

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

2 2:19 p.m.

3 CHAIRPERSON ANDERSON: All right.

4 We're back on the record. Our next case is Case
5 No. 18-251-00180, Rosebar, License No. 077883.

6 Would all parties here for this
7 matter, Rosebar, please, appear and identify
8 themselves for the record, please?

9 MR. SHIRAFKAN: Good afternoon. Makan
10 Shirafkan, that's M-A-K-A-N S-H-I-R-A-F-K-A-N.

11 CHAIRPERSON ANDERSON: Mr. Shirafkan,
12 I cannot hear what you are saying. I can't hear
13 you.

14 MR. SHIRAFKAN: I can't --

15 CHAIRPERSON ANDERSON: Huh?

16 MR. SHIRAFKAN: I've lost my voice.

17 CHAIRPERSON ANDERSON: Okay. I --

18 MEMBER ALBERTI: Oh.

19 CHAIRPERSON ANDERSON: -- wasn't aware
20 of that, that's why I was --

21 MR. SHIRAFKAN: That's why, I have
22 laryngitis.

1 CHAIRPERSON ANDERSON: All right.
2 Well, why don't you speak into the microphone
3 then? Bring the microphone when you speak.

4 MR. SHIRAFKAN: Can you hear me now?
5 Is that better? All right. Makan Shirafkan, M-
6 A-K-A-N S-H-I-R-A-F, as in Frank, K-A-N.

7 CHAIRPERSON ANDERSON: Good afternoon,
8 Mr. Shirafkan.

9 MR. SHIRAFKAN: The attorney for the
10 licensee.

11 CHAIRPERSON ANDERSON: Okay.

12 MR. JOHAL: My name is Ameet Johal, A-
13 M, as in Mary, E, as in Edward, E, as in Edward,
14 T, as in Tom, that's J-O-H-A-L, manager and
15 officer of Rosebar.

16 OFFICER CLARKE: I'm Officer Nathan
17 Clarke. N-A-T-H-A-N C-L-A-R-K-E. I'm with MPD.

18 CHAIRPERSON ANDERSON: Good afternoon,
19 Officer Clarke.

20 INVESTIGATOR JONES: Investigator Earl
21 Jones, E-A-R-L last name Jones, J-O-N-E-S.

22 CHAIRPERSON ANDERSON: Good afternoon.

1 INVESTIGATOR JONES: Good afternoon.

2 CHAIRPERSON ANDERSON: Mr. Shirafkan,
3 this is a Fact-Finding Hearing because of an
4 incident that occurred at Rosebar, I think, on or
5 about September 9, 2018. ABRA was called. We
6 did an investigation. And at the same time, the
7 Chief of Police had requested that based on the
8 nature of the incident, that we should have a
9 Fact-Finding Hearing to address this issue.

10 And so that's where we are while we
11 are here today. And Mr. Johal --

12 MR. JOHAL: Johal, yes, sir.

13 CHAIRPERSON ANDERSON: -- this is a
14 Fact-Finding Hearing. It is -- we cannot order
15 you to do anything at a Fact-Finding Hearing. It
16 is basically the Board is gathering information
17 to determine whether or not we will take any
18 further action here.

19 MR. JOHAL: Yes, sir.

20 CHAIRPERSON ANDERSON: I just wanted
21 to let you know that we cannot order you to do
22 anything in this type of proceeding. We can

1 always ask you to volunteer to do stuff and your
2 attorney will let you know that you can either
3 agree or disagree to volunteer. It is not -- it
4 will not be taken positive or negatively if the
5 Board asks you to volunteer to do something and
6 it is not done. I just wanted to let you know
7 that.

8 MR. JOHAL: Yes, sir.

9 CHAIRPERSON ANDERSON: We are just
10 trying to gather information to find out if we
11 need to take any further action. So what I will
12 do, I will start these proceedings. And I will
13 have Investigator Jones to tell us about the
14 incident. I will also ask Officer Clarke to
15 further elaborate to let us know why is it that
16 the Chief of Police has asked us to have a Fact-
17 Finding Hearing. And then through your attorney,
18 then you can respond. And once that is done, the
19 Board will determine what appropriate action, if
20 any, we will take.

21 MR. JOHAL: Okay. So, Mr. Jones?

22 INVESTIGATOR JONES: Thank you, sir.

1 On Sunday, September 9, 2018, at approximately
2 4:00 a.m., ABRA received a hot phone call from
3 MPD indicating that a robbery had taken place out
4 front of the Rosebar located at 1215 Connecticut
5 Avenue, N.W.

6 Upon arrival, myself and a previous
7 Investigator Devon Todd spoke with several MPD
8 officers, one officer, Officer Nathan Clarke,
9 advised that he was aware that there was a
10 robbery that had taken place out in front of the
11 establishment and they believe that it was
12 associated with the establishment.

13 I asked had anyone spoken to
14 management regarding this and, at that point, he
15 had advised that no one had spoken to or he
16 didn't believe that they had spoken to management
17 about it.

18 At that point, we entered the
19 establishment, spoke to one of the owners of the
20 establishment who advised that he was unaware of
21 the robbery, but he did admit that there was a
22 fight that had taken place inside.

1 At that point, I requested for
2 Investigator Todd to take pictures of the
3 incident area and to conduct any interviews that
4 he could from anyone that was still around at
5 that time of the incident.

6 During this time, I advised the owner
7 that we needed a copy of the incident report,
8 video footage needed to be pulled regarding this
9 incident and I would follow back up with him
10 within the next couple of days as far as that was
11 concerned.

12 A couple of days later, we revisited
13 to the establishment and at that point in time,
14 the owner had advised that there was a woman who
15 was outside who stated that her arm had been
16 broken in front of the establishment and it was
17 done, she claimed that, by MPD.

18 She also requested that video footage
19 from the establishment of this portion of the
20 incident and at that point in time, I was
21 provided video footage of the incident in
22 totality and was able to review, both

1 Investigator Todd and myself were able to review,
2 the footage at the time at the establishment.

3 While reviewing the surveillance
4 footage, we did see there was a fight that took
5 place between two female patrons. Other female
6 patrons did get involved. Security was --
7 quickly got in the middle and tried to diffuse
8 the situation. At that point, you can see MPD,
9 there was maybe two or three -- excuse me, three
10 to four MPD officers who came up the stairs and
11 was assisting staff removing individuals that
12 were involved in the fight out of the
13 establishment.

14 After that, you can see through video
15 footage that there was a female who was outside
16 and it appeared that she may have been a little
17 belligerent with the officer and the officer, you
18 can see that he had grabbed her arm and kind of
19 turned it in the opposite direction and then
20 escorted her out of the camera view.

21 At that point, I was given the video
22 footage and we came -- we went back to the ABRA

1 Office where the report was completed.

2 Throughout this time, MPD, Officer
3 Clarke, had sent Investigator Todd several emails
4 regarding different, I guess, offenses as far as
5 the case was concerned. There were three, in
6 total, PD-251 reports that were produced from
7 this incident. And there was a request that a
8 Fact-Finding Hearing be conducted from MPD about
9 this incident.

10 And there was a request that a Fact-
11 Finding Hearing be conducted from MPD about this
12 incident. The other thing that was noted was
13 that MPD indicated that the crime scene had been
14 cleaned up by the establishment prior to an
15 investigation being conducted.

16 And that's pretty much the gist of
17 what happened.

18 CHAIRPERSON ANDERSON: Officer Clarke,
19 do you want to add anything? And then also why
20 is it that the Chief of Police thought that this
21 was something that the Board should, if you know
22 why, bring this establishment in for them to

1 report on what occurred?

2 OFFICER CLARKE: I don't know why the
3 Chief brought this to the attention of the Board.
4 I will say that this entire incident began as an
5 aggravated assault inside of the establishment
6 and involving the two females. And once outside,
7 the two females were arguing. They had their
8 entourage with them on both sides.

9 And during that argument or
10 altercation between the two groups, somebody was
11 actually videotaping it, that individual got
12 punched. I guess he was approached by some
13 unknown subjects and asked why he was taking it.
14 The subjects then punched the victim in the face,
15 took his phone and then ran off.

16 So we were working on aggravated
17 assault and now robbery and trying to get the
18 groups down the street in separate directions.
19 Some of them then converged back together, not
20 the two victims, not the victim and suspect in
21 the aggravated assault, but another incident
22 involving another altercation. So there were

1 three altercations stemming from each inside of
2 Rosebar.

3 CHAIRPERSON ANDERSON: Okay. All
4 right. At least from -- as far as MPD is
5 concerned, what, if anything, did the
6 establishment do wrong, if anything at all?

7 OFFICER CLARKE: Nothing. They
8 alerted MPD when the altercation took place
9 upstairs. They cooperated with the
10 investigation. And I don't think that they knew,
11 at that time, it was an aggravated assault,
12 because that's when we would have to preserve a
13 crime scene.

14 CHAIRPERSON ANDERSON: And I guess
15 maybe that's why I'm somewhat confused. I mean,
16 there is some allegations that they had cleaned
17 up the crime scene, so I'm trying to figure out
18 what is it that they did? I mean, was there
19 blood? Was there -- what is it that they did
20 that was cleaned up?

21 OFFICER CLARKE: Well, in normal
22 circumstances if it's a felony, we ask the crime

1 scene be preserved. This would have been an
2 indication by a detective investigating that,
3 yeah, the crime scene was picked up not myself
4 and initial responding officers, we were unaware
5 that her arm was broken until she was diagnosed
6 at the hospital hours later.

7 But the report was completed prior to
8 the assertion of the crime scene was cleaned up
9 was prior to her -- there was no -- on our part,
10 there was really no dialogue between ourselves
11 and the detectives about the crime scene, that
12 aspect of them putting that together.

13 CHAIRPERSON ANDERSON: All right. Mr.
14 Shirafkan, does this establishment have a
15 security plan?

16 MR. SHIRAFKAN: Yes.

17 CHAIRPERSON ANDERSON: And so what, if
18 anything -- how are you able to respond? What
19 response, if any, do you have?

20 MR. SHIRAFKAN: What we have learned
21 is --

22 CHAIRPERSON ANDERSON: Remember to

1 pull the recorder. Your voice is limited as long
2 as you speak in the microphone.

3 MR. SHIRAFKAN: Okay. Thank you.
4 Thanks. What we have learned sometimes just not
5 saying much is probably the best. I just want to
6 make -- clarify something with regards to the
7 incident and everything that I'll say is on the
8 video footage and I have brought pictures, snap-
9 by-snap pictures, if the Board wants it showing
10 exactly step -- every step taken showing what
11 happened.

12 Two individuals did have an
13 altercation. There was no objects used. There
14 was no broken glass. There was no blood. There
15 was no cut. It is more of I think someone -- a
16 lady was walking by and she bumps into another
17 lady. They kind of point a finger at each other
18 and then they get into a fight.

19 And I think it is more of a hand being
20 pulled or whatnot, so there was no crime scene
21 inside. Now outside with the person and the
22 phone were involved who weren't involved at all,

1 but inside -- and there was footage that showed
2 there was nothing. The only thing was water that
3 was spilled and you see people cleaning water
4 afterwards and that's about it.

5 And none of these aggravated issues
6 had come about until hours later when the person
7 had gone to the hospital saying my hand is
8 broken. But it shows and I think it's worth
9 noting that within seven seconds of this incident
10 happening and Investigator Jones can confirm or
11 say that I'm not stating it correctly, but within
12 seven seconds the security quickly breaks this
13 up.

14 Within 31 seconds, MPD is on the
15 scene, which is exactly what security plan says,
16 break it up, get MPD. We had MPD detail, so
17 within 31 seconds MPD detail is upstairs. They
18 break this up. They take the folks downstairs
19 outside. And then on the video footage, it looks
20 like it becomes this MPD officer and this one
21 individual that this battle is going back and
22 forth and that's it.

1 We have been cooperative. And if
2 there is any questions, if the Board would like
3 to see anything else we can give, but that's
4 pretty much all I have to say.

5 CHAIRPERSON ANDERSON: I haven't seen
6 the video. If you think that it is necessary for
7 the Board to see the video, so be it. I don't
8 have -- I mean, I --

9 MR. SHIRAFKAN: I'll rely on the
10 Investigator. I don't see it necessary if the
11 Investigator sees differently, if he, based on
12 his view, feels that the club could have done
13 something else according to the plan or if the
14 club did something wrong, then we can view it.

15 I don't need it to be shown. I just
16 wanted to let you know that it is there and I
17 have pictures of it, if you would like to see
18 from inside and from outside, if that has a big
19 bearing on your decision of what to do.

20 CHAIRPERSON ANDERSON: I'm not sure,
21 Mr. Shirafkan, if I want to look at videos. I
22 had the misfortune of looking at a video

1 yesterday and it was very troubling, so if you --
2 if it's not necessary --

3 MR. SHIRAFKAN: It's not necessary.

4 CHAIRPERSON ANDERSON: And that was
5 the first time the Board had seen the video and
6 so it was very troubling once the Board saw the
7 video. So if --

8 MR. SHIRAFKAN: I don't think it's
9 necessary.

10 CHAIRPERSON ANDERSON: -- it's not
11 germane and Mr. Jones, you know, if it's not
12 germane for the Board to see the video, then I'll
13 just pass on videos.

14 INVESTIGATOR JONES: I think we are
15 okay to pass.

16 CHAIRPERSON ANDERSON: All right.
17 Thank you, Mr. Jones. As I said, the Board
18 looked at the video, then we were all charged by
19 what we saw and the response by the licensee. So
20 it was not what we had anticipated and expected.

21 Are there any questions by any Board
22 Members? Yes, Mr. Silverstein?

1 MEMBER SILVERSTEIN: First of all, I
2 want to agree with the Chair. What we saw
3 yesterday was clearly bad for the digestion.
4 What I would like to ask Investigator Jones was
5 do you agree with both Attorney Shirafkan and
6 Officer Clarke that there was apparently no
7 failure on the part of the licensee in this case?
8 Is there anything they could have done? Anything
9 that we can learn or is this simply something
10 that was beyond their control and that they
11 handled as best they could?

12 INVESTIGATOR JONES: I believe that
13 the two incidents are separate, but I believe the
14 one inside, I think that they did all that they
15 could do. The incident took place. They
16 notified MPD, but he came in right away, staff
17 and MPD worked together to get everybody out.

18 The incident outside, I think that
19 again, I can't put that on -- yeah, I can't fault
20 the establishment for what took place out front.
21 So no, I don't think that there is anything,
22 regarding security plan-wise regarding

1 procedural-wise that they could have done
2 differently.

3 MEMBER SILVERSTEIN: Thank you. No
4 further questions, Mr. Chairman.

5 CHAIRPERSON ANDERSON: Any more
6 questions by any other Board Members? I'm trying
7 to get a copy of the letter that was sent to us
8 by the Chief of Police and see if I need to ask
9 any questions. I thought it was in front of me,
10 but it's not.

11 All right. Let me, while we are
12 waiting, although we can't prove -- the incident
13 that -- I'm sorry, this night, was there any
14 special events occurring this night?

15 What is the policy? Is this a 21 or
16 over event or who can come in to your
17 establishment?

18 MR. SHIRAFKAN: It's 21 and over
19 event, so they do have to have a valid ID to
20 enter.

21 CHAIRPERSON ANDERSON: Remember Mr.
22 Shirafkan, you have to speak --

1 MR. SHIRAFKAN: I'm sorry. It was a
2 21 and over event, to my understanding, and they
3 had to produce an ID to get inside. I don't
4 think there was anything special with regards to
5 special groups, special promotions, special
6 something that we look at and say that's special
7 something for any issues. I mean, it was just --

8 CHAIRPERSON ANDERSON: All right. So
9 everyone in the establishment should be 21 or
10 over. Is that correct?

11 MR. SHIRAFKAN: Yes, on this given
12 night that's what it was.

13 CHAIRPERSON ANDERSON: Well, in the
14 report and although there was -- although the
15 Board cannot -- I asked the question, I have
16 asked the question about the policy about the
17 ages to get in. Now, although we cannot prove
18 that there was a sale to minor event, but it's my
19 understanding that one of the persons who was
20 involved in this incident was 20 years-old.

21 So if this person was 20 years-old,
22 how was a 20 year-old person able to enter the

1 establishment?

2 MR. SHIRAFKAN: I don't have -- I
3 don't know. I don't know what the circumstances
4 was. I don't have -- that person should not have
5 got in. And maybe if there is a lesson to be
6 learned, it's just go back and tell our front
7 door that they need to be more careful, because
8 apparently someone slipped through.

9 CHAIRPERSON ANDERSON: Right. Because
10 it is in the report.

11 MR. SHIRAFKAN: Right.

12 CHAIRPERSON ANDERSON: And the
13 conclusion by the Investigator is that we can
14 prove that there was a sale, but it's clear that
15 there was someone who was younger than 21 in this
16 establishment. And I'm not sure -- and there was
17 no allegation that the person had a fake ID to
18 say that they were 21.

19 So I'm not sure what your security
20 plan says, but clearly there was a minor in the
21 establishment who entered the establishment that
22 night and but for -- this could have been a much

1 larger incident if we could have seen one of
2 these, if the video had proven that this person
3 was drinking.

4 So whatever has been done, it needs to
5 be beefed up.

6 MR. SHIRAFKAN: Yes, Mr. Chair.

7 CHAIRPERSON ANDERSON: Did you have
8 another -- anything to mention, Mr. Jones?

9 INVESTIGATOR JONES: Yes, sir. I know
10 that MPD advised that they were requesting a
11 Fact-Finding for this.

12 CHAIRPERSON ANDERSON: Yes.

13 INVESTIGATOR JONES: However, I never
14 received a letter or I don't believe the office
15 received any letter. So I just wanted to let you
16 know that.

17 CHAIRPERSON ANDERSON: All right. All
18 right. Well, I guess everything tells me that
19 MPD requested a Fact-Finding, all the
20 information, I thought I had read it some place
21 and that's one of the reasons why I was asking.
22 I wasn't trying to put you on the spot, Mr.

1 Clarke, but I saw you here and when I see a
2 police officer here, it tells me that someone
3 from MPD says that you need to be there.

4 So I wasn't trying to put you on the
5 spot. All right. Any final comments by anyone?

6 MR. SHIRAFKAN: No, Mr. Chair and
7 Members of the Board, no, thank you.

8 CHAIRPERSON ANDERSON: All right.
9 Well, since -- as a result of the investigation,
10 the Investigator did not find any violations
11 during this night in question. The only
12 potential violation could have -- was that it
13 appeared that there was an underage minor in the
14 establishment and I'm just letting the
15 establishment know that whatever processing
16 procedure that they are using to check or ensure
17 that only 21 or over enter the establishment,
18 that they need to revisit that, because it says
19 that whatever policies that you have in place,
20 that minors, at least one minor, this night had
21 entered the establishment.

22 Okay. So with that said, I make a

1 motion that we take no further action on this
2 case. Is there a second?

3 MEMBER SILVERSTEIN: Second.

4 CHAIRPERSON ANDERSON: Mr. Silverstein
5 has seconded the motion.

6 All those in favor say aye.

7 ALL: Aye.

8 CHAIRPERSON ANDERSON: Those opposed?

9 The matter passes 4-0-0.

10 Thank you for being here today and I
11 hope your voice gets better, Mr. Shirafkan.

12 MR. SHIRAFKAN: Thank you.

13 CHAIRPERSON ANDERSON: Okay.

14 (Whereupon, the Fact-Finding Hearing
15 was concluded at 2:43 p.m.)

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In the matter of: Rosebar

Before: DCABRA

Date: 12-13-18

Place: Washington, DC

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