

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

IN THE MATTER OF: :
:
Red River Grill, LLC :
t/a Union Pub :
201 Massachusetts Ave NE : Fact Finding
Retailer CR - ANC 6C : Hearing
License No. 022105 :
Case #18-251-00178 :
:
(Physical Altercation :
Inside the Establishment;:
Possession of a Dangerous:
Weapon) :

Thursday,
December 13, 2018

The Alcoholic Beverage Control Board
met in the Alcoholic Beverage Control Hearing
Room, Reeves Building, 2000 14th Street, N.W.,
Suite 400S, Washington, D.C. 20009, Chairperson
Donovan W. Anderson, presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson

NICK ALBERTI, Member

BOBBY CATO, JR., Member

MIKE SILVERSTEIN, Member

ALSO PRESENT:

COUNTEE GILLIAM, ABRA Investigator

MATTHEW WEISS, Licensee

SIDON YOHANNES, Licensee's Counsel

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

2 1:35 p.m.

3 CHAIRPERSON ANDERSON: Good afternoon.

4 We are back on the record. We have a Fact-
5 Finding Hearing on Union Pub, Case No. 18-251-
6 00178, Union Pub, License No. 022105.

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

9 INVESTIGATOR GILLIAM: ABRA

10 Investigator Countee Gilliam.

11 CHAIRPERSON ANDERSON: Good afternoon,

12 Mr. Gilliam.

13 INVESTIGATOR GILLIAM: Good afternoon.

14 MS. YOHANNES: Good afternoon. Sidon
15 Yohannes on behalf of the licensee.

16 CHAIRPERSON ANDERSON: Good afternoon,

17 Ms. Yohannes.

18 MR. WEISS: Good afternoon. Matthew

19 Weiss, owner Union Pub.

20 CHAIRPERSON ANDERSON: Good afternoon,

21 Mr. Weiss.

22 Mr. Weiss, this is a Fact-Finding

1 Hearing. Thank you for being here. I see that
2 you have counsel. It's a Fact-Finding Hearing.
3 I hope that you never have the pleasure to come
4 back. It's a Fact-Finding Hearing. We are not
5 going to make any decisions.

6 I know that some folks believe that we
7 are coming in front of the Board, I need to get
8 an attorney. And so this is not necessarily --
9 it's not mandatory, that's your choice to have an
10 attorney, to have representation here, because
11 the Board normally when we have Fact-Finding
12 Hearings, gathers facts trying to decide if we
13 are going to take any further action or to say
14 that no, we just wanted to bring you in to touch
15 base.

16 And so that's normally what a Fact-
17 Finding Hearing is. Just it's very informal.

18 MR. WEISS: Sure.

19 CHAIRPERSON ANDERSON: In that sense.
20 We cannot order you to do anything at this
21 hearing. I can ask you and you can volunteer to
22 do certain things. If you say that no, I'm not

1 going to do it, I can't do anything to -- I can't
2 force you to do it.

3 MR. WEISS: Right.

4 CHAIRPERSON ANDERSON: So I just
5 wanted to let you know that we can only -- if, at
6 the end of this hearing, there are certain things
7 if we decide that something wasn't done properly
8 and there is something that we believe that you
9 should -- we might ask you to say will you
10 volunteer to do that?

11 And I don't know if I'm going to ask
12 you to do that, but you and your attorney can
13 decide and say no, we are not going to do it and
14 there is -- at least in this type of hearing, the
15 Board cannot do anything to force you to do it.

16 And it will not reflect positively or
17 negatively on you. I just wanted you to know
18 that. Okay?

19 MR. WEISS: I appreciate it.

20 CHAIRPERSON ANDERSON: All right.

21 MR. WEISS: May I respond real
22 quickly?

1 CHAIRPERSON ANDERSON: Well, talk to
2 your lawyer.

3 MR. WEISS: Okay.

4 CHAIRPERSON ANDERSON: I'm an
5 attorney. No, I'm serious. I am an attorney and
6 I always say to folks for their own protection,
7 if you want to say something, speak to your
8 attorney. Let your attorney know what is it that
9 you want to say to me and if your attorney says
10 okay, then fine. It's just for your own
11 protection, because I'm an attorney.

12 MR. WEISS: Totally understood.

13 CHAIRPERSON ANDERSON: All right. So
14 you can talk to your attorney. If she says it's
15 okay, you can go ahead.

16 MR. WEISS: All right.

17 CHAIRPERSON ANDERSON: No? All right.
18 It's -- I'm an attorney, so --

19 MR. WEISS: Yeah, yeah, I'm with you.

20 CHAIRPERSON ANDERSON: -- and as I
21 said, as an attorney, I tell people there is
22 never -- there is not supposed to be any surprise

1 in Court. We all know what is going to happen
2 and so therefore when that bad thing comes out,
3 then we need to anticipate it. And I tell folks
4 when you see that O.J. stuff, that doesn't really
5 happen in real life, because normally, you know,
6 I would have tried the glove on and then the
7 prosecutor would have explained away why is it
8 that it is not going to fit.

9 And so you would have that -- maybe --
10 because -- yeah, we don't have surprises in
11 Court.

12 MR. WEISS: Yes.

13 CHAIRPERSON ANDERSON: Okay. As
14 lawyers, if we do our jobs, there is never any
15 surprises. Okay. All right. Mr. Gilliam?

16 And also, when reviewing this case, I
17 was scratching my head like why are you here?
18 Because it didn't appear that, at first blush,
19 you and your establishment did anything wrong.

20 But I believe a couple of Board
21 Members had insisted that they wanted you to come
22 in. Unfortunately, the Board Members are not

1 here today, but we will have Mr. Gilliam and he
2 will provide his report and if you want to add
3 anything to supplement it, you can.

4 MR. WEISS: All right. Okay.

5 CHAIRPERSON ANDERSON: Go ahead, Mr.
6 Gilliam.

7 INVESTIGATOR GILLIAM: All right. On
8 Sunday, September 23, 2018, there was an incident
9 at Union Pub where a suspect was arrested and
10 charged with possession of a prohibited weapon
11 and carrying a dangerous weapon.

12 During the incident when I talked to
13 the -- I talked with two United States Capitol
14 Police who arrived on the scene and their
15 testimony was that the suspect S1 got in an
16 argument inside the establishment, brandished a
17 knife, and then taken from the establishment a
18 fight ensued and we was subdued and taken
19 outside. And they held him outside until the
20 police arrived.

21 I interviewed two ABC Managers that
22 work for the establishment. They both confirmed

1 the same information that the United States
2 Capitol Police Officers did. They said Ms.
3 Primeau, Danielle Primeau, I can't pronounce the
4 last name, she stated that he became
5 argumentative with a group of patrons in this
6 area. Something about someone was blocking the
7 TV or something like that.

8 An argument ensued. Then he stood up,
9 brandished a knife and when that happened, the
10 patrons they defended themselves, basically,
11 threw the -- she did say that one of patrons did
12 hit the suspect over the head with a pint glass
13 and I listed that exhibit in my report.

14 Then I talked to Ms. -- ABC Manager,
15 Ms. Hester. Ms. Hester, she was working the Bar.
16 She was working as a bartender surrounding the
17 incident and she said she observed that the
18 suspect was becoming argumentative. She advised
19 Ms. Primeau about it and Ms. Primeau did talk to
20 him and try to address his behavior and advised
21 him if he continued, he would be asked to leave.

22 And when -- after that happened, it

1 escalated and that's when the situation occurred.

2 Reviewing the security procedures, I
3 actually reviewed the video footage with Ms.
4 Saunders the day when I went to conduct the
5 investigation. She was the ABC Manager on duty,
6 but she wasn't there during the date of the
7 incident. And the camera quality, it was poor.
8 You really can't determine -- you couldn't
9 determine what actually happened.

10 You can see people in the video, but
11 it wasn't clear. And it looked like the lens
12 cover was dirty, but I really can't speak on it.
13 It just wasn't a good -- the camera quality, I
14 couldn't determine what actually transpired. You
15 can just see people wrestling each other and
16 stuff like that. And that's the synopsis of what
17 happened.

18 But the ABC Manager, when the incident
19 did start, she called 911 and she actually got --
20 the patrons did get the suspect outside and held
21 him until the police arrived.

22 CHAIRPERSON ANDERSON: So based on

1 your investigation, did you find any violations?

2 INVESTIGATOR GILLIAM: No, sir, I did
3 not.

4 CHAIRPERSON ANDERSON: Okay. Ms.
5 Yohannes, on behalf of your client any
6 representation you wish to make?

7 MS. YOHANNES: Yes. As the
8 Investigator said, this is an unfortunate
9 situation where a patron seems to have had some
10 mental health issues, came in, was aggressive.
11 The ABC Manager and the employees did what they
12 were supposed to do in trying to calm down the
13 situation, tried to calm down the patron. Then
14 immediately called MPD when they saw that he was
15 not going to stop and that he pulled out a knife.

16 Thereafter, they cooperated. They
17 showed the Investigator and as well the Capitol
18 Police the footage, the security camera footage.
19 And after the Investigator spoke to the owner
20 regarding the security cameras and not being able
21 to really, you know, see what was going on, upon
22 just conversation and listening to what the

1 Investigator had to say, they updated their
2 security camera system. So they have recently
3 installed something. We have an invoice here
4 showing that.

5 Then right before this hearing, we
6 actually sat and showed the Investigator the
7 footage, so you can clearly see areas that may
8 not have been seen previously. And so I just
9 wanted to make that representation to the Board
10 and let the Board know that.

11 And I will also say regarding the
12 patrons that were there, there were Navy Seals
13 actually, who saw the incident was escalating
14 and, you know, it's not ideal that patrons take
15 out, you know, somebody, a patron who is being
16 rowdy and so forth, however, this was a situation
17 where we were actually lucky that they were Navy
18 Seals.

19 And so and I will say that the
20 Investigator's report also mentions he spoke to
21 Officer Logan who even said that he doesn't
22 believe that excessive force was used in the

1 situation, because a knife was shown. And we
2 believe that he establishment did everything that
3 they could do that evening. And it was just
4 intentional -- that afternoon, I'm sorry, because
5 it was Sunday afternoon.

6 CHAIRPERSON ANDERSON: Well, this is
7 a restaurant, right?

8 MR. WEISS: That's correct.

9 CHAIRPERSON ANDERSON: A CR restaurant
10 and I'm not going to -- do you have a security
11 plan? And I'm not going to ask you to do one.
12 I'm just asking just generally if you have one.

13 MS. YOHANNES: They do not have a
14 security plan.

15 CHAIRPERSON ANDERSON: All right. And
16 I'm not going to ask you to do one, because you
17 are a restaurant. But what do you do -- now that
18 you know this could happen and how do you address
19 incidents like this? How do you plan to address
20 incidents like this moving forward? Although it
21 might have never happened before and it might
22 never happen, but now that you know something

1 like this could happen, how do you believe you
2 can have your employees adequately address this
3 issue?

4 MS. YOHANNES: I will say -- I will
5 let him address that, but I will say we did speak
6 about this. We spoke about different type of
7 training that could occur with staff. And ways
8 to try to watch, you know, more carefully,
9 possibly try to prevent something like this from
10 happening, even though this was sort of a unique
11 set of circumstances.

12 But I will let you address how you
13 talked to your security personnel as well as
14 employees.

15 MR. WEISS: Sure. I mean, obviously,
16 my employees' safety and the safety of our
17 patrons is paramount. So we did go through the
18 incident. I did ask all the managers involved if
19 they felt was there any signs whatsoever with
20 this gentleman that we could intervened earlier?
21 The fact was this gentleman had come in on
22 previous Sundays to watch his football game and

1 had come and gone without incident.

2 And according to them, there was
3 nothing that he was exhibiting that was any
4 different until he became agitated in the first
5 place. Obviously, we don't like just to kick out
6 somebody, especially if we have seen them there
7 before just because they say one thing to another
8 patron. We warn them. If we had any idea that
9 he had come in the establishment with a weapon,
10 obviously, we would have, you know, in hindsight
11 it would have been nice if we had got him out
12 right then and there, but I think the same thing
13 would have happened.

14 My fear would be that he then would
15 have brandished the weapon on the staff, who was
16 acting to remove him at that point.

17 We went over our safety procedures.
18 It is train -- all the MOD people are trained in
19 this. And they are trained to first and
20 foremost, call the authorities first thing. We
21 are very fortunate that we have a good
22 relationship with the Capitol Hill Police and

1 MPD. We are right down the street from them. I
2 have been there 24 years, so they usually come
3 very, very quickly.

4 We do have security that does IDing
5 and is there for safety reasons, Tuesday through
6 Saturday evenings. Sunday afternoon, it's -- you
7 know, it's brunch, it's neighbors, it's kids,
8 this is not something so far --

9 CHAIRPERSON ANDERSON: Well, it's
10 football season.

11 MR. WEISS: Yes, it's football. So I
12 mean even people who might be like, you know,
13 Redskins', Cowboys' fans or whatever, like it is
14 never escalated into any kind of even shouting
15 match or whatnot. So hopefully this is an
16 isolated incident, but obviously one that we take
17 seriously and we want to prevent in the future.

18 CHAIRPERSON ANDERSON: Now, is this
19 person allowed back in your establishment?

20 MR. WEISS: Oh, no.

21 CHAIRPERSON ANDERSON: No, I'm just
22 saying. So what is it that you -- this is just

1 as an FYI. What is -- have you banned him from
2 the property?

3 MR. WEISS: Yes, sir, there will be a
4 barring notice.

5 CHAIRPERSON ANDERSON: You have barred
6 him from the property.

7 MR. WEISS: Yes.

8 CHAIRPERSON ANDERSON: Okay. Any
9 other questions by any other Board Members?

10 MEMBER ALBERTI: I just --

11 CHAIRPERSON ANDERSON: Go ahead, Mr.
12 Alberti.

13 MEMBER ALBERTI: -- you know, it's
14 impressive what you do. You did all the right
15 things and I think your attorney probably told
16 you exactly what those right things were. And
17 it's good to know, because I know you have busy
18 nights. And the fact that you have -- that was
19 my -- going to be a question is that you had
20 security guards there.

21 MR. WEISS: Yes.

22 MEMBER ALBERTI: So I'm impressed with

1 the way you operate. Thank you.

2 CHAIRPERSON ANDERSON: And I just want
3 to commend you and you said you improved your
4 camera system. Now, you have seen some of the
5 shortcomings in your camera system, so it's for
6 your own protection. It's not necessarily for
7 us, but it's for you. If something happens in
8 your establishment and if you can't identify
9 folks with the cameras, then why have the system.

10 So at least you will now recognize the
11 fact of the shortcomings.

12 Any other questions by any other Board
13 Members? Mr. Gilliam, any last comments you want
14 to make?

15 INVESTIGATOR GILLIAM: Oh, just to
16 reiterate what the attorney said. I did look at
17 the cameras and it's perfect now. They got a
18 good camera system now. If they have a future
19 incident, it won't be an issue with actually
20 trying to review video footage.

21 CHAIRPERSON ANDERSON: With that said,
22 I'll make a motion that we take no further

1 action. Is there a second?

2 MEMBER SILVERSTEIN: Second.

3 CHAIRPERSON ANDERSON: All those in
4 favor say aye.

5 ALL: Aye.

6 CHAIRPERSON ANDERSON: Those opposed?
7 the matter passes 4-0-0. We are supposed to have
8 -- well, we have six Members now on the Board and
9 so I'm like looking around to see how many are
10 here out of the six.

11 Thank you very much for being here
12 today. And I hope that this was instructive for
13 you, not necessarily that those ABRA people
14 called me and I have to show up, but it's --
15 sometimes it's good to see a face and it's not
16 necessarily that you did anything wrong, but for
17 the --

18 MR. WEISS: Um-hum.

19 CHAIRPERSON ANDERSON: -- Board to
20 interface with you. So thank you for being here
21 and thank you for doing -- for taking some action
22 to protect your business and to protect your

1 customers. And thank you for being here today.

2 MR. WEISS: All right. Thank you.

3 INVESTIGATOR GILLIAM: Thank you.

4 MS. YOHANNES: Thank you.

5 MEMBER SILVERSTEIN: Thank you.

6 MR. WEISS: Have a good afternoon.

7 (Whereupon, the Fact-Finding Hearing
8 was concluded at 1:50 p.m.)

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