

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

4 - - - - -X

5 IN THE MATTER OF: :  
6 Brixton Pub, LLC. :  
7 t/a The Brixton :  
8 901 U Street N.W. : Case #15-251-00215  
9 License #82871 : Fact Finding  
10 Retailer CT : Hearing  
11 ANC 1B :  
12 Incident Occurred Outside of :  
13 The Establishment :

14 - - - - - X

15 Wednesday, February 17, 2016

16

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

21

22

1 CHAIRPERSON:

2 DONOVAN ANDERSON, Presiding

3

4 BOARD MEMBERS:

5 NICK ALBERTI

6 RUTHANNE MILLER

7 JAMES SHORT

8 MIKE SILVERSTEIN

9 DANETTE WALKER

10

11 ALSO PRESENT:

12 CANDICE FITCH, Esq.

13 On Behalf of the Licensee

14 IAN HILTON,

15 Licensee

16 INVESTIGATOR BUTLER,

17 On Behalf of ABRA

18 LIEUTENANT DUNCAN BEDLION,

19 On Behalf of Metropolitan Police

20

21

22

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

2 CHAIRPERSON ANDERSON: All right. So I  
3 apologize, it's 2:20. 2:20. So the next case on  
4 our agenda is a fact finding -- another fact  
5 finding hearing for Case No. 15-251-00215, the  
6 Brixton. License No. 82871. Will the parties  
7 please approach?

8 Please sign your name on the list on  
9 there and please identify yourself for the --  
10 excuse me, for the record, please.

11 MS. FITCH: Candice Fitch, attorney for  
12 the licensee.

13 MR. HILTON: Ian Hilton, Licensee.

14 MR. BUTLER: Investigator Butler for  
15 ABRA.

16 MR. BEDLION: Lieutenant Duncan Bedlion,  
17 Metropolitan Police Department.

18 CHAIRPERSON ANDERSON: And again, thank  
19 you for your appearance. And just want to put on  
20 the record, this is not an adversarial  
21 proceeding. I know that you guys were here  
22 before and hear me and I try not to speak a whole

1 lot because I'm still new, I'm still learning.  
2 So don't take it as me lecturing you and stuff,  
3 but the goal is that I'm trying to find out what  
4 happened and the explanation. And so as an  
5 attorney, as you know, I'm trained to ask  
6 question.

7 And so if I see something I don't  
8 understand I'm going to ask it so just want to  
9 let -- but it's not an adversarial proceeding so  
10 I just want you to know that I'm not going to  
11 swear anyone in, so therefore it's not like if  
12 you say something then we can use it against you  
13 to say you said this under oath, because it's not  
14 -- you're not being sworn in.

15 So I just wanted everyone -- it's to  
16 declare that it's not an adversarial proceeding.  
17 It's just for the Board to find out what happened  
18 and how can we improve the process for something  
19 like this not to occur in the future. Okay?

20 All right. Investigator, tell us where  
21 we are, sir.

22 MR. BUTLER: Okay. At approximately

1 November 7th, 2:20 a.m., an incident occurred  
2 outside of the Brixton, located at 901 U Street.  
3 A patron was struck in the head by a glass bottle  
4 thrown from the roof deck.

5 Security came to the individual's aid,  
6 along with MPD who was in the area, and also they  
7 immediately ran upstairs to the deck, the roof  
8 deck, to see if they can apprehend or to see the  
9 person who threw the glass. And at that point  
10 they also looked at the security cameras to see  
11 if they can recognize anyone who threw a glass.  
12 I also looked at the cameras. I did not see that  
13 incident where anybody could have fell on a glass  
14 because of the crowd that was up on top.

15 I called the complainant to get  
16 additional information but he didn't answer his  
17 phone. The phone went to a dead end and at that  
18 point I did go back to the establishment to do a  
19 follow up. They changed their glasses to plastic  
20 glasses and at that point, you know, that was it.  
21 No other information was given from that point.

22 I did check -- and also, I did check the

1 cameras. They have two cameras on the roof deck  
2 that they cover the area up to the fence area and  
3 there was no sign of anyone throwing or tossing  
4 the glass off the roof deck.

5 CHAIRPERSON ANDERSON: All right.  
6 Officer.

7 MR. BEDLION: Good afternoon. My  
8 apologies. I'm here on behalf of Officer  
9 Costello, who was unable to make it today. He  
10 was the recording officer. And his report is  
11 consistent with which was described by the ABRA  
12 investigator.

13 I did reach out to the relevant  
14 supervisor in the area who shared some of their  
15 experiences with Brixton if you'd like me to get  
16 into that.

17 CHAIRPERSON ANDERSON: Sure. Yes. Go  
18 ahead, please.

19 MR. BEDLION: Lieutenant Hova, he is  
20 their PSA manager. I spoke to him this morning.  
21 He's has no bad reports from the Brixton since  
22 his time of supervising the PSA. Sergeant Harrod

1 is the field supervisor who is out there  
2 regularly with the officers in that area, and he  
3 has expressed that their staff is cooperative and  
4 that the Brixton is known as one of the better  
5 establishments in terms of working with police in  
6 the area. They regularly call 911 when they have  
7 an incident, and they've also worked with  
8 Sergeant Harrod to provide a video.

9           Approximately six or seven weeks ago they  
10 had an incident and they were able to provide  
11 video rather quickly and staff was helpful.

12           He did share from his insight and  
13 experience with being there, that there be a  
14 mechanism, some kind of fencing, added to prevent  
15 this type of incident. And he also added that he  
16 hadn't been up there in a couple months so there  
17 may have been modifications to the roof deck bar.

18           I've also been inside the lobby and been  
19 around the exterior of the Brixton approximately  
20 10 times, and it seems to be a well-functioning  
21 establishment. No incidents from what I've seen  
22 on my first-hand witnessing of the establishment.

1           CHAIRPERSON ANDERSON: Thank you very  
2 much.

3           MR. SHORT: Your name again, Lieutenant?

4           MR. BEDLION: Bedlion, B-E-D-L-I-O-N.

5           MR. SHORT: Thank you.

6           MR. BEDLION: Sure.

7           CHAIRPERSON ANDERSON: Yes, sir, what can  
8 you add?

9           MR. HILTON: Everything I'm hearing is --  
10 I actually looked at -- obviously I'm pretty  
11 horrified by a patron throwing an item off of our  
12 roof deck with intent to maim a pedestrian. I  
13 feel like my staff handled it as well as they  
14 could have. We've taken whatever measures we can  
15 short of -- I don't believe we're able to bring  
16 the fence on our parapet higher because of HPRB.  
17 Maybe if we could get something, some language  
18 from you, maybe we could.

19           We've positioned additional personnel in  
20 that area, real -- you know, we have 12, I  
21 believe, people on duty throughout the -- on  
22 busier evenings to do the best they can to keep

1 people from getting -- from doing something so  
2 outrageous. The human side of that is, to me,  
3 the best thing that we can do to prevent it.

4 We've looked at different blind spots  
5 we've had of cameras. We have a couple of  
6 recommendations on doing it. It's going to be  
7 extremely pricey because we have to get an  
8 additional switch and recording facility to do  
9 it, but it's in our plan to do it.

10 We already did the glassware, which you  
11 don't think that this is something you have to  
12 worry about.

13 CHAIRPERSON ANDERSON: Explain that to  
14 me, you said you did the glassware. What does  
15 that mean?

16 MR. HILTON: Sorry. So, you know, you go  
17 to a bar and you get a pint glass. We already  
18 had done away with bottles, which I find -- I  
19 don't know, Investigator and Officer, if it was a  
20 -- was it a bottle or was it a pint glass?

21 MR. BUTLER: From my understanding it was  
22 a pint glass.

1 MR. HILTON: Okay.

2 MR. BUTLER: And you switched to a  
3 plastic; plastic glass.

4 MR. HILTON: Correct. So I saw on here,  
5 bottle, and I thought that was a little strange  
6 because I believe it was a pint glass which is --  
7 I mean, that's even more of a deadly object if  
8 you are familiar with these.

9 So we have previously switched to cans of  
10 beer on the roof deck, which if you have a full  
11 can just like the --

12 MR. SHORT: Same thing.

13 MR. HILTON: Yeah, rather -- I mean,  
14 someone throws something off the roof deck, it's  
15 just, it's hard to imagine.

16 We then switched to an acrylic sort of  
17 pint glass that if it did hit you, you wouldn't  
18 be happy but it's probably not going to land you  
19 in the hospital. We've gone further now in  
20 replacing the high ball glasses with also an  
21 acrylic plastic.

22 And the next step that we took which is

1 actually a real kind of pain, but we try to post  
2 security up at the top floor because clearly at  
3 our bar upstairs, right, we can give you that  
4 glassware. If you buy a drink downstairs and you  
5 bring it up, then you might have a glass. So now  
6 we're having security take that -- our  
7 security/babysitters, take your glass out of your  
8 hand, pour it into an acrylic cup and send you on  
9 your merry way.

10 But the best thing to do, in my opinion,  
11 is to have clearly marked security personnel in  
12 the populous, among the customers with eyes on  
13 the scene preventing from being a deterrent to  
14 behavior like this.

15 So sorry for the longwinded explanation  
16 but we've learned our lesson.

17 CHAIRPERSON ANDERSON: This is your  
18 opportunity to tell us so you can -- it's not  
19 longwinded. So I just want to say that to you.

20 MR. HILTON: I was just happy to see  
21 that, you know, we -- that my staff works more  
22 cooperatively. We learned our lesson. We had --

1 I was here two years ago when they did not  
2 cooperate to the extent that I expect with  
3 investigators. So I was relieved to see that.

4 CHAIRPERSON ANDERSON: Thank you. That's  
5 good. You have a question, Mr. Alberti?

6 MR. ALBERTI: Yeah. So I'm not familiar  
7 with your rooftop. So the seating, how close to  
8 the railing is the seating?

9 MR. HILTON: There is a four-foot, I  
10 guess it's a parapet. I'm not architect, but  
11 there is -- so there is, we have a setback.  
12 Historic, you know, requires that you have a  
13 setback --

14 MR. ALBERTI: Right. Right.

15 MR. HILTON: -- from the edge of the  
16 building. So it is standard. I wish I knew.  
17 I'd say it's four to six feet. You, and the  
18 reason -- I'm glad that it was that way and we  
19 put a little structure up so you can't knock  
20 something over. Even if you knock something  
21 over, it's landing on I guess what's --

22 MR. ALBERTI: Right. And I can see that

1 from the outside.

2 MR. HILTON: So you would literally have  
3 to -- it takes effort to take --

4 MR. ALBERTI: Right. But how close can  
5 people sit to the --

6 MR. HILTON: Oh, I'm sorry. Right up  
7 again. So there's a drink rail against it. You  
8 can get right up against it.

9 MR. ALBERTI: So I mean, that kind of  
10 puts you in a tough situation because you're  
11 going -- as much as you don't want to have to do  
12 it, I would like to see you monitor that very  
13 closely.

14 MR. HILTON: Yeah.

15 MR. ALBERTI: Because, I mean, you can't  
16 prevent someone from 10 feet away from that  
17 railing, you know, heaving something, all right,  
18 if they want to. You probably can't, not  
19 spontaneously.

20 But if you have people congregating at  
21 that railing, you know, looking over and looking  
22 over down at the street --

1 MR. HILTON: Right.

2 MR. ALBERTI: -- and they're drunk, and  
3 they're immature, it gets really tempting to  
4 start throwing stuff over. So you've got to be,  
5 I think, extra vigilant no matter what your  
6 glassware is on that. Either that or move  
7 patrons away. I mean, you really, I think, no  
8 matter what you do with glassware you still have  
9 that situation that you have to be mindful of and  
10 so --

11 MR. HILTON: I agree.

12 MR. ALBERTI: -- I urge you to think  
13 about that.

14 MR. HILTON: Exactly. I don't know if I,  
15 you know, put that point in that we didn't -- we  
16 used to have more of a roaming staff, where some  
17 people would be fixed, others would be roaming.

18 MR. ALBERTI: Right.

19 MR. HILTON: We now have a guy in a staff  
20 t-shirt who is standing right there at that  
21 partition.

22 MR. ALBERTI: It's an extra expense and

1 it's probably not what you want to do but --

2 MR. HILTON: It's worth it.

3 MR. ALBERTI: -- I don't see any way  
4 around it, given your situation.

5 MR. HILTON: No, it's worth it.

6 MR. ALBERTI: These streets, it's busy  
7 and it's inviting to interact, for the people to  
8 interact with the people down below. You know  
9 that. So, all right. Thank you.

10 CHAIRPERSON ANDERSON: Yes, Mr. Short.

11 MR. SHORT: Good afternoon.

12 MR. HILTON: Good afternoon.

13 MR. SHORT: I'm very, very pleased to  
14 hear that are being so proactive in dealing with  
15 the community and your business is really the  
16 standout there at night, the U Street. It's  
17 really bringing the community a different aspect  
18 and I, for one, am very happy to see your  
19 business thriving there.

20 The issues of public safety, and in your  
21 statement you said that you don't know any more  
22 you could do with the height of that fence and

1 you don't know if you would be allowed to. I  
2 would suggest to you, in the name of public  
3 safety, I don't think that this Board would have  
4 a problem. At least I would suggest to the Board  
5 that if you came to us with an idea of elevating  
6 that fence just a little, and I'm almost sure if  
7 you went to the MPD and asked them to endorse a  
8 letter, and the ANC, I don't think anybody would  
9 give you a problem doing that. I think you've  
10 done as much as you can do as far as you can do  
11 the cameras, you put extra security up there.  
12 And the only other issue with the fence being the  
13 level it is, because you can't help but see it  
14 when you come down U Street.

15 MR. HILTON: Right.

16 MR. SHORT: Or God forbid somebody  
17 decides they want to jump off. So if it was a  
18 little bit higher they'd have to make a better  
19 effort. But right now somebody, young teen,  
20 early 20s and they got all that energy and a  
21 couple of drinks in them, over that fence they  
22 could go. You know, it's not hard to go over

1 that railing that you have there now. So I was  
2 just thinking that public safety wise, you  
3 shouldn't have a problem if you were to ask for  
4 an exception or ask for, in the name of public  
5 safety, just doing something to help your  
6 business and help the community because even with  
7 the fence being heightened, they can see and  
8 interact and look, but they would have a tougher  
9 time heaving something over or jumping, or  
10 throwing someone over, because God forbid.  
11 Things like that happen and let's be honest.  
12 You've got a good thing going down there. The  
13 community likes you. You don't have any problems  
14 with this Board that I know of. At least I  
15 personally don't have a problem with the Brixton.  
16 I think you're doing a great business down there.  
17 So if you could just think about any way  
18 possible that we could help you, the Board or MPD  
19 or anybody else in public safety, I don't think  
20 the Fire Department would have a problem with it.  
21 And if you petition those agencies I'm quite sure  
22 the ANC would support it. You wouldn't have a

1 problem getting that permission. But I know it  
2 might be a little expensive, but insurance wise  
3 and everything else, I think you would come out  
4 much better off than you are now.

5 MR. HILTON: Cost-wise it wouldn't really  
6 be that bad. It's HPRB is -- they're tough  
7 cookies.

8 MR. SHORT: Well, if you have letters of  
9 support from different organizations --

10 MR. HILTON: I don't know. I'll try.

11 MR. SHORT: I would just say to you, I  
12 think with the ANC's support, MPD support, I  
13 think it's worth a try.

14 MR. HILTON: Okay.

15 MR. SHORT: That's all I can say. Thank  
16 you. That's all I have, Mr. Chair.

17 CHAIRPERSON ANDERSON: Thank you. Do you  
18 have any questions, Ms. Miller?

19 MS. MILLER: I have a few questions,  
20 yeah. Hilton, Mr. Hilton?

21 MR. HILTON: Yes.

22 MS. MILLER: Okay. Did anybody witness

1 this event?

2 MR. HILTON: Apparently, no. Nobody on  
3 staff did. Theoretically nobody immediately  
4 surrounding the area did, as far as I know. I  
5 don't know if you have different information.  
6 I'm, you know, I'm not going to pretend that it  
7 didn't happen. And I'd say there's a 95 percent  
8 chance. But I did find it odd that we couldn't  
9 get any angle. We have pretty decent coverage,  
10 and we have so many staff, that I was surprised  
11 that nobody was able to see it. Particularly,  
12 you had to throw it. It's not a reach out and  
13 let it go.

14 But the answer is --

15 MS. MILLER: How did it come out that  
16 this happened? Somebody complained to the  
17 police?

18 MR. HILTON: Somebody got hit.

19 MS. MILLER: Somebody did get hit?

20 MR. HILTON: Yeah, it got -- it hit.

21 MS. MILLER: Oh, so, okay.

22 MR. HILTON: It hit a pedestrian, I

1 believe.

2 MS. MILLER: So you know that happened.

3 So you --

4 MR. HILTON: We knew that happened so we  
5 kind of put -- because he was injured.

6 MS. MILLER: Okay.

7 MR. HILTON: So our staff came to his aid  
8 as well as the --

9 MS. MILLER: But it must have --

10 MR. HILTON: -- officers.

11 MS. MILLER: Okay.

12 MR. HILTON: Yeah, they came to his aid  
13 and they just all, you know, what goes up must  
14 come down. Either that or, you know, somebody  
15 was a profession football player was at Nellies  
16 and threw it 30 yards, which I don't think is  
17 likely. So --

18 MS. MILLER: Okay.

19 MR. HILTON: -- we sort of admitted that  
20 it probably came from there. It makes sense.

21 MS. MILLER: And I can't -- I'm not that  
22 familiar with your establishment, so I'm trying

1 to think, what is it that is on the edge? You  
2 have some kind of a wall, a fence, what do you  
3 have?

4 MR. HILTON: Yeah, it's a 42-inch sort of  
5 drink-high ledge. And then above it is iron  
6 work. I wouldn't call them pigeon spikes, but  
7 something that would keep you from going --  
8 thinking twice about going over into the parapet.

9 MS. MILLER: And how long have you used  
10 the roof deck up there for your --

11 MR. HILTON: Around -- we opened in 2012.

12 MS. MILLER: Okay.

13 MR. HILTON: I will also say it's not --  
14 this is the first time a patron, somebody got  
15 hit.

16 MS. MILLER: Right.

17 MR. HILTON: I know that things had gone  
18 over before. Not many.

19 MS. MILLER: Okay.

20 MR. HILTON: And we actually were able to  
21 identify somebody, I believe, in the past. But  
22 this is the second or third occasion, first

1 injury. And we've taken little kind of baby  
2 steps on, you know, trying to improve it. And  
3 the other one, the time it happened before is  
4 2013.

5 MS. MILLER: Okay. So things like this  
6 have happened.

7 Is your iron work or whatever, so that's  
8 somewhat of a barrier, the iron work on top?

9 MR. HILTON: There is definitely a  
10 barrier. I mean, if you can liken it to there's  
11 a wall and then a mote.

12 MS. MILLER: Right. Okay.

13 MR. HILTON: Right. And then -- but yes.

14 MS. MILLER: My question really goes to,  
15 is this barrier similar in height to other roof  
16 decks where -- it is? Okay.

17 Would it help, and this would curb your  
18 capacity, but if people had to sit further in?  
19 So you have a four to six-foot space. You know,  
20 you had an eight-foot space or something, would  
21 that make a difference? Did you consider that?

22 MR. HILTON: The businessman in me says,

1 no, simply because I think they could very  
2 clearly just throw it three feet further.

3 MS. MILLER: Do the same thing? Uh-huh.

4 MR. HILTON: Yeah. I really think it is  
5 -- the amount of security that we have has  
6 increased steadily over time to deal with these  
7 issues. We've actually, we did get back our  
8 overall -- we came to an agreement with ABRA over  
9 not going to a full capacity, what our C of O  
10 tells us we could do, because there's a certain  
11 number of people in that building that become  
12 unmanageable. And we believe that that number  
13 that we've reached is a manageable number.

14 But our number one -- the number one  
15 thing that has caused our issues to go down is  
16 simply an increase in security personnel and  
17 continued training.

18 MS. MILLER: So this is my question about  
19 security.

20 MR. HILTON: Uh-huh.

21 MS. MILLER: Do you think that they can  
22 prevent something from happening by being able to

1 spot patrons acting a certain way so that they  
2 could intervene before something like this is  
3 done?

4 MR. HILTON: Certainly. Absolutely. I  
5 do, I would say, on a weekly basis. They're  
6 pretty quick with the hook when it comes to  
7 people being overserved. Our bartenders are very  
8 good at it. That's the number one thing. I  
9 mean, you've got to be pretty loaded to throw an  
10 object that could kill somebody.

11 MS. MILLER: Uh-huh.

12 MR. HILTON: Off of a roof. And that  
13 goes for whether you're at home barbequing with  
14 some friends.

15 MS. MILLER: Uh-huh.

16 MR. HILTON: I don't care where you are.  
17 You know, there's so much you can do to prevent  
18 people from doing something that ridiculous.

19 MS. MILLER: And how high up are you, is  
20 that roof deck?

21 MR. HILTON: It's the top of the second  
22 floor. So it's a third floor level.

1 MS. MILLER: Okay.

2 MR. HILTON: Thirty feet high.

3 MS. MILLER: Thank you. I just wanted to  
4 ask also our investigator and Lieutenant, you  
5 think that this is something that could have  
6 happened anywhere, or do you think that this is  
7 something that, you know, we really need to focus  
8 on from this establishment? Yes.

9 MR. BUTLER: From my understanding and  
10 with all of the rooftops here in the District --

11 MS. MILLER: Yeah.

12 MR. BUTLER: -- it could probably happen  
13 anywhere if somebody really wanted to take a  
14 spiral or glass off of the rooftop, not knowing  
15 where it's going to land.

16 And also, it came to my attention by  
17 being at Brixton, you really can't see from the  
18 wall that he's talking about.

19 MS. MILLER: Uh-huh.

20 MR. BUTLER: You really can't see over as  
21 to pick out your target and throw it at somebody.

22 MS. MILLER: Okay.

1           MR. BUTLER: You really can't see over  
2 there because there's a three-foot ledge, and  
3 then there's a four-foot barrier, okay, that he's  
4 referring to.

5           As he was talking I was really thinking  
6 about some other type of device that they may be  
7 able to implement. Something like a temporary  
8 volleyball net that they can, you know, erect and  
9 kind of -- I don't know, kind of stop somebody  
10 from throwing something over, as opposed to  
11 building another wall. You know, bring out the  
12 net so it will cover that little span, and they'd  
13 be able to stop somebody from being hit down  
14 below.

15           MR. BEDLION: I've actually had glass  
16 thrown at me from a rooftop bar in Adams Morgan  
17 before, so -- and that was done intentionally.  
18 In that situation they had a policy where plastic  
19 glasses were up top.

20           MS. MILLER: Uh-huh.

21           MR. BEDLION: But they didn't have  
22 someone to catch people traveling from the second

1 floor to third floor, and which it sounds like  
2 they do.

3 MS. MILLER: Right.

4 MR. BEDLION: I think that's probably the  
5 key enforcement mechanism that will prevent  
6 incidents like this. Especially when they're  
7 right there with them, if they can pour a glass,  
8 problem solved. No reason for a customer to be  
9 delayed in any way.

10 MS. MILLER: Thank you. Okay. Yeah, I  
11 would agree that the acrylic and the security  
12 combination sound pretty good.

13 MR. HILTON: Yeah, I called my friends  
14 that own bars with roof decks. I called them,  
15 they said change out your glassware.

16 MS. MILLER: Yeah. Yep. Yeah, other  
17 establishments have done that even inside where  
18 there's been fighting. Thank you, Mr. Chairman.

19 CHAIRPERSON ANDERSON: Thank you.

20 MS. MILLER: Okay.

21 CHAIRPERSON ANDERSON: Mr. Silverstein,  
22 do you have any questions?

1           MR. SILVERSTEIN: I would echo Mr.  
2 Short's advice to you to do what you can to  
3 increase the height of the fence. I've had a lot  
4 of dealings with HPRB and I know that they're at  
5 times quite strict on what can be seen from the  
6 street. And as such, raising the height of the  
7 fence is not something that they would  
8 necessarily allow unless there is some overriding  
9 importance to it, or that they might even demand  
10 that you have an even greater setback, meaning  
11 you have less use of the roof.

12           They use something called Historic  
13 Preservation Law, which they kind of make up as  
14 they go along. But it is still something that's  
15 not always the most flexible thing in the world.  
16 Good luck to you and thank you for working with  
17 us on this.

18           CHAIRPERSON ANDERSON: Thank you. Do we  
19 have any other board members who have any  
20 questions that they want to add -- ask? Does the  
21 other side have any other -- anything else that  
22 they would like to propose, state?

1           No? Well, I just want to thank you for  
2 your testimony. Thank you for the proactive  
3 nature of what you have done. So far the Board  
4 really appreciates that, so I just want to thank  
5 you for that.

6           I would propose that the Board take no  
7 further action on this matter. Is there a  
8 second?

9           MR. SILVERSTEIN: Second.

10          [Vote taken.]

11          CHAIRPERSON ANDERSON: Five, zero, to  
12 zero. Again, the Board, we're taking no further  
13 action. But thank you for coming today to  
14 present. And thank you for being proactive and I  
15 hope that you will continue to look to see how  
16 you can improve the process to ensure that we do  
17 not have this incident. Nothing is failure  
18 proof. However, your proactiveness I think is  
19 something that is very favorable, so thank you  
20 for that.

21          MR. HILTON: Thank you.

22          CHAIRPERSON ANDERSON: Thank you. And

1 thank you.

2 [Whereupon, the above-entitled matter  
3 concluded.]

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