

BOARD MEMBERS PRESENT

NICK ALBERTI, BOARD MEMBER

JAMES SHORT, BOARD MEMBER

MIKE SILVERSTEIN, BOARD MEMBER

RUTHANNE MILLER, BOARD MEMBER

ALSO PRESENT:

MICHAEL FONSECO

GEORGE CHRISTACOS

DIVYNE APOLLON

MARY METCALF

EARL JONES

P R O C E E D I N G S

FACT FINDING HEARING

CHAIRPERSON ANDERSON: Our next case is case #16-251,-00133. It's a fact finding hearing for Ozio Martini and Cigar Lounge, license #23167. Will the parties please approach and identify themselves for the record, please?

MR. FONSECO: Michael Fonseca on behalf of the licensee.

CHAIRPERSON ANDERSON: Good afternoon, again.

MR. CHRISTACOS: George Christacos.

CHAIRPERSON ANDERSON: I'm sorry, I didn't hear your last name.

MR. CHRISTACOS: George Christacos.

CHAIRPERSON ANDERSON: Christacos? Good afternoon, sir. Make sure that you write your name on the sign-in sheet.

MR. APOLLON: Divyne Apollon, head of security.

CHAIRPERSON ANDERSON: Good afternoon, sir.

MS. METCALF: Mary Metcalf, ABC manager.

CHAIRPERSON ANDERSON: You're the what? You

say ABC manager? Okay. Do we have any investigators here for this case? Do we have an investigator for this case? Can you please come forward, sir and identify yourself for the record?

MR. JONES: Investigator Earl Jones.

CHAIRPERSON ANDERSON: We have a fact finding hearing. This is a request that was made by Chief Lanier. Who wants to start?

MR. JONES: I'll try to summarize the incident with the ABC manager.

CHAIRPERSON ANDERSON: Hold on, hold on.

MR. JONES: They were there and --

CHAIRPERSON ANDERSON: Yeah, hold on, hold on. So, Mr. Jones, can you -- I mean, investigator Jones, can you just summarize the event for us, please?

MR. ALBERTI: Can you come up to the witness chair? It's easier, there's a mic there. It makes it more formal, but --

MR. JONES: This summarization may be a little longer than normal because we were

initially told that this was going to be a closure.

CHAIRPERSON ANDERSON: Because, I'm sorry, what?

MR. JONES: Because we were initially told that this was going to be an Metropolitan Police Department 96-hour closure, so it's -- the summary is just going to be just a tad bit longer than what it normally would be.

CHAIRPERSON ANDERSON: You don't have to -- just the long and short of it.

MR. JONES: Okay.

CHAIRPERSON ANDERSON: Just the long and short of it, what happened and why is it that they're here today.

MR. JONES: Okay. On July 3, 2016, at approximately 2:40 a.m., there was an altercation between two male patrons resulting in one male patron receiving a 12-inch laceration to his abdomen. This incident took place on the rooftop of the establishment at closing time. Security was able to quickly intervene. They diffused the

altercation and they were able to get all parties involved escorted out of the different exits. Once they had the victim in the alley-way exit they observed that the victim was -- did receive a laceration to his abdomen area. At that point in time, MPD was notified, who is actually a part of the nighttime --

UNKNOWN: Nightlight Patrol.

MR. JONES: Thank you, the Nightlight Patrol and they are actually stationed out, right out front of the establishment. At that point in time they were notified to assist and to, at that point, take over. Once MPD arrived in the alleyway -- at the alleyway exit, they assessed the situation, notified medics and the victim was transported to George Washington Hospital Center for treatment. Subsequently, MPD did not do a 96-hour closure and, like you mentioned, requested a fact finding hearing.

CHAIRPERSON ANDERSON: Thank you.

MR. PERU: Yes, sir.

CHAIRPERSON ANDERSON: Mr. Fonseca?

MR. FONSECO: This was an incident that was handled essentially by the book and it was fortunately security did their job and security separated them. The victim was taken out through the rear stairs and led to the alley and never knew until they got out to the alley that the patron had essentially been cut deeply. The victim had pain but didn't even realize it and the report indicates, the police report that he lifted his shirt to wipe his face and that's when the wound was exposed. The police were notified. The individual who attacked the victim was arrested and essentially the crime scene was closed off, the camera footage was turned over to MPD and to the investigator that evening, or that morning, the next morning while they were still there fresh on the details, so it's our position that essentially I think that's why MPD didn't do closure because it's rare they don't do a closure when there's a victim of an attack. It's very rare. In essence there was no weapon that came from the outside in. Essentially, this

apparently was a hookah pipe which was broken and was used as an instrument that caused the cut -- cutting.

MR. SHORT: I have a question.

CHAIRPERSON ANDERSON: Yes, Mr. Short.

MR. SHORT: Good afternoon everyone. Are there still hookah pipes in the business now?

MR. FONSECO: Yes.

MR. SHORT: Have you secured them so that someone won't get injured like this again?

MR. FONSECO: This was a one-time incident.

MR. SHORT: I understand. But the question is, if it happened once what measures have been taken so that it doesn't happen again? If you still have hookah pipes there that aren't secured, can it happen again?

MR. FONSECO: Well there are security there. It's like anything else. If an incident flares up and there's anything that an aggressor can grab it potentially can be a weapon so -- it momentarily can't be stopped but normally security is visible throughout and I think was

fifteen security ready. So --

MR. SHORT: Again, my question would be then if it happened once that way, is the same security can change anything, and you have an unsecured hookah pipe it can happen again. What measures are being taken to make sure that this doesn't happen again?

MR. CHRISTACOS: If a patron happened to be damaged by a chair, what do we do? Leave out all the chairs?

MR. SHORT: If there is a chair -- I understand what you're saying, and my question is -- please hear me and I just want someone to answer this. If the hookah pipes had not been secured any better than they were prior to this incident, what's going to stop it from happening again? Are there any measures being taken? Are there any new, additional information that would make myself as a board member, I can't speak for the other board members, make me feel like if a hookah pipe's there and I'm visiting your club, and someone just can take another hookah pipe and

cut someone like this person was cut?

MR. CHRISTACOS: Well, a hookah pipe is an odd weapon, unless you make them one, so it wasn't something -- it wasn't an accident, the gentleman did it on purpose.

MR. SHORT: Okay, and that's well understood. I go to your club tonight. I saw what the last perpetrator did to someone. I decide to do the same thing. What security are you putting on those hookah pipes that this doesn't occur again? You answer that, please.

CHAIRPERSON ANDERSON: Let me ask a question, and it's the same question. Do you know exactly what happened with the hookah pipe? Do you know exactly what happened for this person to be injured? I think what Mr. Short is asking, if you know exactly what happened with the hookah --

MR. CHRISTACOS: What is done to sell and use a pipe?

CHAIRPERSON ANDERSON: Yes.

MR. CHRISTACOS: For them to cut them with it? So, in terms of securing them, there's not

much to securing them but we do have security on staff that, if necessary, if an incident takes place, and we do pat down at the front door so if someone would bring weapons in but if someone takes a weapon inside, an ashtray, a beer bottle, a hookah bottle and uses it, we do our best to stop them from that.

MR. SHORT: Can I?

CHAIRPERSON ANDERSON: Go ahead.

MR. SHORT: So your testimony is nothing's changed? If someone decided to take an ashtray, a hookah pipe, then we just come in and have another discussion about it. Is that your testimony?

MR. CHRISTACOS: By no means is that my testimony, what I'm saying is --

MR. SHORT: Explain to me how things are going to change. What Ozio is doing to secure whatever is inside that club that could be a danger to someone innocent? Someone just decides to come in and somebody decides they want to break something and cut someone, what measures --

can you explain to me or try to explain to me about anything different than the day that this happened.

MS. METCALF: We can't eliminate all of the glass from the building.

MR. SHORT: I didn't ask -- I just asked you, are you taking any different measures than you took before because if not and you come in here next week and say 'well the same thing happened, there's nothing we can do about it.'

MS. METCALF: Well, what we can do is we can make sure that we remove the hookahs from the tables after they're finished using them so they're not sitting there. At the end of the night, that was the problem, it was still sitting there and nobody had picked it up yet, and I can remove them from the table faster, I can make sure that guests don't move them themselves and they know that there's a fine for removing them from the tables, and control in that manner, but I can't --

MR. SHORT: Let me cut you off. Thank you.

That's an answer that's acceptable to me. You're going to change some things that have been done so now when someone finishes with a hookah pipe you take it off the table so it doesn't sit there unattended, is that correct? That's on the record and we can hold you to that?

MS. METCALF: You can hold me to that.

MR. SHORT: Okay. Thank you, that's all I have Mr. Chair, thank you.

CHAIRPERSON ANDERSON: Yes, Mr. Alberti.

MR. CHRISTACOS: Mr. Short is saying, I'm 52 years in this business. It's the first time. How would you think that someone would do that? You know, it's impossible to secure from someone going crazy, somebody's upset and grabs a chair or table or something or any object, they could do something.

CHAIRPERSON ANDERSON: But I think --

MR. CHRISTACOS: I know, what I'm saying is it's impossible to figure out what's dangerous, to remove --

CHAIRPERSON ANDERSON: But, what Mr. Short is

now saying to you, in 52 years in the business it's never happened before, but now you're aware that someone can use the hookah pipe to do some dangerous harm to someone, at least now, in your mind, you then have to be ahead of the folks who come in your business because now you know that they can use this to harm someone and that, not the board, but the next chief of police will come into your establishment, someone gets stabbed and then he or she is going to shut you down for 96 hours, and that's not us. That's the chief of police because you now know that, 'you know what, someone can use this so let me try to figure out how to prevent this from happening' and that's all that Mr. Short is saying.

MR. CHRISTACOS: Yes, but --

CHAIRPERSON ANDERSON: A lot of these things --

MR. CHRISTACOS: You'd think that you -- that would be the -- you can't think --

CHAIRPERSON ANDERSON: Right, that's what I'm saying. In 52 years, and in 52 years it hasn't

happened but now that you know, and someone else would know that, 'you know what, you do a wonderful job, you can't bring weapons in' so if someone needs to harm someone, they're going to look for a weapon. Now you know what a potential weapon is and all that we're asking you to do is for you to be aware that this instrument that looks so innocent can do some real harm and that at the end of the day the chief of police will come in and shut you down for 96 hours. And then you have to come here. So, remember the 96 hours is not us, that's done you're out of business then you come to us and say, 'can we open up?' So that's all we're asking you to do. To prevent the chief of police from shutting you down for 96 hours, so you don't have to come to the board for the board to decide whether or not we're going to lift it or you have to pay your lawyer more money, although Mr. Fonseco won't mind but, you know, pay him some money to come to the board. So, that's all this is about, okay? I appreciate your frustrating but it's a changing city and so

we always have to be -- you have to be ahead of the population that's coming in your business and try to figure out, 'how can I make it safer that everyone comes, has a great time, and at the end of the day we all smile because nothing happened.'

MR. SHORT: Thank you, Mr. Chair. And I want to thank you, general manager, for your comments and that's at least a start, so not to leave the hookah pipes in the open anymore. So thank you for your due diligence and thank you, sir, also. Thank you, Mr. Chair.

CHAIRPERSON ANDERSON: Yes, Mr. Short. Are there any other questions by any other board members? Yes, Ms. Miller.

MS. MILLER: I just wanted to make a statement with respect to the point about, you know, when something happens that it might seem crazy at first to -- like 'I have to remove the hookahs now?' The hookah bar or whatever you call them. But, I think that we're learning from some experience and not just to please the board

but to make your place safer, like 'okay, they used this? Oh, maybe I should do something with the ashtrays,' or something. I mean, it's kind of a crazy world right now but it's -- you really just want to make it as safe as possible and still be able to conduct your business in a reasonable way, and I think -- just for example, we had another case where there was a stabbing with a glass which is not all that uncommon compared to -- and one of the establishments just -- they use Lucite instead in order to avoid that, so there's not one answer but I think it's my thing to think about, how can you just make it safer, whereas maybe 25 years ago you never had to think about those things. So. But, yeah I understand that, too, you know you did everything you should have done that night and I commend you for that. The fact finding is just in response to Cathy Lanier's request and then to say, 'okay, what can we do better?' So, thank you very much.

MR. FONSECO: [inaudible cross talking.]

MS. MILLER: Okay, thank you Mr. Chairman.

CHAIRPERSON ANDERSON: You're welcome, Ms. Miller. Mr. Alberti?

MR. ALBERTI: Yeah, just two things. One, I want to thank investigator Jones very much for your thorough report, it's very helpful. It was helpful to us and to the licensee because I think -- I concluded that it sort of was a one-off, unavoidable, but to that end I want to also thank you for the cameras. For providing the cameras. And I want to put a plug in for cameras, because licensees ought to know that sure if you know we can look at them sometimes and confirm if there's something you didn't do or supposed to, but most of the time I'm looking at this thing and going, you know all my concerns about did they really do the right thing? Was it unavoidable? I look at this and go, 'yeah, yep, the cameras pretty much prove that' and I can have you walk away and I'm comfortable, so they do benefit the licensees in many situations so keep them running, please.

MR. FONSECO: [inaudible 1:08:02], Mr. Alberti. Things were done as a result of the

camera issue. Even though they have the ability to get somewhat triangulated, there was a potted plant, a large palm tree, that was moved from its normal location that did close a little bit obscuring the entire event. That has been moved back to where it's not in our camera range and there was a 15 minute out of sync timer and that has been reset.

MR. SHORT: Thank you.

CHAIRPERSON ANDERSON: Yes, Mr. Silverstein.

MR. SILVERSTEIN: I just wanted to underscore, 52 years of this never happening, no one's blaming you for what happened. These things do happen but with social media and things like this, people read about this and they get into a fight and they, 'hey, grab that,' so it's not what happened then, it's how can we avoid it happening again? Thank you so much, Mr. Jones for the report. It was extremely thorough and thank you for moving forward on this and doing what you can to make sure these things don't happen again.

MR. CHRISTACOS: Thank you, very much.

CHAIRPERSON ANDERSON: Any final comments?
No. So, I think the board is going to act. I
think this matter is --

MR. ALBERTI: No further action.

CHAIRPERSON ANDERSON: So, thank you for
appearing here today. We appreciate it.

(Whereupon, the above-entitled matter was
concluded.)