

November 1, 2018

Licensee(s): Andrew Dunlap and Michael White
The Sobo Taco Spot, LLC, T/a Banditos
1118 S. Charles Street, Unit 101 21230

Class: "BD7" Beer, Wine & Liquor License

Remand/Transcript and Evidentiary Review Items.

Board's Information:

Reversed and remanded to the Board of Liquor License Commissioners of Baltimore City for further findings of fact and conclusions of law and for further articulation of the evidence it relied upon to support its finding that petitioners "failed to control the incident" and thus violated Liquor Board Rules 3.14 (General Welfare), and 4.16 (Illegal Conduct).

Board's Decision:

**MICHAEL F. WHITE,
BRUCE JAMES RICHARDSON,
AND THE SOBO TACO SPOT, LLC
t/a BANDITOS
1118 S. Charles St., Units 110 &111
Baltimore, MD 21230**

**FOR JUDICIAL REVIEW OF THE
DECISION OF THE BOARD OF THE
LIQUOR LICENSE COMMISSIONERS
FOR BALTIMORE CITY**

**IN THE
CIRCUIT COURT
FOR
BALTIMORE CITY
Case No. 24-C-17-003905**

* * * * *

MEMORANDUM OPINION

This Petition for Judicial Review arises from a July 20, 2017 decision of the Board of Liquor License Commissioners for Baltimore City (“Liquor Board” or “The Board”) finding that Petitioners, Michael White, Bruce Richardson, and The Sobo Taco Spot, LLC., violated Liquor Board Rules 3.14 (General Welfare), and 4.16 (Illegal Conduct), stemming from an incident that took place on May 13, 2017 at Petitioner’s restaurant and tavern known as “Banditos”, located at 1118 South Charles Street in Baltimore (the “Establishment”). As a result, The Board imposed a 14 day suspension of the Establishment’s liquor license as well as a \$6,000.00 fine.¹

This Court received argument of counsel on January 9, 2018. After consideration of the Petition and opposition thereto, a review of the administrative record as well as the arguments of the parties, and for the reasons more fully set forth in this memorandum, this Court remands the July 20, 2017 decision of the Liquor Board and orders it to provide further articulation of the evidence supporting its finding that Petitioners “failed to control the incident” in violation of

¹ Upon reconsideration The Board reduced the fine to \$500.00 for each violation for a total of \$1,000.00.

Liquor Board Rules 3.14 (General Welfare), and 4.16 (Illegal Conduct) and any other facts supporting its decision.

BACKGROUND

A stabbing occurred inside the Establishment On May 13, 2017 at approximately 1:40 am. Subsequent investigations revealed that an under-aged patron, Seán Guzman, cut or stabbed three patrons within the Establishment.² As a result of this incident, on June 26, 2017, The Board cited Petitioners for violating Liquor Board Rules 3.12 (General Welfare), 4.16 (Illegal Conduct) and 3.02 (Cooperation).³

A hearing was conducted before The Board on July 20, 2017 to determine whether Petitioners' violated the above-cited rules, and if so, what if any sanctions should be imposed as a result. The Board witnesses were Detective L.C. Greenhill of the City Police Department's Operational Intelligence Division-Vice Unit, Liquor Board Agent John Chrissomallis, and Officer Creinton Goodwin. Respondents presented James DiPino, the Establishment's manager on duty at the time of the incident, Andrew Dunlap, managing member of The Sobo Taco Spot, LLC, and

² Mr. Guzman apparently stabbed himself during the fray and drove himself to Harbor Hospital where he was subsequently arrested and charged in connection with the stabbings.

³ Rule 3.12 – General Welfare: Licensees shall operate their establishments in such a manner as to avoid disturbing the peace, safety, health, quiet, and to promote the general welfare of the community.

Rule 4.16 – Illegal Conduct: A licensee may not commit or allow the commission on the licensed premises of an act that is contrary to any federal, State or local statute, law or ordinance or that is against the public peace, safety, health, welfare, quiet, or morals.

Rule 3.02 – Cooperation: Licensees and their agents and employees shall cooperate with representatives of the Board, the Police Department, Health Department, Fire Department, Building Engineers office, and any grand jury, and representatives of other governmental agencies who are on official business.

Paul Johnston, operator of PSG Security.⁴

Detective Greenhill testified that arrived at the Establishment at about 2:20 am on the morning of the incident along with Agent Chrissomallis and spoke with Mr. DiPino. ⁵ (T. 9). He returned the following morning at 12:30 am and spoke with Mr. Dunlap and Travis Reed, another manager of the Establishment, as well as Robert Sauers of Ace Security.⁶ Detective Greenhill stated that Mr. Guzman was under-aged and was inside the Establishment after food service had ended. *Id.* He further stated that neither Mr. Dunlap nor Mr. Sauers could provide any further details on how a 17-year-old was permitted to enter and/or remain inside the Establishment at that hour. (T. 10). He also learned that none of the security cameras in the Establishment located near where the incident took place were operating at the time due to ongoing renovations. *Id.* Furthermore, he stated that Establishment employees started to clean the area of blood shortly after the incident occurred, thus destroying blood evidence and hindering the investigation. (T. 10-11). Detective Greenhill was unaware of any yelling match, etc. between the three victims and Mr. Guzman leading up to the incident and testified that the Establishment appeared to have been adequately staffed for the crowd that night. (T. 13, 15).

⁴ Mr. Dunlap was not at the Establishment when the events occurred. Mr. Johnston's company was hired to replace Ace Security after the incident.

⁵ The Court notes that Detective Greenhill and Agent Crissomallis did not appear to have been involved in the investigation of the assaults and provided little information regarding how the stabbing/cutting transpired. The lead investigator into that conduct appears to have been Detective Mundy, who was not called as a witness.

⁶ Neither Mr. Reed nor Mr. Sauers were present at the Establishment when the events occurred. Ace Security provided security services at the Establishment on the date of the incident and appears to have had five employees working at the Establishment on the date/time of the incident.

Agent Chrissomallis testified that he and Detective Greenhill asked Mr. Sauers how a 17-year-old might have remained at the Establishment at that hour. Mr. Sauers opined that Guzman may have been eating at the Establishment and that his employees typically do a good job of make sure that only those 21 and older remain in the Establishment after its kitchen closes. (T. 17). Mr. Sauers could not explain how his staff missed Mr. Guzman's presence at that late hour. Id. Agent Chrissomallis also testified that about a week after the incident, he followed up with the Establishment's ownership wanting to know the results of a meeting with its then security company. He was advised that management was not happy with Ace Security's answers/lack of explanations as to how a 17-year-old was permitted inside the Establishment at that hour. (T. 16).

Detective Goodwin testified that he was the first officer on the scene and that his primary function was to attend to the victims, who were outside of the Establishment. (T. 20). He did not interact with Mr. DiPino and another detective investigated the incident. Id. He noted that when he entered the premises, staff was cleaning the area where the stabbing occurred and he instructed them to stop. (T. 21). He described the scene as "pretty chaotic". (T. 19).

Mr. DiPino testified that six employees were working at the time of the incident, plus five security staff. (T. 26). He stated that it was a slow night and he was not aware of any type of rowdiness or advanced warning of any kind prior to the incident. (T. 25, 30). The incident occurred after all but the main bar in the Establishment had been closed. (T. 25). He further testified that the incident occurred on the southern side of the Establishment in between a front/smaller bar area and a rear/larger bar area. (T. 25). Mr. DiPino was in a rear room when the incident occurred. Id. When he alighting from that room, it appeared that pepper spray had been released in the area where the incident occurred and the area was "cleared out". (T. 27). He then

instructed an employee to begin cleaning the floor because he did not want other employees to see the blood. (T. 28, 37). He later learned that the injured persons were outside of the Establishment. He later spoke to a bartender who possibly could have seen what occurred and was informed that the employee did not see anything. (T. 30). He testified that the Establishment now has a system in place to prevent evidence tampering, should a similar situation arise in the future. (T. 41).

Mr. Dunlap testified that subsequent to this incident, Ace Security could not provide him with further information about how Mr. Guzman came into the Establishment. (T. 45). He hired a new security company within a week after the incident. (T. 45-46). Although Mr. Dunlap was unsatisfied with Ace Security personnel's lack of explanations for the incident, he added that there was adequate security staffing on the night in question. (T. 47). Lastly, Mr. Dunlap subsequently came to learn from an investigating detective that Mr. Guzman was known in the South Baltimore area as a "bad person". (T. 50-1). Finally, Mr. Dunlap had not yet been made aware of any information from any sources as to why Mr. Guzman assaulted three other patrons. (T. 49).

Paul Johnson of PSG Security testified that his firm was hired to replace Ace Security following the incident. He testified about security measures used at the Establishment by his firm, to include a scanner that scans for fake identification. (T. 63). He testified that his firm hires only "green carded" security officers to work at the Establishment and assigns five to six employees to the Establishment depending on upon the night. (T. 61-62). He was generally unaware of practices employed by Ace Security when it provided security for the Establishment. (T. 63).⁷

⁷ In addition to the testimony, the Board also considered the establishment's previous record of violations, which consisted of a fine imposed in 2014 for a violation of prohibited hours. (T. 73).

The Liquor Board issued an oral decision at the conclusion of the testimony. (T. 71). The Board opined that violations of Rule 3.12 (General Welfare) and 4.16 (Illegal Conduct) were charged because an incident of violence occurred on the premises, “and was not immediately controlled”. (T. 71). In finding violations of both Rules, the Board opined that “*the control of the incident is . . . a violation of the rule, and the consequent circumstances that led to these serious injuries*”. Id.⁸ In doing so The Board noted that it had no evidence that Mr. Guzman was unlawfully on the premises. Id.

The Board imposed a 14 day suspension of the Establishment’s license as well as a \$6,000.00 fine, \$3,000.00 for each violation. In support of these sanctions, The Board noted its displeasure with Establishment’s management, as it had yet to determined what had transpired that evening, nor determined how a minor was on the premises at that hour, bordering on active avoidance. (T. 71). The Board expressed further concern that the Establishment’s security cameras were not operational at the time and it failed to compensate in any way for this decreased security. (T. 78). Petitioners filed for judicial review of The Board’s decision on July 27, 1017.

STANDARD OF REVIEW

Judicial review of a final decision of a Liquor Board decision is governed by Maryland Alcoholic Beverages Article, Section 4-905, which states:

- (a) *Presumption* - (a) On the hearing of a petition under this subtitle, the court shall presume that the action of the local licensing board was proper and best served the public interest.
- (b) *Burden of proof* - (b) A petitioner has the burden of proof to show that the decision of the local licensing board being reviewed was:
 - (1) Against the public interest; *and*
 - (2) (i) Not honestly and fairly arrived at;

⁸ The Board did not find that the Establishment violated Rule 3.02 (Cooperation).

- (ii) Arbitrary;
- (iii) Procured by fraud;
- (iv) Unsupported by substantial evidence;
- (v) Unreasonable;
- (vi) Beyond the powers of the board; or
- (vii) Illegal.

The Court of Special Appeals has consistently explained that judicial review of a decision by the Board is similar to review of decision by most other administrative agencies. *Blackburn v. Bd. of Liquor License Comm'rs for Baltimore City*, 130 Md. App. 614, 623 (2000). “It is a cardinal rule of administrative appeals that ‘a reviewing court ... shall apply the substantial evidence test to final decision of an administrative agency [such as the Board], but it must not itself make independent findings of fact or substitute its judgment for that of the agency.’” *Id.* at 623-4. Although there is no express requirement that the Liquor Board set forth specific findings of fact and conclusions of law, the Board must do so, at least informally, in order for any meaningful review to be conducted. *Id.* at 624. Thus, a court may not uphold the agency order unless it is sustainable on the agency’s findings and for the reason stated by the agency. *Id.* at 624.

ANALYSIS

Petitioners present three arguments on appeal. They first contend that The Board failed to make adequate findings of fact and conclusion of law sufficient to allow for meaningful judicial review or otherwise support a finding of violation of the Rules. Alternatively, they argue that there was insufficient evidence in the record to support either the Rule 3.12 or 4.16 violations. This Court will address Petitioners’ first argument and holds that the Board did not make adequate findings of fact and conclusions of law in a manner that allows for a meaningful appeal of its decision.

The Board found violations of Rules 3.12 (General Welfare) and 4.16 (Illegal Conduct). In doing so, it noted that *“but the control of the incident is, I think a violation of the rule, and the consequent circumstances that led to these serious injuries”*. It is unclear from this Court’s review of the record the evidence upon which the Board relied to conclude that Petitioners lacked control of the incident. As noted above, the testimony received was from two officers and one Liquor Board agent, none of whom were not responsible for investigating the incident. They offered no evidence that may have been developed by their fellow officers as to how the incident occurred.⁹ Thus, it is unclear what evidence upon which The Board relied to find that the Establishment failed to control the incident given a plain reading of the transcript of the hearing.

The Court is mindful that the Board did express other findings of fact, but did so in the context of issuing a sanction. It is unclear if the Board considered those facts in its finding that the Establishment violated Rules 3.12 and 4.16 and if so, if those facts were supportive of such a finding. Accordingly, this Court will reverse and remand the decision back to the Liquor Board for further findings of fact and conclusions of law based upon the current record.

CONCLUSION

For the aforementioned reasons, this court reverses and remands the decision of The Liquor Board for further findings of fact and conclusions of law and for further articulation of the evidence

⁹ The Court notes that the administrative record contained a print-out showing that Mr. Guzman had been indicted in case 117143014 for attempted murder and other offenses with a first trial date of June 16, 2017. While it appears that the testifying officers may have had access to a statement of probable cause supporting Mr. Guzman’s arrest as well as other evidence developed in the criminal case, no such evidence was presented to The Board that could have shed some light on what transpired that night and what, if any conduct on the part of the Establishment could have minimized the opportunity for these events to have occurred on premise.

it relied upon to support its finding that Petitioners “failed to control the incident” and thus violated Liquor Board Rules 3.14 (General Welfare), and 4.16 (Illegal Conduct).

Michael A DiPietro
Judge's Signature Appears
On Original Document


Michael A. DiPietro
Associate Judge

The Clerk Shall Send Copies of this Memorandum Opinion to All Interested Parties

TRUE COPY
TEST

Michael A. DiPietro

CLERK OF COURT



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CITY OF BALTIMORE
BOARD OF LIQUOR LICENSE

-----x
Bruce Richardson and Michael White, The Sobo Taco Spot,)
t/a Banditos, 1118 S. Charles Street, - Class "BD7",)
Beer, Wine and Liquor License)
-----x

City Hall
Baltimore, Maryland

July 20, 2017

BEFORE: ALBERT MATRICCIANI, JR., Chairman
AARON GREENFIELD, Commissioner
DANA PETERSEN MOORE, Commissioner
DOUGLAS PAIGE, Executive Secretary
STACI RUSSELL, Acting Asst. Executive Secretary
TOM AKRAS, Deputy Executive Secretary

Reported by:
Bryson Dudley

1 APPEARANCES:
2 ON BEHALF OF LICENSEE/APPELLANT (Banditos):
3 PETER A. PREVAS
4 American Building, Suite 702
5 231 East Baltimore Street
6 Baltimore, MD 21202
7 (410) 752-2340
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I N D E X

<u>Witness:</u>	<u>Examination by:</u>	<u>Page:</u>
L.C. Greenhill	Mr. Prevas - Cross	7 11
John Chrissomallis	Mr. Prevas - Cross	16
Creinton Goodwin	Chairman Matricciani	18
	Mr. Prevas - Cross	19
James DiPino	Mr. Prevas - Direct	22
Andrew Dunlap	Mr. Prevas - Direct	43
Paul Johnston	Mr. Prevas - Direct	61
Decision:		71

E X H I B I T S

<u>Exhibit #:</u>	<u>Description</u>	<u>Marked</u>	<u>Received</u>
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(Exhibits entered.)

P R O C E E D I N G S

(11:15 a.m.)

CHAIRMAN MATRICCIANI: Mr. Akras, whenever
you're ready.

MR. AKRAS: Good morning. This is the Board of
Liquor License Commissioner of Baltimore City's morning
docket. Today is Thursday, July 20, 2017. When your
case is called, please step forward. State your name
into the microphone. If you're going to be giving
testimony, please be prepared to be sworn in. If you
have an electronic device or cell phone, please silence
that device or put it on vibrate.

Calling the first case --

CHAIRMAN MATRICCIANI: Do you have a
preliminary matter? Postponement.

MR. AKRAS: You're right. Sorry. I apologize,
Mr. Chair. There is one preliminary matter. It's Case
number five on the docket, Anthony Gambino, Jr., D.E.A.K,
Incorporated, trading as Ciao Bella Restaurant, 232
through 36 South High Street. That matter has been
postponed, and will be rescheduled.

1 CHAIRMAN MATRICCIANI: Thank you.

2 MR. AKRAS: Calling the first case on the
3 docket, Bruce Richardson and Michael White, The Sobo Taco
4 Spot, trading as Banditos, 1118 South Charles Street, is
5 a Class BD7, Beer, Wine and Liquor License. Violation of
6 Rule 3.12, General Welfare, violation of Rule 4.16,
7 Illegal Conduct, and a violation 3.02, Cooperation.

8 CHAIRMAN MATRICCIANI: We have a -- good
9 morning everybody. We have a number of people here
10 today. I don't know how many of you are familiar with
11 our proceedings, so I just wanted to make a couple
12 comments. Everybody is welcome. When you are coming
13 forward to speak, because we're both on television and
14 being recorded, it's important that you identify
15 yourself, and sometimes the reporter will need you to
16 spell your name before you speak, and then if you will
17 lean into these microphones, it makes it easier, as well.

18 Second thing I wanted to comment, we have a
19 violation docket today. So these are cases in which the
20 licensees have received notice of violations from our
21 inspectors or the police or other City or State agencies,

1 and the Board hears them in to sessions. So the first
2 issue that we have to determine is whether or not there
3 actually was a violation on the date in question. And
4 then if we determine that there's a violation, we have to
5 determine what sanction, if anything, we're going to
6 impose. So I imagine, if there are people here who want
7 to address the issue of the sanction, if you will just
8 wait until we make a determination whether there's a
9 violation, then we'll be happy to hear from you on
10 whether you support or oppose the licensee.

11 So counsel.

12 MR. PREVAS: Thank you, Mr. Chairman. For the
13 record, Peter Prevas on behalf of the Licensees.

14 CHAIRMAN MATRICCIANI: Good morning.

15 And will everyone who is going to testify on
16 the violations in this case please raise your right hand?

17 (Witnesses sworn.)

18 CHAIRMAN MATRICCIANI: And these will be
19 contested?

20 MR. PREVAS: Yes, sir.

21 CHAIRMAN MATRICCIANI: Okay. Detective.

1 (Whereupon,

2 L.C. GREENHILL

3 was called as a witness and having been first duly sworn,
4 testified as follows:)

5 THE WITNESS: On 13th May --

6 CHAIRMAN MATRICCIANI: You have to identify
7 yourself.

8 THE WITNESS: Oh, sorry. Detective L.C.
9 Greenhill, Operational Intelligence Division, Vice Unit.

10 CHAIRMAN MATRICCIANI: Thank you.

11 THE WITNESS: On 13th May of this year, at 2:20
12 a.m., detectives from OID Vice consisting of
13 Sergeant Lystrom (ph.), myself, and Detective Gatto,
14 along with Agent Chrissomallis, responded to 1118 South
15 Charles Street for a report of a cutting. Investigators
16 Craig Crippen (ph.) and Dave McGinnis (ph.) from
17 Department of Housing was also with us and also
18 responded.

19 Once on the scene, the night manager on duty
20 that night was identified as James William DiPino, Jr.,
21 and he was in full operation and control of the premises.

1 Southern District Patrol Units as well as homicide
2 detectives were already on the scene conducting their
3 investigation. Homicide detectives were called to the
4 scene due to the seriousness of one of the victims.

5 Crime lab techs were also on the scene, as
6 well, processing the crime scene, which was inside the
7 bar, as well as outside of Banditos. Homicide detectives
8 and Southern District officer advised Vice detectives
9 that an altercation occurred at 1:40 a.m. inside of
10 Banditos, located at 1118 South Charles Street.

11 Officer Goodwin of the Southern District
12 arrived on scene to find victim one, Demetri Phillips
13 Gaither (ph.), a black male, 24 years of age, lying in
14 front of Banditos suffering from multiple stab wounds.
15 Officer Goodwin noticed several black males exit the bar,
16 later identified as Rodney Johnson, black male, 24 years
17 of age, and Cameron Michael Price, black male, 25 years
18 of age. Both also suffering from stab wounds.

19 Medics were called to the scene and transported
20 the victims to Maryland Shock Trauma.

21 A fourth victim was located who drove himself

1 to Harbor Hospital, later identified as Sean Guzman
2 (ph.), white male, 17 years of age, also suffering from
3 stab wounds, but later transported to Shock Trauma.

4 Witnesses were transported to Homicide Section
5 for further questioning by detectives.

6 Further investigation, as a result of the --
7 investigation, it was determined that victim four,
8 Sean Guzman, was identified as the suspect, as well.
9 District detectives sought an arrest warrant for suspect
10 Guzman and arrested him where he was charged accordingly
11 in CYF.

12 Detective Greenhill and Agent Chrissomallis
13 conducted a follow-up investigation on 14th May at
14 12:30 a.m., at Banditos, located at 1118 South Charles
15 Street. It was revealed earlier that evening by a
16 Southern District supervisor that suspect Guzman was 17
17 years of age.

18 Detective Greenhill and Agent Chrissomallis
19 spoke with owner Andrew Dunlap, along with one of his
20 managers, Travis Reed, concerning the cutting, and the
21 fact that a 17-year-old was inside the bar.

1 Also on the scene was head of security,
2 Matthew Robert Sauers (ph.), whose company, Ace Security,
3 had security personnel working the night of the cutting.

4 Mr. Dunlap and Reed were very cooperative, as
5 well as Mr. Sawyers. Mr. Dunlap, Reed and Sawyers cannot
6 provide further details on how a 17-year-old got past
7 security and inside the bar.

8 There were security cameras in the bar, but
9 none of them were working at the time of the incident due
10 to an onsite expansion of the establishment. Mr. Dunlap
11 and Reed advised Detective Greenhill and
12 Agent Chrissomallis that they are having a meeting with
13 their staff, as well as a meeting with Matthew Sauers and
14 his security team to ensure a safer environment for bar
15 patrons and to better screen the patrons entering the
16 establishment.

17 Detective Greenhill also informed Mr. Dunlap
18 and Reed that it was revealed that the night of the
19 cutting, the staff, under Manager James DiPino, had
20 started to clean the bar area of blood evidence prior to
21 the police and crime lab techs arriving, thus destroying

1 blood evidence, hindering the investigation. OID Vice
2 detectives smelled a strong odor of bleach within the
3 primary cutting scene inside the bar as we arrived on the
4 scene at 2:20, 13th May 2017. Detective Greenhill
5 advised Mr. Dunlap to inform his staff that any potential
6 crime scene in the bar must be preserved until police
7 unit has advised the management that the cleaning process
8 can be conducted.

9 At that time, the investigation was completed.

10 CHAIRMAN MATRICCIANI: Questions for the
11 Detective?

12 MR. PREVAS: Thank you.

13 CROSS-EXAMINATION

14 BY MR. PREVAS:

15 Q. Detective Greenhill, you indicated that you
16 arrived there after the police officer on duty, as well
17 as the detectives investigating the stabbing got there;
18 is that right?

19 A. Yes, that's correct.

20 Q. Okay. And was Mr. DiPino there?

21 A. Yes, I believe so.

1 Q. And you spoke with him?

2 A. No. Mr. --

3 Q. Dunlap?

4 A. No. The manager on duty, I believe, that night
5 was --

6 Q. Mr. DiPino. Mr. Reed was the following night.

7 A. Okay, yes. That is correct.

8 Q. And was he polite and cooperative with you?

9 A. Yes.

10 Q. Okay. With regard to the bleaching of the
11 crime scene, did he do anything that you told him not to
12 do?

13 A. As I said, when I got there, it was just --
14 there was just a strong odor of bleach. No one was
15 cleaning at that time.

16 Q. But it's not a case where he had been
17 instructed by police or anyone else that this is a crime
18 scene and do not touch it until cleared by the police,
19 and then he went and did something anyway; is that right?

20 A. No, no.

21 Q. Okay. And what was Mr. DiPino's demeanor on

1 that night?

2 A. Far as I know, Mr. DiPino was calm and
3 cooperative.

4 Q. Okay. As far as the individuals involved, you
5 alter found out that Mr. Guzman was charged with stabbing
6 the other patrons. Is that right?

7 A. That's correct.

8 Q. Okay. And all indications are that the other
9 three patrons were -- that they were polite and orderly
10 and had not caused any type of altercation?

11 A. Not speaking with them and not knowing any of
12 the information, I would assume so.

13 Q. Okay. And there's no indication about whether
14 there was any type of yelling match or physical
15 altercation or anything that erupted prior to this
16 incident?

17 A. That I wouldn't know.

18 Q. Okay. Now, with regard to the security
19 cameras, they did indicate to you that the system was
20 being updated due to the current expansion.

21 A. That's correct.

1 Q. Okay. And from your observations, that
2 appeared to be accurate information that was being
3 provided to you?

4 A. Just based off of what they told me, I took it
5 as pretty much the truth.

6 Q. Okay. And then the following evening, you said
7 you followed up with Inspector Chrissomallis and spoke
8 with Mr. Dunlap and Mr. Reed.

9 A. Yes.

10 Q. And they were also polite and cooperative?

11 A. Yes.

12 Q. And they didn't do anything that you told them
13 not to do --

14 A. No.

15 Q. -- and they didn't not do anything that you
16 told them to do. Is that correct?

17 A. No.

18 Q. Okay. And then they -- you did speak with
19 Mr. Sawyers, the head of the then security company?

20 A. Yes.

21 Q. And he did provide the information to you that

1 you requested?

2 A. Only just as far as how many security personnel
3 he had on that night. Yes.

4 Q. Okay.

5 A. He was cooperative, and provided that as well.

6 Q. And it appeared that they had adequate staffing
7 for the crowd that was involved?

8 A. For that particular night, it appeared they did
9 so.

10 Q. And it appeared it wasn't quite that busy of a
11 night.

12 A. See, I can't -- I wasn't -- I got there after
13 the fact, so I can't comment on that.

14 MR. PREVAS: Understand. Okay.

15 CHAIRMAN MATRICCIANI: Anything further?

16 MR. PREVAS: No. Thank you.

17 CHAIRMAN MATRICCIANI: Did you have anything to
18 add Inspector?

19 (Whereupon,

20 JOHN CHRISOMALLIS

21 was called as a witness and having been first duly sworn,

1 testified as follows:)

2 THE WITNESS: No. We did meet the
3 follow-up together. I did meet with one of the --

4 CHAIRMAN MATRICCIANI: Please identify
5 yourself.

6 THE WITNESS: I'm sorry. Agent Chrissomallis,
7 Baltimore City Liquor Board.

8 I did have a second follow-up about a week
9 after the 14th with the gentleman here to my right, one
10 of the owners, wanting to know -- I was wanting to know
11 how the meeting with the security went. And he had
12 advised me that he was not happy with the answers that
13 they were providing, and they had replaced the security
14 company. That's the only other communication I had with
15 them without Detective Greenhill.

16 CHAIRMAN MATRICCIANI: Do you have any
17 questions for the inspector?

18 CROSS-EXAMINATION

19 BY MR. PREVAS:

20 Q. Just briefly, Agent Chrissomallis. With regard
21 to Mr. Guzman being 17 years of age, were you able to

1 establish any information as to how or why he got into
2 the premises?

3 A. I asked, or we asked -- Detective Greenhill and
4 I asked head of security on how a 17-year-old was inside
5 the establishment at 1:40 a.m., and the response that we
6 got from the head of security was that he might have been
7 in there eating, and that they typically do a good job
8 making sure that everyone after the kitchen closes is
9 over 21. How they missed him, I couldn't answer that.
10 He didn't have an explanation.

11 Q. Okay. And have you met with the new security
12 staff?

13 A. We have. We met them a couple of occasions.

14 Q. And have they been cooperative?

15 A. They've been cooperative.

16 CHAIRMAN MATRICCIANI: Okay, Officer, did you
17 have something to add?

18 MR. GOODWIN: No, sir.

19 UNIDENTIFIED SPEAKER: He wasn't sworn.

20 CHAIRMAN MATRICCIANI: You were not sworn?

21 MR. GOODWIN: No, sir.

1 CHAIRMAN MATRICCIANI: Okay. Can you come
2 forward and raise your right hand, please?

3 MR. GOODWIN: Sure can.

4 (Whereupon,

5 CREINTON OMAR GOODWIN
6 was called as a witness, and having been first duly
7 sworn, testified as follows:)

8 DIRECT EXAMINATION

9 BY CHAIRMAN MATRICCIANI:

10 Q. And your name, sir?

11 A. Detective Creinton Omar Goodwin.

12 COURT REPORTER: What's your first name? I'm
13 sorry.

14 THE WITNESS: Creinton, C-r-e-i-n-t-o-n.

15 BY CHAIRMAN MATRICCIANI:

16 Q. So Detective Goodwin, do you have anything to
17 add to this?

18 A. No, sir.

19 Q. Okay. And you were present as well?

20 A. Yes, sir.

21 Q. And okay. So you would say the same thing that

1 Detective Greenhill said?

2 A. I didn't particularly participate in the
3 dealings as far as their investigation, but I was the
4 primary officer on the scene when the incident happened.

5 Q. Okay. So were you there before they were
6 there?

7 A. Yes, sir.

8 Q. Okay. And so do you have any information about
9 what went on inside the premises?

10 A. Other than there was an individual in there
11 under age, and a stabbing occurred. It was pretty
12 chaotic.

13 Q. Okay.

14 A. So other than that.

15 CHAIRMAN MATRICCIANI: Questions for the
16 Detective?

17 MR. PREVAS: Thank you.

18 CROSS-EXAMINATION

19 BY MR. PREVAS:

20 Q. Detective Goodwin, you indicated that you were
21 the first on the scene?

1 A. Yes.

2 Q. Okay. And you were dealing with the victims
3 who were in the front of the premises, a little ways down
4 from the front of the premises, is that right?

5 A. Majority in the front of the premise, yes, sir.

6 Q. Okay. And did you also meet with or speak with
7 Mr. DiPino, the manager on duty?

8 A. No. I didn't speak with him in lieu of a
9 conversation of what happened. I briefly, vaguely
10 remember him being there.

11 Q. Okay.

12 A. After everything had cleared up and everybody
13 was transported to the hospital.

14 Q. Okay. But your initial function was to attend
15 to the victims?

16 A. Yes, sir. At that -- well, once we saw the
17 stabbing, our initial response was to render aid.

18 Q. Okay. And the actual investigation was done by
19 another detective?

20 A. Yes, sir.

21 Q. Was Mr. DiPino polite and cooperative?

1 A. Like I said, I didn't really have any dealings
2 with him. I just vaguely seen him there, and I was kind
3 of dealing with everything else because I was dealing
4 with the primary of -- getting all the information
5 obtained and everything from --

6 Q. Okay. With regard to the issue of whether he
7 had failed to cooperate with the police in reference
8 to --

9 CHAIRMAN MATRICCIANI: The cleanup?

10 BY MR. PREVAS:

11 Q. -- the cleanup, did he -- did you tell him or
12 did you hear any other police officers tell him do not
13 clean this, and he did it anyway?

14 A. The incident was captured on our body cameras.
15 So actually, when we entered the premises, it was a
16 strong odor of bleach, and some of the workers, they were
17 cleaning, and we just instructed them to stop cleaning.

18 Q. Stop cleaning. Okay.

19 A. Yeah. And at that point, I went back outside
20 to further conduct more -- get more information in
21 reference to the victims.

1 MR. PREVAS: Okay. Thank you. I have no
2 further questions.

3 THE WITNESS: Okay.

4 CHAIRMAN MATRICCIANI: Okay. Do you wish to
5 put on evidence?

6 MR. PREVAS: Yes. Yes. First, I would call
7 Mr. James DiPino.

8 CHAIRMAN MATRICCIANI: Okay, Mr. DiPino, step
9 up to the microphone.
10 (Whereupon,

11 JAMES DIPINO
12 was called as a witness, and having been first duly
13 sworn, testified as follows:)

14 DIRECT EXAMINATION

15 BY MR. PREVAS:

16 Q. Mr. DiPino, you were sworn, is that right?

17 A. Yes.

18 Q. Okay. And do you work at Banditos?

19 A. Yes.

20 Q. And what is your capacity?

21 A. Our capacity is 200.

1 Q. No. I'm sorry. What is your job?

2 CHAIRMAN MATRICCIANI: That's actually a very
3 honest answer. He means, what's your job?

4 THE WITNESS: I am the general manager, so I'm
5 in control of all operations.

6 BY MR. PREVAS:

7 Q. And were you the manager on duty on May 13,
8 2017?

9 A. Yes.

10 Q. Okay. And this incident occurred around
11 1:40 a.m. Were you present?

12 A. Yes.

13 Q. Okay. Immediately prior to this occurring,
14 where were you?

15 A. Usually we start closing up, calling the last
16 call around 1:30 and moving people forward, try, you
17 know, let everybody know that we only have a short period
18 of time before staff and all starts cleaning up, and we
19 start closing up the tabs. And also, at 1:30, we start
20 moving people forward.

21 I grabbed the cash registers from our back bar,

1 which was closed and the lights were on, took it back to
2 my office with some of the money. I was putting some
3 things away.

4 Q. Okay. Just so the Board has a little bit of
5 concept about the interior layout of Banditos, the
6 current existing premise is not any expanded premises.
7 It's basically two rowhouse type buildings; is that
8 right?

9 A. Yes.

10 Q. And the main bar is on the north side.

11 A. The main bar is when you walk in the main
12 entrance it's straight up -- it's straight in front of
13 you.

14 Q. And that's the northernmost part of the bar on
15 Charles Street. Is that right?

16 A. Yes.

17 Q. And then the second part is the more southern
18 part of the building; is that right?

19 A. There's one small on the left and then there's
20 one towards the back.

21 Q. Okay. So on the southernmost, the southern of

1 the two halves there is a larger bar in the back?

2 A. Yes.

3 Q. And that's the bar that you had closed?

4 A. Yes.

5 Q. And the lights were up?

6 A. Yes.

7 Q. Okay. The incident occurred on the southern
8 side in front of the back door that had been closed?

9 A. It was kind of in between, in between the front
10 smaller bar and the larger back bar.

11 Q. Okay. Now before you left to go in the back to
12 put money away, were there any -- was there any type of
13 rowdiness or arguing or anything going on?

14 A. No. It was actually a, somewhat of a slower
15 night. So, like I said, I was just trying to speed up
16 the process a little bit, grab some of the things and
17 help the staff out and get cleaning up so we could get
18 ready for the next day.

19 Q. How many people were on duty at this point in
20 time, say around 1:30?

21 A. Staff or?

1 Q. Staff.

2 A. Staff, I had six people.

3 Q. And where were they located?

4 A. They were each at their bars. There was three
5 people at one bar, one person at another bar, and two
6 people in the back -- that we were closing.

7 Q. Okay. And the kitchen staff had -- they still
8 there cleaning?

9 A. No. They were all gone. They were all gone.

10 Q. They had already completed their duties?

11 A. Yes.

12 Q. All right. And there was security?

13 A. Yes.

14 Q. And who was security at that night?

15 A. There was --

16 Q. What company? What company?

17 A. Oh, there was Ace.

18 Q. Okay. And how many people?

19 A. Five.

20 Q. And where were they?

21 A. The last I saw they were scattered, usually two

1 people at the door and then three people covering some of
2 the areas inside the building depending where, you know,
3 the crowd is.

4 Q. Okay. And when you came out of the back room,
5 you were in the area of the back bar that had been
6 closed, and the lights were already up?

7 A. Yes.

8 Q. And what was your first observation with regard
9 to this incident?

10 A. Well, there was -- it was kind of like cloudy
11 because I think that somebody must have sprayed pepper
12 spray. So, like, when I looked up there, it kind of felt
13 like I was -- it was surreal, and I was looking around,
14 and it was completely cleared out. I didn't see any
15 security. I saw a couple of my staff members coughing,
16 so I assumed that something was severe. And then when I
17 looked forward, I saw that there -- something had
18 happened.

19 Q. Okay. You saw blood on the floor?

20 A. Yes.

21 Q. Okay. And did you go outside at that point?

1 A. No.

2 Q. What did you do next?

3 A. Well, I was walking up there, and I looked over
4 to the left, and I asked if everybody was okay, and they
5 said, yeah. So one of my barbacks was right there, and
6 I, you know, I've never been in the situation, so I told
7 him to start cleaning it up. I had about four females
8 that were working, and as a man, I didn't want them to
9 see it, but I didn't know the severity of the situation,
10 or else --

11 CHAIRMAN MATRICCIANI: Because the actual
12 individuals who were injured were outside?

13 THE WITNESS: Yes.

14 CHAIRMAN MATRICCIANI: Okay.

15 THE WITNESS: I didn't find that out until a
16 little bit later. But my first move was to make sure
17 that my staff was okay, so that's what I did. After I
18 got everybody towards the back, I went out to the front
19 and I looked outside, and I noticed that there was a man
20 that was laying right in between Banditos and Mad River.
21 So I went back inside, and by that time, the first

1 officers were coming in, and that's from there.

2 BY MR. PREVAS:

3 Q. And what did the officers do? Your first
4 initial contact with the officers.

5 A. They just asked me if everybody was okay
6 inside, asked if I was okay, asked if I knew anything. I
7 pretty much explained everything I just told you guys,
8 that I came out, I was kind of -- I was in shock. I've
9 never -- I've been doing this for a long time, and I've
10 never had a situation to where I kind of felt -- I don't
11 know, felt in that manner, I guess you could say.

12 Q. Felt what?

13 A. Just in that manner, just come out, and just I
14 was in complete surprise. But I didn't know exactly what
15 had happened, because when I came out, everybody was
16 gone.

17 Q. Okay. As far as your other employees, did
18 anybody have a better vantage point with regard to this
19 incident than you?

20 A. I mean, the people at the main bar wouldn't be
21 able to see because it was -- there's a wall right where

1 the instance happened. And then the people at the back
2 bar, they were too far back. There was only one
3 bartender that possibly could have seen something. When
4 I checked on him, he was, like, coughing severely, I
5 guess from whatever was sprayed. But I know everybody
6 followed up with him, and he said he didn't see anything.
7 It must have happened so fast he didn't even know the
8 severity of the situation as well.

9 Q. The individuals -- I'll call them the victims
10 -- was there any indication that they had acted in any
11 type of rowdy fashion prior to this incident?

12 A. No.

13 Q. Was there any advanced warning with regard to a
14 fight or an altercation before the stabbing?

15 A. No.

16 Q. Okay. Did you know Mr. Guzman, the -- he's the
17 defendant I'll call him?

18 A. No.

19 Q. Okay. And did you have any indication how he
20 got into your premises?

21 A. No.

1 Q. Did you -- well, I'll ask Mr. Dunlap with
2 regard to speaking with security about that. Okay. And
3 you cooperated with the police?

4 A. To the best of my ability, yes.

5 Q. Okay. And you didn't realize that you were
6 doing something wrong by mopping up the crime scene, is
7 that right?

8 A. No, not at all.

9 MR. PREVAS: Thank you. I have nothing else.

10 CHAIRMAN MATRICCIANI: Afterwards when you
11 spoke to people, was there anyone who had observed
12 Mr. Guzman before the incident or during the incident?

13 THE WITNESS: No.

14 CHAIRMAN MATRICCIANI: Okay. Any questions,
15 Commissioners?

16 COMMISSIONER PETERSEN MOORE: So you're the
17 person that gave the order to clean up the blood?

18 THE WITNESS: Yes.

19 COMMISSIONER PETERSEN MOORE: So you're saying
20 you came out of your office, you sensed pepper spray,
21 you're in shock, you make sure your staff are okay, and

1 then the next thing you do is say clean up the blood. Is
2 that how you recall --

3 THE WITNESS: Yes.

4 COMMISSIONER PETERSEN MOORE: Who actually
5 cleaned up the blood?

6 THE WITNESS: One of the barbacks. And, I
7 mean, I spoke to him as well, and he had no idea of the
8 severity of the situation, what had happened. He was
9 starting to do his cleanup duties as well.

10 COMMISSIONER PETERSEN MOORE: What is the
11 barback's name that did the cleanup?

12 THE WITNESS: John.

13 COMMISSIONER PETERSEN MOORE: John what?

14 THE WITNESS: Kruse.

15 COMMISSIONER PETERSEN MOORE: John Crews?

16 THE WITNESS: Yes.

17 COMMISSIONER PETERSEN MOORE: C-r-e-w-s?

18 THE WITNESS: K-r-u-s-e.

19 COMMISSIONER PETERSEN MOORE: K?

20 THE WITNESS: -- r-u-s-e.

21 COMMISSIONER PETERSEN MOORE: Okay. And how

1 old is he?

2 THE WITNESS: He's 23, I believe.

3 COMMISSIONER PETERSEN MOORE: All right. Had
4 Mr. Guzman been into Banditos before?

5 THE WITNESS: Not to my knowledge.

6 COMMISSIONER PETERSEN MOORE: And do you know
7 whether or not he had any relationship with any of the
8 victims?

9 THE WITNESS: No.

10 COMMISSIONER PETERSEN MOORE: And do you know
11 whether any of the victims were related to one another in
12 terms of friendship or kinship?

13 THE WITNESS: No.

14 COMMISSIONER PETERSEN MOORE: You don't know?
15 From what you've learned since this incident happened, is
16 it your understanding that they were just four people who
17 were randomly involved in a horrible incident?

18 THE WITNESS: To my understanding.

19 COMMISSIONER PETERSEN MOORE: What do you mean,
20 to your understanding?

21 THE WITNESS: I mean, I didn't physically -- or

1 I didn't see anything. I was in the back, so throughout
2 the night there's a lot of patrons that come in, and I
3 didn't notice that they knew each other or anything like
4 that. I'm mostly checking on my staff and making sure
5 security is doing their job.

6 COMMISSIONER PETERSEN MOORE: All right. And
7 since the incident happened, have you had the chance to
8 inquire or ask of anybody, who are these people or why
9 were they in our establishment and why did this happen?

10 THE WITNESS: Not me specifically, no.

11 COMMISSIONER PETERSEN MOORE: Who did?

12 MR. PREVAS: Mr. Dunlap will testify next.

13 COMMISSIONER PETERSEN MOORE: I'm asking him.
14 Who did?

15 THE WITNESS: The owner, Drew Dunlap.

16 COMMISSIONER PETERSEN MOORE: Okay. He made
17 those inquiries?

18 THE WITNESS: Yes.

19 COMMISSIONER PETERSEN MOORE: Okay. Are you
20 still employed at Banditos?

21 THE WITNESS: Yes.

1 COMMISSIONER PETERSEN MOORE: Was it ever later
2 confirmed that pepper spray was dispensed at this --
3 during this incident?

4 THE WITNESS: I don't know if it was confirmed,
5 but I'm pretty sure that it was in the air.

6 COMMISSIONER PETERSEN MOORE: Okay. Do you
7 know who used the pepper spray?

8 THE WITNESS: No.

9 COMMISSIONER PETERSEN MOORE: All right. And
10 how long between the incident -- so you detect there's an
11 incident. There's basically chaos. At some point, the
12 police, the detectives arrive. What was the time span
13 between when you discovered the problem and the police
14 arrived?

15 THE WITNESS: I mean, maybe five minutes. I'm
16 not exactly sure. It was pretty chaotic.

17 COMMISSIONER PETERSEN MOORE: All right. So
18 with all of the chaos going on, you did have the presence
19 of mind to say, clean up this mess?

20 THE WITNESS: Yes.

21 COMMISSIONER PETERSEN MOORE: Did it ever occur

1 to you that you were destroying evidence due to your
2 action?

3 THE WITNESS: No. I didn't know the severity
4 of the situation. And you put an ordinary person --

5 COMMISSIONER PETERSEN MOORE: How much blood
6 was on the floor?

7 THE WITNESS: Maybe four, three, three or four-
8 foot like radius of blood.

9 COMMISSIONER PETERSEN MOORE: So that's a
10 pretty large radius.

11 THE WITNESS: I've seen just as much in the
12 kitchen when I was cooking and somebody cut their
13 finger.

14 COMMISSIONER PETERSEN MOORE: And you saw that
15 happen, and so, then you would know the cause of that
16 blood, correct?

17 THE WITNESS: Sure.

18 COMMISSIONER PETERSEN MOORE: But when you come
19 out of your office, pepper spray has been dispensed, the
20 area has been cleared out, you've had the presence of
21 mind to ask your staff is okay because you know the

1 answer could be yes and the answer could be no. And you
2 see a copious amount of blood on the floor, and your
3 first thought is to clean it up?

4 THE WITNESS: Sure. I didn't see any incentive
5 in cleaning up the blood. I mean, I was just trying to
6 protect my staff, especially with females that were
7 working that night.

8 COMMISSIONER PETERSEN MOORE: Protect your
9 staff from what?

10 THE WITNESS: From seeing blood.

11 COMMISSIONER PETERSEN MOORE: Okay. But they
12 would have seen blood in the kitchen, right?

13 THE WITNESS: I mean --

14 COMMISSIONER PETERSEN MOORE: So what's the big
15 deal if they see blood?

16 THE WITNESS: I was just reacting.

17 COMMISSIONER PETERSEN MOORE: You see where I'm
18 going, right? It just doesn't make sense to me. I'm
19 just trying to understand why your first thought would be
20 to destroying evidence as opposed to making an
21 assessment, as the general manager, of what's going on

1 and where are the injured people. Where did this blood
2 come from, what's going on here, how do we get a handle
3 on this situation. I'm just trying to understand.

4 THE WITNESS: Yeah. I mean, I've been doing
5 this for 20 years, and that's never happened to me. So
6 when you put an ordinary person in an extraordinary
7 situation, you know, you've got to do your best, and that
8 was the best I had.

9 COMMISSIONER PETERSEN MOORE: Except that
10 you're not an ordinary person. You've been managing bars
11 for 20 years. You've been in --

12 THE WITNESS: I've been in the business for 20
13 years.

14 COMMISSIONER PETERSEN MOORE: Yeah, you've been
15 in the business for 20 years?

16 THE WITNESS: Sure.

17 COMMISSIONER PETERSEN MOORE: You've probably
18 seen a lot. You've seen a lot of blood just by your own
19 testimony?

20 THE WITNESS: Never seen that --

21 COMMISSIONER PETERSEN MOORE: So that's even

1 more important. You've never seen that much.

2 THE WITNESS: No. I've never been in that
3 situation where I came out and something had happened,
4 and then figuring out exactly what had happened.

5 COMMISSIONER PETERSEN MOORE: And everything is
6 different?

7 THE WITNESS: Yeah.

8 COMMISSIONER PETERSEN MOORE: Wouldn't the
9 blood evidence have helped you understand what was
10 happening? You didn't consider that a factor?

11 THE WITNESS: Everything happened so fast. My
12 head was spinning. I was just doing what I thought was
13 best.

14 COMMISSIONER PETERSEN MOORE: Had you been
15 drinking that night?

16 THE WITNESS: No.

17 COMMISSIONER PETERSEN MOORE: And you felt that
18 you -- you feel today that you had the presence of mind
19 in that situation?

20 THE WITNESS: Yes.

21 COMMISSIONER PETERSEN MOORE: Okay. All right.

1 Those are all the questions I have.

2 COMMISSIONER GREENFIELD: Mr. DiPino, just a
3 couple questions. How long -- at what point, prior to
4 this incident, did the video feed -- how long was that
5 suspended? How --

6 THE WITNESS: We were upgrading the cameras
7 that Wednesday. So it had been two or three days that
8 they were working on the new cameras.

9 COMMISSIONER GREENFIELD: So just before this
10 incident, it just happened that way?

11 THE WITNESS: One was, they were upgrading,
12 yes.

13 COMMISSIONER GREENFIELD: Okay.

14 THE WITNESS: Took them about a week.

15 COMMISSIONER GREENFIELD: As the general
16 manager, do you know -- and perhaps this is a question
17 for Mr. Dunlap -- but is there -- does Banditos have a
18 policy on any, you know, any internal policies on
19 criminal incidents that might occur in the
20 establishment?

21 THE WITNESS: We've never had any instances

1 before. But, I mean, anything that has happened with an
2 altercation or anything inside has usually been diffused
3 by security, and nothing severe has happened.

4 COMMISSIONER GREENFIELD: Okay. I suspect this
5 is probably pretty eye opening now?

6 THE WITNESS: Yes.

7 COMMISSIONER GREENFIELD: And I suspect that
8 going forward, Banditos, and hopefully others, will
9 recognize, at least with respect to this issue of
10 cleanup, that be a little bit more aware of.

11 THE WITNESS: We'll have systems in place,
12 yes.

13 COMMISSIONER GREENFIELD: Mr. Chairman, if I
14 could ask the Detective one question?

15 Mr. DiPino referenced spray. I didn't hear
16 that in any of the evidence. Are you aware of any
17 spraying? If so, what kind?

18 MR. GOODWIN: No, sir. I didn't -- I wasn't --
19 I didn't -- detect any kind of spray.

20 COMMISSIONER GREENFIELD: Inspector.

21 MR. GREENFIELD: We wasn't aware of any spray.

1 As I said, when we got there at 2:20 a.m., the scene was
2 pretty much clear. But it's a good chance -- it's always
3 a possibility that might have been dispersed by any, you
4 know, the security personnel. But when we got there, I
5 didn't detect any evidence of any type of pepper spray.
6 But, again, like I said, there was a very strong odor of
7 bleach, so that could have blocked out any type of smell
8 of anything like that too.

9 CHAIRMAN MATRICCIANI: Who contacted the
10 police?

11 THE WITNESS: They were already outside. I
12 mean, there are usually, like, a couple of patrol cars
13 outside. But I didn't physically make the phone call.

14 COMMISSIONER GREENFIELD: It was a Saturday
15 night, right, so I assume --

16 MR. PREVAS: Friday.

17 THE WITNESS: Friday.

18 COMMISSIONER GREENFIELD: So, but usually,
19 they're -- I understand that there are probably some
20 officers.

21 CHAIRMAN MATRICCIANI: Okay. Did you want to

1 present other evidence?

2 MR. PREVAS: Yes. Call Mr. Andrew Dunlap.

3 CHAIRMAN MATRICCIANI: Yes, sir, please come
4 forward.

5 (Whereupon,

6 ANDREW DUNLAP

7 was called as a witness, and having been first duly
8 sworn, testified as follows:)

9 DIRECT EXAMINATION

10 BY MR. PREVAS:

11 Q. Mr. Dunlap, you were sworn?

12 A. Yes.

13 Q. Okay. Now, with regard to speaking with the
14 police and the liquor inspectors, did you speak with them
15 that night?

16 A. No. I was not there that night.

17 Q. Okay. You spoke with Detective Greenhill and
18 Inspector Chrissomallis the next evening?

19 A. Correct.

20 Q. Okay. And did they interview you and your
21 staff and security?

1 A. Me, myself, Travis Reed, who was the manager
2 that night, and Matt Sauers, who was the head of the
3 security company we were using at that time.

4 Q. Okay. Now were you physically present when
5 this incident occurred the night before?

6 A. No, I was not.

7 Q. Okay. Did you go to the premises thereafter?
8 Did you receive a call?

9 A. No, I did not go to the premises --

10 Q. Were you out of town?

11 A. I was in DC that night.

12 Q. Okay. Now, when you met with
13 Detective Greenhill and Inspector Chrissomallis, were you
14 polite and cooperative and answered all their questions?

15 A. Yes.

16 Q. Okay. And your then security, Mr. Sauers, was
17 he answering all their questions?

18 A. Yes.

19 Q. Okay. And they inquired about Mr. Guzman, who
20 he was and his age and why he was in there. Were you
21 present when they questioned Mr. Sauers?

1 A. Yes.

2 Q. And what occurred?

3 A. I mean, that communication was not between me.
4 Mr. Chrissomallis and Mr. Sauers, but it was an exchange,
5 basically divulging the fact that the suspect was under
6 age, and that it was something that needed to be looked
7 into.

8 Q. Okay. And have you determined any further
9 information since that evening with regard to
10 Mr. Guzman?

11 A. Not in entirety. My communications were with
12 Mr. Mundy (ph.), who was the detective on the case. And
13 that was me getting updates, just trying to find out some
14 information. But through the process, it seemed as if
15 there wasn't much information being divulged, but that
16 was about it.

17 Q. Okay. Did you learn any further information
18 about how Mr. Guzman got into the premises?

19 A. No, I did not.

20 Q. Okay. Did you change security since this
21 occurred?

1 A. Yes. The following week we had a new security
2 company.

3 Q. And why was that?

4 A. Just through our -- through the process of
5 speaking with the inspectors and, I guess, the production
6 of some of the evidence that was coming forth, we felt
7 that it was time to question who we had working for our
8 security company and seeing if there was something better
9 out there.

10 Q. Okay. And you did in fact hire a new
11 security?

12 A. Yes. They're called PSG.

13 Q. And they are there at present?

14 A. Correct.

15 Q. Okay. Now, with regard to Mr. DiPino mopping
16 up the blood evidence, did you have policies in place
17 prior to that occurring?

18 A. No, we did not. Quite frankly, we don't look
19 at our place as being a place that should ever have to
20 undergo something this tragic. So when something like
21 this happens, you're right, it is very eye opening, and

1 we don't take it lightly, so that you all know that. I
2 think Mr. DiPino just reacted, as he said. None of us
3 had really experienced anything like this or this kind of
4 severity. So I think in his mind, speaking for myself, I
5 would have probably reacted in the same manner, just in
6 the thought of cleaning up a mess, not knowing whether or
7 not there was three victims, or the severity of the
8 situation.

9 In my eyes, I've seen blood on the floor. I
10 don't think crime. I just think of safety first, I
11 guess, because I've never seen this before. So I think
12 that would be my reaction as well.

13 Q. Okay. Now, with regard to the security that
14 was present, they had adequate staffing there that
15 evening?

16 A. Yes.

17 Q. Okay. And other than this incident everything
18 seemed to have been in good operational fashion?

19 A. Yes. We've never had any incidences with them.
20 And if I remember correctly, we've been working with them
21 since the end of 2013, somewhere in that time. So three

1 to four years we've been using that company. And we
2 hired them as a reference. They do big events. Some
3 stuff at Merriweather. They do -- it's a accredited
4 security company, so we thought.

5 Q. Okay. Now, did you learn any follow-up
6 information with regard to the victims?

7 A. Yes. I -- so I go to a barbershop, and I was
8 speaking to my barber, and he had informed me that his
9 girlfriend was friends with the victims in the situation.
10 And I was, like -- it was --

11 Q. They appeared to have been people of good
12 character?

13 A. Yes. My barber is -- I definitely, I -- he's a
14 guy that I, yes, I would say that his word is --

15 CHAIRMAN MATRICCIANI: Were any of them ever
16 charged with anything?

17 MR. PREVAS: I'm sorry?

18 CHAIRMAN MATRICCIANI: Was --

19 MR. PREVAS: No, no.

20 CHAIRMAN MATRICCIANI: So why are we going
21 there?

1 MR. PREVAS: Just to establish it.

2 CHAIRMAN MATRICCIANI: Did anybody ever find
3 out why Mr. Guzman did this? Was he --

4 THE WITNESS: Not to my knowledge.

5 CHAIRMAN MATRICCIANI: -- intoxicated? Was he
6 high? Was he in an argument? Nobody knows?

7 THE WITNESS: Not to my knowledge.

8 CHAIRMAN MATRICCIANI: Okay.

9 Questions?

10 COMMISSIONER PETERSEN MOORE: Yeah. Are you
11 done with him?

12 MR. PREVAS: Yes.

13 COMMISSIONER PETERSEN MOORE: So you just said
14 that the security company that you had at the time was
15 accredited security company, or so we thought?

16 THE WITNESS: Correct.

17 COMMISSIONER PETERSEN MOORE: What does that
18 mean?

19 THE WITNESS: When we hired them.

20 COMMISSIONER PETERSEN MOORE: What do you mean?

21 THE WITNESS: When we hired them, just with

1 their track records, and some of the accounts that they
2 had, and that they worked with, we felt that they were a
3 good company to use.

4 COMMISSIONER PETERSEN MOORE: So you thought
5 they were qualified as opposed to having some sort of
6 special accreditation in the security field --

7 THE WITNESS: Correct.

8 COMMISSIONER PETERSEN MOORE: To this day, can
9 -- do you know how Mr. Guzman got into the
10 establishment?

11 THE WITNESS: No. I have no idea. All we can
12 do, I guess, is just assume. I had been in contact with
13 Mr. Mundy just to ask if there was any other information.
14 Whether just his friends or who he was with or his
15 record. And he definitely said that he was known in the
16 south Baltimore area, that he shouldn't -- he was not a
17 person -- he was under age, and he should not have been
18 in there, but as to how he got in there, we have no idea.

19 COMMISSIONER PETERSEN MOORE: Did you say that
20 he was known in the south Baltimore area?

21 THE WITNESS: Some of the detectives knew of

1 him.

2 COMMISSIONER PETERSEN MOORE: Okay. So --

3 THE WITNESS: Or Mr. Mundy said that they knew
4 his name.

5 COMMISSIONER PETERSEN MOORE: I was starting to
6 wonder if maybe he was a phantom. Nobody knows anything
7 about him. So he does have some identity?

8 THE WITNESS: Unfortunately, as a bad person.

9 COMMISSIONER PETERSEN MOORE: He does have some
10 profile?

11 THE WITNESS: Unfortunately, as a bad person.

12 COMMISSIONER PETERSEN MOORE: And he was known?

13 THE WITNESS: And then, yeah, so the police
14 know about him.

15 COMMISSIONER PETERSEN MOORE: And he was known.
16 But he somehow got past your security that night?

17 THE WITNESS: Correct.

18 COMMISSIONER PETERSEN MOORE: And to this day,
19 you don't know how he got past your security?

20 THE WITNESS: Correct.

21 COMMISSIONER PETERSEN MOORE: Do you have any

1 thought that maybe your security just let him in, like,
2 they knew him and just said come on in?

3 THE WITNESS: I can't speak on behalf of them,
4 so I don't have an answer for that.

5 COMMISSIONER PETERSEN MOORE: What's your
6 sense? What's your --

7 THE WITNESS: I think he --

8 COMMISSIONER PETERSEN MOORE: -- because, as I
9 sit here, to me, it's hard to solve a problem if you
10 don't know what the problem is, and so far no one knows
11 what the problem is that allowed this kid -- he's a kid,
12 to get in.

13 THE WITNESS: I totally agree with you.

14 COMMISSIONER PETERSEN MOORE: So I'm listening
15 for something that tells us that you have some sense of
16 how this happened.

17 THE WITNESS: I feel like there's a lot of
18 variables. Yes, he may have well known somebody that was
19 working the door that night. I don't know. We were
20 advised not to communicate with the security company
21 following that.

1 COMMISSIONER PETERSEN MOORE: Who advised you
2 not communicate with the security company?

3 THE WITNESS: Just speaking to counsels and
4 people that are like, well, if --

5 COMMISSIONER PETERSEN MOORE: Did an attorney
6 tell you do not talk to the security company?

7 THE WITNESS: We have a criminal attorney that
8 we do talk to, and he has no bearing on this case. He
9 was just giving advice as to not to incriminate, or not
10 to --

11 COMMISSIONER PETERSEN MOORE: Okay. Because I
12 would think that would be the first thing you would do.

13 THE WITNESS: I did. And we did speak to
14 Mr. Sauers, and we told him that we need to get the --
15 talk to the people that were working that night, and he
16 said he was on it. I just didn't feel comfortable myself
17 going to each of them individually asking questions
18 knowing -- not knowing what the result may be.

19 COMMISSIONER PETERSEN MOORE: So I looked at
20 the records, and we had an application to remove
21 Bruce Richardson from the license and add you.

1 THE WITNESS: Correct.

2 COMMISSIONER PETERSEN MOORE: Are you on the
3 license?

4 THE WITNESS: No, I'm not.

5 COMMISSIONER PETERSEN MOORE: You're not on
6 the license?

7 THE WITNESS: No.

8 COMMISSIONER PETERSEN MOORE: Is Mr. Richardson
9 still on the license?

10 THE WITNESS: Yes, I believe so.

11 COMMISSIONER PETERSEN MOORE: Bruce Richardson.

12 THE WITNESS: He was supposed to come off, I
13 feel, at the -- yes, he's on there.

14 COMMISSIONER PETERSEN MOORE: Is he here today?

15 THE WITNESS: No, he is not.

16 COMMISSIONER PETERSEN MOORE: Is Michael Wolfe
17 here today?

18 MR. WHITE: Michael White.

19 THE WITNESS: Yes.

20 COMMISSIONER PETERSEN MOORE: Michael White.
21 You are here. Okay. So okay. So as of now, you've not

1 had any in-depth discussion with the former security
2 company as to the -- the key question here is how did
3 this guy get in.

4 THE WITNESS: Correct.

5 COMMISSIONER PETERSEN MOORE: And you've not
6 had that discussion.

7 THE WITNESS: Once we started to delve into it,
8 our insurance companies got involved, and we had to give
9 our accounts and his accounts, and they told us that they
10 would take it from there.

11 COMMISSIONER PETERSEN MOORE: And has your
12 insurance company done its own investigation and --

13 THE WITNESS: Yes.

14 COMMISSIONER PETERSEN MOORE: -- what are the
15 results of that investigation?

16 THE WITNESS: It's still pending.

17 COMMISSIONER PETERSEN MOORE: All right.

18 THE WITNESS: It's pending.

19 COMMISSIONER PETERSEN MOORE: So this incident
20 occurred in May?

21 THE WITNESS: Correct.

1 COMMISSIONER PETERSEN MOORE: And it's now
2 July?

3 THE WITNESS: Correct.

4 COMMISSIONER PETERSEN MOORE: So here six
5 months later you don't --

6 THE WITNESS: We don't know anything honestly.

7 COMMISSIONER PETERSEN MOORE: You don't know
8 anything?

9 THE WITNESS: Not involving the criminal side
10 of the case, correct.

11 COMMISSIONER PETERSEN MOORE: And just
12 involving the question of how did this person get in,
13 what's the answer to that question?

14 THE WITNESS: We still do not know.

15 CHAIRMAN MATRICCIANI: Is the criminal case
16 over?

17 THE WITNESS: No.

18 CHAIRMAN MATRICCIANI: Okay.

19 COMMISSIONER PETERSEN MOORE: All right. So
20 with respect -- where were you that -- you were in
21 Washington, DC, that night?

1 THE WITNESS: Correct.

2 COMMISSIONER PETERSEN MOORE: When did you find
3 out about this incident?

4 THE WITNESS: Late that night I got phone
5 calls, maybe late, late, 3:45. I didn't answer. I
6 didn't know my phone was even ringing at that time. I
7 was asleep.

8 COMMISSIONER PETERSEN MOORE: Do you live in
9 DC?

10 THE WITNESS: So the next -- no, I do not.

11 COMMISSIONER PETERSEN MOORE: Okay. Where do
12 you live?

13 THE WITNESS: I now live in Federal Hill.

14 COMMISSIONER PETERSEN MOORE: Okay. So you're
15 not there. Your phone's ringing, basically, off the
16 hook, right?

17 THE WITNESS: It's late, yes.

18 COMMISSIONER PETERSEN MOORE: But it's late.

19 THE WITNESS: Yes.

20 COMMISSIONER PETERSEN MOORE: And you don't
21 answer?

1 THE WITNESS: We put our trust in our managers.
2 Jimmy's been in this business, like he said, for a very
3 long time. Everybody that's on our staff that is in
4 operational position has experience, and we trust to be
5 the face of the business.

6 COMMISSIONER PETERSEN MOORE: And what is your
7 role with respect to this establishment?

8 THE WITNESS: I'm a managing member.

9 COMMISSIONER PETERSEN MOORE: You're a managing
10 member. So you're one of the owners, right?

11 THE WITNESS: Correct.

12 COMMISSIONER PETERSEN MOORE: When exactly did
13 you find out about what happened?

14 THE WITNESS: The next morning I got an
15 in-depth conversation. I came right back to the --
16 actually got the whole story.

17 COMMISSIONER PETERSEN MOORE: What time?

18 THE WITNESS: I can't recall.

19 COMMISSIONER PETERSEN MOORE: Was it 7 a.m.,
20 8 a.m., 9 a.m., 10, 11 --

21 THE WITNESS: Yeah, it was early, seven-ish.

1 I'd say 7 a.m.

2 COMMISSIONER PETERSEN MOORE: Okay.

3 CHAIRMAN MATRICCIANI: Anything further?

4 COMMISSIONER PETERSEN MOORE: No, that's it.

5 CHAIRMAN MATRICCIANI: Commissioner?

6 COMMISSIONER GREENFIELD: No, noting at this
7 point.

8 CHAIRMAN MATRICCIANI: Okay. Any other
9 evidence?

10 MR. PREVAS: Yes. I don't know whether -- let
11 me explain. I have two other witnesses. I don't know
12 whether --

13 CHAIRMAN MATRICCIANI: Are they cumulative or
14 do they have something new to add?

15 MR. PREVAS: They're not cumulative, but they
16 may be more involved with sanction or lack thereof than
17 -- or mitigation than --

18 CHAIRMAN MATRICCIANI: Would they know anything
19 more about the violation?

20 MR. PREVAS: No. I have --

21 CHAIRMAN MATRICCIANI: Okay.

1 MR. PREVAS: So I can explain. I have Mr. Paul
2 Johnston, who is the head of the new security firm to
3 explain what measures are now in place. And I also have
4 Mr. Brian Saval from the South Baltimore Neighborhood
5 Association.

6 CHAIRMAN MATRICCIANI: And he knows about the
7 violations?

8 MR. PREVAS: Not direct knowledge of that
9 evening, just about the general character of the
10 business.

11 CHAIRMAN MATRICCIANI: Well, we're going to get
12 to that. Let's just hear what the new arrangement is,
13 okay.

14 MR. PREVAS: Thank you.

15 Mr. Johnston.

16 COMMISSIONER PETERSEN MOORE: And I have some
17 questions for the detectives, whenever.

18 CHAIRMAN MATRICCIANI: Okay, but you know we
19 have a long docket folks. We've got to get moving.

20 Okay, let's go.

21

1 (Whereupon,

2 PAUL JOHNSTON

3 was called as a witness, and having been first duly
4 sworn, testified as follows:)

5 DIRECT EXAMINATION

6 BY MR. PREVAS:

7 Q. Okay, Mr. Johnston, you were sworn?

8 A. Yes, I was.

9 Q. Okay. And what is your company's name?

10 A. PSG.

11 Q. And have you been retained by Banditos to
12 operate security at this time?

13 A. We have.

14 Q. Okay. And what measures have you put in place.
15 I know you're probably not familiar with the prior
16 company, but what do you guys do?

17 A. From the point that we hire employees, they are
18 screened for background and pre-assignment drug
19 screening. They're also guard-carded through the
20 Maryland State Police Department.

21 Q. Can you explain the guard card?

1 A. The guard card is a program that's operated and
2 functioned by the Maryland State Police Department. They
3 do a thorough background check, both federal and state,
4 and any state location that the employee has lived in the
5 past 10 years. Check for background and areas that would
6 make them not fit to serve in that function. And then
7 after that process is over, they are then licensed to
8 operate as a security officer within the State of
9 Maryland.

10 Q. And would a -- would criminal convictions
11 involving crimes of moral turpitude or CDS violations --

12 A. Correct.

13 Q. -- prohibit those persons from being employed
14 by you?

15 A. It would.

16 Q. Okay. And how many people do you have at
17 Banditos?

18 A. At Banditos, I have five to six, depending upon
19 the night.

20 CHAIRMAN MATRICCIANI: Let's cut to the chase.

21 What are you doing to keep 17-year-olds out?

1 THE WITNESS: We employ a scanner that scans
2 for false identification, fake IDs that have been created
3 at the highest level. Then our employees also do a
4 visual inspection of the ID to make sure that the person
5 who is presenting is in fact the person who is pictured
6 on the ID.

7 CHAIRMAN MATRICCIANI: Okay. And is that new,
8 or did they have a scanner the previous company, do you
9 know?

10 THE WITNESS: I'm not aware.

11 CHAIRMAN MATRICCIANI: Okay. Questions for
12 Mr. Johnston?

13 COMMISSIONER GREENFIELD: No.

14 COMMISSIONER PETERSEN MOORE: I don't have any
15 questions for Mr. Johnston. I do have a question for
16 Detective Goodwin, whenever --

17 CHAIRMAN MATRICCIANI: Yeah, let's --
18 Do you have anything for --

19 MR. PREVAS: Nothing for Mr. Johnston.

20 CHAIRMAN MATRICCIANI: Okay. Thank you, sir.

21 THE WITNESS: Thank you, sir.

1 CHAIRMAN MATRICCIANI: Lieutenant Goodwin.

2 COMMISSIONER PETERSEN MOORE: Detective --

3 MR. GOODWIN: Yes, ma'am.

4 COMMISSIONER PETERSEN MOORE: We've heard
5 testimony today that there was a sense that pepper spray
6 had been used, and your testimony was that when you came
7 in, all you smelled was bleach. You did not smell pepper
8 spray; is that correct?

9 MR. GOODWIN: Correct.

10 COMMISSIONER PETERSEN MOORE: Have you ever
11 been in a situation where pepper spray had been used?

12 MR. GOODWIN: Yes, ma'am.

13 COMMISSIONER PETERSEN MOORE: And how long does
14 it linger? How long does that odor linger in the air?

15 MR. GOODWIN: There's a bunch of contributing
16 factors depending on the brand, the make the model of
17 pepper spray. I mean, it could linger around for awhile.
18 If it's expired, it's outdated, it could not linger
19 around, could not have such an effect, a vast effect.

20 COMMISSIONER PETERSEN MOORE: Did you have an
21 opportunity to ask questions of any of the patrons or the

1 victims that were in the bar at the time?

2 CHAIRMAN MATRICCIANI: No, ma'am.

3 COMMISSIONER PETERSEN MOORE: You didn't talk
4 to any of the victims or the patrons?

5 MR. GOODWIN: No, ma'am.

6 COMMISSIONER PETERSEN MOORE: Okay. Thank you.

7 CHAIRMAN MATRICCIANI: Anything further on the
8 violations?

9 MR. PREVAS: No, Mr. Chairman.

10 COMMISSIONER PETERSEN MOORE: Detective
11 Greenhill, did you have an opportunity to interview any
12 of the patrons or --

13 MR. GREENHILL: No. As I said, once we got
14 there at 2:20, the only people that was on the scene was
15 crime lab techs and police activity. Pretty much all
16 patrons activity had dispersed at that time.

17 COMMISSIONER PETERSEN MOORE: Okay. Did you
18 detect pepper spray when you were there?

19 MR. GREENHILL: No.

20 COMMISSIONER PETERSEN MOORE: Okay. Thank you.

21 COMMISSIONER GREENFIELD: Mr. DiPino, if I

1 could ask a follow-up. I thought I heard you say with
2 respect to Mr. Guzman being in the bar, that it was
3 possible, correct me if I'm wrong, that Mr. Guzman may
4 have been there to eat.

5 MR. DIPINO: Yes.

6 COMMISSIONER GREENFIELD: And so explain to us
7 that process. If you have someone who is under age there
8 eating --

9 MR. DIPINO: Yes.

10 COMMISSIONER GREENFIELD: And you close the
11 kitchen, how do you ensure that someone who is under age
12 does not have access to the bar?

13 MR. DIPINO: The previous -- I mean, the
14 security company is instructed to, around, like, 10:30,
15 11 o'clock when we're closing the kitchen, go back
16 around, re-card people, and either let them --

17 CHAIRMAN MATRICCIANI: We don't have any
18 evidence he was drinking. All we know is that he was in
19 a fight.

20 MR. DIPINO: Yes.

21 COMMISSIONER PETERSEN MOORE: Well, I'll let

1 you finish, because I had questions along those lines as
2 well.

3 COMMISSIONER GREENFIELD: So do we know if he
4 was carded by the security company at all?

5 MR. DIPINO: No.

6 COMMISSIONER GREENFIELD: Clearly he wasn't.

7 MR. DIPINO: Yes.

8 COMMISSIONER GREENFIELD: Okay. Thank you.

9 CHAIRMAN MATRICCIANI: But minors are allowed
10 in?

11 MR. DIPINO: Yes.

12 CHAIRMAN MATRICCIANI: Okay.

13 COMMISSIONER PETERSEN MOORE: Minors are
14 allowed in, but they're not allowed to drink?

15 MR. DIPINO: Yes.

16 COMMISSIONER PETERSEN MOORE: And after you
17 close the kitchen at 10:30, is it the practice of the bar
18 to clear the bar of minors and then have the drinking
19 only portion of the night?

20 MR. DIPINO: I mean, the security company in
21 the past, I guess, would use their discretion in that

1 situation. If somebody was eating, they wouldn't tell
2 them that they have to get up and leave. They would know
3 that they were under age, and then out at the appropriate
4 time, using their discretion.

5 COMMISSIONER PETERSEN MOORE: So the situation
6 that we're all concerned about could actually repeat
7 itself?

8 MR. DIPINO: No.

9 COMMISSIONER PETERSEN MOORE: Why not?

10 MR. DIPINO: Because now, I mean, I feel like
11 that we've made the adjustments with the scanners and
12 things like that so we're more efficient.

13 COMMISSIONER PETERSEN MOORE: But have you
14 changed the policy of allowing people to come in and eat?
15 I mean, everybody likes tacos.

16 MR. DIPINO: Yes, of course.

17 COMMISSIONER PETERSEN MOORE: So, but once the
18 kitchen is closed, someone that comes in for tacos but
19 not drinks can still be in the bar, correct?

20 MR. DIPINO: I mean, I think going forward
21 we're going to make some adjustments with our protocol,

1 and nobody will be allowed in the bar that is under 21
2 after a certain period of time. But legally, we don't
3 have to tell them that they have to leave if they're just
4 eating dinner.

5 COMMISSIONER PETERSEN MOORE: Do the bartenders
6 have the obligation to card?

7 MR. DIPINO: Yes.

8 COMMISSIONER PETERSEN MOORE: And do they?

9 MR. DIPINO: Yes.

10 COMMISSIONER PETERSEN MOORE: And, well, do
11 they have the scanners that you described?

12 MR. DIPINO: No. The scanners are for the
13 security company only. Once we have somebody at the
14 door, if the bartender feels like they should check
15 somebody's identification again, they have the freedom to
16 do that. But for the most part, we trust our security
17 companies to do what we pay them to do.

18 COMMISSIONER PETERSEN MOORE: Okay. All right.
19 Thank you very much.

20 MR. PREVAS: Just a follow-up. I think it will
21 get to Commissioner Moore's question.

1 After the kitchen closes, are minors allowed in
2 the premises?

3 MR. DIPINO: No. They can't come in, no.

4 MR. PREVAS: Okay. It's just --

5 CHAIRMAN MATRICCIANI: But if they're there,
6 they're not thrown out?

7 COMMISSIONER PETERSEN MOORE: They don't have
8 to leave?

9 MR. DIPINO: They're not thrown out, no.

10 MR. PREVAS: Right, okay.

11 CHAIRMAN MATRICCIANI: Anything further?

12 MR. PREVAS: Nothing further.

13 CHAIRMAN MATRICCIANI: Anyone?

14

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D E C I S I O N

1
2 CHAIRMAN MATRICCIANI: With respect to the
3 violation, so the way I read this, the violation of Rule
4 3.12 was charged because an incident of violence occurred
5 on the premises, and was not immediately controlled, and
6 there were serious consequences and three innocent
7 victims as a result. And the same is true of the Rule
8 4.16 violation. The fact that Mr. Guzman was on the
9 premises for whatever reason, we have no evidence that he
10 was there unlawfully. So it but the control of the
11 incident is, I think a violation of the rule, and the
12 consequent circumstances that led to these serious
13 injuries. So I would find a violation of Rule 3.12 and
14 Rule 4.16.

15 Mr. Akras, I need some guidance on Rule 3.02
16 because it sounds as though cooperation as an element of
17 intent, and the testimony we have is that there was no
18 intent to be non-cooperative.

19 MR. AKRAS: I don't have that --

20 CHAIRMAN MATRICCIANI: So you don't know.
21 Okay. I would not find a violation of Rule 3.02.

1 COMMISSIONER PETERSEN MOORE: So I concur in
2 the finding of a violation of 3.12. I concur with
3 finding of a violation of 4.16. I also find a violation
4 of Rule 3.02 with respect to cooperation because what the
5 testimony is knowingly or unknowingly, there was an
6 effort to rid the scene of blood evidence. And blood
7 evidence can't be reconstructed, particularly when it's
8 destroyed by bleach. It wasn't just a matter of mopping
9 it up. It was actually an effort to bleach it. It was a
10 strong odor of bleach. So I do find that violation.
11 It's almost, you know, either Stupid 101 applies to you
12 or it applies to us in thinking that there wasn't a
13 violation, and I don't think anybody's stupid here. I
14 think it's intentional.

15 Thank you.

16 COMMISSIONER GREENFIELD: I find a violation of
17 Rule 3.12 and a violation of 4.16. With respect to 3.02,
18 our rules state that licensees and their agents and
19 employees shall cooperate with the representatives of the
20 Board, Police Department, et cetera, who are there on
21 official business. What I heard from Mr. DiPino is he

1 immediately addressed the situation before any official
2 came in to ask that that not occur. His evidence
3 suggests to me that there was not intent to be
4 uncooperative. So I would not find a violation of that
5 rule. I do think that this was serious enough that going
6 forward, it will be more aware you'll be more aware,
7 and I hope others will as well.

8 CHAIRMAN MATRICCIANI: Okay. And with respect
9 to any sanctions, so just so the record is clear, the
10 last violation, if there are any others, was in 2014 for
11 violating prohibited hours, and there was a fine imposed.

12 UNIDENTIFIED SPEAKER: Right.

13 CHAIRMAN MATRICCIANI: We have before the Board
14 various documents that have been submitted. You had
15 solicited support from members of the community, and we
16 have your June 16 letter with attached signatures and
17 addresses. We have support letter from the Federal Hill
18 Hospitality Association. We have 32 letters of support
19 that were submitted by Mr. Prevas, and we have a letter
20 of support from the South Baltimore Neighborhood
21 Association as well -- well, I think it's the same one.

1 I think I have a copy of that.

2 In opposition, or persons who aren't as fond of
3 your establishment, we have a letter from the Federal
4 Hill Neighborhood Association. One is unsigned. We have
5 a petition to reverse the expansion. I don't know why
6 because that has nothing to do with the case before us
7 today, several of those. And the Liquor Advisory
8 Committee of FHNAS for a temporary closure, the Towers at
9 Harbor Court, contend that the owners and the managers
10 have demonstrated an inability to manage the properties
11 properly. So that's the evidence before us on the issue
12 of the sanctions.

13 MR. PREVAS: Mr. Chairman, just so that I make
14 sure the record is complete, I attached to the letters
15 that I have submitted, I also had a petition on behalf of
16 Banditos. I believe that's attached. If it's if it's
17 not, I have an extra copy

18 UNIDENTIFIED SPEAKER: It is. It is.

19 CHAIRMAN MATRICCIANI: Okay. You can submit it
20 to Ms. Russell.

21 So there is a great deal of support in the

1 community, and then there's some opposition in the
2 community. So if there are persons here who have
3 something specific they'd like to add to that record,
4 we'll hear from them.

5 (Further witness testimony.)

6 CHAIRMAN MATRICCIANI: And so to the Rule 3.12
7 violation, I'd impose a \$1500 fine; as to the Rule 4.16
8 violation, I'd impose a \$1500 fine. And I guess I'd like
9 to hear from my colleagues as to whether or not they are
10 inclined to suspend at all.

11 COMMISSIONER PETERSEN MOORE: So as I
12 understand our the parameters, I'm thinking that we
13 can impose a fine of \$3,000 per violation.

14 CHAIRMAN MATRICCIANI: You can, I believe.

15 MR. AKRAS: Per count.

16 COMMISSIONER PETERSEN MOORE: Per count.

17 CHAIRMAN MATRICCIANI: Yeah.

18 COMMISSIONER PETERSEN MOORE: I would impose a
19 \$3,000 fine for violation of Rule 3.12, and I would
20 impose a \$3,000 fine for violation of 4.1 is it 16?

21 UNIDENTIFIED SPEAKER: Um-hum.

1 COMMISSIONER PETERSEN MOORE: In terms of
2 closing, I have to say I'm when you all were here
3 earlier for the expansion, you got a two to zero two
4 to one vote. I was opposed to the expansion, and I gave
5 all my reasons at that time. I thought that it was too
6 big, too fast, too much, and it was increasing the
7 saturation. We're not here to review that decision. And
8 but in terms of closing, I don't believe closing is going
9 to change the circumstances here this time. Had there
10 been a finding of a violation of 3.02, which I found, but
11 my colleagues did not, I absolutely would have imposed a
12 period of closure because that to me is reprehensible.
13 But that wasn't found. So I would impose a fine of a
14 total of \$6,000 plus our administrative fee. And I'm not
15 at this point suggesting a period of closure.

16 COMMISSIONER GREENFIELD: I actually concur
17 with Commissioner Moore. I think a fine of \$3,000 for
18 the violation of Rule 3.12 and violation 3,000 for
19 violation of 4.16. And I differ with my colleagues. I
20 do think while I think the Licensee is taking this
21 seriously and making a number of precautions, I think

1 closing them down for a period of time, I think, sends a
2 message, and makes sure that everyone's house is in
3 order. But that's not where we are, so

4 COMMISSIONER PETERSEN MOORE: Well, I would be
5 I'd be open to considering that. I mean, let's I
6 mean, if you want to I mean, I would consider it. I

7 CHAIRMAN MATRICCIANI: Well, what do you
8 propose?

9 COMMISSIONER PETERSEN MOORE: Well --

10 COMMISSIONER GREENFIELD: I would

11 COMMISSIONER PETERSEN MOORE: Go ahead.

12 COMMISSIONER GREENFIELD: I would propose a
13 two-week, the two-week suspension.

14 COMMISSIONER PETERSEN MOORE: So here's my
15 thinking. I want to it should be pretty obvious I'm
16 concerned that you all still today don't know what
17 happened and why it happened. And I'm what I'm
18 hearing consistently is there's sort of active avoidance
19 of knowledge, and that bothers me. That concerns me.
20 Some vague veil of attorneys telling you not to talk. I
21 don't I -- I'm not buying that. That makes me

1 uncomfortable. I appreciate that there's a lot of
2 support, and I appreciate that there's a lot of
3 opposition. Something's happening. Something's
4 happening there that needs serious attention. And you're
5 going through this expansion. For whatever reason, you
6 all decided to take down your security system. You
7 didn't step up security. You didn't do anything to
8 compensate for that. After the incident, you've been
9 I appreciate that you've made changes. But the key issue
10 is here is why did this happen? And you know nothing.
11 You know absolutely nothing. I think you need to you
12 need to find out what happened, and why this was allowed
13 to happen. So I support the two-week closure plus the
14 \$6,000 in fines.

15 CHAIRMAN MATRICCIANI: Okay. So the ruling is
16 that as to each of the rule violations, the penalty is
17 \$3,000, and that the license is suspended when will it
18 begin, the suspension?

19 COMMISSIONER PETERSEN MOORE: I guess tonight
20 or tomorrow, whenever we can pick up the license.

21 CHAIRMAN MATRICCIANI: Okay. And for a period

1 of

2 COMMISSIONER PETERSEN MOORE: That's up to you.

3 CHAIRMAN MATRICCIANI: 14 days, right?

4 COMMISSIONER PETERSEN MOORE: 14 days.

5 UNIDENTIFIED SPEAKER: Yes.

6 CHAIRMAN MATRICCIANI: And with the

7 administrative cost.

8 Thank you.

9 MR. PREVAS: Mr. Chairman, can I ask a point of
10 clarification?

11 CHAIRMAN MATRICCIANI: Um-hum.

12 MR. PREVAS: The two violations that are
13 charged are identical.

14 CHAIRMAN MATRICCIANI: Not really, but they're
15 similar.

16 MR. PREVAS: Okay. I was going to

17 CHAIRMAN MATRICCIANI: I mean, one is

18 MR. PREVAS: suggest that they merge.

19 CHAIRMAN MATRICCIANI: a general welfare
20 violation; one is an illegal conduct violation. So
21 they're separate rules.

1 MR. PREVAS: Yeah, but they the 4.16 now

2 CHAIRMAN MATRICCIANI: Yeah, it's

3 MR. PREVAS: it says or that is against the
4 public peace, safety, health, welfare, quiet or morals.

5 It's the same violation. It's not the first clause that
6 they violated somebody -- some other law. It's the --

7 CHAIRMAN MATRICCIANI: If you thought that, why
8 didn't you raise that preliminarily? We spent two hours
9 here on the

10 COMMISSIONER PETERSEN MOORE: They're not the
11 same. They're different. They're different. They're
12 different charges.

13 CHAIRMAN MATRICCIANI: If you, frankly, if you
14 want to submit something, if you believe that we've made
15 an error, well, if you want to submit something in
16 writing, we'll consider it, okay.

17 MR. PREVAS: Thank you, Mr. Chairman.

18 CHAIRMAN MATRICCIANI: Thank you.

19 MR. CHRISOMALLIS: Mr. Chairman, the closure
20 starts effective today?

21 CHAIRMAN MATRICCIANI: Yes, if you can do that.

1 UNIDENTIFIED SPEAKER: Any exhibits?

2 MS. RUSSELL: Yes. How many days to pay the
3 fine?

4 COMMISSIONER PETERSEN MOORE: 30 --

5 MS. RUSSELL: 30.

6 COMMISSIONER PETERSEN MOORE: -- at most.

7 CHAIRMAN MATRICCIANI: Yes, 30. I'm sorry, 30
8 days to pay.

9 (Whereupon, the hearing closed on July 20,
10 2017.)

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C E R T I F I C A T E

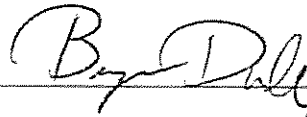
This is to certify that the attached proceedings before the Board of Liquor License Commissioners for Baltimore City in the matter of: Bruce Richardson and Michael White, The Sobo Taco Spot, t/a Banditos, 1118 S. Charles Street, Class "BD7" Beer, Wine and Liquor License - Violation of Rules 3.12, General Welfare; violation of Rule 4.16, Illegal Conduct; violation of Rule 3.02, Cooperation

BEFORE: Albert Matricciani, Jr., Chairman

DATE: July 20, 2017

PLACE: Baltimore, Maryland

were held as herein appears, and that this is the transcript thereof for the file of the Department.



Bryson Dudley, Reporter
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