

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

IN THE MATTER OF: :  
:  
Continental Wine & Liquors, LLC :  
t/a Continental Wine and Liquors : Show Cause  
1100 Vermont Ave., NW : Hearing  
Retailer A - ANC-2F :  
License No. 78964 :  
Case #14-CMP-00327 :  
:  
(No ABC Manager on Duty) :

January 14, 2015

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

PRESENT:

- RUTHANNE MILLER, Chairperson
- NICK ALBERTI, Member
- DONALD BROOKS, Member
- MIKE SILVERSTEIN, Member
- HERMAN JONES, Member
- HECTOR RODRIGUEZ, Member
- JAMES SHORT, Member

ALSO PRESENT:

- CHRISSY GEPHARDT, OAG
- DORSHAE DEMBY, ABRA Investigator

T-A-B-L-E O-F C-O-N-T-E-N-T-S

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WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
Dorshae Demby	10			
Harpreet Singh	15	16		

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

2 2:26 p.m.

3 CHAIRPERSON MILLER: Our Next hearing  
4 is at 2:30. I don't know if the parties are  
5 here. We could call them up at this point,  
6 that's for Continental Wine & Liquors. Are you  
7 here?

8 MEMBER RODRIGUEZ: Yes, they are here.

9 CHAIRPERSON MILLER: Okay. Ms.  
10 Schmidt, are you the attorney on that one?

11 MS. SCHMIDT: No.

12 CHAIRPERSON MILLER: What?

13 MS. SCHMIDT: Someone else. The other  
14 people in my office.

15 CHAIRPERSON MILLER: Okay. Are they  
16 here? Do you know?

17 MS. SCHMIDT: Yes, Ms. Gephardt is  
18 here.

19 CHAIRPERSON MILLER: Oh, hello. Okay.  
20 Okay.

21 MS. GEPHARDT: Yes, we're all here.

22 CHAIRPERSON MILLER: Okay. We are

1 running ahead of schedule. How about that.

2 Okay. Why don't we start with the parties  
3 introductions?

4 MS. GEPHARDT: My name is Chrissy  
5 Gephardt. I'm here on behalf of the Office of  
6 the Attorney General.

7 MR. SINGH: Hi, I'm Harpreet Singh.  
8 I'm from Continental Wine & Liquors.

9 CHAIRPERSON MILLER: Okay. And with  
10 you?

11 MR. SIDHU: I'm Raj Sidhu, the manager  
12 at Continental Wine & Liquors.

13 CHAIRPERSON MILLER: Okay. Okay.  
14 This is a Show Cause Hearing. Are there any  
15 preliminary matters?

16 MS. GEPHARDT: No, no preliminary  
17 matters. We are going to go to a hearing.

18 CHAIRPERSON MILLER: Okay. I forgot  
19 one folder. Sorry. Okay. What I want to ask  
20 you gentlemen is have you participated in a Show  
21 Cause Hearing at the ABC Board before?

22 MR. SIDHU: No. This is the first

1 time.

2 CHAIRPERSON MILLER: Okay. So I just  
3 want to let you know the overall picture.

4 MR. SIDHU: Okay.

5 CHAIRPERSON MILLER: It's an  
6 adjudicatory hearing where when you testify you  
7 will be under oath and we will take evidence into  
8 the record. And the procedure is that the  
9 Government has the burden of proof and they go  
10 first.

11 Often the Government attorney will  
12 make an opening statement. You can make an  
13 opening statement after her, but you don't have  
14 to. You can make it when you put on your case,  
15 which is second, which I would probably advise,  
16 because then we are going to put you under oath  
17 and then anything you say -- sometimes people say  
18 in their opening statements things that they  
19 think are going into evidence, but they are not  
20 evidence unless you are under oath, except for an  
21 attorney.

22 Okay. She will go first, put on her

1 witness. You can cross-examine the witness and  
2 we can ask questions of the witness. She can put  
3 in documents and you can object if you have a  
4 valid reason.

5 And then you will do your case. And  
6 then she can cross-examine you and your witness,  
7 be it you or, you know, your manager. And then  
8 there will be closing arguments. We would say  
9 opening is what you are going to prove. Then you  
10 prove it. And then closing is what you have  
11 proved or shown. Okay?

12 MR. SINGH: Okay.

13 CHAIRPERSON MILLER: Yes?

14 MR. SIDHU: We are not denying  
15 anything actually.

16 CHAIRPERSON MILLER: You are not  
17 denying the facts?

18 MR. SIDHU: No. We just want to tell  
19 our side of the story.

20 CHAIRPERSON MILLER: So --

21 MR. SINGH: What make happen  
22 understand is --

1 MS. GEPHARDT: So would you stipulate  
2 to the facts of what actually happened here?  
3 Like there was no ABC Manager on duty that night?

4 MR. SINGH: There wasn't any.

5 MR. SIDHU: Yes, he wasn't approved at  
6 that time, that's what --

7 MR. SINGH: At that time, it was --

8 MR. SIDHU: -- we saying.

9 MR. SINGH: -- from the Board.

10 Delinquency happened from the Board that they did  
11 not approve him for that much longer. That's why  
12 we presenting our case to the Board what happened  
13 here.

14 CHAIRPERSON MILLER: Do you --

15 MS. GEPHARDT: I guess we are going to  
16 have to go to a hearing. I mean --

17 MEMBER ALBERTI: Ms. Miller, I think  
18 the most expeditious thing is to just go to a  
19 hearing.

20 MS. GEPHARDT: Yes.

21 MEMBER ALBERTI: And I think we will  
22 get the same information in the same order.

1 CHAIRPERSON MILLER: Okay.

2 MEMBER ALBERTI: So that's my  
3 recommendation.

4 MS. GEPHARDT: Yes.

5 CHAIRPERSON MILLER: Okay. It can be  
6 quick then when you are testifying, you can say  
7 what you are objecting to or not objecting to.

8 MR. SINGH: Okay.

9 CHAIRPERSON MILLER: Okay. Ms.  
10 Gephardt, are you ready for your opening  
11 statement?

12 MS. GEPHARDT: Yes.

13 CHAIRPERSON MILLER: Okay.

14 MS. GEPHARDT: I have a very quick  
15 opening statement.

16 CHAIRPERSON MILLER: Okay.

17 MS. GEPHARDT: In this case, the  
18 Government will prove that the establishment,  
19 Continental Wine & Liquors, on the evening of  
20 Thursday, June 26, 2014, at approximately 7:20  
21 p.m. failed to have an ABC Manager on duty and  
22 they were cited for this. And this is what we

1 will prove.

2 CHAIRPERSON MILLER: Okay. As I said,  
3 you can make an opening statement now or later,  
4 but you will be put under oath later, so you  
5 might --

6 MR. SIDHU: We can do now.

7 CHAIRPERSON MILLER: You can do it  
8 now. Okay. Just know this isn't evidence.

9 MR. SIDHU: Okay. So --

10 MR. SINGH: Okay. On May the 20th, we  
11 have filed this application to the Board  
12 regarding our member of the LLC to be added on  
13 May the 20th, which was not approved until the  
14 June the 8th when I came here in the establishment  
15 to --

16 MR. SIDHU: July 8.

17 MR. SINGH: July 8, which was not even  
18 recognized as they have application of our  
19 member.

20 MR. SIDHU: They misplaced it.

21 CHAIRPERSON MILLER: Okay. You are  
22 going to get your chance to put on your case.

1 MR. SIDHU: Okay.

2 CHAIRPERSON MILLER: It sounds like  
3 that is your case.

4 MR. SINGH: Okay.

5 CHAIRPERSON MILLER: So okay. Why  
6 don't we hear from Ms. Gephardt then your case  
7 and then we will hear back from you.

8 MR. SINGH: Okay.

9 MS. GEPHARDT: Okay. The Government  
10 would now call Investigator Demby to the witness  
11 stand.

12 CHAIRPERSON MILLER: Good afternoon.

13 INVESTIGATOR DEMBY: Good afternoon.

14 Whereupon,

15 DORSHAE DEMBY

16 was called as a witness by Counsel for the  
17 Government, and having been first duly sworn,  
18 assumed the witness stand and was examined and  
19 testified as follows:

20 INVESTIGATOR DEMBY: I do.

21 CHAIRPERSON MILLER: Okay. Thank you.

22 DIRECT EXAMINATION

1 MS. GEPHARDT: Good afternoon, Mr.  
2 Demby. Can you, please, state your name and  
3 spell it for the record?

4 INVESTIGATOR DEMBY: Dorshae Demby.  
5 The first name Dorshae spelling D, as in David,  
6 O-R-S-H-A-E last name Demby, again D, as in  
7 David, E, as in Edward, M, as in Mary, B, as in  
8 boy, Y.

9 MS. GEPHARDT: All right. Thank you.

10 COURT REPORTER: Your last name, sir,  
11 there was a door slam that cut off your voice.

12 INVESTIGATOR DEMBY: Demby.

13 MS. GEPHARDT: Okay. Mr. Demby, where  
14 do you work?

15 INVESTIGATOR DEMBY: At the Alcoholic  
16 Beverage Regulation Administration.

17 MS. GEPHARDT: And what is your title?

18 INVESTIGATOR DEMBY: Investigator.

19 MS. GEPHARDT: And what do you do?  
20 What are your job responsibilities as an  
21 Investigator?

22 INVESTIGATOR DEMBY: To conduct

1 regulatory inspections and investigations on  
2 alcohol-licensed establishments throughout the  
3 District of Columbia.

4 MS. GEPHARDT: And how long have you  
5 been an Investigator?

6 INVESTIGATOR DEMBY: Approximate --  
7 for ABRA?

8 MS. GEPHARDT: Yes.

9 INVESTIGATOR DEMBY: For one year.

10 MS. GEPHARDT: Okay. And do you  
11 recall the name of an establishment of  
12 Continental Wine & Liquors?

13 INVESTIGATOR DEMBY: I do.

14 MS. GEPHARDT: Do you recall going  
15 there on Thursday, June 26, 2014 at approximately  
16 7:20 p.m.?

17 INVESTIGATOR DEMBY: Yes, ma'am.

18 MS. GEPHARDT: And what was the  
19 purpose of your visit?

20 INVESTIGATOR DEMBY: To conduct a  
21 regulatory inspection.

22 MS. GEPHARDT: And when you went to

1       conduct your inspection, what kind of things were  
2       you looking for?

3               INVESTIGATOR DEMBY: Well, we have --  
4       this particular regulatory inspection was  
5       preprinted, so we received a stack of them. I  
6       entered the establishment and I'm checking to  
7       make sure that all their licenses are in  
8       compliance, that they have an ABC Manager or  
9       owner present while alcohol is being sold, served  
10      or consumed, in this case it was just being sold,  
11      to check their alcohol invoices and things of  
12      that nature.

13              MS. GEPHARDT: Okay. And when you  
14      entered the establishment that evening, did you  
15      speak to anybody?

16              INVESTIGATOR DEMBY: I did.

17              MS. GEPHARDT: And who did you speak  
18      to?

19              INVESTIGATOR DEMBY: A Mr., excuse me  
20      if I mispronounce it, Rajendra Bhusal.

21              MS. GEPHARDT: Okay. And did Mr.  
22      Bhusal identify himself in terms of what his role

1 was at the establishment?

2 INVESTIGATOR DEMBY: I asked. When I  
3 entered the establishment, I identified myself as  
4 an ABRA Investigator. I requested to speak with  
5 an ABC Manager or owner. Mr. Bhusal indicated  
6 that there was no ABC Manager or owner present  
7 and that he was an employee of the establishment.

8 MS. GEPHARDT: So did -- at any time,  
9 did you ask to speak to a supervisor or the  
10 owner?

11 INVESTIGATOR DEMBY: Initially when I  
12 introduced myself, the next thing I did was ask  
13 to speak with an ABC Manager or owner.

14 MS. GEPHARDT: And at that time, there  
15 was no ABC Manager or owner available to speak  
16 to?

17 INVESTIGATOR DEMBY: That's correct.

18 MS. GEPHARDT: Okay. When you were in  
19 the establishment and you talked with this Mr.  
20 Bhusal, did you -- what did you observe going on  
21 in the establishment?

22 INVESTIGATOR DEMBY: There were

1 several patrons inside of the establishment.  
2 After I advised Mr. Bhusal that he needed to have  
3 an ABC Manager or owner present in order to sell  
4 alcohol, they continued to do purchase  
5 transactions with alcohol included in the sales.  
6 I advised him that that was a violation of ABRA  
7 Regulations. He acknowledged such and I  
8 completed a regulatory inspection and exited the  
9 establishment.

10 MS. GEPHARDT: Okay. That's all I  
11 have. Thank you.

12 INVESTIGATOR DEMBY: Thank you.

13 CHAIRPERSON MILLER: Okay. Do you  
14 have any questions for Mr. Demby?

15 MR. SIDHU: No.

16 CHAIRPERSON MILLER: Okay. Do Board  
17 Members? No. Thank you very much.

18 INVESTIGATOR DEMBY: Thank you.

19 (Whereupon, witness was excused.)

20 CHAIRPERSON MILLER: Okay. Does that  
21 conclude your --

22 MS. GEPHARDT: That concludes my case,

1 yes.

2 CHAIRPERSON MILLER: Okay. Are you  
3 going to testify? Yes?

4 MR. SINGH: I suppose.

5 CHAIRPERSON MILLER: Let me swear you  
6 in.

7 Whereupon,

8 HARPREET SINGH

9 was called as a witness for the licensee, and  
10 having been first duly sworn, assumed the witness  
11 stand and was examined and testified as follows:

12 MR. SINGH: Just the truth, whole  
13 truth.

14 CHAIRPERSON MILLER: Okay. Good.

15 DIRECT EXAMINATION

16 CHAIRPERSON MILLER: Why don't you  
17 start with giving your name again just for the  
18 court reporter?

19 MR. SINGH: Yes. My name is Harpreet  
20 Singh, H-A-R-P-R-E-E-T S-I-N-G-H.

21 CHAIRPERSON MILLER: And you are the  
22 owner?

1 MR. SINGH: I am the owner and the  
2 managing of the Continental.

3 CHAIRPERSON MILLER: Okay.

4 MR. SINGH: All I have to say is on  
5 the -- what the Investigator talking about, Mr.  
6 Bhusal, we have already put the application on  
7 May the 20th up here. We have the paper for that.  
8 And the Investigator came on July the 26th.

9 MR. SIDHU: June.

10 MR. SINGH: June the 26th. It is  
11 already past like -- close to like 25 days.  
12 After I went, I came here in this office to find  
13 out what has happened here, which was July the  
14 8th. And they could not find my application here.  
15 That what happened to the -- after three hours of  
16 sitting there, Ms. Jackson find out that my --  
17 that I am the assignee of this. She was assigned  
18 for the -- to approve or not approve. At that  
19 time, it was approved on July the 8th.

20 So it took them almost like two months  
21 to approve just a one single letter which make us  
22 happen here -- sitting here fighting for this

1 thing that I did not apply the ABC Manager was  
2 not there. That's my case.

3 While in -- on October 9th, I file  
4 another one. I want to put another member  
5 through my LLC. He was approved within 20 days  
6 on October 29th. So my problem is it's from the  
7 delinquency of the Board from the office of  
8 alcohol that I'm getting penalized for this  
9 thing.

10 CHAIRPERSON MILLER: Okay.

11 MR. SINGH: That's all I have to say.

12 CHAIRPERSON MILLER: Okay. Ms.

13 Gephardt?

14 MS. GEPHARDT: Just a few questions.

15 CROSS-EXAMINATION

16 MS. GEPHARDT: So did Mr. Bhusal --

17 MEMBER ALBERTI: Yes.

18 MS. GEPHARDT: -- he is the individual  
19 we are talking about who --

20 MR. SINGH: Yes.

21 MS. GEPHARDT: -- was supposed to be  
22 an ABC Manager.

1 MR. SINGH: He was, yes. Right.

2 MS. GEPHARDT: Did he receive anything  
3 in the mail that said you have been approved to  
4 be an ABC Manager and you can now act as an ABC  
5 Manager?

6 MR. SINGH: Not until I came here to  
7 figure out what happened to my application, but I  
8 filed it.

9 MS. GEPHARDT: Okay. So but he hadn't  
10 gotten any --

11 MR. SINGH: Nothing.

12 MS. GEPHARDT: -- approval, at that  
13 point? Okay.

14 MR. SINGH: For like almost like three  
15 hours I been sitting there trying to find out  
16 what happened to the application nor could we  
17 figure out what is -- where my application is.

18 MS. GEPHARDT: Yes.

19 MR. SINGH: But I filed it.

20 MS. GEPHARDT: So but he was acting as  
21 an ABC Manager, but he wasn't licensed, at that  
22 time. Is that correct?

1 MR. SINGH: No, he not an ABC Manager.

2 MS. GEPHARDT: Okay.

3 MR. SINGH: I'm not saying that.

4 MS. GEPHARDT: That's all I had.

5 CHAIRPERSON MILLER: Okay. Board

6 questions? Mr. Alberti?

7 MEMBER ALBERTI: Hi, Mr. Singh.

8 MR. SINGH: Yes, sir.

9 MEMBER ALBERTI: Okay. Just so that

10 we have this straight for the record, you are

11 saying that on May 28th you filed --

12 MR. SINGH: May 20th, sir.

13 MEMBER ALBERTI: May 20th, okay. May

14 20th you filed an application to add a member to

15 your LLC. Is that correct?

16 MR. SINGH: Correct.

17 MEMBER ALBERTI: And who was that

18 person?

19 MR. SINGH: Rajendra. The one guy who

20 was --

21 MEMBER ALBERTI: What's his name?

22 MR. SINGH: Rajendra Bhusal.

1 MEMBER ALBERTI: Okay. So you  
2 applied, you put -- you filed an application  
3 putting Mr. -- informing us --

4 MR. SINGH: That he would be --

5 MEMBER ALBERTI: -- an application to  
6 update your records to have Mr. Bhusal become a  
7 member of your LLC?

8 MR. SINGH: Right.

9 MEMBER ALBERTI: Is that correct?

10 MR. SINGH: Yes.

11 MEMBER ALBERTI: Do you have any  
12 evidence of that piece of paper?

13 MR. SINGH: Yes, sir.

14 MEMBER ALBERTI: Would you like to  
15 submit that into evidence?

16 MR. SINGH: Yes.

17 MEMBER ALBERTI: And you should show  
18 it to Ms. Gephardt first.

19 MS. GEPHARDT: Yes, okay. Okay. No  
20 objection.

21 MEMBER ALBERTI: Wait, wait, wait.  
22 Are those the same piece of paper?

1 MR. SINGH: That's the application for  
2 Mr. Bhusal.

3 MEMBER ALBERTI: You gave her two  
4 copies of it, right? Is there --

5 MR. SINGH: I just -- this is the --

6 MEMBER ALBERTI: Show that receipt to  
7 Ms. Gephardt.

8 MS. GEPHARDT: Yes, I haven't seen the  
9 receipt.

10 MR. SINGH: That's the receipt.

11 MEMBER ALBERTI: She hasn't seen the  
12 receipt.

13 MR. SINGH: Yes. That was --

14 MEMBER ALBERTI: I'm sorry. We just--  
15 formalities we have to follow.

16 MR. SINGH: Yes.

17 MS. GEPHARDT: Okay. I have seen  
18 this. No, I'm okay. Thanks.

19 MEMBER ALBERTI: Okay. Great. Well,  
20 to the Chair, please. She will rule whether it  
21 can come into evidence or not. I'm just trying  
22 to help the witness.

1 CHAIRPERSON MILLER: Are you waiting  
2 for me?

3 MEMBER ALBERTI: Well, are you going  
4 to rule whether --

5 CHAIRPERSON MILLER: Are you offering  
6 it? Do you want to move these into evidence?

7 MR. SINGH: Yes.

8 CHAIRPERSON MILLER: And do you  
9 object?

10 MS. GEPHARDT: I don't have an  
11 objection.

12 CHAIRPERSON MILLER: Okay. And does  
13 this receipt go with the application?

14 MR. SINGH: Yes, that's the -- I think  
15 the receipt.

16 CHAIRPERSON MILLER: What's the  
17 receipt for?

18 MR. SINGH: From the June -- July the  
19 8th.

20 CHAIRPERSON MILLER: Right. It's  
21 dated July 8th.

22 MR. SINGH: Yes, that was then

1 approved by that when I came here to the office  
2 to find out what happened.

3 CHAIRPERSON MILLER: He got the  
4 license? You got --

5 MR. SINGH: That was then the day I  
6 came here to figure out that what happened to my  
7 application and then after then they approved  
8 right away.

9 CHAIRPERSON MILLER: Okay.

10 MR. SINGH: This application. It was  
11 on June the 8th.

12 CHAIRPERSON MILLER: What's the \$100  
13 for?

14 MR. SINGH: That's the fee.

15 CHAIRPERSON MILLER: The fees of the  
16 license?

17 MR. SINGH: For the -- yes.

18 CHAIRPERSON MILLER: Okay.

19 MEMBER ALBERTI: For the application.

20 CHAIRPERSON MILLER: Okay. So total--

21 MR. SINGH: It's the fees, yes.

22 CHAIRPERSON MILLER: Well, the

1 application was May 20th and this is July 8th.

2 MR. SINGH: July 8th, yes. I came here  
3 to figure out what happened to my application.

4 CHAIRPERSON MILLER: Okay.

5 MR. SINGH: After three hours of  
6 figuring out, they find my application somewhere  
7 and then they approve this at that right -- right  
8 then on July the 8th.

9 CHAIRPERSON MILLER: Okay. So could  
10 you just state again what the \$100 was for?

11 MR. SINGH: It's the fee they took for  
12 approving. Whatever the normal fees is. I don't  
13 know.

14 CHAIRPERSON MILLER: Okay. All right.  
15 But in your mind, they were connected?

16 MR. SINGH: Huh?

17 CHAIRPERSON MILLER: They are  
18 connected. They are connected, the application  
19 and the \$100.

20 MR. SINGH: Yes.

21 MEMBER ALBERTI: Ms. Miller, just for  
22 the record, ABRA charges an application fee for

1 these type of applications.

2 CHAIRPERSON MILLER: Yes.

3 MEMBER ALBERTI: Okay.

4 CHAIRPERSON MILLER: I guess what I  
5 didn't know was whether they charged it in May or  
6 July when the application was in.

7 MEMBER ALBERTI: Well, that's a good  
8 question. I think that's a good question here.

9 MR. SIDHU: That's a good question.

10 MR. SINGH: I think we can have  
11 exchange of our --

12 MEMBER ALBERTI: I think that's part  
13 of the question.

14 MR. SINGH: -- we have exchange that  
15 emails from Ms. Jackson from July 1st to July 8th  
16 that what happened to our application. We can --

17 CHAIRPERSON MILLER: Okay.

18 MR. SINGH: -- show that.

19 MEMBER ALBERTI: You have an email?  
20 Do you want to provide those in evidence?

21 MR. SINGH: Yes.

22 MEMBER ALBERTI: Okay. Great.

1 MR. SINGH: That is what happened when  
2 the day of approval happened.

3 MEMBER ALBERTI: You need to show  
4 those to Ms. Gephardt first.

5 MR. SINGH: Okay.

6 MEMBER ALBERTI: Okay. I have a  
7 suggestion.

8 MS. GEPHARDT: It just doesn't seem  
9 relevant and that's what I'm trying to figure  
10 out.

11 MEMBER ALBERTI: Okay. You're trying  
12 to figure out the relevance? Okay.

13 MS. GEPHARDT: Yes, because I --

14 MR. SINGH: Okay.

15 MS. GEPHARDT: Yes. Number one, date,  
16 time has \$100 on the 8th was like okay was  
17 approved.

18 MS. GEPHARDT: But you didn't get the  
19 actual certificate.

20 MR. SINGH: Yes.

21 CHAIRPERSON MILLER: Do you want to  
22 argue the relevance on the record or where are

1 we?

2 MS. GEPHARDT: I think I'm going to.  
3 Yes, I'm going to argue the relevance.

4 CHAIRPERSON MILLER: Okay.

5 MS. GEPHARDT: These emails are  
6 between -- is this you?

7 MR. SINGH: Ms. Jackson. Yes.

8 MS. GEPHARDT: Okay. Between Mr. --  
9 what's your name?

10 MR. SINGH: Harpreet.

11 MS. GEPHARDT: Okay. And Ms. Jackson,  
12 who is a licensing specialist from ABRA. He had  
13 testified that he was approved or this Mr. --

14 MR. SINGH: Bhusal was approved.

15 MS. GEPHARDT: -- Bhusal was approved  
16 on July the 8th. All this -- this email is from  
17 July 18th and it just talks about the application  
18 being approved. I don't -- if the application  
19 was approved on the 8th, I don't know what this  
20 is. I'm confused.

21 MR. SINGH: No. Just letting the --

22 MS. GEPHARDT: Maybe the Board can

1 figure it out.

2 MR. SINGH: The normal question is  
3 that --

4 MS. GEPHARDT: It just doesn't seem  
5 relevant.

6 MR. SINGH: -- no. It was that you  
7 were advised or asking that the \$100 fee was from  
8 the previous one or just from the new one. Our,  
9 like you know, records show that they charge this  
10 \$100 on June the 8th, which is --

11 MR. SIDHU: July.

12 MR. SINGH: -- July the 8th, \$100 on  
13 the records say.

14 MS. GEPHARDT: Oh, but then it was  
15 issued on the 18th.

16 MR. SINGH: Yes.

17 CHAIRPERSON MILLER: Okay.

18 MEMBER ALBERTI: Okay. It's the  
19 same --

20 MS. GEPHARDT: I have --

21 MEMBER ALBERTI: Why don't you sit  
22 down. I have some more questions that may help.

1 MR. SINGH: Yes.

2 CHAIRPERSON MILLER: I would need to  
3 see it to rule on it, if you are asking me to --

4 MEMBER ALBERTI: Can I ask Mr. Singh  
5 some questions, please? And this is in an effort  
6 to help here. Okay?

7 CHAIRPERSON MILLER: But can I -- in  
8 the meantime I would like to see those documents,  
9 if you think you want to put them in evidence.  
10 Do you?

11 MEMBER ALBERTI: All right.

12 MR. SINGH: Yes, everything in  
13 evidence.

14 CHAIRPERSON MILLER: Okay.

15 MEMBER ALBERTI: Okay.

16 CHAIRPERSON MILLER: Okay.

17 MEMBER ALBERTI: So, Mr. Singh, you  
18 came here on July 8th?

19 MR. SINGH: Um-hum.

20 MEMBER ALBERTI: All right. And you  
21 spoke with Ms. Jackson?

22 MR. SINGH: No. I spoke at the front

1 desk and they do not know who was the manager up  
2 there, assigned manager for that.

3 MEMBER ALBERTI: Okay. But you said  
4 you sat here for three hours?

5 MR. SINGH: Yes.

6 MEMBER ALBERTI: You sat here for  
7 three hours on July 8th?

8 MR. SINGH: Yes.

9 MEMBER ALBERTI: Okay. What happened  
10 at the end of that three hours?

11 MR. SINGH: Like after Ms. Diane  
12 Jackson came here, I'm sitting here and she took  
13 it out of --

14 MEMBER ALBERTI: So you spoke to Ms.  
15 Jackson?

16 MR. SINGH: Yes.

17 MEMBER ALBERTI: You did speak to Ms.  
18 Jackson at the end of that three hours?

19 MR. SINGH: Yes.

20 MEMBER ALBERTI: Okay.

21 MS. GEPHARDT: It just doesn't seem  
22 relevant to me.

1                   MEMBER ALBERTI: I want to be kind of  
2 succinct here, all right? Because you said  
3 earlier or you testified earlier that Ms. Jackson  
4 said it was approved. So did you pay a fee then  
5 and get the official document saying it was  
6 approved on July 8th?

7                   MR. SINGH: Yes, that's the \$100 fee  
8 was for the approval of everything.

9                   MEMBER ALBERTI: So you paid \$100 on  
10 July 8th.

11                  MR. SINGH: 8th.

12                  MEMBER ALBERTI: When did you get  
13 notification?

14                  MR. SINGH: After like 10 days later.  
15 We -- first of all, she want to mail it. I say  
16 okay, we can come and pick it up and in between  
17 that the 18th we got the order.

18                  MEMBER ALBERTI: So the 18th you came  
19 and you got the official document saying that Mr.  
20 Bhusal had been put on --

21                  MR. SINGH: On the list.

22                  MEMBER ALBERTI: -- had been recorded

1 as a member of the LLC?

2 MR. SINGH: Right.

3 MEMBER ALBERTI: Okay.

4 MR. SIDHU: Sorry, July 31st.

5 MR. SINGH: Okay.

6 MEMBER ALBERTI: All right. I know  
7 that's important to us, because --

8 MR. SINGH: Okay.

9 MEMBER ALBERTI: -- I'll just -- I  
10 think that you are just not using the right words  
11 to describe what happened.

12 MR. SINGH: Okay.

13 MEMBER ALBERTI: And so I just want to  
14 understand what is happening here.

15 MR. SINGH: I mean, I --

16 MEMBER ALBERTI: I mean you don't know  
17 the procedures and that's understandable. I just  
18 want to make sure, that's why I'm asking these  
19 questions. So okay.

20 All right. I think I have everything  
21 I need right now until I see those documents.

22 Great. Thank you.

1                   CHAIRPERSON MILLER: Oh, you haven't  
2 seen the documents?

3                   MEMBER ALBERTI: No, I have not.

4                   CHAIRPERSON MILLER: All right. Then  
5 take a look at them, because I --

6                   MEMBER ALBERTI: Are you going to  
7 enter them, accept them into evidence?

8                   CHAIRPERSON MILLER: I am inclined to  
9 do so.

10                  MEMBER ALBERTI: Well, when you do  
11 that, then I'll take a look at them.

12                  CHAIRPERSON MILLER: Well, all right.

13                  MEMBER ALBERTI: If you do that. If  
14 not, I won't.

15                  CHAIRPERSON MILLER: Okay. All right.  
16 Well, then let me just do it. Is your going to  
17 these documents?

18                  MEMBER SHORT: No, I'll let you submit  
19 it.

20                  CHAIRPERSON MILLER: Okay. Okay. I'm  
21 going to admit them into evidence. Basically,  
22 what they show is when the application was

1 approved. That's what I gleaned from this.

2 MS. GEPHARDT: Is it approval for an  
3 ABC Manager or to add him as a member?

4 CHAIRPERSON MILLER: Okay. One  
5 document --

6 MS. GEPHARDT: I'm confused what the  
7 two are.

8 CHAIRPERSON MILLER: -- I'll call this  
9 Respondent's Exhibit No. 3 says it's dated July  
10 18th from Diane Jackson. It says "Hello, sir, the  
11 change of officer application is approved."

12 (Whereupon, the above-referred to  
13 document was marked as Respondent  
14 Exhibit No. 3 for identification.)

15 MS. GEPHARDT: So but that's not ABC  
16 Manager.

17 CHAIRPERSON MILLER: No. This is  
18 change of officer application.

19 MS. GEPHARDT: Okay. So the -- I  
20 object to the relevancy of that.

21 CHAIRPERSON MILLER: That is his  
22 defense.

1 MEMBER ALBERTI: Can I interject  
2 something? Ms. Gephardt, it's relevant because  
3 theoretically, if on the 20th or whenever, if on  
4 May 26th Mr. Bhusal was a member of the LLC, then  
5 he would be an owner.

6 MS. GEPHARDT: Yes. And would --

7 MEMBER ALBERTI: It would be okay.

8 MS. GEPHARDT: I see. Okay. Gotcha.

9 CHAIRPERSON MILLER: Right.

10 MEMBER ALBERTI: All right. Thank  
11 you.

12 MS. GEPHARDT: Gotcha. I know I know  
13 how it works.

14 MEMBER ALBERTI: It's owner or ABC  
15 Manager.

16 MS. GEPHARDT: Okay. Got it. That's  
17 why I was confused.

18 MEMBER ALBERTI: Right.

19 CHAIRPERSON MILLER: Okay. And what  
20 I'll call Respondent's Exhibit No. 4 is a receipt  
21 for \$100 on July 18th.

22 (Whereupon, the above-referred to

1 document was marked as Respondent  
2 Exhibit No. 4 for identification.)

3 CHAIRPERSON MILLER: Which it's not  
4 all that clear from this document, but from his  
5 testimony he said that that related to the  
6 application being approved.

7 MEMBER ALBERTI: Can you let us decide  
8 before that.

9 CHAIRPERSON MILLER: Well, that's what  
10 I asked you. I thought you were just saying go  
11 ahead and --

12 MEMBER ALBERTI: I would like to see  
13 them, so I can judge for myself.

14 CHAIRPERSON MILLER: Okay. All right.  
15 And Ms. Gephardt can certainly discern what she  
16 thinks about them.

17 MS. GEPHARDT: And maybe I can get a  
18 little --

19 CHAIRPERSON MILLER: Do you think --

20 MS. GEPHARDT: -- one of -- the two  
21 emails are ambiguous, but --

22 CHAIRPERSON MILLER: Okay. All right.

1 Ms. Gephardt has seen and objected to them on  
2 relevance, right?

3 MEMBER ALBERTI: Well, fine. So if  
4 you are accepting them, then --

5 CHAIRPERSON MILLER: No. I'm  
6 identifying them and I'll hand them to you,  
7 because you said originally you wanted me just to  
8 take them in and then you would consider them.

9 MEMBER ALBERTI: Right.

10 CHAIRPERSON MILLER: But you are  
11 changing your --

12 MEMBER ALBERTI: Absolutely.

13 CHAIRPERSON MILLER: -- mind, so --

14 MEMBER ALBERTI: No, no, no. Please,  
15 I'm just waiting for you to accept them or reject  
16 them, whatever you see fit.

17 CHAIRPERSON MILLER: All right. Fine.  
18 This Exhibit No. 5 is a letter to Diane Jackson,  
19 July 18th, regarding change of members that they  
20 came to talk to her about and they wanted a  
21 status update or whatever. They are not  
22 extremely enlightening for my decision, but I

1 think that they are relevant enough to admit.

2 (Whereupon, the above-referred to  
3 document was marked as Respondent  
4 Exhibit No. 5 for identification.)

5 MEMBER ALBERTI: Well, once I see  
6 them, I'll let you know my judgment. Thank you.

7 CHAIRPERSON MILLER: I don't think we  
8 need to take too much time on this.

9 MEMBER ALBERTI: Okay. So any other  
10 documents? Have you admitted those?

11 CHAIRPERSON MILLER: Not yet.

12 MEMBER ALBERTI: We will wait and  
13 someone else can proceed while I'm taking a look  
14 at those and decide if I need to ask any more  
15 questions. Thank you.

16 CHAIRPERSON MILLER: Mr. Short?

17 MEMBER SHORT: Whew. Again, Mr.  
18 Singh, good afternoon.

19 MR. SINGH: Good afternoon.

20 MEMBER SHORT: The violation that you  
21 were cited by one of our Investigators was on  
22 June the 20th?

1 MR. SINGH: June the 26th.

2 MEMBER SHORT: On June --

3 MR. SINGH: The 26th.

4 MEMBER SHORT: Oh, yes, 30, June the  
5 26th. Okay.

6 MR. SINGH: 26th.

7 MEMBER SHORT: On the 26th of June.

8 And when did you apply for a manager's license?

9 MR. SINGH: May the 20th.

10 MEMBER SHORT: May the 20th. And those  
11 receipts will show that?

12 MR. SINGH: Yes, sir.

13 MEMBER SHORT: So when did you get  
14 approval of that document?

15 MR. SINGH: July 28. July the 8th.

16 MEMBER SHORT: It was approved on July  
17 the 8th, but you were cited on June the 26th?

18 MR. SINGH: Yes, sir.

19 MEMBER SHORT: So you didn't have an  
20 ABC License in the store.

21 MR. SINGH: No ABC License?

22 MEMBER SHORT: No. If you applied --

1 what date did you apply again?

2 MR. SINGH: May the 20th.

3 MEMBER SHORT: May the 20th.

4 MR. SINGH: Uh-huh.

5 MEMBER SHORT: Now, when was that  
6 application approved?

7 MR. SINGH: July the 8th.

8 MEMBER SHORT: So between June 26 and  
9 July 8, there was no ABC License.

10 MR. SINGH: For this person, yes.

11 MEMBER SHORT: This person.

12 MR. SINGH: Yes.

13 MEMBER SHORT: So you are here today  
14 because of that?

15 MR. SINGH: Yes, sir.

16 MEMBER SHORT: And your defense to  
17 that is what? I'm trying to get clear. What is  
18 your defense?

19 MR. SINGH: My defense is it's from  
20 the delinquency of the main office that we are  
21 not approved and our application was somewhere  
22 sitting there not even figured out to do until I

1 came here on July the 8th where they approve my  
2 application.

3 MEMBER SHORT: Okay. Let me ask you--

4 MR. SINGH: If I do not come another  
5 month or so, we would not know that application--

6 MEMBER SHORT: Okay. I understand.

7 MR. SINGH: -- was not --

8 MEMBER SHORT: I understand.

9 MR. SINGH: Yes.

10 MEMBER SHORT: So are you under the  
11 assumption that in Washington, D.C. you can apply  
12 for a license, don't get it approved until you  
13 come back to pick it up, but you can operate?

14 MR. SINGH: I'm not assuming it, but  
15 there should be some proper time period where it  
16 should be done. When I apply the next adding to  
17 the member of the LLC, another one on October 9,  
18 it was approved on October the 29th.

19 MEMBER SHORT: That's a different  
20 process.

21 MR. SINGH: 20 days.

22 MEMBER SHORT: We don't go there.

1 That's a different process then having an ABC  
2 Manager. Okay?

3 MR. SINGH: We are --

4 MEMBER SHORT: Let me finish. Thank  
5 you.

6 MR. SINGH: Okay.

7 MEMBER SHORT: So if you had of  
8 followed up let's say a week after you made your  
9 application, if you would have come back down  
10 again and asked, you probably would have found  
11 out it was approved or disapproved, but you  
12 didn't come back until after you were caught by  
13 the ABC Investigator of not having a proper ABC  
14 Licensed Manager.

15 MR. SINGH: Right. I didn't come.

16 MEMBER SHORT: So what is your defense  
17 to that?

18 MR. SINGH: It is true that it is from  
19 the delinquency from the Board that I was not  
20 approved. My application has been somewhere else  
21 sitting there.

22 MEMBER SHORT: Okay. Here is another

1 question. Same question again.

2 MR. SINGH: Yes, I understand what you  
3 are saying I don't have a defense for myself.

4 MEMBER SHORT: Okay. All right. So--

5 MR. SINGH: You are talking --

6 MEMBER SHORT: -- you know if you went  
7 down to get --

8 MR. SINGH: If nothing happen, if I do  
9 not come here another year, it would not be done.

10 MEMBER SHORT: If you would have  
11 waited a year? If you hadn't of got caught, you  
12 would have just kept operating without an  
13 approved --

14 MR. SINGH: No. There is other  
15 members in the LLC.

16 MEMBER SHORT: I understand, but they  
17 weren't there that day.

18 MR. SINGH: Not --

19 MEMBER SHORT: They weren't there when  
20 the -- the day the Investigator came by?

21 MR. SINGH: They what?

22 MEMBER SHORT: They were not there on

1 the 26th of June when you were cited for not  
2 having an ABC licensed person?

3 MR. SINGH: Yes.

4 MEMBER SHORT: So what is your defense  
5 to that? I'll ask again. What is your defense  
6 to not having an ABC Licensed -- as required by  
7 law?

8 MR. SINGH: I'm not denying that I did  
9 mistake it. I already said it that we are  
10 admitting mistake, but we are penalized so much,  
11 \$650 quite a bit of money for anything. And on  
12 the top, when I came here to figure out what  
13 happened --

14 MEMBER SHORT: My last question is --

15 MR. SINGH: -- then is --

16 MEMBER SHORT: My last question to you  
17 is this.

18 MR. SINGH: Yes.

19 MEMBER SHORT: You go down to the  
20 Department of Motor Vehicles and you apply to get  
21 a driver's license.

22 MR. SINGH: Yes.

1                   MEMBER SHORT: You don't hear anything  
2 from them that same day, would you go out and  
3 start driving already? Is that what you are  
4 assuming about the laws in Washington, D.C.?

5                   MR. SINGH: No.

6                   MEMBER SHORT: Okay. All right.  
7 Thank you, Madam Chair. That's all I have.

8                   CHAIRPERSON MILLER: Okay.

9                   MEMBER ALBERTI: Ms. Miller?

10                  CHAIRPERSON MILLER: Yes, Mr. Alberti?

11                  MEMBER ALBERTI: Okay. Mr. Bhusal --  
12 I mean, Mr. Singh, so Mr. Bhusal became a member  
13 of the LLC. What percentage owner is he?

14                  MR. SINGH: He's zero percent.

15                  MEMBER ALBERTI: Pardon?

16                  MR. SINGH: Zero percent owner.

17                  MEMBER ALBERTI: Zero percent?

18                  MR. SINGH: Yes.

19                  MEMBER ALBERTI: So he is just an  
20 officer? He's not a member.

21                  MR. SINGH: He's a member of the LLC.

22                  MEMBER ALBERTI: He's not part of the

1 ownership?

2 MR. SINGH: No.

3 MEMBER ALBERTI: He's just an officer,  
4 oh. Well, you need to -- I think you should  
5 speak to our General Counsel about that. I won't  
6 comment about that right now, but you should -- I  
7 advise you to speak to our General Counsel about  
8 the implications of what that means in terms of  
9 representing or operating the store. All right.

10 Last question. So when you came on  
11 the July 8th -- okay. You heard nothing from ABRA  
12 between May 20th and July 8th.

13 MR. SINGH: Okay.

14 MEMBER ALBERTI: When you came on July  
15 8th, were you asked to submit additional  
16 documents?

17 MR. SINGH: No.

18 MEMBER ALBERTI: And what is Mr.  
19 Bhusal's position in the LLC?

20 MR. SINGH: He is a store clerk and  
21 manager managing the store, too.

22 MEMBER ALBERTI: But what's his

1 position in the LLC?

2 MR. SINGH: Clerk.

3 MEMBER ALBERTI: Pardon?

4 MR. SINGH: He's a clerk at the store.

5 MEMBER ALBERTI: Does he have an

6 officer's position --

7 MR. SINGH: Cashier.

8 MEMBER ALBERTI: -- in the LLC?

9 MR. SINGH: A what?

10 MEMBER ALBERTI: The LLC is a limited

11 liability corporation. What's his -- you are

12 putting him on this application. What's his -- I

13 mean, for what purpose? I mean, is he an

14 officer?

15 MR. SINGH: He is not an officer. He

16 is a -- he is working --

17 MEMBER ALBERTI: Okay. So he has no

18 ownership.

19 MR. SINGH: -- as a --

20 MEMBER ALBERTI: He has no ownership

21 and he is not an officer. Okay. Thank you.

22 MR. SINGH: No.

1 MEMBER ALBERTI: I have no further  
2 questions. I think Mr. Jones does.

3 CHAIRPERSON MILLER: Mr. Jones?

4 MEMBER JONES: Thank you, Madam Chair.  
5 Mr. Singh?

6 MR. SINGH: Yes.

7 MEMBER JONES: What is your role in  
8 the LLC?

9 MR. SINGH: I manage the store and  
10 take care of the financing.

11 MEMBER JONES: All right. I don't  
12 care about what you do in the store.

13 MR. SINGH: All right.

14 MEMBER JONES: I want to know what  
15 your role is in the -- do you know what an LLC  
16 is?

17 MR. SINGH: Limited liability company.

18 MEMBER JONES: Yes.

19 MR. SINGH: Yes.

20 MEMBER JONES: Or something reasonably  
21 close. What is your role in the independent  
22 entity known as the LLC? What is your role in

1 that?

2 MR. SINGH: I'm just manager. I don't  
3 understand what my role should be in the LLC.

4 MEMBER JONES: So does your LLC --  
5 what's the organizational structure of your LLC?

6 MR. SINGH: I'm the 100 percent --

7 MEMBER JONES: Are you the president?  
8 Do you have a board of directors?

9 MR. SINGH: Right.

10 MEMBER JONES: Like I have no idea.  
11 It almost seems like it's a shell. So I'm trying  
12 to get some substance here, because I'm kind of  
13 concerned about how you are operating.

14 MR. SINGH: Okay. I'm the 100 percent  
15 owner for the LLC.

16 MEMBER JONES: Okay. So you are the  
17 100 percent owner for the LLC?

18 MR. SINGH: Right.

19 MEMBER JONES: All right. Got it.  
20 Given that you are the 100 percent owner for the  
21 LLC --

22 MR. SINGH: Yes.

1 MEMBER JONES: -- you are the only  
2 owner --

3 MR. SINGH: Um-hum.

4 MEMBER JONES: -- for this license at  
5 this establishment?

6 MR. SINGH: Right.

7 MEMBER JONES: By virtue of your 100  
8 percent ownership in the LLC?

9 MR. SINGH: Right.

10 MEMBER JONES: Okay. That's what you  
11 are testifying to.

12 MR. SINGH: Right.

13 MEMBER JONES: Okay. Thank you.  
14 Thank you, Madam Chair.

15 CHAIRPERSON MILLER: Okay. Any other  
16 Board questions? Mr. Alberti, do you have a  
17 comment on the documents or do you want to hand  
18 them back?

19 MEMBER ALBERTI: I gave them to Mr.  
20 Short. I'll get them back. I thought maybe Mr.  
21 Short might want to see them. Okay. Great. The  
22 Chair wants to see them.

1 CHAIRPERSON MILLER: Okay. Well, I  
2 want to rule on them.

3 MEMBER ALBERTI: I thought you already  
4 entered them.

5 MEMBER SHORT: You entered them.

6 CHAIRPERSON MILLER: No, because I  
7 thought you objected. You wanted to read them  
8 first, so I did not.

9 MEMBER SHORT: Oh, my gosh.

10 CHAIRPERSON MILLER: Okay. So --

11 MEMBER ALBERTI: I thought you did.

12 CHAIRPERSON MILLER: I did not. And  
13 if I did any, it would be the first two, so --

14 MEMBER ALBERTI: I specifically asked  
15 you to rule up or down before I saw them. So if  
16 I have done anything wrong, I'm sorry.

17 CHAIRPERSON MILLER: Okay. I'm going  
18 to, to make sure the record is clear, admit  
19 Exhibits 1 through 5. I think they are relevant  
20 to respondent's defense.

21 (Whereupon, the above-referred to  
22 documents were received into evidence

1 as Respondent Exhibit No. 1 through  
2 5.)

3 CHAIRPERSON MILLER: Okay. No other  
4 questions then? Oh, you have a question, Mr.  
5 Rodriguez?

6 MEMBER RODRIGUEZ: Yes. Mr. Singh,  
7 good afternoon.

8 MR. SINGH: Good afternoon.

9 MEMBER RODRIGUEZ: Does Mr. Bhusal  
10 understand that you are an owner and that he --  
11 does he understand what his role is in the  
12 corporation?

13 MR. SINGH: Yes, sir. I told him that  
14 he is the person --

15 MEMBER RODRIGUEZ: I'm sorry, sir?

16 MR. SINGH: He had no interest in the  
17 LLC. We are it.

18 MEMBER RODRIGUEZ: So is he more like  
19 a board member or --

20 MR. SINGH: He's just a member.

21 MEMBER RODRIGUEZ: Just a member?

22 MR. SINGH: As --

1                   MEMBER RODRIGUEZ: Okay. So you  
2 understand each other's roles?

3                   MR. SINGH: Yes, sir.

4                   MEMBER RODRIGUEZ: Okay. Thank you.

5                   MR. SINGH: And he --

6                   CHAIRPERSON MILLER: Any other  
7 questions? You have an opportunity to ask  
8 questions based on the Board questions. Well,  
9 you are not an attorney.

10                  Ms. Gephardt, do you have any  
11 questions?

12                  MS. GEPHARDT: No.

13                  CHAIRPERSON MILLER: Okay.

14                  MS. GEPHARDT: No thanks.

15                  CHAIRPERSON MILLER: All right. Then  
16 thank you very much.

17                  (Whereupon, witness excused.)

18                  CHAIRPERSON MILLER: Okay. So I think  
19 that brings us to closing unless you have  
20 rebuttal?

21                  MS. GEPHARDT: No, no. I'll go to  
22 closing.

1                   CHAIRPERSON MILLER: Okay.

2                   MS. GEPHARDT: All right. Board  
3 Members, you have heard here today that on June  
4 the 26th an officer, excuse me, Investigator Demby  
5 visited Continental Wine & Liquors and asked to  
6 speak with an ABC Manager and he was told that no  
7 ABC Manager was on duty.

8                   He was -- you also heard that on May  
9 20th, the licensee, Mr. Rajendra Bhusal submitted  
10 an application to be a member, I believe. And  
11 that application had not been approved until July  
12 the 8th when Mr. Singh came to ABRA and found out  
13 that he was approved on that day and he, I  
14 believe, paid a fine of -- or excuse me, not a  
15 fine, a fee of what was it \$100. And I think he  
16 received a certificate about 10 days later on  
17 July 18, 2014.

18                   I think it has been said here, but the  
19 application went in on May the 20th. By June 26,  
20 2014, they had not heard anything about whether  
21 he had been approved or not. However, regardless  
22 of that, he went ahead and was acting as an ABC

1       Manager.  And you know, obviously, you know, did  
2       not have -- they did not have the proper ABC  
3       Manager on duty, because Mr. Bhusal did not have  
4       his ABC Manager License at the time.

5                 And as Board Member Short said, if you  
6       go and apply for a driver's license and you start  
7       driving, but your application hasn't been  
8       approved, that doesn't mean you get to -- just  
9       because you filed the application, doesn't mean  
10      you get to drive.

11                So, you know, Mr. Singh knew and Mr.  
12      Bhusal knew that he hadn't been approved yet,  
13      otherwise, he would have had the certificate.  
14      They would have paid the fee.

15                So when Officer Demby or Investigator  
16      Demby went by on June the 26th, he cited them for  
17      a violation for not having an ABC Manager on  
18      duty.  And this violation should be upheld.  And  
19      the Government requests that a \$650 fine be  
20      imposed.  Thank you.

21                CHAIRPERSON MILLER:  Okay.  Thank you.  
22      Would you like to make a closing statement?

1 MR. SINGH: Nothing. I would like for  
2 the Board to figure out.

3 CHAIRPERSON MILLER: Okay. That's  
4 fine. That's perfectly fine. All right. Then  
5 I'm going to close the record in this case. That  
6 means no other evidence is coming in, all the  
7 evidence was put in today.

8 And the last thing I want to ask is if  
9 the parties want to file proposed findings of  
10 fact and conclusions of law or waive your right  
11 to do so?

12 MS. GEPHARDT: No, thank you.

13 CHAIRPERSON MILLER: Okay.

14 MR. SINGH: No.

15 CHAIRPERSON MILLER: Then the Board is  
16 going to take this case under advisement and we  
17 will issue an order in writing within 90 days.

18 Okay. So our Board is going to take  
19 a vote on the proposed meeting, but you don't  
20 have to necessarily stay here for that. Thank  
21 you very much.

22 MS. GEPHARDT: Thank you.

1 MR. SINGH: Thank you.

2 CHAIRPERSON MILLER: Okay.

3 As Chairperson of the Alcoholic  
4 Beverage Control Board for the District of  
5 Columbia and in accordance with Section 405 of  
6 the Open Meetings Amendment Act of 2010, I move  
7 that the ABC Board hold a closed meeting for the  
8 purpose of seeking legal advice from our counsel  
9 on Case No. 14-CMP-00327, Continental Wine &  
10 Liquors, per Section 405(b)(4) of the Open  
11 Meetings Amendment Act of 2010, and deliberating  
12 upon this case for the reasons cited in Section  
13 405(b)(13) of the Open Meetings Amendment Act of  
14 2010.

15 Is there a second?

16 MEMBER SILVERSTEIN: Second.

17 CHAIRPERSON MILLER: Mr. Silverstein  
18 has seconded the motion. I'll now take a roll  
19 call vote on the motion before us now that it has  
20 been seconded.

21 Mr. Brooks?

22 MEMBER BROOKS: I agree.

1 CHAIRPERSON MILLER: Mr. Alberti?

2 MEMBER ALBERTI: I agree.

3 CHAIRPERSON MILLER: Mr. Rodriguez?

4 MEMBER RODRIGUEZ: I agree.

5 CHAIRPERSON MILLER: Ms. Miller

6 agrees.

7 Mr. Silverstein?

8 MEMBER SILVERSTEIN: I agree.

9 CHAIRPERSON MILLER: Mr. Short?

10 MEMBER SHORT: I agree.

11 CHAIRPERSON MILLER: Mr. Jones?

12 MEMBER JONES: I agree.

13 CHAIRPERSON MILLER: It appears that

14 the motion has passed by a vote of 7-0-0.

15 I hereby give notice that the ABC  
16 Board will hold this aforesaid closed meeting and  
17 issue an order within 90 days.

18 I'm going to read the closed meeting  
19 votes for the Agenda and the Investigative Agenda  
20 for next week, since we already did our Agenda,  
21 but didn't do the closed meeting votes.

22 All right. As Chairperson of the

1 Alcoholic Beverage Control Board for the District  
2 of Columbia and in accordance with Section 405 of  
3 the Open Meetings Amendment Act of 2010, I move  
4 that the ABC Board hold a closed meeting on  
5 January 21, 2015 for the purpose of seeking legal  
6 advice from our counsel on the matters identified  
7 on the Board's Agenda for January 21, 2015 as  
8 published in the DC Register on no later than  
9 January 16, 2015.

10 Is there a second?

11 MEMBER ALBERTI: Second.

12 CHAIRPERSON MILLER: Mr. Alberti  
13 seconded the motion. I'll now take a roll call  
14 vote on the motion before us now that it has been  
15 seconded.

16 Mr. Brooks?

17 MEMBER BROOKS: I agree.

18 CHAIRPERSON MILLER: Mr. Alberti?

19 MEMBER ALBERTI: I agree.

20 CHAIRPERSON MILLER: Mr. Rodriguez?

21 MEMBER RODRIGUEZ: I agree.

22 CHAIRPERSON MILLER: Ms. Miller

1 agrees.

2 Mr. Silverstein?

3 MEMBER SILVERSTEIN: I agree.

4 CHAIRPERSON MILLER: Mr. Jones?

5 MEMBER JONES: I agree.

6 CHAIRPERSON MILLER: Mr. Short?

7 MEMBER SHORT: I agree.

8 CHAIRPERSON MILLER: It appears that  
9 the motion has passed by a 7-0-0 vote.

10 I hereby give notice that the ABC  
11 Board will hold this aforementioned closed  
12 meeting pursuant to the Open Meetings Amendment  
13 Act of 2010. Notice will also be posted on the  
14 ABC Board hearing room bulletin board, placed on  
15 the electronic calendar on ABRA's website and  
16 published in the DC Register in as timely a  
17 manner as practicable.

18 As Chairperson of the Alcoholic  
19 Beverage Control Board for the District of  
20 Columbia and in accordance with Section 405 of  
21 the Open Meetings Amendment Act of 2010, I move  
22 that the ABC Board hold a closed meeting on

1 January 21, 2015 for the purpose of discussing  
2 and hearing reports concerning ongoing or planned  
3 investigations of alleged criminal or civil  
4 misconduct or violations of law or regulations  
5 and seeking legal advice from our counsel on the  
6 Board's Investigative Agenda for January 21, 2015  
7 as published in the DC Register on January 16,  
8 2015.

9 Is there a second?

10 MEMBER ALBERTI: Second.

11 CHAIRPERSON MILLER: Mr. Alberti  
12 seconded the motion. I'll now take a roll call  
13 vote on the motion before us now that it has been  
14 seconded.

15 Mr. Brooks?

16 MEMBER BROOKS: I agree.

17 CHAIRPERSON MILLER: Mr. Alberti?

18 MEMBER ALBERTI: I agree.

19 CHAIRPERSON MILLER: Mr. Rodriguez?

20 MEMBER RODRIGUEZ: I agree.

21 CHAIRPERSON MILLER: Ms. Miller  
22 agrees.

1 Mr. Silverstein?

2 MEMBER SILVERSTEIN: I agree.

3 CHAIRPERSON MILLER: Mr. Short?

4 MEMBER SHORT: I agree.

5 CHAIRPERSON MILLER: Mr. Jones?

6 MEMBER JONES: I agree.

7 CHAIRPERSON MILLER: It appears that  
8 the motion has passed by a 7-0-0 vote.

9 I hereby give notice that the ABC  
10 Board will hold this aforementioned closed  
11 meeting pursuant to the Open Meetings Amendment  
12 Act of 2010. Notice will also be posted on the  
13 ABC Board hearing room bulletin board, placed on  
14 the electronic calendar on ABRA's website and  
15 published in the DC Register in as timely a  
16 manner as practicable.

17 (Whereupon, the Show Cause Hearing in  
18 the above-entitled matter was concluded at 3:12  
19 p.m.)

20

21

22

**A**

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