

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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IN THE MATTER OF: :

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Case# 11-CMP-00392 :

Capital Yacht Charters, LLC :

t/a Motor Yacht Celebrity, :

Motor Yacht Harbour :

Belle, Motor Yacht Finished : Fact

Business : Finding

1300 Maine Avenue SW : Hearing

License #s 84410, 84412, :

and 84413 :

Retailer CX :

ANC-6D :

Sale of alcoholic beverages :

without a license :

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January 18, 2012

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

PRESENT

RUTHANNE MILLER, Chairperson

CALVIN NOPHLIN, Member

NICK ALBERTI, Member

DONALD BROOKS, Member

MIKE SILVERSTEIN, Member

HERMAN JONES, Member

JEANNETTE MOBLEY, Member

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

3:55 p.m.

CHAIRPERSON MILLER: Good

afternoon. The parties are here for a fact finding hearing. Pursuant to 23 DCMR 1611.1 a fact finding hearing is a non-contested case that the Board may hold to obtain further information from an applicant or licensee before rendering a decision on a licensee request for an investigation conducted by ABRA.

There is no sworn testimony or cross-examination in a fact finding hearing. Also, a licensee shall not be fined, suspended, or revoked at a fact-finding hearing. However, information provided at a fact finding hearing may result in the issuance of a show cause notice pursuant to 23 DCMR 1604.

You may be represented by legal counsel at a fact finding hearing. All hearings are conducted before the Board in the

1 English language.

2 If you or any corporate officer or
3 any witness to be called are deaf, have a
4 hearing impediment, or cannot readily
5 understand or communicate the spoken English
6 language, you may request an interpreter by
7 contacting ABRA's mediation specialist La
8 Verne Fletcher.

9 I would note that the approximate
10 time is 3:56 p.m. and we can now proceed with
11 the one case on our agenda for fact finding
12 which is case #11-CMP-00392, Capital Yacht
13 Charters, License #s 84410, 84412, and 84413
14 in ANC-6C.

15 Okay. Would the parties introduce
16 themselves, please.

17 INVESTIGATOR PARKER: ABRA
18 Investigator Vincent Parker.

19 MR. FONSECA: Michael Fonseca on
20 behalf of the licensee. With me to my
21 immediate left is the former managing member
22 Eric Slaughter. To his left is an approved

1 member of the LLC and the newly elected
2 managing member Johnnie Osbourne.

3 CHAIRPERSON MILLER: Okay. Unless
4 the parties have any preliminary type matters,
5 I think we would begin with Mr. Parker.

6 INVESTIGATOR PARKER: Yes, ma'am.
7 I was assigned the investigation of Capital
8 Yacht Charters in September of 2011. From
9 September 3, 2011 through September 17, 2011
10 ABRA received numerous online anonymous
11 complaints regarding the operation of Capital
12 Yacht Charters without an ABC license. I began
13 my investigation as a result of these
14 anonymous complaints.

15 As history on Capital Yacht
16 Charters, on February 3, 2010 Capital Yacht
17 Charters applied for an ABRA class CX license
18 for all three vessels which are the Motor
19 Yacht Celebrity, Motor Yacht Harbour Belle,
20 and Motor Yacht Finished Business. Capital
21 Yacht Charters, LLC, was the corporation for
22 all three of the vessels.

1 On March 1, 2010, the ANC-6D wrote
2 a letter of support for Capital Yacht Charters
3 and the six vessels. A couple of weeks later
4 on March 12 ABRA licensing specialist Ms.
5 Curley sent a letter to Eric Slaughter who was
6 identified as the owner of Capital Yacht
7 Charters indicating that the stipulated
8 license for the ships would not be issued
9 until certain provisions were met.

10 Those provisions are listed in the
11 report and include articles of organization,
12 menu, business licenses, etc., as well as
13 police clearances from all of the members of
14 the organization.

15 On March 17, 2010 the ABC Board
16 approved the stipulated license contingent
17 upon things listed in the report being
18 satisfied to Ms. Curley's satisfaction.

19 As of the time of my report, which
20 was in 2011, September, Capital Yacht Charters
21 had not submitted the required police
22 clearances for all of the members of the

1 organization. Therefore, the stipulated
2 license had not been issued.

3 As part of my investigation I
4 conducted internet research for Capital Yacht
5 Charters and determined that the establishment
6 had numerous events onboard the various ships
7 in which alcohol was served or sold.
8 Definitely we have photographs from the
9 website as well as other sources of alcohol
10 being consumed onboard the yachts.

11 We have advertisements for
12 charging a price to board the yachts and
13 consume the alcoholic beverages. We have a
14 menu from the Capital Yacht Charters website
15 which list prices and those are exhibits to
16 the report which indicates that the
17 establishment was, in fact, operating and
18 selling and serving alcohol without an ABC
19 license.

20 Also as part of this investigation
21 I spoke to Mr. Slaughter who is the owner of
22 record at the time. Mr. Slaughter stated that

1 Capital Yacht Charters has been operating
2 since 1993. He also during our conversation
3 confirmed that the yachts have been selling
4 and serving alcohol on board without an ABC
5 license.

6 Mr. Slaughter stated that there
7 had been delays regarding the DCRA and
8 Department of Health licensing process as far
9 as his yachts were concerned. I advised Mr.
10 Slaughter that without a license you are not
11 allowed to sell alcohol in the District of
12 Columbia.

13 Mr. Slaughter indicated to me
14 during that conversation that going forward
15 Capital Yacht Charters would employ a DC
16 licensed caterer onboard all three of the
17 yachts.

18 Subsequent to that meeting with
19 Mr. Slaughter, a meeting was held with myself
20 and Mr. Fonseca on behalf of the licensee, as
21 well as Ms. Curley, the licensing specialist.
22 Ms. Curley went over the file for the licensee

1 and indicated to Mr. Fonseca what required
2 documents she needed in order for the license
3 to be issued. That was on September 16th.

4 I conducted some additional
5 research and found that there were beer and
6 brat cruises, Oktoberfests, on the Potomac
7 cruises. All these events have been
8 advertised and photographed and the pictures
9 were online. I included them in the report.
10 I also was able to gather a video clip which
11 showed people consuming alcohol on board the
12 Celebrity Yacht.

13 To concluded the investigation I
14 contacted MK Catering who is the catering
15 company that the licensee advised they would
16 be using. MK Catering provided me
17 documentation to support that they had catered
18 approximately four events on board and had
19 plans to cater future events onboard until the
20 stipulated license or permanent license were
21 issued to this establishment. That's all I
22 have.

1 CHAIRPERSON MILLER: Thank you.

2 Are there any Board questions?

3 Mr. Nophlin.

4 MEMBER NOPHLIN: Thank you. When
5 you mentioned to the licensee, and maybe I
6 haven't had a chance to read this thorough,
7 that you had some concerns certainly in regard
8 to not having their license to serve alcohol,
9 what was their explanation? I didn't pick it
10 up.

11 INVESTIGATOR PARKER: Mr.
12 Slaughter stated to me -- his main issue
13 during our conversation was that the process
14 had been very slow. Like I stated, the
15 process started apparently in 2010 and this
16 was September of 2011 and his statements were
17 to me that the process had been very slow.
18 Not on ABRA's part but dealing with DCRA and
19 the Department of Health issues. He didn't
20 make any excuses about selling or serving of
21 alcohol that I recall.

22 MEMBER NOPHLIN: How long after

1 that were you able to get back with him to se
2 if, in fact, he did obtain his license?

3 INVESTIGATOR PARKER: The license
4 was issued, sir. I don't have the date the
5 license was issued by the Board.

6 MEMBER NOPHLIN: How long ago was
7 it?

8 INVESTIGATOR PARKER: I'm not
9 sure, sir.

10 MEMBER NOPHLIN: Roughly do you
11 have an idea?

12 INVESTIGATOR PARKER: I think it
13 was towards the end of 2011.

14 MEMBER NOPHLIN: And this occurred
15 in 2010?

16 INVESTIGATOR PARKER: Well, the
17 application came in in 2010. My investigation
18 started in September of 2011.

19 MEMBER NOPHLIN: Okay. Thank you.
20 Thank you, Madam Chair.

21 CHAIRPERSON MILLER: Do you have a
22 question, Mr. Brooks?

1 MEMBER BROOKS: Yes. Thank you,
2 Madam Chair.

3 Mr. Parker, you indicated that you
4 were informed that the company started in
5 1993?

6 INVESTIGATOR PARKER: Yes, sir.

7 MEMBER BROOKS: Okay. So was
8 alcohol served then?

9 INVESTIGATOR PARKER: I didn't get
10 any evidence to support that. Mr. Slaughter's
11 statements to me was that he began -- I don't
12 know if he began but the company has been
13 operating since 1993. He also confirmed in
14 subsequent questions that they do sell and
15 serve alcohol onboard the ships. I didn't
16 say, "Have you been doing this since 1993?"
17 I was focused on now what's going on.

18 MEMBER BROOKS: I see. Thank you.
19 Thank you, Ms. Chairman.

20 CHAIRPERSON MILLER: Mr. Alberti.

21 MEMBER ALBERTI: Hi, Investigator
22 Parker. Just on that same point, Mr.

1 Slaughter said the company had been in
2 operation since 1993. Did you -- what did you
3 understand? Did you understand that they are
4 operating those four boats since 1993? What
5 were you -- I guess I can ask Mr. Slaughter
6 later about the history of the company but I
7 didn't know if you had any information on
8 that.

9 INVESTIGATOR PARKER: He stated to
10 me -- my investigation was focused on the
11 point where the application was initiated with
12 ABRA until the current day. I didn't go back
13 beyond that.

14 MEMBER ALBERTI: Okay.

15 INVESTIGATOR PARKER: I am sure he
16 can describe it.

17 MEMBER ALBERTI: Fair enough.
18 When you spoke with Mr. Slaughter, did he
19 enumerate what approvals and licenses had not
20 been issued from DCRA and the Department of
21 Health?

22 INVESTIGATOR PARKER: The issue as

1 I understood it was that DCRA was requiring
2 the boats to have a restaurant license. The
3 restaurant license could not be issued for the
4 boats.

5 Mr. Fonseca and the establishment
6 can explain this better. The restaurant
7 license would not be issued because the boats
8 didn't have a kitchen. They would cater food
9 or something to that effect but I didn't
10 really -- like I explained to Mr. Slaughter,
11 all I really needed to see was the ABC license
12 and the other things they would need to worry
13 about as far as DCRA.

14 MEMBER ALBERTI: Do you have
15 knowledge of any other licenses?

16 INVESTIGATOR PARKER: The only
17 thing I remember there was a -- they were
18 having a hard time getting a restaurant
19 license or getting whatever licenses they
20 needed to satisfy DCRA instead of a restaurant
21 license.

22 MEMBER ALBERTI: Okay. Switching

1 gears here, after you spoke with them I think
2 you said that they said they would hire caterers
3 for any event. Do you know whether or not
4 future events where they were serving alcohol
5 were catered?

6 INVESTIGATOR PARKER: Yes. I
7 spoke to MK Catering who was the caterer they
8 provided. MK Catering confirmed to me that
9 they had catered events there in the past and
10 then had proposals to cater future events.

11 MEMBER ALBERTI: Okay. During
12 those events was it employees of MK Catering
13 who served the alcohol or was it employees of
14 Capital Yacht?

15 INVESTIGATOR PARKER: I'm not
16 sure, sir.

17 MEMBER ALBERTI: You're not sure
18 because you didn't ask or you're not sure
19 because you couldn't get the information or --

20 INVESTIGATOR PARKER: Mr. Messina
21 from MK Catering statement was that they
22 provided food, alcoholic beverages, as well as

1 staff when catering onboard the ships.

2 MEMBER ALBERTI: And that's the
3 only detail -- you have no further detail?

4 INVESTIGATOR PARKER: Right.

5 MEMBER ALBERTI: Okay. I have no
6 further questions.

7 MEMBER MOBLEY: I have no
8 questions.

9 CHAIRPERSON MILLER: Okay. Mr.
10 Parker, I just want to get this straight.
11 Were you investigating whether Capital Yacht
12 Charters was serving alcohol while their
13 application for a license was pending? Was
14 that the purpose of your investigation?

15 INVESTIGATOR PARKER: Yes, ma'am.
16 Without a license. Before they got the
17 license.

18 CHAIRPERSON MILLER: That's how
19 you started?

20 INVESTIGATOR PARKER: Yes, ma'am.

21 CHAIRPERSON MILLER: So at the
22 time you got involved they had an application

1 pending?

2 INVESTIGATOR PARKER: Yes, ma'am.

3 CHAIRPERSON MILLER: Okay. Again,
4 I know Mr. Slaughter is here and we can ask
5 him but based on your investigation, did they
6 know that it was illegal to be serving alcohol
7 without a license while their application was
8 pending?

9 INVESTIGATOR PARKER: I made it
10 clear in some of my statements to Mr.
11 Slaughter to that effect. I don't think he
12 ever admitted that he was knowingly selling
13 without a license but he was quite
14 knowledgeable about the operation of the
15 ships.

16 CHAIRPERSON MILLER: Once you had
17 that conversation with him, did he sell
18 alcohol after that before the license was
19 granted?

20 INVESTIGATOR PARKER: I don't have
21 any evidence that he did.

22 CHAIRPERSON MILLER: Okay. Thank

1 you.

2 Any other questions?

3 Okay. Mr. Fonseca.

4 MR. FONSECA: If I may, I'm going
5 to make remarks that are summary in fashion.
6 The Board obviously without my permission will
7 question these witnesses. With me is William
8 Woods, Jr. Eric Griffin was the ABC manager.
9 Actually he is the food and beverage manager
10 for the cruise line. Mr. Woods is Mr.
11 Osbourne's partner.

12 I'm going to explain how the
13 restructuring that's been filed with the Board
14 has occurred. What we have here is a
15 situation where an applicant attempted to do
16 it themselves. They got an ABRA staffer who
17 was quite competent but this was, frankly, her
18 first full application as opposed to one days
19 and managers.

20 They gave her a CX boat
21 application. It was a Murphy's law situation
22 in that even after they came to hire my firm

1 and I got involved, which was in early
2 September, we were unaware at that time that
3 they had yet to even be placarded which made
4 absolutely no sense to me.

5 We had a situation where there
6 were a number of things that occurred that was
7 a combination of ABRA staff saying, "You need
8 to have a restaurant license because the
9 Health Department says so." A long journey of
10 tail chasing the dog.

11 While that was going on, we
12 stipulated that alcohol and beverage were both
13 either BYOB, they were sold, or they were
14 offered gratis without a license. Upon our
15 engagement and upon the investigation
16 commencing, they did hire MK Caterers to start
17 with the Oktoberfest functions.

18 Starting with the events that
19 occurred on 9/16 and 9/17, that is September
20 16 and 17 of 2011 forward, those were catered
21 functions which I understand that even when
22 the application was filed, we're talking now

1 February, in March of 2010 they had already
2 prior to that gone to the ANC-6D, met with
3 Coralie Farlee who is in the audience who is
4 the ABC chair, committee chair.

5 She is not a commissioner but she
6 chairs the committee, that ANC's committee for
7 ABC matters, and got both a voluntary
8 agreement and a request and approval letter
9 for a stipulated license. Through all this
10 time -- now, we're looking at a year and a
11 half -- we come to hitting the proverbial wall
12 and the stipulated unauthorized and unlicensed
13 activities.

14 Snapshot then and forward, all
15 activities were done properly in that there
16 was an ABC licensed caterer. We quickly
17 finished what would be needed to get the
18 placards, got the placards. Approximately the
19 last few days of September, first few days of
20 October 2011 the stipulated license is issued
21 and before the end of October the permanent
22 license is issued.

1 We began a discussion -- I'm going
2 to take a few minutes to help to see why we
3 know this is so serious of the Board holding
4 and the Shaw Tavern Act and how serious this
5 is. And the fact that now we see
6 administratively that the Board eventually
7 decided to send this to show cause after the
8 investigative report came out -- not show
9 cause. Excuse me. Sent it to fact finding.

10 We have to do what we know we have
11 to do. This would be a disqualifying event
12 for Mr. Slaughter and there are other things
13 that needed to happen. Frankly, the business
14 was not going to survive without all this
15 being done to keep it afloat, no pun intended,
16 because the boats would have sank.

17 A transaction occurred and
18 effective in December Mr. Slaughter and his
19 former wife divested themselves of 25 percent
20 and 50 percent of hers. The remaining partner,
21 which was Fort Washington Potomac River Tours,
22 which has a license in Maryland, which have

1 five partners, and two of them are here and
2 they are the principals, Mr. Woods and Mr.
3 Osbourne.

4 Then through a restructuring we
5 end up with now a snapshot filed on January
6 12th with an additional boat which we swapped
7 out the Harbour Belle and terminated its
8 license because that was a leased vessel with
9 Mr. Osbourne the managing member having the
10 separate 7 percent component plus a beneficial
11 ownership of 4425.

12 MJ Ventures, which is a venture
13 between Mr. Osbourne and Mr. Woods, has 75
14 percent. The prior remaining approved entity,
15 Fort Washington Potomac River Tours, which Mr.
16 Woods has his percentage in there getting him
17 up to where he's at with a total of 18
18 percent.

19 We, in essence, have three
20 disclosed in the operating agreement but
21 unapproved remaining three have 11 percent
22 between them so we have no one else attributed

1 to the 10 percent situation.

2 We have cured what we think would
3 have been the issue that would have
4 disqualified, and rightfully, Captain
5 Slaughter. That is in the system but isn't
6 close to coming back to you all yet for
7 processing but I'm working with the examiner.

8 I think it went back to her
9 because this would have Ms. Curley's case and
10 it then got put into Karen Jackson's hands
11 since she left the agency a few months ago.

12 That's both what we would
13 stipulate to and to explain where we've come.
14 This new boat continues to use caterers
15 because it does not have a license. One of
16 the other boats is basically docked undergoing
17 repairs.

18 The other licensed one at this
19 point in time at this time of the year there
20 is little activity where they are using the
21 licenses. They will and the Celebrity is the
22 bigger one.

1 Now trying to explain what
2 Investigator Parker was talking about, we had
3 a horrible chicken and egg problem where the
4 Health Department needs to sign off because of
5 any kind of food type activity.

6 Whether one or all of these boats,
7 which for a while an ABRA staff person was
8 saying all three boats need a restaurant
9 license was somewhat beyond the scope of what
10 is even possible.

11 The Celebrity had a gallery -- has
12 a galley. One could argue if it can fit
13 without ultimately having a certificate of
14 occupancy because it's a vessel, so you won't
15 get a certificate of occupancy. I know the
16 Chair knows well from Zoning that is not a use
17 because it's not a building, it's not a
18 structure.

19 That's the kind of trouble that
20 Mr. Slaughter had to go through to work
21 through the Zoning Administrator, to work
22 through the Health Department, and eventually

1 secure at least a restaurant license for that
2 boat. I secured a general business license
3 for the other two.

4 My position is, and I think some
5 other boats without a galley, could operate in
6 the District of Columbia with a general
7 business license and a liquor license and not
8 need the restaurant license.

9 Out of an abundance of caution in
10 light of everything else that was going on
11 with this already being a touchy case, shall
12 we say, we made sure we went through that. We
13 will probably do the same thing with the
14 Virginia Jewel which is a large ship much like
15 the Celebrity and newer.

16 That is part of the package not
17 only with the ownership change but, in effect,
18 swapping out, shall we say, to keep us with
19 three boats. So a long summary. I think when
20 the snapshot is taken again post mid-
21 September, that's where we really are.

22 I more than invite and expect the

1 Board to ask questions so you get an
2 understanding of what happened with Captain
3 Slaughter, what you need to know about Mr.
4 Osbourne because you may want a separate fact
5 finding before you approve this transfer.

6 Now might be the chance to get
7 some of that out. And then with Mr. Woods,
8 who also now becomes a significant beneficial.
9 Mr. Griffin handles the food and beverage.
10 I'll leave that now to your direction as to
11 who and what you want to do next.

12 If you want those other two to
13 come to the table because I'm not going to ask
14 any questions. I know I can't cross-examine
15 but I have no reason to ask the investigator
16 any questions.

17 He met with us when I came in and
18 we had a nice group meeting to see where we
19 were, what we've got to do forward and we've
20 done all of that. I make that representation
21 knowing that was a challenge that had to be
22 done because this is a serious matter.

1 CHAIRPERSON MILLER: Okay. Does
2 anyone have questions for Mr. Parker?

3 I think the question logistically
4 is if those two witnesses want to come
5 forward, maybe there's room for all three of
6 you at the table in the event that it's more
7 appropriate for one or another to answer a
8 question that might be asked.

9 That's perfect, Mr. Parker. Thank
10 you.

11 Could you identify yourselves for
12 the record and, again, tell us who you are so
13 we know to direct a question to you or not.

14 DR. WOODS: I'm Dr. William Woods.
15 I'm a partner with Johnnie Osbourne and MJ
16 Ventures.

17 CHAIRPERSON MILLER: Okay.

18 MR. GRIFFIN: My first name is
19 actually Carlton, middle name Eric, Griffin,
20 and I'm the operations manager and food and
21 beverage falls under my purview now.

22 CHAIRPERSON MILLER: You are

1 Mr. -- what's your last name?

2 MR. GRIFFIN: Griffin.

3 CHAIRPERSON MILLER: Griffith?

4 MR. GRIFFIN: Griffin.

5 CHAIRPERSON MILLER: Griffin.

6 MR. GRIFFIN: G-R-I-F-F-I-N.

7 CHAIRPERSON MILLER: Okay. Thank
8 you.

9 Questions? Mr. Alberti.

10 MEMBER ALBERTI: I would like to
11 start off -- I'm a little slow this afternoon,
12 Mr. Fonseca, so forgive me. Could you go over
13 the change in the corporate structure a little
14 bit and maybe kind -- could you go over that
15 again?

16 MR. FONSECA: Absolutely.

17 MEMBER ALBERTI: I mean, the way
18 you stated it was really kind of complex and
19 convoluted so I'm wondering if you could break
20 it down for us a little bit.

21 MR. FONSECA: Here it comes. The
22 initially and currently approved structure

1 with Elizabeth Rose with 50 percent is a
2 member. Eric Slaughter with 25 percent and
3 managing member. Fort Washington Potomac
4 River Tours, LLC with 25 percent as a member
5 with Johnnie Osbourne as the managing member.

6 Johnnie Osbourne, Eric Slaughter,
7 and Elizabeth Rose all individually got
8 approved in that application. As for Fort
9 Washington, Johnnie Osbourne is the managing
10 member of that. That had a 50/25/25
11 membership with one of the members being an
12 entity and two members being individuals.

13 Now, the structure has changed and
14 leave, in essence, the two individuals that
15 has 75 percent divested. Because there is a
16 negative balance on the books, they got
17 nothing. Elizabeth Rose takes back a note of
18 \$300,000. That was a loan to the company.
19 Neither of them get any equity.

20 Now you end up having Fort
21 Washington Potomac River Tours, in effect, one
22 member but since there is only one member

1 left, having 100 percent. They in turn sell
2 75 percent to a new entity, MJ Ventures which
3 are these two partners, who are also partners
4 in the approved entity.

5 MEMBER ALBERTI: Who are you
6 pointing to?

7 MR. FONSECA: I'm sorry. Mr.
8 Woods and Mr. Osbourne.

9 MEMBER ALBERTI: Part of the 75
10 percent?

11 MR. FONSECA: Seventy-five
12 percent.

13 MEMBER ALBERTI: Okay.

14 MR. FONSECA: And that's
15 documented in the transaction.

16 MEMBER ALBERTI: Okay. And the
17 entity still owns 25 percent?

18 MR. FONSECA: This is what
19 happened. Mr. Osbourne chooses to take his
20 seven percent out and hold it individual so
21 Potomac -- Fort Washington Potomac River Tours
22 ends up with 18 percent on the books. He has

1 seven and that's the 25.

2 MEMBER ALBERTI: Okay. Oh, I see.
3 He is no longer an officer in Fort Washington
4 River Tours according to you. I mean, Mr.
5 Osbourne is no longer a partner in Fort
6 Washington.

7 MR. OSBOURNE: I still am. The
8 seven percent was the percentage of Fort
9 Washington Potomac River Tours. Of the 25
10 percent I own seven percent of that 25
11 percent.

12 MEMBER ALBERTI: And you took that
13 out as an individual.

14 MR. OSBOURNE: I took that out as
15 an officer of Fort Washington.

16 MR. FONSECA: Yes. And to
17 understand is because this entity owns --

18 MEMBER ALBERTI: Wait. You took
19 the seven percent off but you also with Mr.
20 Osbourne --

21 MR. OSBOURNE: Dr. Woods.

22 MEMBER ALBERTI: Mr. Woods,

1 rather, owns 75 percent and partner with him.

2 MR. OSBOURNE: Actually, it's not
3 75. We own 44.5 percent all together. Each
4 of us owns 44.5 percent.

5 MEMBER ALBERTI: Individually you
6 do. Okay. But as a partnership --

7 MR. OSBOURNE: MJ Ventures, yes.

8 MEMBER ALBERTI: I got you.

9 MR. FONSECA: When one aggregates
10 up to 100 percent, that 75 gives them 36 point
11 something to get you to the 44.

12 MEMBER ALBERTI: Now I understand.
13 I got you.

14 MR. FONSECA: I'm sorry. I know
15 those flew by. The math is correct in the
16 end.

17 MEMBER ALBERTI: I see it. It's
18 hard to follow. That has yet to be approved
19 by this Board.

20 MR. FONSECA: The staff usually
21 tells me that.

22 MEMBER ALBERTI: You did a very

1 good job. That is a transfer or change of
2 corporate officers that hasn't been approved
3 by this Board but the application is in. Is
4 that correct?

5 MR. FONSECA: That's correct.

6 MEMBER ALBERTI: Okay. Does that
7 apply to all the boats?

8 MR. FONSECA: Yeah, it's --

9 MEMBER ALBERTI: How does that
10 work?

11 MR. FONSECA: It's quite a -- to
12 me it's an awkward thing because I have so
13 much history. Originally there was one
14 license number for multiple boats because you
15 get three and then after that you pay a fee
16 for each additional. At some point in time,
17 I'm not sure when, but it's been going on for
18 some while now.

19 There is a separate license issue
20 for each vessel so it does create this
21 awkwardness. I don't say it's wrong. It's
22 just different so that in essence there are

1 three licensed folks. It's one licensee.
2 Administratively you are paying one fee and
3 you renew them as a group.

4 MEMBER ALBERTI: Okay.

5 MR. FONSECA: We've got the other
6 curious part now that we've surrendered the
7 cancellation of one of the boats. As part of
8 this restructuring we are now going to try to
9 license but it's already owned by Capital
10 Yacht Charters, this new boat, and just bring
11 that in so that it's now fully licensed.

12 By the time we get a new
13 restaurant license we hope to stop the
14 catering on some events. They are still going
15 to use the caterer. It works out. It's
16 incredibly expensive so it kills, to some
17 extent, any potential for profit. It just
18 depends. Function by function they will make
19 decisions as to what they do.

20 MEMBER ALBERTI: Just let me be
21 clear. Mr. Slaughter and Ms. Rose, who isn't
22 here --

1 MR. OSBOURNE: She lives in
2 California.

3 MR. FONSECA: It's Montana.

4 MEMBER ALBERTI: So it's
5 completely --

6 MR. FONSECA: She's divested. He
7 is divested now, Mr. Slaughter.

8 MEMBER ALBERTI: Okay.

9 MR. FONSECA: To be forthright and
10 understand, I mean, he is a captain with
11 enormous experience, and he's also the
12 engineer for the company. The engineer keeps
13 these folks afloat and keeps them running.

14 He will retain a position to do
15 that but he has absolutely no ownership, no
16 control, no supervision other than what the
17 captain would do out at sea. That is the
18 responsibility of the captain.

19 MEMBER ALBERTI: I'm not sure who
20 to direct my next set of questions to. Maybe
21 I'll start with you, Mr. Osbourne. Look, I
22 sympathize with the sort of Kafkaesque

1 situation you're in with DCRA and the Health
2 Department and this agency and the trials that
3 you went through. I understand, all right?

4 The fact is that you had applied
5 for a license and so I have to assume you knew
6 that there was at least on some level
7 responsibility to have a license to serve
8 alcohol. Mr. Osbourne, did you know at the
9 time -- were you following this at the time
10 that you were continuing to have functions on
11 the boat?

12 MR. OSBOURNE: You have to
13 understand my background. During this period
14 I was an associate vice president and CFO of
15 George Washington University full time.

16 MEMBER ALBERTI: Okay.

17 MR. OSBOURNE: My interaction with
18 Capital Yacht Charters was minimal. As far as
19 the application process, I did know about the
20 application process because I had to sign off
21 for Fort Washington Potomac River Tours as its
22 managing member. The rest was left up to our

1 managing members of Capital Yacht Charters.

2 My involvement was nil in the
3 company at that time. There was always
4 discussion of me coming into the company after
5 I retired. I retired in June --

6 MEMBER ALBERTI: Congratulations.

7 MR. OSBOURNE: Thank you -- 2011.
8 Eric had always talked about moving on to the
9 theology career. Then in June -- well, in
10 June actually I did become managing member
11 when that process started.

12 MEMBER ALBERTI: What will your
13 involvement be, I'll call it, day-to-day? You
14 may not be there every day but in the ongoing
15 business decisions, weekly, monthly, business
16 decisions what is your involvement? I mean
17 going forward.

18 MR. OSBOURNE: Oh, going forward?

19 MEMBER ALBERTI: Yes.

20 MR. OSBOURNE: Right now I will
21 run the company.

22 MEMBER ALBERTI: And you will make

1 day-to-day management decisions?

2 MR. OSBOURNE: I will make all the
3 decisions.

4 MEMBER ALBERTI: Just loosely day-
5 to-day management decisions?

6 MR. OSBOURNE: I will make all of
7 the decisions. I have an operations manager,
8 Mr. Griffin. He's on site during the course
9 of the day to oversee operations as far as
10 personnel. Any decisions, any major
11 decisions, I will make those.

12 MEMBER ALBERTI: I'm just going
13 end this by telling you what troubled me going
14 into this and why you're here, at least from
15 my perspective. We were explained -- it was
16 explained to us what was going on and the
17 difficulties this company was having.

18 It seemed to me everyone --
19 ignorance is bliss so no one really wanted to
20 call ABRA and say, "Do we really have a
21 license? Do we not really have a license? Do
22 we really have one?" I just get the sense

1 that you really didn't want to know the
2 answer, whoever was in charge.

3 Mr. Slaughter didn't want to know
4 the answer at that point. It was easier to
5 just sort of not face the obvious thinking
6 that, "Oh, we have a stipulated license. It
7 hasn't been issued to us yet but it's been
8 approved so it must be okay."

9 That is a troubling attitude in
10 owners. Mr. Osbourne, you are new to the
11 company and I hope that you will come in with
12 a more responsible attitude towards the
13 licensing, the alcoholic beverage licensing.
14 Thank you.

15 CHAIRPERSON MILLER: Mr. Brooks.

16 MEMBER BROOKS: Thank you, Madam
17 Chair.

18 I'm going back to September 2011.
19 Maybe none of us would be sitting here if
20 maybe a police clearance would have been
21 submitted. What is the story about that?

22 MR. FONSECA: My understanding was

1 Mr. Osbourne's DC was submitted. His Maryland
2 had not been. I'm not sure of Mr.
3 Slaughter's. I know also Elizabeth Rose's was
4 in the file. I believe Mr. Slaughter.

5 You are a DC resident so it would
6 only have been the DC one.

7 For some reason the Maryland one
8 -- I'm not sure if it had been submitted and
9 then no one knew what became of it. When the
10 request went forward once I became involved,
11 Mr. Osbourne fairly quickly -- understanding
12 Maryland is a fingerprint jurisdiction, it
13 does take a minimum of two weeks after
14 submission of your fingerprints.

15 MR. OSBOURNE: I didn't think I
16 had to have a Maryland clearance because I
17 have a Maryland alcohol license with the other
18 folks that are owners.

19 When the licensing process went on
20 and Eric came down -- after he came down to GW
21 to get my signature on behalf of Fort
22 Washington Potomac River Tours, we felt I only

1 needed a DC clearance because I already had a
2 Maryland license and was cleared for that
3 license.

4 I think maybe that is where the
5 confusion came in. Only after meeting with
6 Michael that I realized that I needed to have
7 a Maryland clearance.

8 MEMBER BROOKS: It seems to me
9 just like a technicality that, you know, you
10 wouldn't have been in the situation that
11 you're in by not being able to get the
12 stipulated license, to begin with, because of
13 all the paperwork not being completed.

14 MR. FONSECA: Member Brooks, that
15 was my position. I understand because, again,
16 since I filed this and I got as much, or I
17 received as much of a copy of the package that
18 there were some other deficiencies that were
19 backfilled between March and maybe April and
20 maybe May.

21 Based on my experience those
22 placards probably should have come out by the

1 summer of 2010. If that had happened, I think
2 still staff, even in light of the stipulation,
3 may have decided to deal with that hurdle of
4 this restaurant license which is the dilemma.

5 The Board will probably, even new
6 members, will have an easier way of
7 understanding this. When the Board approves
8 the application, it doesn't really go back to
9 you again. Staff is there ministerially to
10 make sure before the license issues you have
11 a certificate of occupancy and you have a
12 business license.

13 We are still looking at that.
14 They were accepting the Coast Guard
15 certificates of inspection for the boats to,
16 in effect, act as a certificate of occupancy.

17 The question is -- I would have
18 argued a general business license would have
19 been adequate. This whole thing with the
20 restaurant license still was the curve ball.

21 The reality is even with this
22 stipulated license, the way the regulations

1 read and, to me, just administrative broke
2 apart was the stipulated license can't be
3 issued until the placard is posted.

4 Only one side was involved that we
5 got placards that were posted and that license
6 issued in a matter of days, or about a week to
7 10 days after posting. Their end is how that
8 worked out.

9 MEMBER ALBERTI: When did you
10 become involved, Mr. Fonseca?

11 MR. FONSECA: I think sometime
12 during the first week of September. One of
13 the first tasks would have been the setup to
14 try to straighten this out of the meeting. If
15 we met with including Mr. Parker -- I'm
16 looking for the date because it's in the
17 report. September 16th.

18 MEMBER ALBERTI: Maybe the lesson
19 to be learned is that they should have sought
20 expert advice prior to this.

21 MR. FONSECA: It's difficult to
22 advertise as an attorney but I think that

1 would have been well advised a long time ago.
2 Unfortunately, this does go on. A lot of
3 times people are told, "You could fill these
4 forms out. They are not that difficult."
5 They don't say, "Don't get an attorney."

6 I think Mr. Slaughter, in all
7 fairness, he went down that slippery slope and
8 he probably should have reached out to me a
9 year ago. Excuse me, a year after starting
10 down that slippery slope. Maybe a year and
11 six months ago I think we could have nipped
12 this in the bud.

13 I think we would still be back
14 there because you would probably have a
15 license and you still have the potential.
16 Frankly, an anonymous complainant started this
17 ball rolling. I will say on the record, we
18 can't prove it was him, but the reason why we
19 surrendered one license is because that was a
20 lease boat.

21 This person knew they were
22 terminating that lease and this person knew

1 more than anyone possible other than somebody
2 who is intimately available on those boats and
3 knows them backward and forward. It's like
4 anything else.

5 I always say when you get in
6 trouble and there is an anonymous complaint,
7 look at your fired employees, look at your
8 spurned partners. It's an interesting thing.
9 You don't really have an investigation
10 commence until September and the application
11 was filed in February/March of 2010. I don't
12 think it's that difficult to connect the dots.

13 CHAIRPERSON MILLER: Mr.
14 Slaughter, you filed the original application
15 for the liquor license?

16 MR. SLAUGHTER: Yes, ma'am. I
17 did.

18 CHAIRPERSON MILLER: You filed the
19 original application for the liquor license?

20 MR. SLAUGHTER: Yes.

21 CHAIRPERSON MILLER: So once you
22 filed that did you think you could sell

1 alcohol while the application was pending?

2 MR. SLAUGHTER: No, I did not. If
3 I may go a little bit further?

4 CHAIRPERSON MILLER: If you're not
5 comfortable standing you can sit.

6 MR. SLAUGHTER: Maybe I'll sit.

7 MR. FONSECA: That noise you hear
8 are his knees knocking.

9 MR. SLAUGHTER: The operations
10 director suggested I not have my hair cut
11 because it made me look younger but I'm really
12 not young. The reason that we had no other
13 choice but to file for that license was to
14 keep the company afloat. It was a matter of
15 pride and tradition and some promises I made
16 to people who are no longer with us.

17 When I put the license in I only
18 had me and a half-time sales person. This
19 organization you see here is a product of
20 trying to stay in business, pay our debts, and
21 yet grow a little bit. Stay in a position
22 where we could hire people which is what we've

1 done. We've paid people, part-timers mostly.
2 The list is about 23 people, different people
3 at different times.

4 When we filed the license I was
5 trying to keep the business afloat. When I
6 went to ANC most of the people I know. I have
7 been active there for 30 years. Working with
8 Dr. Farlee I thought I understood the process.
9 We got all the paperwork done and handcarried
10 over there.

11 I had already talked to Zaquita
12 who was a very, very helpful person, by the
13 way. I trust her implicitly. I felt that she
14 knew exactly what needed to be done. She
15 said, "Well, we need a couple other things."
16 Well, I got the couple other things a week
17 later. She says in an email, "If I get this,
18 then you'll have the placards next week."
19 Couple times.

20 I'm trying to say now can I go
21 ahead and put my marketing plan in place and
22 I was trying to keep the business afloat

1 literally. These guys who now, in effect,
2 purchased the company without any dollars have
3 to deal with the debt load and the cash flow
4 issue mostly brought upon by 2008.

5 Before that we were okay but not
6 great. I was trying to do that. I was doing
7 everything. We were starting out season in
8 March with the cherry blossoms. I was doing
9 all the maintenance, most of the captaining,
10 all the scheduling. All of that stuff.

11 When I was younger that was okay.
12 I found myself going downhill. My wife said,
13 "You need an attorney." I said, "Okay. I
14 don't want you to lend us the money to hire
15 the attorney," because I did not have the
16 money to go and hire an attorney.

17 I had my half-time sales person
18 help me with the application. He's a detail
19 nut so he went through the draft and checked
20 all the things. Zaquita did the same thing.
21 It was some six weeks after I got the first
22 email saying, "You'll have the placards next

1 week," that she says, "It looks like we need
2 a restaurant license."

3 Well, I went to the Health
4 Department and met a lot of nice people. They
5 said, "You've only got one kitchen so we'll
6 inspect that one. Out of three boats you've
7 got one kitchen." They inspected it and I got
8 the Health report.

9 Then we got the restaurant license
10 for the Celebrity boat, the only one that has
11 a kitchen. Fine. That's done. I spent a lot
12 of money we didn't have to get the kitchen
13 redone, plus several thousand dollars for the
14 stoves, this, that, and the other, re-
15 engineering.

16 We are at that point and I'm glad
17 that we're finished. Then I found out we have
18 to have restaurant licenses for the other two
19 boats. I went back to the Health Department.
20 Ms. Coleman says, "Eric, I can't inspect
21 something -- I can't give you an inspection
22 report because you don't have anything to

1 inspect."

2 This went on for months back and
3 forth. Ms. Coleman met with the ABRA
4 specialist. They tried to work out something.
5 Finally, Tommy Wells' assistant got involved
6 because he said, "What's going on?" It helped
7 and they created a sort of new thing for a
8 boat called a catered establishment.

9 Some more time passed and they
10 came and inspected the two boats. We had to
11 put in some new sinks and drill holes in the
12 haul. We got that done so now we're done
13 there.

14 This whole time I'm facing this
15 ominous thing of trying to keep cash flow so
16 I can pay people and make some money to try to
17 keep things going. Yes, I stipulate I was
18 totally wrong. If I didn't believe in trying
19 to keep this thing going, I wouldn't have
20 backed out. In order to keep it going, I
21 backed out completely. Nineteen years of work
22 down the tube financially.

1 CHAIRPERSON MILLER: What do you
2 mean you backed out?

3 MR. SLAUGHTER: I just gave my
4 shares back to the company.

5 CHAIRPERSON MILLER: Oh.

6 MR. SLAUGHTER: Everything. All
7 the personal debts that have been accrued on
8 behalf of the company, because you know when
9 you're a small business you use your own
10 property, I kept that. I not only did that
11 but because I believe the company is a good
12 company and as a good citizen for southwest
13 DC. That's why I did it.

14 But all the while I knew that if
15 Zaquita kept giving me stuff to do and I kept
16 doing it, we would get that license and it was
17 imminent. When Mr. Parker called I want to
18 tell you he's a great investigator. He was
19 very professional with me from the get-go and
20 I like those guys.

21 I told them exactly what we had
22 been doing. I didn't try to hide anything.

1 I said, "Okay. We're going to declare
2 bankruptcy." Already these two guys said,
3 "We're going to put in money. We're going to
4 bring in this new boat."

5 Boats get old so our old equipment
6 was not marketable anymore. They were onboard
7 to do this as an investment, although I don't
8 think they knew what they were getting into at
9 that point, but later they did and they stayed
10 with me. So, yeah, I screwed up big time.
11 That's my shtick, you know. I was trying to
12 keep the thing going and I was probably just
13 a little bit overwhelmed.

14 CHAIRPERSON MILLER: I'm sure it
15 was overwhelming. It sounds overwhelming even
16 for an attorney to deal with all of those
17 different types of licenses and boats, etc.
18 My question is I know you were in this
19 overwhelming situation without an attorney.
20 I believe you are in total compliance at this
21 point so it's just a question of what happened
22 back then with respect to did you know you

1 weren't suppose to be selling alcohol?

2 MR. SLAUGHTER: Yes.

3 CHAIRPERSON MILLER: You did?

4 MR. SLAUGHTER: I did.

5 CHAIRPERSON MILLER: And then
6 after Mr. Parker told you, did you still sell
7 alcohol?

8 MR. SLAUGHTER: No.

9 CHAIRPERSON MILLER: No. Okay.
10 So there's the divider there. At the point
11 where you were told --

12 MR. SLAUGHTER: Well, the way this
13 has been dragging on, this could be another
14 two years.

15 CHAIRPERSON MILLER: Okay.

16 MR. SLAUGHTER: We are just going
17 to have to find an alternative. The reason we
18 did the Oktoberfest event, as Mr. Parker
19 perfectly presented to you in detail -- I
20 didn't want to do that but we had to do
21 something to meet our obligations.

22 CHAIRPERSON MILLER: Okay.

1 Ms. Mobley.

2 MEMBER MOBLEY: Mr. Slaughter,
3 thank you so much for all that information.
4 Let me move us forward a little bit. Mr.
5 Fonseca, when you came on board, it appears
6 that maybe one of your peers was to suggest to
7 the company that they use an ABC licensed
8 caterer, MK Caterer out of Hyattsville. Is
9 that correct?

10 MR. FONSECA: Well, I didn't
11 advise which one but I said, "Henceforth you
12 must use an ABC licensed caterer."

13 MEMBER MOBLEY: What was the
14 purpose of suggesting that?

15 MR. FONSECA: That's the only way
16 that you could do this activity without your
17 own ABC license. It's the only way once there
18 was an investigation going on you had even a
19 chance in Hades to even remotely come out of
20 this. The activity was unauthorized. It's
21 unlicensed. You are now on notice. You've
22 now got an ABC counsel telling you and that is

1 the only cure you have because the whole
2 purpose of an ABC licensed caterer is to
3 alleviate the need to have one-day licenses or
4 a permanent license. That is a natural fix.
5 It's a very expensive one if that's a daily
6 business. It's very expensive.

7 MEMBER MOBLEY: Would there be any
8 other reason to use a licensed caterer if you
9 don't have an ABC license?

10 MR. FONSECA: Not necessarily, but
11 if you're going to have an event that a
12 caterer who doesn't have an ABC caterer's
13 license, you are going to end up having to go
14 get a one-day license for yourself to cover
15 that.

16 I mean, there are exceptions but
17 if you go into facilities that are normally
18 susceptible to offering a setup, tables,
19 dishware, and everything else, clearly any
20 kind of a hall or anything like that, you have
21 to have a one-day license.

22 MEMBER MOBLEY: Okay. Thank you.

1 Let me address my next question
2 then to Mr. Griffin, the operation manager.
3 Our investigative report indicates, or
4 alleges, that the yacht club did not use the
5 service of the bartenders from the catering
6 company. They used individuals who were
7 associated with the company. Can you talk to
8 us about that and tell us why that is the
9 case?

10 MR. GRIFFIN: The bartenders that
11 we used we employee on a 1099 basis. They
12 work for other companies and they are not
13 full-time employees. When MK came in, they
14 asked to use those employees and I forwarded
15 their information to MK and they worked with
16 MK to serve alcohol in those events. All
17 those employees, like I said, are 1099
18 employees. They all have TIPS cards. I
19 believe two of those employees now have their
20 ABC managers licenses.

21 MEMBER NOPHLIN: Madam Chair.

22 CHAIRPERSON MILLER: Yes.

1 MEMBER NOPHLIN: Please speak up a
2 little louder. I can't hear.

3 MR. GRIFFIN: Yes, sir. I'm
4 sorry.

5 MEMBER NOPHLIN: Speak into the
6 mic.

7 MR. GRIFFIN: The employees that
8 are in question are 1099 employees. They are
9 not direct employees of Capital Yacht
10 Charters. They are not regular employees.
11 They are only called in to serve alcohol on
12 certain events.

13 When the caterer came in, they
14 didn't have sufficient staff to cover all of
15 their events and our events so I forwarded
16 those employees' information to the caterer
17 and they used those employees who are TIPS
18 certified.

19 I believe two are ABC licensed now
20 to serve alcohol for those events on our
21 boats. Were they employees of ours
22 previously? Yes. They had served alcohol on

1 our boats previously but they were acceptable,
2 as far as I am aware, to work for MK as they
3 were not our employees. They were just people
4 that we hired for specific events.

5 MEMBER NOPHLIN: Thank you.

6 MEMBER MOBLEY: Thank you. I was
7 just concerned reading the report. It just
8 sounds like perhaps some of the staff and the
9 bartenders were not trained in terms of
10 pouring and that there may have been some
11 patrons who became intoxicated and, therefore,
12 put the company at risk as well as potential
13 lives.

14 MR. GRIFFIN: You know, I think
15 about it as those were embellishments.

16 MEMBER MOBLEY: Okay. Thank you.

17 CHAIRPERSON MILLER: Yes.

18 MR. SLAUGHTER: That little part
19 of the investigative report is accurate except
20 that the event that person alleges occurred
21 was actually done on any of our boats. That
22 Tuesday evening event which that person

1 referred to was done on another company's boat
2 because, if I recall correctly, MK could not
3 do it.

4 We had a client to serve and so I
5 called another company. They brought their
6 boat down, which has a perfectly legitimate DC
7 license, picked those passengers up, served
8 those passengers what they expected, and I
9 paid them at a loss. That was a Tuesday
10 evening, I think, of the alleged complaint or
11 thing happened. That whole time that event
12 did not happen on any of our boats. It was
13 suppose to.

14 MEMBER MOBLEY: Okay.

15 MR. SLAUGHTER: It was on the
16 schedule available to the staff but it did not
17 happen.

18 MEMBER MOBLEY: Okay. Thank you,
19 Mr. Slaughter.

20 MR. SLAUGHTER: I'm sorry.

21 CHAIRPERSON MILLER: Any other
22 questions?

1 Mr. Alberti.

2 MEMBER ALBERTI: Mr. Slaughter, I
3 just want to say I appreciate your honesty and
4 your willingness to take responsibility.

5 I guess my question is to Mr.
6 Osbourne. Who will have primary
7 responsibility for the service of alcohol on
8 these boats?

9 MR. OSBOURNE: Who will have
10 primary responsibility?

11 MEMBER ALBERTI: For the service
12 of alcohol and managing whatever portion of
13 the operation that is that is responsible for
14 serving alcohol on the boats.

15 MR. OSBOURNE: At this point we
16 have a caterer, MK Catering, that we use.
17 They have an alcohol license and they have
18 alcohol managers who are on the boat. We will
19 have our staff who will be on the boat. We
20 always have a cruise director and one
21 operations person on board. But as far as the
22 alcohol, right now MK Catering will oversee

1 that process.

2 MEMBER ALBERTI: If I understood
3 correctly, at least one of your boats has a
4 license.

5 MR. FONSECA: Actually, two. One
6 is in drydock.

7 MEMBER ALBERTI: In the future
8 will you take over -- will your staff take
9 over the responsibility?

10 MR. OSBOURNE: Our staff will.

11 MEMBER ALBERTI: Who will be the
12 main person?

13 MR. OSBOURNE: Right now it will
14 be Eric Griffin, the operations manager.

15 MEMBER ALBERTI: Mr. Griffin?

16 MR. OSBOURNE: Yes.

17 MEMBER ALBERTI: Mr. Griffin, you
18 were in place when this all was going on.
19 Right? You were working?

20 MR. GRIFFIN: I was, sir.

21 MEMBER ALBERTI: Did you question
22 what was going on?

1 MR. GRIFFIN: I did frequently.

2 MEMBER ALBERTI: And the answer
3 was?

4 MR. GRIFFIN: It should be
5 finished this week. There were several emails
6 from Ms. Curley that indicated that we should
7 have it at any moment.

8 MEMBER ALBERTI: You are an
9 employee and not a member of the company?

10 MR. GRIFFIN: Correct.

11 MEMBER ALBERTI: Thank you. I
12 have no further questions.

13 MR. FONSECA: Member Alberti,
14 there is already a third party in the room but
15 I say this because if I hadn't, you would
16 break an attorney/client privilege. When Mr.
17 Slaughter came to see me, he came with Mr.
18 Griffin, his employee.

19 Mr. Griffin has come to every
20 attorney/client meeting. I am very confident
21 in this gentlemen. When you say he's an
22 operational manager, he really is the

1 operational manager hands on.

2 Even in the backroom when they
3 were talking, they were discussing the fact
4 that Mr. Osbourne is going to have to do that
5 for a function on Saturday night. He may be
6 the boss, but he's got to be there to get
7 dirty, too.

8 MEMBER ALBERTI: Ultimately, his
9 name is on the license and the buck stops with
10 you, Mr. Osbourne.

11 MR. FONSECA: Exactly. Rest
12 assured --

13 MEMBER ALBERTI: You know that.

14 MR. FONSECA: He understands the
15 enormity of the role. Believe me, this has
16 woken everyone.

17 MEMBER ALBERTI: I'm asking these
18 questions so that everyone who comes in here
19 hopefully -- it's partly just making you aware
20 of the seriousness of this and your
21 responsibility, Mr. Osbourne. I keep coming
22 back to you because your name is going to be

1 on the license.

2 MR. OSBOURNE: I understand that.

3 MEMBER ALBERTI: Okay.

4 MR. OSBOURNE: It's on the other
5 license in Maryland.

6 MR. FONSECA: Might I add, if one
7 would like to see one of those, the Maryland
8 license actually is issued in the name of Mr.
9 Woods and Mr. Osbourne.

10 MEMBER ALBERTI: Okay.

11 MR. FONSECA: For the benefit of
12 the company.

13 MR. OSBOURNE: When we got the
14 license in Maryland, actually we had to meet
15 with the director of the alcohol board and he
16 sat there and gave me the drill so I
17 understand.

18 CHAIRPERSON MILLER: Okay.

19 MEMBER ALBERTI: Thank you.

20 CHAIRPERSON MILLER: Mr. Nophlin.

21 MEMBER NOPHLIN: With all the
22 questions we are asking you, we certainly

1 sympathize with what you are going through.
2 Can you tell the Board where we are with
3 everything that has been done? What is the
4 status?

5 MR. FONSECA: The status now is
6 the Board's records will reflect still that
7 Mr. Slaughter is a managing member. We have
8 represented that we have already filed
9 documents showing that is no longer the case.

10 The Board's records will still
11 show Elizabeth Rose and he having 75 percent
12 and Fort Washington Potomac River Boat Tour as
13 having that 25 percent. Once this filing,
14 which occurred on January 12th, is processed
15 to the Board and that gets approved, the
16 Board's records will reflect what I have
17 represented as the new ownership structure.

18 Having said that, the reality is
19 even without Board approval -- I'm not saying
20 we don't need Board approval, but the event of
21 this restructuring has occurred. It's done as
22 of, I think, December 12th. Some documents

1 were signed before and some after but the
2 document is December 12th. I believe that is
3 the document date that the structure is in
4 place.

5 MEMBER NOPHLIN: So when you come
6 back for your new license, it will reflect
7 exactly what you said?

8 MR. FONSECA: That's correct. I
9 think what is going to happen is the two
10 licensed boats will stay because nothing has
11 changed. The same company owns it. The new
12 Virginia's Jewel will issue with a new license
13 number still in the name of Capital Yacht
14 Charters. We will, in effect, swap out a boat
15 and bring in a new one.

16 That boat will now have a license
17 and the other two if nothing happens to them.
18 The internal records of the Alcoholic Beverage
19 Regulation Administration will be updated
20 after the Board approves this transfer
21 application because it is a technical transfer
22 of ownership but not of licensee.

1 MEMBER NOPHLIN: Thank you.

2 CHAIRPERSON MILLER: Okay.

3 MR. FONSECA: Quite a bit. I
4 understand.

5 CHAIRPERSON MILLER: I think we
6 are coming to the conclusion. This is just a
7 fact finding hearing and you all have been
8 very forthcoming with the facts. I think that
9 we got a full briefing so at this point I
10 don't think there is any further actions that
11 we will be taking.

12 This concludes this hearing.
13 Thank you very much.

14 MR. FONSECA: Thank you very much.

15 (Whereupon, at 4:48 p.m. off the
16 record until 4:59 P.M.)

17 CHAIRPERSON MILLER: We're going
18 to take a formal vote on no further action in
19 this case. I have been advised to poll the
20 Board.

21 Mr. Nophlin.

22 MEMBER NOPHLIN: I certainly do

1 not want to take further action.

2 CHAIRPERSON MILLER: You agree no
3 further --

4 MEMBER NOPHLIN: Is that clear?

5 CHAIRPERSON MILLER: Yes.

6 Mr. Brooks.

7 MEMBER BROOKS: I agree.

8 CHAIRPERSON MILLER: Mr. Alberti.

9 MEMBER ALBERTI: I agree.

10 CHAIRPERSON MILLER: Ms. Miller
11 agrees.

12 Mr. Silverstein.

13 MEMBER SILVERSTEIN: I agree.

14 CHAIRPERSON MILLER: Ms. Mobley.

15 MEMBER MOBLEY: I agree.

16 CHAIRPERSON MILLER: Mr. Jones.

17 MEMBER JONES: I agree.

18 CHAIRPERSON MILLER: The vote is
19 seven -- opposed or abstaining? Okay. The
20 vote is seven zero zero to take no further
21 action in this case. Thank you. Have a good
22 night.

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MEMBER ALBERTI: Good luck,
gentlemen.

(Whereupon, at 5:00 p.m. the
hearing was adjourned.)

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