DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF:

El Agavetex Mex Rest, LLC, :

t/a Villa Tuscania :

1723 Columbia Road, N.W. : Show Cause

Retailer CR - ANC 1C : Hearing

License No. 100312 :

Case #21-251-00004 :

(Failed to Allow an ABRA :

Investigator or MPD to :

Inspect Without Delay the :

Licensed Premises)

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Wednesday
January 12, 2022

The Alcoholic Beverage Control Board
met via Videoconference, Chairperson Donovan W. Anderson presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson
BOBBY CATO, JR., Member
RAFI ALIYA CROCKETT, Member
EDWARD S. GRANDIS, Member
JENI HANSEN, Member
JAMES SHORT, JR., Member

ALSO PRESENT:

SARAH FASHBAUGH, DC ABRA Staff
LIDIA BELLOD, Interpreter
MARK BRASHEARS, DC ABRA Supervisory Investigator
FELICIA DANTZLER, DC ABRA Investigator
JANIKA JORDAN, ESQ., D.C. OAG
ALEXIS LARIOS, Licensee
Chairperson Anderson: All right.

Thank you. All right. The next case on our calendar is Villa Tuscana, License Number 21-25100004, License Number 100312. Now, this is a show cause hearing. So, Ms. Fashbaugh, can you please elevate the rights of the parties in this case, please.

Ms. Fashbaugh: Thank you for your patience, Mr. Chair. I will elevate the rights again. Lidia Bellod, I'm escalating you.

Ms. Bellod: Okay. I'm here.

Ms. Fashbaugh: Alex Larios, I'm escalating you. Janika Jordan, your rights have been elevated. Felicia Dantzler, your rights have been elevated. Mark Brashears, your rights have been elevated. That is all, Mr. Chair.

Chairperson Anderson: All right.

Thank you very much. The translator -- what's your name again, ma'am?

Ms. Bellod: Lidia Bellod.

Chairperson Anderson: Ms. Bellod, can you please spell and state your name for the record, please?

Ms. Bellod: Yes. L-I-D-I-A, Lidia,
B, as in boy, E-L-L-O-D, Bellod.

CHAIRPERSON ANDERSON: Ms. Bellod, can you -- Bellod -- can you please raise your right hand, please.

Do you solemnly affirm that you faithfully and accurately interpret these proceedings in this matter from English into Spanish -- is Spanish your language? -- and from Spanish into English to the best of your ability?

MS. BELLOD: Yes, I do.

CHAIRPERSON ANDERSON: All right.

Thank you.

Who is the licensee in this case? Who is the licensee? Who is Ms. Bellod translating for? Can you please -- ma'am, can you please ask -- see if the licensee is there? I don't know who is the licensee --

MS. BELLOD: [Speaking Spanish.]

CHAIRPERSON ANDERSON: This is Alex L-A-R-I-O-S. That's the person. Can they -- I don't know why they're -- they are -- I see that they're on the line. I don't know if they are -- and their rights have been elevated.

So, ma'am, can you please -- this Alex L-A-R-I-O-S -- can you please find out what is
going on with them, ma'am? And ask them, if they have some problems, we'll assist them.

MS. BELLOD: [Speaking Spanish.]

(No response.)

CHAIRPERSON ANDERSON: Ms. Fashbaugh, is -- is Alex -- is that person -- have -- I see -- do you know if their line has been unmuted?

MS. FASHBAUGH: I'll unmute them now.

CHAIRPERSON ANDERSON: All right.

Thanks.

MS. FASHBAUGH: Alex Larios, your line is unmuted.

MR. LARIOS: Yes, good morning, Board. Alex Larios here.

CHAIRPERSON ANDERSON: All right. Is that -- is that Mr. -- is that Alex speaking?

MR. LARIOS: Yes, that's me.

CHAIRPERSON ANDERSON: Are you the person who's asking for -- who do we have a translator for?

MR. LARIOS: Sir, the interpreter's for --

CHAIRPERSON ANDERSON: For whom?

MR. LARIOS: Flor.
CHAIRPERSON ANDERSON: Who is that?
Is that for a witness?

MR. LARIOŚ: Yes.

CHAIRPERSON ANDERSON: All right. Do you have a camera, sir, that we can see you? If you don't, that's fine.

MR. LARIOŚ: It's says it's disabled. Do you --

CHAIRPERSON ANDERSON: Oh, that's fine. I -- I know -- I can hear you. All right. So do you need an interpreter, sir?

MR. LARIOŚ: I do not. But the --

CHAIRPERSON ANDERSON: So you do not need an interpreter. So it's one of your witnesses who you're calling who needs the interpreter. Is that correct?

MR. LARIOŚ: I'd like to get this camera on.

CHAIRPERSON ANDERSON: I can't -- sir, I can't -- your connection is poor, so I'm not really hearing you. Are you -- and that's -- one of the things is that I prefer to see you because I can't really hear what you're saying because you have a poor connection.

MR. LARIOŚ: My camera says video
disabled in this meeting.

CHAIRPERSON ANDERSON: All right. Let
Ms. -- Ms. -- Ms. Fashbaugh, are you able to --
I'm not sure if you've enabled his camera. Are
you -- can you check on that for me, please,
ma'am?

MS. FASHBAUGH: He doesn't seem to
have a camera feature. It looks like he's on a
cell phone.

MR. LARIOS: Yes, but it should work.
I did this before on the same phone; it's a
cellular. Maybe if I try logging out and come
back in?

CHAIRPERSON ANDERSON: I would ask you
to do that, sir, because you're speaking like
you're underwater, so you're not clear in
speaking. So you have a poor connection.

So why don't you log off and log back
in and we'll elevate your rights and see what
happens, sir.

MR. LARIOS: All right. Give me one
second.

(Pause.)

CHAIRPERSON ANDERSON: You're still
on, Mr. Larios. So, why don't you log off and
log back on, sir?

MR. LARIOS: I just did that.

CHAIRPERSON ANDERSON: Sir, you never logged off because you've always been on my screen. So I need you to completely log out and come back on, sir. If you're logged off, I should not see your name on my screen, so you're not logged off.

So disconnect the connection and log back on, sir, and then Ms. Fashbaugh will elevate your rights when you come back.

(Pause.)

MR. LARIOS: Okay.

CHAIRPERSON ANDERSON: Mr. Larios, you have never logged off, sir. When you're logged off the screen, I will not see your name, okay? So you need to -- now, you're logged in twice, because I see you never logged off the first time.

MR. LARIOS: Because the way this -- but I logged off. I tried to log back in, but when my camera -- I tried --

CHAIRPERSON ANDERSON: Sir, your name is on my screen twice, okay? So --
MR. LARIOS: The other line maybe --

CHAIRPERSON ANDERSON: Okay. So that's probably why I can't hear you. So he needs to unmute his microphone, then because that's why I'm having a problem -- are you in the same location?

MR. LARIOS: Yes.

CHAIRPERSON ANDERSON: All right. So that other person needs to mute their microphone because there's a feedback. That's why we can't -- I can't hear you.

MR. LARIOS: Give me one second.

MS. FASHBAUGH: Chairperson, I handled it. So I muted his other one. And now he's muted on the other one.

CHAIRPERSON ANDERSON: All right. Thank you.

MR. LARIOS: Now, my camera's still -- I can't see it. But --

CHAIRPERSON ANDERSON: All right. I can hear you, then, sir. As -- you're clear. I can hear you. I don't know what's going on with your camera, but I can clearly hear you, okay? All right.

MR. LARIOS: All right.
CHAIRPERSON ANDERSON: And now we know what the problem is. Okay. And now I need everyone to identify themselves for the record, and I will start with Ms. Jordan.

MS. JORDAN: Good morning, Mr. Chairperson. This is Janika Jordan on behalf of the District. I also wanted to note as we begin that Mr. Alex Larios is the ABC manager of the establishment, and the translator was requested for Mr. Jose Larios, the owner of the establishment, who I don't see on the line.

CHAIRPERSON ANDERSON: All right. So is the owner of the -- thank you for -- Ms. Jordan. So who is the owner? Is the owner here today?

MR. LARIOS: No. He's not here today. Well, he had a medical procedure again done this morning.

CHAIRPERSON ANDERSON: But Mr. Larios, has the owner given you, in writing, permission to move forward with this hearing to represent him?

MR. LARIOS: Yes. I think I sent an email.

CHAIRPERSON ANDERSON: You sent an
email to whom?

    MR. LARIO: To Ms. Janika Jordan, and
I told her me and Flor Ramos, who is the witness,
were going to be present today.

    CHAIRPERSON ANDERSON: Did you receive
that email, Ms. Jordan?

    MR. LARIO: I received an email
representing that Alex Larios and Flor Ramos
would be witnesses. I wasn't aware that that
meant the owner would not be present.

    CHAIRPERSON ANDERSON: And when did
you receive this email?

    MS. JORDAN: I received that email on
Saturday.

    CHAIRPERSON ANDERSON: So have you had
any conversation, Ms. Jordan, with the actual
owner?

    MS. JORDAN: I have spoken to Jose
Larios on the phone and through email.

    CHAIRPERSON ANDERSON: And Ms. -- no,
I'm talking about the owner, not Mr. --

    MS. JORDAN: Yes. He's -- yes.

    CHAIRPERSON ANDERSON: You've talked
to the owner?

    MS. JORDAN: Yes. Just in --
CHAIRPERSON ANDERSON: I'm -- so have you spoken to the owner of this establishment?

MS. JORDAN: I have. Yes. I apologize for the confusion. I'll make sure to use their first and last names, since the last name is the same.

CHAIRPERSON ANDERSON: That's the same -- all right. So you have had conversations with the owner regarding this hearing today. Is that correct?

MS. JORDAN: Yes.

CHAIRPERSON ANDERSON: And the owner is aware that the hearing is scheduled today, based on your conversation with them?

MS. JORDAN: He is. Yes.

CHAIRPERSON ANDERSON: And did you receive a disclosure from the owner to state that they're moving forward with the hearing and who the documents and witnesses are?

MS. JORDAN: I received an email on Saturday that stated Alex Larios and Flor Ramos would be witnesses. I responded on Monday and asked if there were documents, and he stated there would be no documents.

CHAIRPERSON ANDERSON: And who was the
email from?

MS. JORDAN: The email was not signed, but it was from the establishment's email, which has been Jose Larios in the past.

CHAIRPERSON ANDERSON: So you received an email. Is this the same email -- in your -- and I'm just inquiring for the record so I can know. All right? So you've had email correspondence with the establishment. Is this correct?

MS. JORDAN: Yes, it is correct.

CHAIRPERSON ANDERSON: Is this the -- the email that came to you on Saturday that disclosed the witnesses, is this the same email correspondence that you've had -- I'm sorry. Is this the same email address that you have had in dealing with this -- the ownership of this -- the establishment?

MS. JORDAN: It is. Yes.

CHAIRPERSON ANDERSON: And Mr. Alex Larios, he is an ABC manager of the establishment?

MR. LARIOS: Yes.

CHAIRPERSON ANDERSON: I'm sorry. I'm asking you, Ms. Jordan.
MS. JORDAN: I apologize. Yes. Alex Larios is an ABC manager at the establishment.

CHAIRPERSON ANDERSON: Ms. Jordan, are you -- do you feel comfortable moving forward with this hearing today, although the owner is not there, is not on this hearing today? I mean, although -- yeah. That's the question I'm having.

Because since the owner's not here, I've heard that you know that Mr. Larios is an ABC manager. You stated you have had conversations with the owner.

We do have a translator for the owner, so the owner's aware that we are having this hearing today, and the representation that's being made by Mr. Alex Larios is that he had surgery, and so therefore they're moving forward without him.

And -- but I'm just trying to make sure that we're on good legal ground in moving forward with this hearing although the owner is not here.

MS. JORDAN: I'm prepared to move forward. I am a little concerned that we didn't have -- we don't have a designation from the
owner that Alex Larios is his representative in
this matter.

Chairperson Anderson: All right. Mr.
Alex Larios, can you -- who's the owner of this
establishment, sir?

Mr. Larios: Jose Larios.

Chairperson Anderson: And are you
related to Jose Larios?

Mr. Larios: Yes, that's my father.

Chairperson Anderson: So Mr. Larios
is your father?

Mr. Larios: Yes. If I could ask,
maybe we could elevate the other phone so I could
have a camera so you guys can see me.

Chairperson Anderson: All right.
Elevate which camera -- which -- what is it --
you're asking us to elevate what, sir?

Mr. Larios: The other camera, the one
that was muted.

Chairperson Anderson: Well, we're
just -- we just mute the voice, but Ms.
Fashbaugh, are you able to allow the other
connection for Mr. Larios with a camera?

Ms. Fashbaugh: Yeah, unfortunately
both don't have a camera feature.
CHAIRPERSON ANDERSON: So I'm not sure what they -- what the --

(Pause.)

CHAIRPERSON ANDERSON: All right.

Okay. Yes, I can see you, sir. All right. So all right.

Just -- Mr. Larios, let -- I just want to -- I want you to raise your right hand, sir. Mr. Alex Larios, do you swear or affirm to tell the truth and nothing but the truth, sir?

MR. LARIO: Yes.

CHAIRPERSON ANDERSON: I'm sorry? Mr. Larios? I can't hear you, sir.

MR. LARIO: This phone is muted.

CHAIRPERSON ANDERSON: It's not muted. I can hear -- let's -- all right. All right. What's your relationship -- what do you -- what's your -- who is -- what's your relationship --

MR. LARIO: Sorry. Where the camera is at is muted, but this other phone is the one --

CHAIRPERSON ANDERSON: I can hear you now, sir.

MR. LARIO: -- that works.

CHAIRPERSON ANDERSON: I can hear you
perfectly.

MR. LARIOS: Yeah, but this phone is the one with Flor Ramos; she's a witness. The other phone is where the camera's working, is muted. If you guys could unmute that, that will be great.

CHAIRPERSON ANDERSON: No, but the -- let me ask you a question. Where is the phone -- is the phone -- where -- can you put the phones together: I can see you perfectly in the other one. Right?

MR. LARIOS: Yeah, this one.

CHAIRPERSON ANDERSON: You're fine.

You're fine.

MR. LARIOS: Oh, yeah.

CHAIRPERSON ANDERSON: All right. I can hear. Just stay right where you are, sir. All right?

MR. LARIOS: All right. Great.

CHAIRPERSON ANDERSON: What is the name of your father, sir? What's your father's -- well, I'm sorry. What's the -- who's the owner of this establishment, sir?

MR. LARIOS: Jose Larios.

CHAIRPERSON ANDERSON: Who is -- what
is your relationship to Jose Larios?

MR. LARIOS: He's my father.

CHAIRPERSON ANDERSON: And -- all right. Is it also correct that you are the ABC manager for this establishment, sir?

MR. LARIOS: Yes, sir.

CHAIRPERSON ANDERSON: All right.

Okay. All right. I feel comfortable moving forward, Mr. -- I'm sorry. You -- I'm sorry. You're Jose Larios. Right? And your father -- what's your father's name? I'm sorry, sir.

MR. LARIOS: My name is Alex Larios.

My father's name is Jose Larios.

CHAIRPERSON ANDERSON: All right.

Alex Larios is the ABC manager, and he is the son of Jose Larios. And Mr. Alex Larios, why, again, is Jose Larios not here today, sir?

MR. LARIOS: He had a medical procedure done this morning at Kaiser Permanente.

CHAIRPERSON ANDERSON: And it's also correct that an email was sent to Ms. Jordan on Saturday stating who the witnesses were going to be for this morning. Who was it that the witnesses were supposed to be today?
MR. LARIOS: Yes. Jose -- he told --
he said -- he told me Saturday morning he sent an
e-mail out to let them know that Flor Ramos would
be also attending.

CHAIRPERSON ANDERSON: All right. All
right. Your phone is unmuted. So we need the
other line -- the person should mute the other
line, sir. Okay? Both lines are now unmuted,
okay? So --

MR. LARIOS: So I'll get her to do
that now.

CHAIRPERSON ANDERSON: Yes. You just
tell the other person to mute the phone. Okay?
So they can just mute their phone. Yes, the
other line, just mute the phone. Mr. --

MR. LARIOS: I'm trying to do now.

CHAIRPERSON ANDERSON: All you have to
do, just hit the mute button on your phone, on
one of the lines.

MR. LARIOS: I did. It's not working
for some reason.

CHAIRPERSON ANDERSON: It's not -- it
should -- it's not that difficult to mute the
phone. You just press the mute button.

MR. LARIOS: There you go. It's --
yeah, I did it.

CHAIRPERSON ANDERSON: Okay. Fine.

I can see you and hear you clearly because your
line is the only line that's muted [sic]. Now,
when the other person's going to speak, then that
person will end -- all right.

Now, who requires a translator?

MR. LARIOS: Flor Ramos. That's the
other witness.

CHAIRPERSON ANDERSON: All right.

So -- all right. So, when -- when the witness is
called, then that's when the translator will --
does he need to hear -- do we need to translate
these --

MR. LARIOS: Oh, no, no.

CHAIRPERSON ANDERSON: We just
translate for him when he's about to testify. Is
that correct?

MR. LARIOS: Yes, sir. Yes.

CHAIRPERSON ANDERSON: All right.

Fine. All right. Now, we may move forward with
the hearing based on our representation of the
parties that it's -- based on representation was
made Alex Larios is the son of Jose Larios, and
Alex Larios is ABC manager for Villa Tuscana.
Mr. Alex Larios had sent an email to Ms. Jordan this weekend disclosing documents -- I'm sorry -- witnesses for this hearing. Ms. --

MR. LARIOS: That was --

CHAIRPERSON ANDERSON: Yes?

MR. LARIOS: -- Jose Larios, sir.

CHAIRPERSON ANDERSON: I'm sorry, sir?

MR. LARIOS: It was Jose Larios who sent the email.

CHAIRPERSON ANDERSON: All right.

Jose Larios sent an email to Ms. Jordan this weekend, on Saturday, stating who the witnesses were going to be for this hearing. And were -- is your name, Mr. Jose Larios, were -- were you one of the witnesses on the list?

MR. LARIOS: Oh, no. Jose Larios is the owner. He's my father. I'm Alex Larios.

CHAIRPERSON ANDERSON: I'm sorry. Mr. Alex Larios. I'm sorry. Mr. --

MR. LARIOS: Yes.

CHAIRPERSON ANDERSON: Alex, were you one of the witnesses on the paper?

MR. LARIOS: Yes.

CHAIRPERSON ANDERSON: All right. All right. So based on -- I'm comfortable moving
forward that Mr. Jose Larios has given permission
for his son, Alex Larios, who's also the ABC
manager for this establishment, to represent him
at this hearing. Okay?

All right. Now that we've gotten that
straight, let's now go to the hearing. Are there
any preliminary matters that need to be brought
to the attention of the Agency, Ms. Jordan?

MS. JORDAN: There are no preliminary
matters at this time.

CHAIRPERSON ANDERSON: And Mr. Alex --
I'm sorry -- Mr. Alex Larios, outside of the fact
that your father had a medical emergency this
morning so he can't be here, there are no other
preliminary matters that need to be brought to
the attention of the Agency, sir?

MR. LARIO: No, sir.

CHAIRPERSON ANDERSON: All right. All
right. The way this hearing will happen this
morning is that each side will have -- the
Government has the burden. The Government will
go first. The Government will make an opening
statement.

The Government -- once the Government
makes an opening statement, Mr. Larios, you can
make an opening statement at this juncture. An
opening statement is basically you just set the
stage of what this case is about. And -- but you
don't have to do that.

You can wait for the Government to
present its whole case, and once the Government
presents its case prior to you presenting your
case, you can do an opening statement. And then
you can call witnesses, sir.

The Government will call its witness,
the witness will be testified. The Government
will have direct testimony of this witness. Then
you will have an opportunity to cross-examine
those witnesses.

So whatever they state, the witnesses
that the Government called, you can cross-
examine, ask them questions based on the
testimony that they gave. And the Board might
ask questions, and both parties might have other
issues -- opportunities to ask questions.

Are there any questions by anyone
before we start?

MS. JORDAN: No, Chairperson.

CHAIRPERSON ANDERSON: All right. All
right. Ms. Jordan, do you wish to make an
openning statement, please?

MS. JORDAN: Yes, Chairperson. Thank you.

CHAIRPERSON ANDERSON: All right. Go ahead, please.

OPENING STATEMENT ON BEHALF OF THE GOVERNMENT

MS. JORDAN: Good morning, Board Members. We're here today in the show-cause matter of El Agavetex Mex Rest, LLC, Trade Name Villa Tuscana, located at 1723 Columbia Road Northwest, for Case Number 21-2510004.

The show-cause notice issued in this matter concerns the charge that the licensee failed to allow ABRA investigators and Metropolitan Police Department officers to enter and inspect the licensed premises without delay, in violation of DC Code 25-823(a)(5).

The evidence will show that the licensee failed to allow ABRA investigators to inspect the premises without delay because they did not want the investigators to come inside the establishment.

On Sunday, March 7, 2021, at approximately 1:25 a.m., Alcoholic Beverage Regulation Administration Investigator Donnell
Butler, Supervisory Investigator Brashears, and Lead Investigator Dantzler arrived at Villa Tuscana to investigate a complaint that the establishment was operating after hours with loud music and live entertainment.

They observed that the windows were tinted, the lights appeared to be off, and there was no sound emanating from inside. You will hear from Supervisor Investigator Brashears that he approached the door and shined his flashlight inside and saw ABC manager, Alex Larios, and could hear him saying, Let's go, let's go. Alex Larios then stepped outside.

You'll hear from both investigators that after they advised Mr. Larios of the complaint, he stated the establishment was closed. And when Supervisory Investigator Brashears asked if the investigators could look inside the establishment, Mr. Larios stood in front of the gate, blocking their entry, and repeated the establishment was closed.

Throughout these interactions, Investigator Brashears and Investigator Dantzler noted he appeared to be stalling. The evidence will also show that while Mr. Larios blocked the
investigators' entry into the establishment,
three unidentified men came down the alley next
to the establishment carrying duffle bags and
walked past the front.

Mr. Larios then allowed the
investigators to enter but refused to turn on the
lights or allow the investigators to conduct a
walk-through.

It was only after Lead Investigator
Dantzler contacted MPD for assistance and several
officers arrived that ABRA investigators could
conduct the walk-through they had requested.

The owner of the establishment was
found in the kitchen, which had a door that
provided access to the alley behind the
establishment.

The investigators observed the
remnants of a party, including a birthday cake, a
box of chocolate strawberries, unopened presents,
empty alcohol bottles, a bar that was set up with
glasses and a bottle opener, four women's purses
at various tables, and a number of women's shoes
behind the bar.

There was one man in addition to the
ABC manager and owner, but there were no other
women in the establishment at the time of the walk-through.

Through the testimony of Investigator Dantzler and Investigator Brashears, the District will clearly show that the licensee stalled and delayed investigators from entering the establishment, then attempted to prevent them from doing the walk-through once they were inside. Thank you.

CHAIRPERSON ANDERSON: Mr. Larios, do you wish to make an opening statement? Or do you -- or will you defer until you present your case, sir?

MR. LARIOS: I'll defer.

CHAIRPERSON ANDERSON: All right. Thank you.

CHAIRPERSON ANDERSON: Ms. Jordan, do you have a witness?

MS. JORDAN: The district would like to call Lead Investigator Felicia Dantzler.

CHAIRPERSON ANDERSON: Ms. Dantzler, can you please raise your right hand, please. Do you swear or affirm to tell the truth and nothing but the truth?

INVESTIGATOR DANTZLER: I affirm.
CHAIRPERSON ANDERSON:  Thank you.

Your witness, Ms. Jordan.

DIRECT EXAMINATION

BY MS. JORDAN:

Q                Could you please state and spell your first and last name for our record.

A                Felicia Dantzler, F-E-L-I-C-I-A, D, like David, A-N-T, like time, Z, like zebra, L-E-R.

Q                Where are currently employed?

A                With the Alcoholic Beverage Regulation Administration.

Q                And what is the position at the Alcoholic Beverage Regulation Administration?

A                Lead Investigator.

Q                How long have you been the Lead Investigator?

A                Approximately three years.

Q                And how long have you been at ABRA?

A                About 30 days shy of 15 years.

Q                What are your duties and
responsibilities as Lead Investigator?

A I enforce the alcohol

regulations and

conduct regulatory inspections of ABC establishments.

Q Are you familiar with Villa Tuscana?

A Yes.

Q How are you familiar with this establishment?

A Previous regulatory actions at the establishment to recent visit --

Q Can you describe the -- oh, excuse me.

A -- to about 2020 to [inaudible] due to a --

CHAIRPERSON ANDERSON: Ms. Dantzler, can you please speak up. I'm having trouble hearing you, ma'am.

INVESTIGATOR DANTZLER: Yes, sir.

CHAIRPERSON ANDERSON: That's better.

Go ahead.

BY MS. JORDAN:
Q And can you describe what happened on Sunday, March 7, 2021?

A Yes. At approximately 1:15 a.m., Supervisory Investigator Mark Brashears instructed me to visit Villa Tuscana in reference to an after-hours complaint violation and female performers at the establishment.

Q What happened when you arrived at the establishment?

A Approximately 10 minutes later, [audio skip] 25 a.m., March 7, 2-21, Donnell Butler, another investigator, SI Brashears, and myself arrived at the establishment.

MEMBER CROCKETT: Excuse me. This is Ms. Crockett. I'll need to interject. But Ms. Dantzler, we're having a lot of trouble hearing you. It's as if you're really far away from your microphone or something. You're at a whisper.

INVESTIGATOR DANTZLER: Okay. Can I get a brief indulgence? Let me put the headset on. Perhaps that would be a better --
MEMBER CROCKETT: Yes, please. Thank you.

INVESTIGATOR DANTZLER: Yes, ma'am.

(Pause.)

INVESTIGATOR DANTZLER: Testing.

CHAIRPERSON ANDERSON: That's better.

MEMBER CROCKETT: That's so much better. Thank you so much.

INVESTIGATOR DANTZLER: My pleasure.

BY MS. JORDAN:

Q    All right. Investigator Dantzler, so I'll go ahead and take you back to where we were.

So you had just arrived at Villa Tuscana. And can you describe for us what happened when you arrived?

A    Yes. So when we arrived at the establishment, I did not see any patrons outside. There was almost no foot traffic in the area, and the front of the establishment appeared to be closed. It was -- from the position I was standing, it looked dark within the establishment.

Q    And what happened next?

A    So SI Brashears had exited his
vehicle, as well as Investigator Butler, and we were standing on the sidewalk side of the gate. Shortly thereafter, SI Brashears shined his flashlight at the entrance door, and a male appeared in view at that time.

Q And what happened after the male appeared?

A The male came outside from within the establishment and met the investigators at the gate. SI Brashears explained to the male, who was later identified as Alex Larios, as the ABC manager -- SI Brashears explained to Mr. Larios who we were and the reason why we were there.

Q And what was the reason why you were there?

A He advised Mr. Larios that we got a complaint that the establishment was operating after hours, as well as there was loud noises coming from the establishment.

Q And what did you ask Mr. Larios because of the complaint?

A Well, SI Brashears advised him
that we

needed to do a walk-through, at which time Mr. Larios stated that a walk-through was not needed because the establishment was closing for the night.

I then asked Mr. Larios if he was the ABC manager, to which he replied that he was. I then asked of Mr. Larios if he can provide me -- if he can display his ABC manager's license, at which time he removed his wallet from his pants pocket and began to look through his wallet for said request.

Q Did he present his ABC manager's license?

A He did.

Q In your experience, what usually happens when you identify yourself as an ABRA investigator and ask to enter an establishment?

A The normal course of action is that the licensees will allow us entry into the establishment.

Q So what happened while Mr. Larios was looking for his ABC manager's license?
Mr. Larios continued to look for his ABC manager's license, at which point I realized we still haven't gotten to the front door. And so I can't recall if the gate opened in or outwards, but I had asked to Mr. Larios if he could talk and walk so that we can go inside and do a walk-through, at which time Mr. Larios insisted that we did not need to a walk-through.

Q Were you able to go through that gate?

A Yes. I took the initiative to open the gate, which prompted Mr. Larios to move and started walking. And so there was like a slow walk up to the front of the -- the front door.

Once we reached the front door, Mr. Larios stopped all forward motion and insisted that we not do the walk-through, insisting that they were closing.

Q And what happened next?

A We finally was able to get inside.

Once we got inside the establishment, it was
dark; there were no interior lights. And so SI Brashears asked Mr. Larios if he could turn on the lights, to which he complied.

Q Okay. And what happened after that?

A Once the lights came on, I immediately notice a male sitting in the back of the establishment at a table, and next to him to his right was a decorative table, which appeared to be some sort of celebration table.

Q At this point, were you able to do the walk-through that you had requested?

A No. I advised Mr. Larios that were going to do a walk-through, at which time Mr. Larios repeated again that no walk-through was required. I then said to him, Do I need to call MPD to help -- have them help us do this walk-through?

And he asked me why do I need to do that, and I explained to him again that we were simply there to do a walk-through to ensure that the establishment was not operating, and the
faster we can do the walk-through, the sooner we can leave.

Q What happened after you informed Mr. Larios of that?

A So I then called MPD because Mr. Larios still did not want us to conduct the walk-through, and minutes later, MPD officers arrived on the scene.

Q What happened after MPD arrived to assist?

A Once they arrived, I explained to the officers who we were and what we were trying to do. MPD officers then moved forward, further into the well of the establishment.

I followed, which took me to the table where the male was sitting, and at the celebrated table that was decorative, I then learned that there was strawberry -- chocolate-covered strawberries, there were balloons, there were gifts that was left.

Q What else did you observe in the establishment on your walk-through?
A I also observed ladies' purses that was sitting on different tables. I believe there were two or three ladies' purses that were there. I looked inside -- I peered inside, but not using my hands to open any bags.

But I looked inside, and I could see that the purses consisted of personal items. And I also looked into the bags that was on the decorative table that had gifts inside.

Q Were there any other items that you observed in the establishment?

A Yes. I also noticed there were two separate tables. Each had -- each one had the ladies' purses and also consisted of to-go containers, consistent with food takeout.

Q Were there any other items that looked like they'd been left behind?

A Yes. While I was in the well of the establishment, Investigator Butler had come from the back where the kitchen area was, and with him
was a male who I recognized as the owner, Jose
Larios.

I recognized him from previous ABRA
visits. Investigator Butler stated that Mr.
Larios -- Jose Larios uttered a spontaneous
statement stating that the establishment next
door was having a birthday party.

Investigator Butler stated that Mr.
Alex Larios was in the kitchen just standing up
against the wall. When Investigator Butler made
his way towards the front of the establishment,
he observed a sheer ladies' covering that was
draped on the back of one of the chairs at the
table.

Q Based on your observations of
items in
the establishment, did you come to any
conclusions?

A Yes. I believe that there was
some
activity going on at the establishment that we
interrupted once we arrived at the scene.

And I also believe that Alex Larios
prevented and delayed, more likely, ABRA
investigators from entering and doing a
walk-through inspection, which caused us not to
capture patrons inside.

MS. JORDAN: Mr. Chairperson, can I
have permission to share my screen?

CHAIRPERSON ANDERSON: Ms. Fashbaugh,
can you please allow Ms. Jordan to share her
screen, please.

MS. FASHBAUGH: You can now share your
screen.

MS. JORDAN: Thank you.

BY MS. JORDAN:

Q Investigator Dantzler, I'm going
to

show you now what has been marked as Government
Exhibit 1.

Let me know when you can see this.

A Yes, I can see it.

Q Do you recognize this document?
A Yes. That is the investigative
report

that I authored.

Q Is it part of your job as an
investigator to draft case reports?
A Yes.
Q And I'm going to show you the
entirety

of this document just quickly so you can see
what's included.

Is this a fair and accurate
representation of the case report you created for
Case Number 21-25100004 involving Villa Tuscana?

A

It is.

MS. JORDAN: Mr. Chairperson, at

time, the Government would like to move
Government Exhibit 1, the case report, into
evidence.

CHAIRPERSON ANDERSON: So moved. It
is part of record, so it's not -- so it doesn't
have to formally moved. But yes, so moved.

BY MS. JORDAN:

Q

Investigator Dantzler, I'm going
to

direct your attention to Exhibit 2 of the case
report. Can you describe what is depicted in
this photograph?

A

Yes. That is the exterior front
photo

of Villa Tuscana that I took the day after the
visit.
Q Can you please describe the outside of the establishment and the context of your approach to the establishment?

A Yes. Where you see the banner, that is the -- the gate that I spoke of earlier where the investigators were standing on the sidewalk side of the establishment.

And on the other side, the inner gate is where Mr. Alex Larios met us.

Q And Investigator Dantzler, directing your attention to Exhibit 4 of the case report, what is this document?

A That is a photograph that I took of ladies' purses that were on the table.

Q And Investigator Dantzler, I'm going to draw your attention to Exhibit 7 of the case report. What is this document?

A That is the decorative table that I spoke of in my earlier testimony that I saw from
the doorway.

Q And what is in this photo?

A Balloons. In the bags -- there were gifts in the bags. The long white box was the chocolate-covered strawberries. Also there's two bottles of wine.

Q And Investigator Dantzler, I'm going to have you turn to Exhibit 9 of the case report. What is this document?

A Those -- that is a picture that SI Brashears took with the candle that was lit and also sliced lemons that were left on the table.

Q And directing your attention to Exhibit 10 of the case report, what is this document?

A That is a photograph that I took of a lady's purse with a to-go bag that was with it.

Q And directing your attention to Exhibit 13 off the case report, what is this photograph?

A That is a photograph taken by SI
Brashears depicting a lady's coat, a purse where you can see the chain that is hanging on the outside of the sink, and at the pedestal of the sink are assorted ladies' shoes.

Q    And lastly, Investigator Dantzler,

directing your attention to Exhibit 14, what is this photograph?

A    That is a picture that SI Brashears took depicting a prep station that was being used at some point.

Q    And Investigator Dantzler, you have described a number of women's purses and shoes that you saw in photographs in this establishment. Were there any women that you or the other investigators found in the establishment?

A    No women were found.

MS. JORDAN: I don't have any further questions for Investigator Dantzler.

CHAIRPERSON ANDERSON: Mr. Larios, you have an opportunity to ask her questions.

MR. LARIOS: Yes.
CROSS-EXAMINATION

BY MR. LARIOS:

Q First question is, Ms. Dantzler, you do wear glasses. Correct?

A Yes. Hi, Mr. Larios. Yes, sir.

Q Good morning. On your statement, first thing I'd seen in your statement was you said we had tinted windows at the door. Correct?

A Yes, sir.

Q Your Exhibit 10, you took a picture of a purse, you could see the front door of the place in the Exhibit 10. I think everybody's seen that.

You could see in that picture the doors are not tinted. If you guys would like to take a look at that, that's Exhibit 10. My question is you said that the gate was closed. Mr. Dantzler had already came in through the gate, and he had left the gate open.

CHAIRPERSON ANDERSON: Mr. Larios, remember, you're asking questions, so --

MR. LARIOS: Yet --
CHAIRPERSON ANDERSON: You said Mr. Dantzler, so what's the -- I'm not --

MR. LARIOS: I asked Ms. Dantzler, you said you opened the gate. Was the gate open, or did you open it?

INVESTIGATOR DANTZLER: I opened it.

BY MR. LARIOS:

Q Do you recall Mr. Brashears entering in with a flashlight?

A Entering the gate with a flashlight?

Q He actually came up to the door?

Do you recall him coming up to the door with a flashlight before you -- Mr. Donnell Butler and you, Ms. Dantzler, were both in -- still inside your vehicle when Mr. Brashears came out.

Do you recall Mr. Brashears coming up to the window with a flashlight?

A No, sir.

Q Right now, a couple minutes ago, you said Mr. Brashears walked up to the door with a flashlight. Do you recall that?
A  No. I believe my testimony was that

Mr. Brashears -- SI Brashears shined his flashlight at the door.

Q  Yes. He came up to the door. You
don't -- you never recalled him -- seeing him walk into -- up to the door and which the gate was open?

A  No, sir.

Q  All right. My next question is, you said the lights were off when you walked up.

You -- were you wearing your glasses that night?

A  No, sir. I wasn't wearing my glasses at that time. I don't use them for distance.

Q  Okay. Let me see if I had any other -- more questions.

Oh, yeah. I have another question.

MPD -- you did call MPD. Correct?

A  Yes, sir.

Q  Mr. -- when you guys walked in the place, do you remember Mr. Donnell Butler passed
by Mr. Brashears and yourself, which is Ms. Dantzler, walked right by you guys and he did a walk-through himself while you were requesting for that more lights to be turned on? Do you recall that?

A No. My focus was on you, Mr. Larios.

We were engaged in the conversation.

Q Okay. Do you recall when Mr. Donnell Butler walked out from the kitchen with Jose Larios?

A Yes. My next recollection of Mr. Butler was when he emerged from the kitchen.

Q With Jose Larios?

A Yes, sir.

Q Right behind him?

A They came out practically together.

Q And was this before or after you called MPD?

A That I cannot recall.

Q I'd like to say Mr. Jose Larios

and
Mr. Donnell Butler walked out the kitchen, Jose
Larios right behind him. Mr. Donnell Butler came
up, back to the front. And I don't know if you
recall. He said the place was clear. Is that
correct?

A I don't recall Mr. Butler making
that
statement.

Q Do you recall -- after Mr.

Donnell

Butler said the place was clear, do you recall
you saying you were tired? Or no, you had had
enough of me, which is Alex Larios?

And do recall grabbing your phone then

and calling MPD after Mr. Donnell Butler and Jose

Larios walked out the kitchen?

A No, I don't recall that. My

conversation, my focus was with you.

MR. LARIOS: Okay. That'll be all my

questions for Ms. Dantzler.

CHAIRPERSON ANDERSON: All right. I'm

somewhat confused. So what time -- you said you

went there at -- you said you went there at 1:25

a.m. This was on March 7, 2021. Why was -- why
did they -- why -- what time was this
establishment supposed to close on March 7, 2021?

INVESTIGATOR DANTZLER: That for me?

MR. LARIOS: What --

CHAIRPERSON ANDERSON: No, I'm sorry.

Not for you. This is -- you're -- you don't have any more questions. You're not -- you say didn't have any other questions. So the questions not -- for Ms. Dantzler. I'm sorry, Mr. Larios.

INVESTIGATOR DANTZLER: I believe it was midnight. It was --

CHAIRPERSON ANDERSON: Which one is it, Ms. Dantzler? You believe it's midnight? Or it's supposed to be midnight?

INVESTIGATOR DANTZLER: I believe it's midnight. We've had several mayoral changes due to COVID. So I believe at that time it was due -- the closing was at midnight.

CHAIRPERSON ANDERSON: I need the clarification with Dantzler. It can't be "I believe," because the Board has to go and make a decision. So I need to know what time the closing's supposed to be.

Now, you stated that -- so where are -- you saw -- you showed pictures of several
women's purses and shoes. So did you see any of these women in the establishment?

INVESTIGATOR DANTZLER: No, sir.

CHAIRPERSON ANDERSON: So what happened -- so what happened to all the women?

INVESTIGATOR DANTZLER: That's a great question. We never located them. SI Brashears can speak more towards that question.

CHAIRPERSON ANDERSON: But I'm -- but I'm saying -- but you were there. You're there. So you were there. Is that true?

INVESTIGATOR DANTZLER: Yes, sir.

CHAIRPERSON ANDERSON: And did you do a walk-through? Or did another investigator do a walk-through at some point?

INVESTIGATOR DANTZLER: I did some of the walk-through just on -- right on the street level. I did not go beyond the decorative table which was located in the rear.

CHAIRPERSON ANDERSON: Do you know if any of the other investigators went to the rear?

INVESTIGATOR DANTZLER: Yes.

Investigator Butler did, and I'm not sure about Mr. -- I mean, SI Brashears.

CHAIRPERSON ANDERSON: All right. I
don't have any questions at this moment. Any other questions by the Board Members? Any questions by any Board Members?

MEMBER SHORT: Yes, Mr. Chair. I had a question.

CHAIRPERSON ANDERSON: Go ahead, Mr. Short.

MEMBER SHORT: Hello, Investigator Dantzler, and thank you for your testimony. I'd just like to ask you, when you approached -- on March 7, 2021, when you approached this establishment, were they supposed to be closed?

INVESTIGATOR DANTZLER: Yes, sir.

MEMBER SHORT: What reason were they to be closed at the time you got there?

INVESTIGATOR DANTZLER: I can't remember if it was 12 o'clock or 1 o'clock, due to the Mayor's emergency order that they be closed. So when I got on the scene, my focus changed from their operation to being delayed entry, so I was focused on that.

MEMBER SHORT: Okay. Who are "they" you are speaking about that were refused entry?

INVESTIGATOR DANTZLER: SI Brashears, Investigator Butler, and myself were not provided
immediate access to the establishment.

MEMBER SHORT: What was the main reason why you were going there in the first place? What caused you to go there on that -- at that particular time on March 7?

INVESTIGATOR DANTZLER: SI Brashears advised that he received a complaint that the establishment was operating after hours, loud noise was coming from the establishment, and there were live entertainment of female performers.

MEMBER SHORT: And when you questioned -- after you got to talk with -- is it Alex, the ABC manager? When you got to talk to the ABC manager and you announced that you were an ABRA investigator, and -- why wouldn't he cooperate? Do you have any idea?

INVESTIGATOR DANTZLER: I believe the establishment was actually having a function at the time that we made our first contact with Mr. Alex Larios at the sidewalk.

MEMBER SHORT: Okay. Dealing with the photographs that were introduced as evidence or that have been displayed to us during this hearing, women's purses and women's shoes, but no
women.

So in your history of being an investigator for the multiple years as you testified, how many locations or establishments, ABC establishments have you gone to when they say they're closed, didn't want to let you come in, and then you find women's purses and shoes? Has that ever happened before with you as an investigator?

INVESTIGATOR DANTZLER: No, sir.

MEMBER SHORT: So normally -- now, this is just speculation. But I'm going to ask you if you can answer this. Do women normally leave their purses and shoes when they go to a business or establishment?

INVESTIGATOR DANTZLER: I have experienced occasionally someone would leave property behind, but to have three different purses left behind was highly unusual.

MEMBER SHORT: And the table that -- that was also displayed in the pictures that we saw during your testimony during this hearing with the balloons and the chocolates and the strawberries and the other, is that normally what you find when an establishment is closed when
you're doing your investigations?

INVESTIGATOR DANTZLER: No. I've been
to birthday parties, and generally the -- the
person being honored tends to take their gifts
with them -- balloons, the strawberries -- but
all that was left behind.

MEMBER SHORT: Had they been partaken
of? I mean, the strawberries and the other foods
that were on the table, had they been -- had
anyone -- did it look like someone had been
eating them or they were waiting to eat, or what
state did find these strawberries and balloons
in?

INVESTIGATOR DANTZLER: The -- nothing
had been eaten. And so the wine bottles had not
been uncorked, either.

MEMBER SHORT: Investigator Dantzler,
thank you for your answers. Hopefully it gives
some clarity. But at any rate, I'll just simply
say thank you for your testimony.

And that's all I have, Mr. Chair.

Thank you.

INVESTIGATOR DANTZLER: My pleasure.

CHAIRPERSON ANDERSON: All right. Any
other questions by any Board -- any of the Board
Members?

Mr. Larios, do you have any questions of Mr. Dantzler based on the questions that the Board asked? Not new questions, but based on the questions that the Board asked. Do you have any questions, any follow-up questions of Ms. Dantzler?

MR. LARIOS: No, just to make sure --

CHAIRPERSON ANDERSON: Remember, sir --

MR. LARIOS: But the one question I have --

CHAIRPERSON ANDERSON: Just hold on, sir. You can only ask questions of her based on the questions that I asked and Mr. Short asked. If it's not based on the questions that Mr. Short asked or myself asked, you cannot ask questions, sir.

MR. LARIOS: No. No more questions.

CHAIRPERSON ANDERSON: You have no more questions? All right.

Ms. Jordan, do you have any redirect?

MS. JORDAN: I do not have any redirect.

CHAIRPERSON ANDERSON: All right.
Thank you.

Thank you for your testimony, Ms. Dantzler.

INVESTIGATOR DANTZLER: Thank you.

CHAIRPERSON ANDERSON: Do you have another witness, ma'am?

MS. JORDAN: Yes, at this time, I would like to call Supervisory Investigator Mark Brashears.

CHAIRPERSON ANDERSON: Mr. Brashears, can you raise your right hand, please. Do you swear or affirm to tell the truth and nothing but the truth?

INVESTIGATOR BRASHEARS: I do, sir.

CHAIRPERSON ANDERSON: Thank you.

Your witness, Ms. Jordan.

DIRECT EXAMINATION

BY MS. JORDAN:

Q Investigator Brashears, could you please state and spell your first and last name.

A My name is Mark Brashears, M-A-R-K,

last name is B-R-A-S-H-E-A-R-S.

Q And where are you currently
employed?

A The Alcoholic Beverage

Regulation

Administration in Washington, D.C.

Q What is your position at

Alcoholic

Beverage Regulation Administration?

A I am a supervisory investigator.

Q How long have been a supervisory investigator?

A A little over three years.

Q And what are your duties and responsibilities as supervisory investigator?

A As supervisory investigator, I supervise and manage a team of five investigators.

Q Are you familiar with Villa Tuscana?

A I am.

Q How are you familiar with this establishment?

A I've visited the establishment on a couple of occasions.

Q Were you familiar with the
establishment prior to the incident that we're
discussing today?

A    Yes.

Q    And can you describe your
familiarity.

A    I was passing by the
establishment one
evening, and under the Mayor's order and
rulemaking that we were operating at the time,
the establishment was not allowed to have patrons
inside.

And as I was driving by, the lights
were on. It was in the evening. Everything was
backlit, and I observed patrons seated inside the
establishment. So I stopped the car, I went in,
and I spoke with Alex Larios, who was the ABC
manager; advised him that, obviously, you're not
supposed to have folks inside and basically
educated him about the rulemaking.

Q    Had anything changed at the
establishment from this instance to when you
visited the establishment on March 7, 2021?

A    Yes. On the previous visit, as
I
said, I was able to see into the establishment
from the roadway. On the night of 7 March, 2021, when we arrived, I initially assumed the establishment was not operating because I couldn't see inside.

Everything was -- was blacked out. And then, obviously, after shining my flashlight, I was able to see inside and realize that there had been some kind of tinting placed on the windows.

Q Can you -- stepping back for a second, can you describe what led to -- what happened with the establishment on March 7, 2021 that led to your investigation?

A Yes, on Sunday, March 7, at approximately 1:15 a.m., I received an anonymous phone call to the ABRA hotline stating that the establishment was operating after hours, providing entertainment in the form of female dancers, and that there was loud music.

Q And what happened after you received that call?

A I contacted Lead Investigator Dantzler
and Investigator Butler and advised them to visit
the establishment and follow up on the complaint.

Q And what happened when you
arrived at
the establishment?

A The three of us arrived at
approximately 1:25 a.m. We got out of our
vehicles and approached, and initially, we, you
know, believed it had been a false call, because
we didn't hear any music, we couldn't see
anything, everything appeared, you know, quiet
and dark.

Q And what happened after that?

A As we got a little closer to the
establishment, I pulled out my flashlight and
aimed it toward, you know, the front of the
establishment, and that's when I was able to see
Alex Larios -- I'd recognized him from a previous
visit -- inside the door, standing inside the
door behind the window tint.

Q And where were you when you
shined
your flashlight into the establishment?

A We were -- the three of us were
on the -- on the sidewalk. We were outside the gate that Investigator Dantzler spoke of.

Q And just to clarify, what did you see when you shined your flashlight inside?

A Well, I saw an individual and, of course, when he stepped out, I recognized him.

But as I pointed the light, I heard from inside, Let's go, let's go, let's go.

Q And what happened after this?

A At that point, Mr. Larios -- Alex stepped out, and Investigator Dantzler engaged with him as she testified. And while they were speaking, a couple of minutes into it, I looked to my right.

I saw movement, and I observed three unknown male individuals. They were dressed in dark clothing carrying black duffle bags. They walked down the alley and past the front of the establishment.

Q And how does the alley connect to the
establishment, if it does?

A The alley runs through to the next street, but there's access behind Villa Tuscan into the alley for the -- you know, trash and a rear exit.

Q What happened after you saw these men walking down towards the alley?

A Well, they passed by and, at that point, Investigator Dantzler was speaking with Mr. Larios. He appeared to look for his ABC manager's license, and eventually we were allowed to enter the establishment.

Q How long did it take from when you arrived at the establishment to when you entered?

A I'm not sure, but from the time we engaged Mr. Larios -- Alex to the time we got in, it was approximately five minutes.

MS. JORDAN: I would like to take a pause briefly, Mr. Chairperson, and ascertain
that Mr. Larios is still on the phone. I saw his
video, or one of his phones disappear.

CHAIRPERSON ANDERSON: Mr. Larios, are
you still here?

(No response.)

CHAIRPERSON ANDERSON: Mr. Larios?

MR. LARIOS: Sorry. My phone happened
to turn off. So I'm getting it -- I'm turning it
back on now.

CHAIRPERSON ANDERSON: All right. But
you're still here? Is --

MR. LARIOS: Yes. So I'm still
listening.

CHAIRPERSON ANDERSON: That's one of
the reasons why I prefer when I see people on the
screen. Then when you disappear, then I know
something is going on. But if you're not on the
screen, then, I don't know.

Thank you for noticing that, Ms.

Jordan. Go ahead, Ms. Jordan.

MS. JORDAN: All right.

BY MS. JORDAN:

Q So once you were finally able to

go

inside the establishment, what happened?
When we first entered, well, Mr. Larios, as LI Dantzler discussed, said several times that the establishment was closed; there was no need to walk through.

When we finally managed to get inside, initially I could see that -- we couldn't see what was going on inside because the only lighting at first appeared to be table -- small table candles.

Mr. Larios -- Alex did bring up some lights toward the front of the establishment, but didn't bring them up throughout.

We explained several times -- myself and Investigator Dantzler -- that, you know, we needed to conduct a walk-through, there had been a complaint, and that at --

CHAIRPERSON ANDERSON: All right.

Hold on Mr. Brashears. Hold on, Mr. Brashears. I believe that Mr. Larios -- all right. Okay. Go ahead, Mr. Brashears. Go ahead.

INVESTIGATOR BRASHEARS: We explained to them -- we explained to him that we would need to do a walk-through, and if he wasn't going to bring the lights up, that we were going to contact MPD because, at that point, as a
supervisor, for me, I was not going to send
investigators into the darkened interior of the
establishment.

So, at that point Investigator
Dantzler called MPD. There were a group of
individuals, MPD individuals right around the
corner, and they were there in just a few
minutes.

BY MS. JORDAN:

Q                What happened once MPD arrived?
A                Investigator Dantzler briefed

them on

the -- on the situation and they agreed to do a
walk-through with us and basically ensure that,
you know, at my concern, there might be someone
hiding in the establishment that could cause
harm. They did a walk-through with us.

Q                What did you find on the
walk-through

of the establishment?
A                On the walk-through, there
appeared to

be, you know, some type of celebration. There
was a cake. There were balloons. A couple of
the tables had empty or half-empty alcohol
bottles.

There was a woman's shawl. There were numerous pairs of shoes behind the bar. There were also -- I counted four purses that appeared to have been left behind.

And, of course, as Investigator Dantzler stated, there was an individual who we never identified who was just sitting kind of to the side of the establishment inside. And then Investigator Butler located Jose Larios in the kitchen.

So once MPD arrived, MPD officers and myself moved further into the establishment. We checked basically all the access points, you know, what appeared to be a closet. We went into the kitchen.

We looked into a rear exit, which was like a porch or a vestibule. But we didn't locate any of the females.

Q You mentioned that --

MR. LARIOS: Sorry to bother you guys. I'm back online, if the host can bring me back up.

CHAIRPERSON ANDERSON: All right. Ms. Fashbaugh, I think that Mr. Larios is asking for
his video to be reinstated, please.

MS. FASHBAUGH: This has been accomplished.

CHAIRPERSON ANDERSON: Thank you.

Go ahead, Mr. Brashears.

MR. LARIOS: Thank you.

BY MS. JORDAN:

Q And Investigator Brashears, you mentioned that the owner, Mr. Jose Larios, was in the kitchen. Where does the kitchen lead in this establishment?

A So the kitchen is at the rear of the establishment and from there, it looks like a small porch or maybe a vestibule. And from there, you can access the outside of the rear of the establishment.

MS. JORDAN: Thank you. The District doesn't have any further questions for Mr. Brashears.

CHAIRPERSON ANDERSON: All right.

Thank you, Mr. Brashears.

Mr. Larios, I -- one of the lines have to be muted because I see both lines are being highlighted.
MS. JORDAN: Chairperson Anderson, can I ask for the Board to take judicial notice of what rulemaking was in effect at this time?

CHAIRPERSON ANDERSON: Yes, because I'm curious of that. So --

MS. JORDAN: Of course. So on March --

CHAIRPERSON ANDERSON: I would ask at the end you could bring that in your closing, ma'am. Okay?

MS. JORDAN: No problem.

CHAIRPERSON ANDERSON: You can just have -- we'll take -- but I need that to be clear, so you can bring that to our attention in your closing. Okay? Thank you.

Go ahead, Mr. Larios. Do you have any questions of Mr. Brashears?

MR. LARIOS: Yes.

BY MR. LARIOS:

Q Mr. Brashears, how are you doing today?

One question, do you recall walking up to the door with your flashlight by yourself while Mr. Butler and Ms. Dantzler were still in their car?
A No, I don't recall that. I believe I arrived and got out before they did, but we walked up as a group.

Q Do you recall seeing me and running back to your car to take your badge out and coming back and showing it to me and explaining to me why you guys were there?

A No. As I recall, we explained that when you came out to the gate.

Q Maybe you didn't understand my question. When you walked up, do you recall walking back to your car after you had walked up to the door by yourself while Ms. Dantzler and Mr. Butler were still in their car?

A No. As I said, I recall getting out of my vehicle and -- and walking on the sidewalk. But they got out of their cars and we were commenting how it looked quiet and dark. And as we walked up, I pointed my flashlight.

Q Do you recall at -- okay. Do you
recall instructing Ms. Dantzler and Mr. Butler to step out of the car?

A    No.

Q    Okay. All right. My next question is, do you recall Mr. Butler -- once you guys made entrance, do you recall Mr. Butler, while the lights -- they were some -- a few lights and the kitchen light was on, Mr. Butler -- do you recall him going straight to the back and making a -- and searching the place?

A    I recall we, the three of us, got inside. We were near the bar. We didn't get much further because all of the lights weren't on. We were not comfortable. I was not comfortable sending people further in. If he wandered further in, it was unbeknownst to me. But, at that time, I felt uncomfortable with the situation, and that's why we called MPD.

Q    Okay. Do you recall, before calling MPD, the owner coming out of the kitchen, and he was following Mr. Butler coming out of the
kitchen before MPD was called?

A    No, I don't recall that.

Q    All right. My next question is

        -- oh,

yeah. Quick question -- before you guys came in, you said we had a brief conversation right outside. I stepped out when you walked back to your car.

I don't recall if it was your -- I think it was your mask, actually, that you went back to your car and get. Do you recall that?

A    I don't.

Q    Do you know how long was the brief conversation we had before you guys entered the establishment?

A    You mean near the gate?

Q    At -- we were at the -- we were outside of the door inside the gate.

A    I remember it being several minutes from the time we were near the gate before we got into the establishment.

Q    If you could put it in minutes,
many minutes would you put it into?

A From the time we initially engaged to
the time we got in, probably less than five minutes.

Q Now, how [audio skip] was the conversation me and you had after I stepped out and you informed me that you were there because somebody had made a call and there were strippers and there was loud music and a party going on?

Did you inform -- do you remember or do you recall what was -- what I was trying to explain to you at the moment?

A I remember you continually stated that the establishment was closed and there was no need for us to come in.

Q But do you remember what was my explanation?

A I don't.

Q Okay. Okay. That's all my questions.

Oh, last question, you said you couldn't see inside the place; maybe the lights were off. But then, again, you mentioned there were tints on
the front window.

Exhibit 10, I'd like to the Board to know, and also, Ms. Jordan -- Exhibit 10, a picture Ms. Dantzler took, there was a purse in the table, and that's a -- picture happens to be the front door.

I don't know if everybody's seen this Exhibit 10. There's a picture and it's --

CHAIRPERSON ANDERSON: Mr. Larios, are you asking Mr. Brashears a question? Because all of these, within your testimony, you can bring them up. But are you asking him a question now, or are you just making a statement? Because you can't make a statement. You have to ask him a question.

MR. LARIOS: I'm asking him.

BY MR. LARIOS:

Q     Do you recall not being able to see inside due to there being no lights? Or do -- you automatically said there was tints on the window?

A      It appeared to be tint, because as I stated, the previous visit, I was able to see
clearly inside. Now, granted, the establishment was lit up inside.

But when we came up and -- and what I believed to be window tint -- because when the door was opened, I could see lights and things inside, you know, due to the candles and a small amount of back lighting.

So it appeared to me that the windows were tinted.

MR. LARIOS: All right. That -- that's all my questions for Mr. Brashears.

CHAIRPERSON ANDERSON: All right.

Thank you. Any questions by any Board Members?

(No response.)

CHAIRPERSON ANDERSON: Anyone, any Board Members have any comment or questions?

MEMBER GRANDIS: Mr. Chairman?

CHAIRPERSON ANDERSON: Yes, Mr. Grandis?

MEMBER GRANDIS: May I ask Inspector Brashears a question? Is that -- this appropriate at this time?

CHAIRPERSON ANDERSON: Yes, Mr. Grandis.

MEMBER GRANDIS: Thank you. Inspector
Brashears, it's a pleasure to have you today, and we want to thank you for your clear and accurate reporting on what you all investigated that evening. So thank you.

I just want some clarification. Are ABRA inspectors only limited to go into a licensed establishment during the posted hours of operation, or may ABRA inspectors go into a licensed establishment outside of those hours?

INVESTIGATOR BRASHEARS: We routinely inspect ABC licensed establishments for after-hours operations. So in this instance, that's what we had received a call on, that the establishment was operating after hours.

So, yes, sir. To answer your question, we can go into an establishment to inspect for after-hours operations.

MEMBER GRANDIS: Thank you very much.

Thank you, Mr. Chairman.

CHAIRPERSON ANDERSON: Mr. -- any other questions by any of the Board Members?

(No response.)

CHAIRPERSON ANDERSON: Mr. Brashears, do you know what was -- your statement -- I -- which I'm confused. You said that no one was
allowed in the establishment. Are -- that's what
you testified to earlier. And I don't
understand.

Are you saying that nobody was allowed
in that establishment, period? Or because of the
timing? I need to clarify that testimony, sir,
because I didn't understand.

INVESTIGATOR BRASHEARS: Yes, sir.

CHAIRPERSON ANDERSON: Will you
just --

INVESTIGATOR BRASHEARS: My previous
visit prior the night of the incident -- I
apologize; I don't recall when it was. But
during that time frame, the rulemaking and the
Mayor's order stated that you could not dine on
premise. It was takeout only.

And there were individuals inside the
establishment consuming alcohol, and I observed
them from outside. I stopped. I went in.

I spoke with Mr. Alex Larios and
basically stated, Hey, during this time frame,
you're not supposed to have, you know, patrons
inside the establishment. These people need to
go. So that's when -- it was due to the
rulemaking at the time, sir.
CHAIRPERSON ANDERSON: All right.

Okay. All right.

Any other questions from any of the

Board Members?

(No response.)

CHAIRPERSON ANDERSON: Mr. Larios, do

you have any questions of Mr. Brashears based on

the questions that were asked by the Board?

MR. LARIOS: No.

CHAIRPERSON ANDERSON: No?

MR. LARIOS: No, no more questions.

CHAIRPERSON ANDERSON: Ms. Jordan, do

you have any redirect?

MS. JORDAN: I do have one question

for redirect.

CHAIRPERSON ANDERSON: Go ahead.

REDIRECT EXAMINATION

BY MS. JORDAN:

Q Investigator Brashears, at any

point

after arriving, did you return to your car to get

a mask or badge or delay in any way entering the

establishment?

A Not that I recall. No, ma'am.

MS. JORDAN: Thank you.
CHAIRPERSON ANDERSON: All right.

Does the Government rest?


CHAIRPERSON ANDERSON: All right.

Thank you. All right. What I'm going to do, I was going to take a 10-minute break, but what we're -- we're having some issues with our interpreter.

So we're actually going to take a lunch break, a half-an-hour break, and we will -- this case, we will -- the interpreter's available at 1:30, so we will continue this hearing at 1:30.

So I need all the Board Members to log back on to the public hearing -- I need everyone to log back on to the public hearing at 1:30. Is that clear to everyone?

So that, Mr. Larios, you need a translator, and our translator is not -- will not be available until 1:30.

I was going to take a break anyway because with this hearing, we've been online for -- since -- at least, the Board has been online for three hours this morning.

And I know the hearing, 10:30 -- yeah,
this hearing started. We went on record at --
since 10:30. So, I'm going to try to come up with
maybe every two hours to have a break so folks
would have a break.

So we're having a break. We're having
a lunch break. So everyone needs to be back on
for the public hearing at 1:30. Is everyone
clear with that?

MS. JORDAN: Yes, Mr. Chairman.

MR. LARIO: At one --

CHAIRPERSON ANDERSON: So if Mr. -- so
when we come back on at 1:30, Mr. Larios, you're
going to start -- you're going to call your
witnesses.

MR. LARIO: Okay.

CHAIRPERSON ANDERSON: We'll have the
translator, and you will start at 1:30. Is that
clear with you, sir?

MR. LARIO: Yeah. That's fine.

CHAIRPERSON ANDERSON: All right. So
I'll see everyone for the public hearing at 1:30
sharp this afternoon, okay?

MR. LARIO: All right.

CHAIRPERSON ANDERSON: Thank you.

MS. JORDAN: Thank you.
CHAIRPERSON ANDERSON: Bye-bye.

(Whereupon, at 12:59 p.m., the hearing was recessed, to reconvene at 1:30 p.m. this same day, Wednesday, January 12, 2022.)

CHAIRPERSON ANDERSON: All right. Good afternoon. We're back on the record. All right.

I just want to -- before we continue this case, I just want to inform the public, this is a -- this case that we're concluding is the Villa Tuscana hearing. This is a hearing from this morning.

And so we took a break, so we are -- for this afternoon, we have our -- this -- on our schedule, we have Felicity Lounge. So at the -- after the conclusion of this case, then we'll have Felicity Lounge.

I'm not sure how long this case will take to conclude, but just want to advise our members of the public if you're waiting for Felicity Lounge, at the -- we'll -- we will do this case at the conclusion of this case.

And again, good afternoon, everyone. My name is Donovan Anderson. I'm chairman of the Board. Joining us this afternoon for the hearing
are Mr. James Short, Mr. Bobby Cato, Ms. Rafi Crockett, Ms. Jeni Hansen, Mr. Ed Grandis. The Board has six members in attendance for the conduct of business today.

And so I just want to -- and I'm stating this because I know there are folks who have signed on for the 1:30 hearing. I just want to let folks know what's going on.

All right. So, Mr. Larios, are you -- is it -- I just want to make sure -- is the translator here with us now?

MR. LARIOS: Yeah, that is for Flor Ramos.

CHAIRPERSON ANDERSON: I know. I just want to make sure Ms. -- is the translator -- I see -- is she with us? She had told me that she would join us at 1:30.

I just want to make sure that she's -- so are you -- who's your first witness, Mr. Larios?

MR. LARIOS: I am, myself.

CHAIRPERSON ANDERSON: You're the first witness you're going to call?

MR. LARIOS: Yes.

CHAIRPERSON ANDERSON: Okay. So I'll
make sure that -- hopefully by the time you're concluded, she'll --

MS. FASHBAUGH: Chairperson, Lidia Bellod is still a panelist.

CHAIRPERSON ANDERSON: Okay. But she hasn't -- I know. I saw her name there, but she had -- I want to make sure that -- well, I'll just -- hopefully then she'll make herself known once she has joined us.

Mr. Larios, I had sworn you in earlier, so I don't need to do that again, because earlier this morning when I -- you had made some representations, I swore you in, so I don't need to swear you in again.

All right. So basically where we are, you're going to present your case. You can start because you did not do an opening statement. And I guess this is -- you can state your position because -- since you are the attorney and you are a witness.

So be mindful that whatever statements that you make, Ms. Jordan will cross-examine you, and the Board will also cross-examine you. So you can present the way you want to present.

Once you're done, Ms. Jordan will
cross-examine you, the Board will cross-examine you, and then you can call your other witness.

So, go ahead, sir. It's your case.

DIRECT TESTIMONY

MR. LARIOS: All right. So, yes, my name is Alex Larios. I'm calling myself as a witness.

And I'd like to start and say I did not intend or -- I did not or I did not intend to delay inspectors' entrance.

So it was the morning -- it was on the morning of March 7; it was 1:25 a.m. We were leaving that night. We had a gathering. My other witness, it was her birthday. They left right before 12:00, because at that time, due to the pandemic, the order was to be closed by 12:00 midnight.

We closed at 12:00. She left. It was only four of us here that stayed. It was me and the dishwasher, the owner, and his brother-in-law.

And I was getting ready to leave. I come to the front door. I see Mr. Brashears. He come up to the door, and I -- through the door -- he'd seen me through the door. I told him it was
closed. He walked back to his car, so I stepped outside.

He came back, informed me that -- they had gotten a call, that there had been strippers and loud music and a party after hours. And I informed them, I'm talking to him and that's when he told Mr. Butler and Ms. Lead Investigator Dantzler to step out of the car, and that's when they did.

They followed behind him. I explained to him that the place was closed and we were -- I was getting ready to leave. And I was like they -- and I explained to him there was no strippers there. I explained to them there was a party earlier. The ladies had left. The whole group had left. They had left at midnight.

And they -- there was a brief conversation. It took about two minutes, and they told me, No, we need to go inside. We need to check the place out.

So I opened the door for them and brought them in. There was a kitchen light on, and the light in front of the kitchen. To remind you guys, the place is small. It's seven tables from the entrance to the kitchen door.
And at the time they came inside, Mr.
Donnell Butler walked straight to the bathrooms, checked the bathrooms, checked behind the bar. He walked into the kitchen. Ms. Dantzler told me to turn on the lights.

I proceeded to turn on the lights. Mr. Butler walked out the kitchen. Following him was the owner, Mr. Jose Larios. And Ms. Dantzler was upset when the guy told her it was clear. She got very upset. She said, Oh, no. I'm going to call MPD right now.

Then she called MPD after Mr. Butler had informed her that it was clear, that he already searched the place. So we waited for MPD to get here. They started taking pictures, started -- which is the pictures they have.

And after that, they searched the place, took the pictures, and that was about it. They left. And that was all.

And that's how I'll wrap it up, if you guys have any questions for me.

CHAIRPERSON ANDERSON: All right. So you're done? Okay. So, all right.

So, Ms. Jordan, your cross-examination.
CROSS-EXAMINATION

BY MS. JORDAN:

Q               Mr. Larios, did the ABRA

investigators

identify themselves to you as ABRA investigators?

A               At first, Mr. Brashears walked

up to

the door.  He didn't.  Through the door, I told

him it was closed.  He walked back to his car.

So I walked outside.  That's when he came back

and he -- with his badge and he told me he was

ABRA investigator and they had got --

Q               When they asked to do the

walk-through

of the establishment, did they identify

themselves as ABRA investigators?

A               Before they asked to do the

walk-

through, we had a brief conversation outside.  He

informed me that he was from ABRA and had gotten

the call.

We had a brief conversation.

I told him we had had a birthday party

earlier and it was already done; we were

leaving -- I was leaving.  And then after that,
that's when Ms. Dantzler and Mr. Butler walked up, and they asked to come inside.

I told them it wasn't necessary, but if they need to come inside, that's fine.

Q I'm sorry. I see. That's -- no problem, but if you can just kind of stick to the question a little bit.

So did the investigator ask to do a walk-through of the establishment?

A Yes. When they asked, I told them it wasn't --

Q And when --

A And after -- you know, the door was open. I never closed the door, none of that.

The door was open, and they walked inside. Mr. Butler was the first one. He didn't ask no questions. He walked --

Q No problem. You've answered my question. Thank you.

Were there at least three individuals in the establishment when the investigators arrived?

A So right before -- yes, there
was three when they got here.

Q Did you delay the investigators from coming inside?

A They say delayed. I did not delay them. It was a brief conversation we had, and it took no more than a minute, 30 seconds from where I started to when they came inside.

Q Is it correct that on March 7, 2021, the Tenth Emergency Rulemaking was in effect, and the hours of closing were 10:00 p.m.?

A It was midnight.

Q Is it correct, then, that on March 22, 2021, when the Eleventh Emergency Rulemaking took effect, that extended the hours of operation until midnight?

A Yeah.

Q When no one is leaving in a hurry, is it normal for multiple women to leave their shoes behind in an establishment?
A      At that time, it was -- we had
had a
birthday party, and it was actually for the bar
manager.

Q      Is it normal, when no one is in
a
hurry, for multiple women to leave behind purses
that have their wallets and phones in your
establishment?

A      They left their purses but took
their
wallets because they were heading to another
location which was still open.

Q      Would it be normal for at least
four
women to leave their shoes and their purses,
potentially including phones and wallets, behind
for an hour and a half and not attempt to come
back for them?

A      There were no phones left
behind.

There were purses, which was three purses. They
left them behind, took their wallets because they
were heading to another location to continue
their celebration.
Q: Is it normal after a party for the individual who received gifts to leave them if they're not in a hurry to leave?

A: In this case, it was the bar manager. She's the only one that worked at the moment here, and she was the one who stated to us she was going to leave her purse, which was with the other two ladies'. They left their purses, only took their wallets and their phones. And she went --

Q: Is it normal for people to leave takeout containers on a table if they're not leaving in a hurry and, as you stated, if they're going to a bar and aren't intending to come back soon?

A: The takeout were our food to go. It was only two takeout containers.

Q: But my question is, would it be normal for people to leave takeout if they weren't intending -- if they weren't in a hurry or otherwise intending to return, as you're
representing that people left stuff, intending to
just leave it?

A I can't answer that question,
due to

nobody was in a rush to leave. It was only us
three inside the establishment.

MS. JORDAN: No further question --
cross for him.

CHAIRPERSON ANDERSON: Any questions
by the Board Members?

MEMBER GRANDIS: Yes, Mr. Chairman.

CHAIRPERSON ANDERSON: Go ahead, Mr.

Grandis.

MEMBER GRANDIS: Mr. Larios, I want to
thank you for your participation and presentation
today.

How are you certain that each of these
individuals who had purses left behind and
shoes -- how are you certain that they took their
wallets?

MR. LARIOS: They were heading to a --
at the time, in Maryland, was closed at 3:00 in
the morning, and they were heading to Maryland
side. And the ladies that were here, they left
their purses, took their wallets, which carried
their IDs, and then their phones.

And they left their wallets for the
owner to put away.

MEMBER GRANDIS: Okay. Mr. Larios --
MR. LARIOS: No. They left their
purses. Sorry. They took their wallets.

MEMBER GRANDIS: Okay. So you
acknowledge that there was a party earlier in
the evening that these individuals who own the
purses and those shoes attended?

MR. LARIOS: Yes, sir.

MEMBER GRANDIS: And did you yourself
attend the entire party?

MR. LARIOS: Yes, sir.

MEMBER GRANDIS: And what time did the
party end?

MR. LARIOS: Maybe about 20 minutes
before midnight, 11:40.

MEMBER GRANDIS: And what time did
they leave?

MR. LARIOS: Probably about 11:50,
11:45.

MEMBER GRANDIS: And once again, my
question is how are you certain that each of
these individuals who left their shoes behind and their purses -- how are you certain they took their phones? Each of them?

MR. LARIOS: Okay. When it comes to the shoes part, it was the shoes -- it was only shoes behind the bar, which is the bartender's shoes. It was only two pairs of shoes. It was some flats and some high heels. She switched her shoes out when she's working sometimes.

She does that on her own, which she's -- she is the witness that I have coming up next.

MEMBER GRANDIS: Okay. That -- you answered half the question. The other half --

MR. LARIOS: Oh --

MEMBER GRANDIS: -- please.

MR. LARIOS: -- oh, the purses -- due to the purses, they said, We're going to a club. They left their purses, but they only --

MEMBER GRANDIS: That's not -- sir -- Mr. Larios, I think I understood you saying that several times. How are you certain, visually, that they each took their wallets?

MR. LARIOS: Oh, I seen them.

MEMBER GRANDIS: You see them what?
I want the record to be clear from what you observed.

MR. LARIOS: Yes, they put the purses on the table. They asked the owner, which is Jose Larios, if he could put the purses away, and they were like, All we're going to take it our wallets, because they needed their IDs.

And, of course, they didn't leave their cell phones behind. They took their wallets and their -- and they all took their wallets and their phones on their hands.

MEMBER GRANDIS: And you observed each of them taking their wallets out of their purses, and you observed each of them taking their cell phones as they left? You --

MR. LARIOS: I --

MEMBER GRANDIS: -- are stating for the record under oath that is --

MR. LARIOS: Yes. I observed -- I was the one who locked the door, because at that moment, we were locking the door. I was the one who locked the door at the moment. I observed them when they took the phones out and their wallets.

And Flor Ramos, she still told me,
Make sure you put the purses away. And they --

MEMBER GRANDIS: Whose birthday was it? Whose birthday was it?

MR. LARIOS: It was Flor Ramos'.

She's the bartender here.

MEMBER GRANDIS: It was her birthday?

MR. LARIOS: Yes, sir.

MEMBER GRANDIS: And she went with the women to Maryland?

MR. LARIOS: Yes.

MEMBER GRANDIS: Okay. Thank you.

CHAIRPERSON ANDERSON: Any other questions by any of the Board Members?

Ms. -- go ahead, Ms. Hansen.

MEMBER HANSEN: Thank you. What -- Mr. Larios, could you describe what your typical closing procedures are at the end of the evening.

MR. LARIOS: At the -- usually we close 30 minutes before it's closing time. We close 30 minutes, that's their last call, 30 minutes before. And 20 -- 15 to 20 minutes before closing time, that's when we start telling everybody we have to go.

MEMBER HANSEN: And what do the
procedures include in terms of closing down the bar? What does all of that entail?

MR. LARIOS: That day, it was Flor Ramos' birthday, and she's the bartender here. So that day it was actually a little different because it was her birthday, it was a celebration. She's the one who actually cleans up the place before she leaves.

But that day, she informed Jose if she could clean up the next day because they were ready to go somewhere else.

MEMBER HANSEN: So there were separate procedures that were made? An exception was made because this person is an employee that aren't your typical procedures?

MR. LARIOS: Yes. It was her birthday. She asked if she could just leave and she'll clean up the next day when she gets -- come back in. She'll come a little earlier.

MEMBER HANSEN: And is it typical for the closing procedures on any night -- it seems that you said you were heading out the door. That would mean that personal items were not secure and in a secure location.

We've already established that the
items were visible. Is that --

MR. LARIOS: Yeah, that --

MEMBER HANSEN: -- typical for someone

to leave personal items in plain sight?

MR. LARIOS: It's not typical, but the

owner, Jose Larios, was supposed to put that

away. And I was like -- I was leaving ahead of

him for like one minute. He was finishing up in

the kitchen.

MEMBER HANSEN: And what arrangements

were made -- if the establishment were going to

be locked and the patrons have left, what

arrangements were made for them to come back and

get their items?

MR. LARIOS: Actually, so Flor -- it

was her birthday. It was actually her cousin and

other lady was her friend, and they were supposed

to come the next day maybe, some time. That was

between them. I didn't have no arrangements to

when they were going to come back for their

stuff.

I just know that she said, Put them

away. They were going to get them the next day.

MEMBER HANSEN: And do you have proof

that these people exited the establishment?
MR. LARIOS: They left right before midnight, and that's who I'm calling next, Flor, which is the witness.

MEMBER HANSEN: Thank you. No further questions.

CHAIRPERSON ANDERSON: Any other questions by the Board Members?

(No response.)

CHAIRPERSON ANDERSON: Mr. Larios, how long did it take after the ABRA investigator -- any of the ABRA's investigators identified themselves -- how long did it take for you to allow them to enter the property?

MR. LARIOS: No more than two minutes.

CHAIRPERSON ANDERSON: No more than two minutes? So tell me -- tell -- just tell me what happened in the sense that -- from your perspective, tell me what happened when the -- when you're approached and when did you allow them to enter?

MR. LARIOS: So I seen Mr. Brashears come to the front door. I was getting ready to leave. I'd seen him walk back to his car. I walked out right behind him. He came back. He informed me he was -- they were from ABRA, they
had gotten a call.

So I informed him, yes -- I told him
the restaurant, we closed at midnight. I was
like it's only the -- it was four of us, yeah, at
the moment. And the other guy, the desk watcher,
he had just left. His name was Leonel

And when I first seen Mr. Brashears,
I thought he was the Uber driver, and I screamed
Leonel's name, and that's when the owner's
brother-in-law told me, Oh, no, he just left.
And so that's why I stepped outside. And so I
stepped outside right behind him. He came back.

He told me he's ABRA, and I explained
to him, yeah, we had a birthday party earlier,
but everybody left at midnight and, you know, we
had stayed, but we were just finishing up the
kitchen, which normally takes an hour, an hour
and a half.

So I was already done with my job. I
was ready to go. And they told me, Well, we need
to step inside and check.

And I told him I don't think it's
necessary, but if you guys have to come in, you
could. And I opened the door for them, and they
came inside.
CHAIRPERSON ANDERSON: All right. Any other questions by any of the Board Members?
(No response.)

CHAIRPERSON ANDERSON: Ms. Jordan, any questions that you -- any redirect -- recross?

MS. JORDAN: I just have a brief recross.

RECROSS-EXAMINATION

BY MS. JORDAN:

Q Mr. Larios, if the party -- can you clarify why, if the party ended at midnight and all the individuals left the establishment at that time and for the remaining hour and a half until the investigators arrived was cleanup, what was happening that there were still not only the items we've all discussed, but the lemon peels, bottles, and --

A Oh, yeah. That's --

Q -- and apparently the rest of the party was still left out. What was going on in that hour and a half?

A That was the bartender's job to clean,
but she told the owner she was going to come
clean the next day. It takes about an hour, hour
and a half to clean the kitchen, to finish the
kitchen. We have a pizza oven, we have hoods.
So it takes an hour to an hour and a
half, maybe even a little more, to finish the
kitchen. And that's what took us an hour and a
half that day -- maybe an hour and 20 minutes.
Q And just following up on Ms. Hansen's
question, is there a reason why, if the
individuals asked you to secure their possessions
around the night, why they were still out when
the investigators arrived at 1:30?
A They didn't ask me. They asked
the owner, Jose Larios, and he was going to put them
away when he left. He had the key to the closet
where he was going to put it in.
MS. JORDAN: No further recross.
Thank you, Mr. Chairperson.
CHAIRPERSON ANDERSON: All right.
Thank you. All right. Thank you.
Mr. Larios, do you have another
witness?
MR. LARIOS: Yes.

CHAIRPERSON ANDERSON: Is the translator available?

MS. BELLOD: Yes.

CHAIRPERSON ANDERSON: Can you please come online, ma'am, so I can see you? Thank you.

You know, that's the only reason I ask when folks will be online, because I don't know. I might see their name but I'm not sure if they're there.

All right. Mr. Larios, do you have another witness? Do you have a witness you want to call?

MR. LARIOIS: Yes. [audio skip].

CHAIRPERSON ANDERSON: I'm sorry.

Who's the name of the -- what's the witness, sir?

MR. LARIOIS: Flor Ramos.

CHAIRPERSON ANDERSON: Where is that person?

MR. LARIOIS: She should be here. Let me see if her camera's working. If not, I'll switch the phone over.

CHAIRPERSON ANDERSON: Or you can have her --

MR. LARIOIS: All right.
CHAIRPERSON ANDERSON: Or you can ask her a question. Just --

MS. FASHBAUGH: Chairperson, she is elevated.

CHAIRPERSON ANDERSON: Okay. So she can -- all right. So you can also be on camera, too, Mr. Larios. Mr. Larios?

MR. LARIOS: Yes, I'm here. I just don't got a --

CHAIRPERSON ANDERSON: All right. Sir, then, you're going to ask her questions, sir, okay? All right. So, Ms. -- I'm sorry. Ms. -- the translator, give your name again, please, ma'am.

MS. BELLOD: Yes, Lidia.

CHAIRPERSON ANDERSON: I need you to be a little bit more formal. Ms. Bellod?

MS. BELLOD: Bellod.

CHAIRPERSON ANDERSON: Ms. Bellod, can you ask Ms. Ramos to spell and state her -- could -- well, ask her to raise her right hand, please.

MS. BELLOD: (Complying.)

CHAIRPERSON ANDERSON: Does she -- ask her -- ask her does she swear or affirm to tell
the truth and nothing but the truth.

MS. RAMOS: Yes, I swear that.

CHAIRPERSON ANDERSON: She's your witness, sir. Now you can ask her questions?

MR. LARIOS: Okay. (Speaking Spanish.)

CHAIRPERSON ANDERSON: Now, Mr. -- Mr. Ramos -- you need to -- well, unless -- are you going to ask her questions in Spanish or English? Which one are you going to ask her questions?

MS. RAMOS: In Spanish.

CHAIRPERSON ANDERSON: No, that's -- no, no, no. I'm asking him. Are you going to ask her questions in English or Spanish?

MR. LARIOS: I'll ask them in English and let the --

CHAIRPERSON ANDERSON: All right.

MR. LARIOS: -- translator translate.

CHAIRPERSON ANDERSON: Okay. So ask her in English and then the translator will translate. And then she can answer in Spanish. And then the translator will translate in Spanish. So go ahead, please.

MR. LARIOS: Flor, do you remember working on March 6, 2021?
MS. RAMOS: Yes.

MR. LARIOS: Flor, on that day at work, did you celebrate your birthday?

MS. RAMOS: Yes, I was working here, and I was celebrating a birthday.

MR. LARIOS: (Speaking Spanish).

CHAIRPERSON ANDERSON: Hold on. Hold on.

MS. BELLOD: Flor, what time did you leave that night, March 6, 2021?

CHAIRPERSON ANDERSON: Tell her she needs to answer now because --

MS. RAMOS: Approximately around 11:30.

MR. LARIOS: Flor, did you take your purse that night?

MS. RAMOS: No. I left my stuff here. I just took my wallet.

MR. LARIOS: Flor, after you got out that night from work, where did you head?

MS. RAMOS: Yes, we went towards -- to a restaurant in Maryland.

MR. LARIOS: Flor, did -- were -- was there -- was it only you that left your -- your purse bag, or was there any more purse bags that
were left behind?

MS. RAMOS: Yeah, my friends also left their bags here.

MR. LARIOS: Flor, did your friends take their wallets and phones with them?

MS. RAMOS: Yeah, some of them, they had a wallet with them, and other just had their cards, credit cards within the -- next to their phones.

MR. LARIOS: I don't have any more questions for Flor.

CHAIRPERSON ANDERSON: I'm sorry. Can you ask her to spell her name for record, please.

MS. BELLOD: (Complying.)

MS. RAMOS: F-L-O-R. And then R-A-M-O-S.

CHAIRPERSON ANDERSON: Thank you.

Go ahead, Ms. Jordan.

CROSS-EXAMINATION

BY MS. JORDAN:

Q Ms. Ramos, what time did your party start?

A Around 9:30-10:00.

Q Was there alcohol at your party?
A: Yes.
Q: And was there alcohol at your -- consumed at your party until you left?

MS. BELLOD: Sorry. She's breaking up. I'm going to ask her to say that one more time.

CHAIRPERSON ANDERSON: Hold on.
Miss -- Mr. Larios, can you just -- you mute your phone while she's speaking, please?

MR. LARIOS: Yes.

MS. RAMOS: Yes, we had bottles on the table, and we when left, I didn't clean up all of that.

MS. JORDAN: No further questions.

Thank you.

CHAIRPERSON ANDERSON: Thank you. Any questions by the Board Members?

MEMBER GRANDIS: Mr. Chairman?

CHAIRPERSON ANDERSON: Go ahead, Mr. Grandis.

MR. GRANDIS: Yes, I'd like to ask the interpreter to ask the witness, just for my clarification, what her name is.

MS. BELLOD: (Complying.)

MS. RAMOS: Flor Marina Ramos Logan
MEMBER GRANDIS: Just for record, on my Webex, it says Alex Larios and --

CHAIRPERSON ANDERSON: They're in the same location, Mr. Grandis. They're in the same location. That's why. It's been like that the entire day. They're in the same location.

MEMBER GRANDIS: I understand. I just --

CHAIRPERSON ANDERSON: Do you --

MEMBER GRANDIS: -- thought, for the record, it would be helpful if someone's viewing this. I have another question for the witness. Is she aware that women's purses were left behind when they left the establishment?

MS. RAMOS: Yes.

MEMBER GRANDIS: And was she aware that there were also women's -- what appears to be women's shoes also left behind with these purses?

MS. RAMOS: Yes, those are my shoes. I always keeps a pair of shoes, a couple pair of shoes at work, ones with high heels and others with flat -- flat shoes.

MEMBER GRANDIS: And my final question
is does she have the name of the establishment
that they -- when they left where she worked,
what establishment they went to and where it was
located? Thank you.

MS. RAMOS: Yes, this is in -- in El
Carbonero, which is in Maryland. It's somewhere
near New Hampshire.

MEMBER GRANDIS: Thank you. Thank
you.

MS. BELLOD: Gracias.

CHAIRPERSON ANDERSON: Any other
questions by any of the Board Members?
(No response.)

CHAIRPERSON ANDERSON: Ms. Jordan, do
you have any questions of the witness based on
the questions that were asked by the Board?

MS. JORDAN: I have no further
questions. Thank you.

CHAIRPERSON ANDERSON: Mr. Larios, do
you have any recross of the witness based on the
questions -- any recross of the -- I'm sorry --
any redirect questions you want to ask your
witness, sir?

MR. LARIOS: No, I have no further
questions.
CHAIRPERSON ANDERSON: All right.

Thank you, sir. Do you have any other witnesses, sir?

MR. LARIOS: No, that was all.

CHAIRPERSON ANDERSON: Do you rest?

I mean, does your -- that's it? All right. Ms. Jordan, are you prepared to do a closing statement?

MS. JORDAN: Yes, Mr. Chairperson.

CHAIRPERSON ANDERSON: Go ahead, please.

MS. JORDAN: The Government has proven by preponderance of evidence that Villa Tuscana failed to allow ABRA investigators to enter and inspect the premises without delay.

We heard from Supervisory Investigator Brashears and Lead Investigator Dantzler that on Sunday, March 7, 2021 at approximately 1:25 a.m., they arrived at Villa Tuscana to investigate a complaint the establishment was operating after hours with loud music and live entertainment.

When they arrived to the establishment, it appeared dark, but when Investigator Brashears shined a flashlight through the window, he could see ABC manager,
Alex Larios, standing inside saying, Let's go, let's go.

When Mr. Larios came outside, the investigators identified themselves as ABRA investigators and asked to do a walk-through of the establishment, and Mr. Larios stalled. He stalled at the gate on the patio of the establishment.

He stalled, as Investigator Dantzler said, by painstakingly looking for his ABC manager card. He stalled by stating repeatedly the investigators did not need to come inside.

He stalled at the door to the establishment when the investigators reached the door after Investigator Dantzler opened the gate on the patio. And he stalled inside the establishment when he finally let the investigators inside, but did not turn on the lights.

He continually protested they did not need to do a walk-through, and Lead Investigator Dantzler and Supervisory Investigator Brashears felt it was necessary to call the Metropolitan Police Department so that they could do a walk-through without having to venture into the
dark establishment.

    Only after MPD arrived were the
investigators able to do the walk-through they
had requested. At this time, the Tenth Emergency
Rulemaking was in effect, and alcohol consumption
and sale had to stop at 10:00 p.m.

    Ms. Ramos stated in her testimony that
her party began at 9:30 or 10:00, and alcohol was
consumed from when the party began until the
individuals left.

    We also heard from Investigator
Dantzler and Brashears and saw photographs of
women's purses, unopened presents, takeout
containers all left in the establishment.

    Based on the testimony of the
investigators, it was shown today the
establishment tried to prevent ABRA investigators
from entering and inspecting the premises and
delayed their entry and inspection, because they
did not want them to see what was going on inside
the establishment.

    The Government has therefore proven
the charge and the notice to show cause and
recommends that the Board apply a penalty
CHAIRPERSON ANDERSON: Thank you.

Mr. Larios, are you there?

MR. LARIOS: Yes.

CHAIRPERSON ANDERSON: Now, you can wrap up your case and tell us what you -- what is it you want the Board to do.

MR. LARIOS: I would like to say [inaudible].

CHAIRPERSON ANDERSON: All right. Hold on a minute, please. You can log off -- log off one or -- or put the -- put it -- one of their lines on mute because I can see -- yes.

Okay. I think that we have lost Mr. Larios?

(Pause.)

CHAIRPERSON ANDERSON: It appears that Mr. Larios is having some technical difficulty. I don't know what happened.

MR. LARIOS: Hello?

CHAIRPERSON ANDERSON: Yes, sir?

Okay. Go ahead.

Yes, I can hear you now. Go ahead.

MR. LARIOS: Sorry. What was the question?

CHAIRPERSON ANDERSON: You're wrapping
up your case, sir. So what is it that you want
the Agency -- the Government just closed. So you
can -- you're wrapping -- you're telling us what
it is that you're proving and what it is you want
us to do.

MR. LARIOS: I think we have proven
that there was no party or anything after
midnight. On March 6, due the pandemic, it was
till midnight, the sales of alcohol, and I think
we have proven after midnight, everyone was gone,
and it was only employees and owner here closing
the kitchen.

And I hope for the Government to
dismiss it -- dismiss this charge. We -- I did
not intend or did not delay ABRA investigators to
come in. We had a brief conversation, which was
two minutes, and I think that is fair, to try to
explain to them what was going on.

And other than that, I think if you
guys -- if the Government will drop that charge
due to us proving that there was no -- that there
was no alcohol consumption or party or
strippers -- especially strippers -- after
midnight that night, then I will wrap up the
case.
CHAIRPERSON ANDERSON: The charge in this case -- I want everybody to be clear -- the charge in this case is interfering with an investigator. That is the charge in this case. Okay?

Is that -- it's -- based on the charging documents, the Government needs to prove that you interfered with the ABRA investigator by not allowing them inside the establishment without delay. That is the only charge in this case. Okay?

So that's what I want to remind everyone. At least that's what the charging document is. Okay? So, all right. All right. Do you have anything else you want to say, sir, or is that it?

MR. LARIOS: That's it.

CHAIRPERSON ANDERSON: All right. The record is now -- the record is now closed. All right. So let me close.

The Board will issue a decision in 90 days. So let me bring -- let me close the record. Let me close this case.

All right. As Chairperson of Alcoholic Beverage Control Board for the District
of Columbia, in accordance with D.C. Official Code Section 25-74(b) of The Open Meetings Act, I move that ABC Board hold a closed meeting for the purpose of seeking legal advice from our counsel on Case Number 21-25100004, Villa Tuscania, pursuant to D.C. Official Code Section 25-74(b)(4) of the Open Meetings Act and deliberated upon Case Number 21-25100004, Villa Tuscania, for the reason cited in D.C. Official Code Section 25-74(b)(13) of the Open Meetings Act. Is there a second?

MEMBER CROCKETT: Ms. Crockett seconds.

CHAIRPERSON ANDERSON: Ms. Crockett has seconded the motion. We'll now take a roll call vote on the motion before us now that has been seconded.

Mr. Short?

MEMBER SHORT: Mr. Short. I agree.

CHAIRPERSON ANDERSON: Mr. Cato? Mr. Cato?

MR. CATO: (No verbal response.)

CHAIRPERSON ANDERSON: Ms. Hansen?

MEMBER HANSEN: Jeni Hansen. I agree.

CHAIRPERSON ANDERSON: Mr. Grandis?
MEMBER GRANDIS: Edward Grandis. I agree.

CHAIRPERSON ANDERSON: And Mr. Anderson. I agree. The matter passes 5-0-0.

MEMBER CROCKETT: Ms. Crockett. I agree.

CHAIRPERSON ANDERSON: I thought I had called you, Ms. Crockett. I apologize. I thought I -- Ms. Crockett -- Mr. Cato?

MEMBER CATO: Bob Cato. I agree.

CHAIRPERSON ANDERSON: All right. Mr. Anderson; I agree. It appears that the motion has passed 6-0-0. I hereby give notice that ABC Board will reset this proceeding to hold a closed meeting in ABC conference room, pursuant to Section 25-74(b) of the Open Meetings Act.

I want to thank everyone for their presentation today, and as stated, the Board will take this matter under advisement and issue a decision within 90 days.

Thank you very much. Everyone in this case is dismissed, including the translator.

Thank you very much.

MS. JORDAN: Thank you.

MS. BELLOD: Thank you.
MR. LARIOS: Thank you.

(Whereupon, the above-entitled matter went off the record.)
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CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Villa Tuscana

Before: DCABRA

Date: 01-12-22

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

[Signature]

Court Reporter