they were consistent  
18 with what was the statement from witnesses, that the  
19 man was bleeding profusely. And the blood appeared  
20 fresh in that they were bright red.

21 MR. NOPHLIN: Okay.

22 MR. PARKER: The determination of MPD's

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1 investigation of if those blood stains matched the  
2 victim, that was something that they were working on at  
3 the time. But

4 MR. NOPHLIN: Oh, and the last -- I'm sorry,  
5 one more pertaining to that. Police did the report?

6 MR. PARKER: Excuse me?

7 MR. NOPHLIN: The -- there was a police  
8 report?

9 MR. PARKER: Yes, sir.

10 MR. NOPHLIN: And it coincides with your  
11 report?

12 MR. PARKER: Yes.

13 MR. NOPHLIN: Okay. Thank you. Thank you,  
14 Madam Chair.

15 CHAIRPERSON MILLER: Other questions? Mr.  
16 Alberti?

17 MR. ALBERTI: Mr. Parker, one question. In  
18 your report it doesn't mention anywhere in here who  
19 called the police. So maybe it mentions and maybe I  
20 missed it, but in your conversations with any of the  
21 employees, did any of them report to you that they --  
22 that they called the police?

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1 MR. PARKER: No, sir. They didn't. Mr.  
2 Walker, the security -- the ABC manager and also the  
3 security manager stated that once the male was outside,  
4 MPD arrived on the scene before he could call police.  
5 So he stated that the police were there before he was  
6 able to make the call after he was aware of the  
7 incident.

8 MR. ALBERTI: Thank you very much.

9 CHAIRPERSON MILLER: Other Board questions?

10 (No audible response.)

11 CHAIRPERSON MILLER: Mr. Parker, do you know,  
12 was the perpetrator arrested in this case?

13 MR. PARKER: As of the time of the report, he  
14 was not.

15 CHAIRPERSON MILLER: With respect -- yeah,  
16 with respect to the subsequent incident, the suspension  
17 hearing, which then required for surveillance cameras  
18 to be installed. How many cameras were required, do  
19 you recall?

20 MR. PARKER: I did not complete the  
21 supplemental report in this case. That would be Case  
22 Report 12-251- 00103A. I reviewed the case when it was

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1 going -- when it was taking place. And I do understand  
2 that they did install cameras. But as far as specifics  
3 of the location and number, I'm not aware.

4 CHAIRPERSON MILLER: Okay. We got that in  
5 our records then. And I'm just curious if you have any  
6 idea how much it costs for a surveillance camera to be  
7 installed.

8 MR. PARKER: Various amount pretty much. A  
9 specific amount? I guess it would depend on the size  
10 of the storage device, the closed number of cameras,  
11 the clarity of the cameras, other type of features that  
12 the cameras have, if they are able to pan (inaudible).  
13 Those systems are very pricey.

14 CHAIRPERSON MILLER: Okay. So if you don't  
15 feel comfortable giving a ballpark, that's fine. I was  
16 just curious, you know, with respect to how much money,  
17 you know, this establishment may have expended since  
18 this bad incident to comply with, you know, and prevent  
19 future incident. Okay. Other questions?

20 (No audible response.)

21 CHAIRPERSON MILLER: Okay. Thank you very  
22 much. Any other witnesses, Mr. Stern?

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1 MR. STERN: No other witness for the  
2 government's side.

3 In this case, the government contends that we  
4 have --

5 CHAIRPERSON MILLER: Oh, you're excused.

6 MR. STERN: The government contends that we  
7 have proved the two violations charged in this case,  
8 the first violation that they violated the security  
9 plan is rather obviously, I would -- I would contend.  
10 The security plan calls for the use of handheld metal  
11 detectors. The metal detectors were either not in use  
12 or not operable at the time. Though, I think since the  
13 person who was supposed to be using it allowing females  
14 to enter said that she was not using it, I believe that  
15 is credible evidence that it was not being used at all.

16 As to the second charge, which is allowing  
17 the establishment to be used for an unlawful or  
18 disorderly purpose, in this incidence, what happened  
19 here was there was an altercation. Two men were  
20 fighting. There was enough time passed that one of  
21 them had an opportunity to take out a knife and stab  
22 the other gentleman. The gentleman then -- there was

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1 enough time for the gentleman then to be escorted  
2 outside, apparently unobserved by the staff.

3           The staff did nothing about it, even though  
4 he was bleeding profusely. And even the people at the  
5 door didn't call the police or ABRA or an ambulance or  
6 offer any medical assistance whatsoever to a man who  
7 ended up bleeding all over the front steps of the  
8 establishment. When an establishment completely ignores  
9 the safety of their patrons, I think the Board should  
10 find that they have allowed that establishment to be  
11 used for an unlawful purpose.

12           We would ask that, if the -- if the Board  
13 fines against the establishment on both allegations, a  
14 fine of \$2000 per violation, which would be a total of  
15 \$4000, be imposed and, because of the seriousness of  
16 the offense and the lack -- apparent lack of interest  
17 on the part of the establishment by not showing up  
18 here, either for the status hearing or for their trial  
19 dates, ask that they be suspended for a total of ten  
20 days additional.

21           Though, I would note that they have -- this  
22 was summarily closed and they did -- were closed for a

1 period of almost three weeks. But I believe the  
2 additional ten days should be separate and apart from  
3 that because of the establishment's attitude towards  
4 the obeying the law and their failure to even come in  
5 here and discuss the charges.

6 CHAIRPERSON MILLER: Could -- I'm sorry.  
7 Could you just say one more time the basis for unlawful  
8 use of the premises?

9 MR. STERN: Well, I think it is the totality  
10 of the circumstances. The establishment did not have  
11 enough security guards on site to be able to even break  
12 up the altercation during the entire -- this was not a  
13 flash incident. There was an altercation between two  
14 men. One of the men had the occasion to go to his  
15 pocket -- he obviously didn't have it in his hand at  
16 all times -- and pull some sort of object out and cut  
17 the -- and stab the other establishment [sic].

18 And then without the establishment ever  
19 coming to the aid of the party or detaining the person  
20 who did it, the gentleman -- the victim had an  
21 opportunity to exit the establishment and walk away  
22 from the establishment towards the police to obtain

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1 assistance. I think that when they completely ignore  
2 the safety of their patrons, they are allowing the  
3 establishment to be used for unlawful or disorderly  
4 purpose.

5 CHAIRPERSON MILLER: Okay. Thank you.  
6 Anything else?

7 (No audible response.)

8 CHAIRPERSON MILLER: All right. Then the  
9 record is closed in this case.

10 And Mr. Stern, do you want to file for  
11 Proposed Findings of Facts and --

12 MR. STERN: We will waive.

13 CHAIRPERSON MILLER: Okay. Then that  
14 completes the hearing in this case. I'll read the  
15 Closed Meetings Acts instructions.

16 As Chairperson of the Alcoholic Beverage  
17 Control Board for the District of Columbia and in  
18 accordance with Section 405(b) of the Open Meetings  
19 Amendment Act of 2010, I move that the ABC Board hold a  
20 closed meeting for the purpose of seeking legal advice  
21 from our counsel on Case No. 12-251-00103, Club  
22 Timehri, per Section 405(b)(4) of the Open Meetings

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1 Amendment Act of 2010 and deliberating upon this case  
2 for the reasons cited in Section 405(b)(13) of the Open  
3 Meetings Amendment Act of 2010.

4 Is there a second?

5 BOARD MEMBER: Second.

6 CHAIRPERSON MILLER: Now that the motion's  
7 been seconded, I'll call the roll call vote on the  
8 motion. Mr. Nophlin?

9 MR. NOPHLIN: I agree.

10 CHAIRPERSON MILLER: Mr. Brooks?

11 MR. BROOKS: I agree.

12 CHAIRPERSON MILLER: Mr. Alberti?

13 MR. ALBERTI: I agree.

14 CHAIRPERSON MILLER: Ms. Miller agrees. Mr.  
15 Silverstein?

16 MR. SILVERSTEIN: I agree.

17 CHAIRPERSON MILLER: Mr. Jones?

18 MR. JAMES: I agree.

19 CHAIRPERSON MILLER: And then the vote to  
20 approve the motion is 6-0-0. And I hereby give notice  
21 that the ABC Board will hold a closed meeting in the  
22 ABC Board conference room today pursuant to the Open

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1 Meetings Amendment Act of 2010 and issue an order  
2 within 90 days. Thank you very much.

3 MR. STERN: Thank you.

4 MR. ALBERTI: Mr. Parker, was there a mike in  
5 the witness stand?

6 MR. PARKER: I believe it was.

7 MR. ALBERTI: It was? Okay. I just saw an  
8 extra mike out here and it made me nervous that --

9 PARTICIPANT: It's there. It's on.

10 MR. ALBERTI: There is one? Great, thank  
11 you.

12 CHAIRPERSON MILLER: Our next show cause  
13 hearing is scheduled for 11:00 a.m. So are the parties  
14 here on this case?

15 (No audible response.)

16 CHAIRPERSON MILLER: No? So anyway, so we  
17 will recess then until 11:00 a.m. It's now 10:44.

18 (WHEREUPON, at 10:44 a.m., the hearing was  
19 concluded.)

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CERTIFICATE OF NOTARY PUBLIC

I, BRADLEY ANGLIN, the officer before whom the foregoing hearing was taken, do hereby certify that the testimony appearing in the foregoing transcript was recorded by me and thereafter reduced to typewriting under my direction; that said transcription is a true record of the testimony given by said parties; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

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BRADLEY ANGLIN

Notary Public in and for the

DISTRICT OF COLUMBIA

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CERTIFICATE OF TRANSCRIPTION

I, MIRANDA PENNACHI, hereby certify that I am not the Court Reporter who reported the following proceeding and that I have typed the transcript of this proceeding using the Court Reporter's notes and recordings. The foregoing/attached transcript is a true, correct and complete transcription of said proceeding.

\_\_\_\_\_  
Date  
MIRANDA PENNACHI  
Transcriptionist

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