

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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IN THE MATTER OF: :

:

: Fact-

Miguel Dominquez : Finding

: Hearing

(Manager's Application) :

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February 1, 2012

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, 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

HERMAN JONES, Member

CALVIN NOPHLIN, Member

MIKE SILVERSTEIN, Member

JEANNETTE MOBLEY, Member

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

(10:16 a.m.)

CHAIRPERSON MILLER: And the next item on the agenda is a Fact-Finding Hearing for a manager's application. Is Miguel Dominquez here? Okay.

Because this is a matter that just concerns Mr. Dominquez's personal history, I would ask that those individuals in the hearing room step out just for this one, because it just pertains to Mr. Dominquez's privacy.

And I'm going to be closing the hearing and I will read the remarks for closing the meeting.

As Chairperson of the Alcoholic Beverage Control Board for the District of Columbia and in accordance with ^U 405 of the Open Meetings Amendment Act of 2010, I move that the ABC Board hold a closed meeting on this Fact-Finding Hearing regarding the manager's application for Mr. Dominquez.

1 We respect that it involves
2 privacy issues. And is there a second?

3 MEMBER BROOKS: Second.

4 CHAIRPERSON MILLER: All those in
5 favor? Oh, I guess we'll poll the Board.

6 Mr. Nophlin?

7 MEMBER NOPHLIN: I agree.

8 CHAIRPERSON MILLER: Mr. Brooks?

9 MEMBER BROOKS: I agree.

10 CHAIRPERSON MILLER: Mr. Alberti?

11 MEMBER ALBERTI: I agree.

12 CHAIRPERSON MILLER: Ms. Miller?

13 I agree. Mr. Silverstein?

14 MEMBER SILVERSTEIN: I agree.

15 CHAIRPERSON MILLER: Ms. Mobley?

16 MEMBER MOBLEY: I agree.

17 CHAIRPERSON MILLER: Mr. Jones?

18 MEMBER JONES: I agree.

19 CHAIRPERSON MILLER: Okay. That's

20 7-0, the motion passes to close the hearing.

21 Okay. Okay. So good morning.

22 MR. DOMINQUEZ: Morning.

1 CHAIRPERSON MILLER: I guess I
2 need you to identify yourself for the record.

3 MR. DOMINQUEZ: Good morning. My
4 name is Miguel Dominquez. I'm a manager at
5 the National Press Club.

6 CHAIRPERSON MILLER: Okay. We
7 have before us an application for you to be a
8 manager in an ABC establishment. And we have
9 asked you to come in for a Fact-Finding
10 because there -- you have a criminal record.
11 And we just want to have the opportunity to
12 ask any questions about that, so the Board can
13 determine that you would be fit as a manager.

14 MR. DOMINQUEZ: Okay.

15 CHAIRPERSON MILLER: Okay. I'm
16 going to see if any Board Members have some
17 questions to start off with.

18 MR. DOMINQUEZ: Oh, yes, okay.

19 CHAIRPERSON MILLER: Okay.

20 MEMBER BROOKS: I do, Madam
21 Chairman. Mr. Dominquez, where are you now
22 working?

1 MR. DOMINQUEZ: At the National
2 Press Club on 14th Street, 529 14th Street.

3 MEMBER BROOKS: And what do you do
4 there?

5 MR. DOMINQUEZ: I'm a banquet
6 manager.

7 MEMBER BROOKS: Okay.

8 MR. DOMINQUEZ: It's a place where
9 you hold events, press conferences, there is
10 two restaurants and I manage the banquet side
11 and help out in the two restaurants there.

12 MEMBER BROOKS: And how long have
13 you been there?

14 MR. DOMINQUEZ: Since June 5,
15 2001.

16 MEMBER BROOKS: And now, according
17 to the information I have in front of me, you
18 were arrested in October of 2007 for
19 possession of marijuana and drunk in public.
20 Is that correct?

21 MR. DOMINQUEZ: Yes.

22 MEMBER BROOKS: And also an arrest

1 in April of 2011 for DWI and again possession
2 of marijuana, which is a second offense.

3 MR. DOMINQUEZ: Correct.

4 MEMBER BROOKS: Could you explain
5 to me or to the Board what was the situation
6 surrounding these two arrests?

7 MR. DOMINQUEZ: The first one in
8 2007 I was in school. I was at a party. The
9 police were called to the house. I happened
10 to be outside and they arrested me for drunk
11 in public. And then when they arrested me,
12 they found marijuana on me.

13 I went to court and I entered into
14 a plea deal, I guess, in Virginia where you
15 have to go through alcohol classes, probation
16 for a year, community service and that will --
17 that charge will still be on your record, but
18 it will be as a non-guilt, not guilty charge.

19 I completed the probation and went
20 through the classes.

21 As far as the one in April, it was
22 a DUID, which I pleaded guilty to. And the

1 possession was dropped. But now, I'm on
2 probation for a year in the State of Virginia.

3 MEMBER BROOKS: Okay. So you were
4 given probation the first time and you went
5 through some sort of class.

6 MR. DOMINQUEZ: Yes.

7 MEMBER BROOKS: For how long?

8 MR. DOMINQUEZ: Alcohol safety
9 action program. It's basically an educational
10 class on alcohol and drugs.

11 MEMBER BROOKS: So apparently, you
12 forgot what you learned in that first class,
13 because it occurred again four years later.
14 Is that correct?

15 MR. DOMINQUEZ: Yes.

16 MEMBER BROOKS: Okay. So how do
17 you explain that?

18 MR. DOMINQUEZ: Just poor choices
19 that I have made. I really have -- I can't
20 explain it. It's just poor choices in my life
21 that I have made that now I'm having to deal
22 with and hoping to live up to doing what is

1 best for myself and my career and my future.

2 It was just a difficult time in my
3 life where things happened and I'm trying to
4 learn and become a better person on that.

5 MEMBER BROOKS: Do you have
6 family?

7 MR. DOMINQUEZ: Yes.

8 MEMBER BROOKS: Kids?

9 MR. DOMINQUEZ: No, no children.

10 MEMBER BROOKS: Are you married?

11 MR. DOMINQUEZ: No.

12 MEMBER BROOKS: Oh, okay. Now, is
13 your employer aware of these charges?

14 MR. DOMINQUEZ: Yes.

15 MEMBER BROOKS: Thank you, Madam
16 Chairman. I have no more questions.

17 CHAIRPERSON MILLER: Okay.

18 Others? Yes, Mr. Nophlin?

19 MEMBER NOPHLIN: As a result of
20 these charges, have you received any kind of
21 counseling or assistance in terms of your
22 behavior?

1 MR. DOMINQUEZ: Actually, for the
2 first charge in 2007, I had to complete and
3 take classes, which is basically a group
4 counseling, which coincided with the alcohol
5 classes. And I believe I was about -- it was
6 three months long, but it was, I think, 60
7 hours worth of counseling.

8 MEMBER NOPHLIN: That's all I
9 have. Thank you, Madam Chair.

10 CHAIRPERSON MILLER: Mr. Jones?

11 MEMBER JONES: Thank you, Madam
12 Chair. You noted that your employer is
13 currently aware of both charges?

14 MR. DOMINQUEZ: Yes.

15 MEMBER JONES: To the full extent?

16 MR. DOMINQUEZ: Yes.

17 MEMBER JONES: How are they aware
18 of that?

19 MR. DOMINQUEZ: Because I was
20 charged in April and hired in June and they
21 ran a background check on my record.

22 MEMBER JONES: So that encompassed

1 both charges, correct?

2 MR. DOMINQUEZ: Yes.

3 MEMBER JONES: Okay. And when
4 they ran a background check and they saw that
5 on your record, what did they -- was there any
6 -- did they put you on a special hire list
7 or --

8 MR. DOMINQUEZ: Just a 90 day
9 probationary period.

10 MEMBER JONES: Okay.

11 MR. DOMINQUEZ: That was in -- I
12 was hired in June.

13 MEMBER JONES: So you --

14 MR. DOMINQUEZ: I'm still
15 currently working there.

16 MEMBER JONES: Okay. So you went
17 through and survived your 90 days --

18 MR. DOMINQUEZ: Yes.

19 MEMBER JONES: -- probationary
20 period? Okay. And so the second charge, I
21 think you indicated that the possession was
22 dropped?

1 MR. DOMINQUEZ: Yes. It was part
2 of the deal, I guess, where I had to plead
3 guilty to a DUI and they would drop the
4 possession of marijuana charge.

5 MEMBER JONES: Okay. So you
6 acknowledge the fact that you had marijuana on
7 you at the time, correct?

8 MR. DOMINQUEZ: Yes, sir.

9 MEMBER JONES: Okay. Okay. Were
10 you just a recreational user or were you a
11 dealer?

12 MR. DOMINQUEZ: Yes. No, no, just
13 recreational.

14 MEMBER JONES: Just recreational
15 use?

16 MR. DOMINQUEZ: Yes.

17 MEMBER JONES: All right. When is
18 the last time you smoked weed?

19 MR. DOMINQUEZ: That day.

20 MEMBER JONES: That day?

21 MR. DOMINQUEZ: Yes.

22 MEMBER JONES: You weren't -- were

1 you actually driving while intoxicated?

2 MR. DOMINQUEZ: Um, they gave me a
3 sobriety check and they said that I failed the
4 sobriety test and but --

5 MEMBER JONES: So that would be
6 yes?

7 MR. DOMINQUEZ: Yes.

8 MEMBER JONES: Okay. When was the
9 last time you had a drink, alcoholic beverage
10 consumption?

11 MR. DOMINQUEZ: New Years.

12 MEMBER JONES: How many?

13 MR. DOMINQUEZ: New Years. Oh,
14 okay, this past New Years?

15 MR. DOMINQUEZ: Yes, this past New
16 Years.

17 MEMBER JONES: Okay. How did you
18 handle that situation? Well, explain to me
19 the context under which you consumed alcohol
20 on New Years. Was it at a party? Was it at
21 your house? Were you out of town?

22 MR. DOMINQUEZ: No, I was --

1 MEMBER JONES: On vacation?

2 MR. DOMINQUEZ: -- at a club in
3 Adams Morgan.

4 MEMBER JONES: Keep going.

5 MR. DOMINQUEZ: Um, we had a
6 shuttle bus driver that drove us there. It
7 was just a party with my friends.

8 MEMBER JONES: Did you get drunk?

9 MR. DOMINQUEZ: Did I get drunk?
10 No.

11 MEMBER JONES: No? Okay. Did you
12 have -- you had transportation to the
13 establishment?

14 MR. DOMINQUEZ: Yes. We had --

15 MEMBER JONES: So you didn't
16 drive?

17 MR. DOMINQUEZ: -- a shuttle for
18 all of our friends that drove us there and
19 drove us back.

20 MEMBER JONES: Drove you there and
21 drove you back to where?

22 MR. DOMINQUEZ: Home.

1 MEMBER JONES: Home?

2 MR. DOMINQUEZ: Yes.

3 MEMBER JONES: So the shuttle bus
4 dropped each one of you off at your respective
5 residences?

6 MR. DOMINQUEZ: Not at our
7 respective residence. We all crashed in one
8 location.

9 MEMBER JONES: Oh, so you -- so
10 how did you get to that location? You drove
11 to that location?

12 MR. DOMINQUEZ: Yes.

13 MEMBER JONES: Okay. So you drove
14 home from that location?

15 MR. DOMINQUEZ: Yes.

16 MEMBER JONES: After you sobered
17 up?

18 MR. DOMINQUEZ: The next morning.
19 The next morning.

20 MEMBER JONES: The next morning.

21 Okay. Thank you. Thank you, Madam Chair.

22 CHAIRPERSON MILLER: Yes, others?

1 MEMBER ALBERTI: Yes. Mr.
2 Dominquez, just one question.

3 MR. DOMINQUEZ: Yes, sir.

4 MEMBER ALBERTI: What we are here
5 for is to find out whether we can trust you to
6 responsibly manage the service of alcohol.

7 MR. DOMINQUEZ: Right.

8 MEMBER ALBERTI: I mean, that's
9 what that license is all about. So given your
10 record, okay, explain to us why we should
11 trust you to manage the responsible service of
12 alcohol.

13 MR. DOMINQUEZ: Um, given what I
14 have done in my personal life, I understand
15 the severity that it has caused on my
16 professional life. The reason I guess why I
17 was smoking pot was because I had a difficult
18 time in my life.

19 I have managed to get a new job,
20 which I currently am just thrilled to have.
21 It is a career path that I think that I will
22 continue to have. And it has taught me about

1 responsibility. It has taught me that I am
2 just not a child any more. I have many things
3 to be responsible for.

4 And I understand that giving
5 someone the responsibility to be in charge of
6 alcohol is very important in the city. And I
7 want -- I just feel that I am there. I can be
8 trusted. I -- that's it.

9 MEMBER ALBERTI: Thank you.

10 CHAIRPERSON MILLER: Mr. Jones?

11 MEMBER JONES: Is your current
12 employment contingent upon you getting this?

13 MR. DOMINQUEZ: Is it contingent?
14 I would say yes, because then I wouldn't be
15 able to manage any of the events or --
16 basically, my title is contingent on most of
17 the events. If I were not to get it, I would
18 not be able to work by myself.

19 MEMBER JONES: So that has been
20 the case up to now, at least, correct?

21 MR. DOMINQUEZ: Well, I have a
22 temporary one, but, yes, there are four other

1 managers that have, basically, the same role
2 as I do and if I were alone, they would have
3 to work with me.

4 MEMBER JONES: And you said you
5 have a temporary one?

6 MR. DOMINQUEZ: I was given a 90
7 day temporary license.

8 MEMBER JONES: Okay. By ABRA?

9 MR. DOMINQUEZ: By ABRA.

10 MEMBER JONES: Okay. When was
11 that issued?

12 MR. DOMINQUEZ: Um, I want to say
13 in October.

14 MEMBER JONES: So you received a
15 90 day temporary license from ABRA in October?

16 MR. DOMINQUEZ: Yes.

17 MEMBER JONES: So 90 days,
18 October, November, December, so it either
19 expired in January or it's about to expire.

20 MR. DOMINQUEZ: I think it expired
21 on the 12th of this month, of January.

22 MEMBER JONES: Okay. And have you

1 been -- if you do not get this license, then
2 are you saying that you will be fired or are
3 you saying that it will just limit the amount
4 or the level of responsibility that you will
5 have at your ongoing employment?

6 MR. DOMINQUEZ: Um --

7 MEMBER JONES: And you can speak
8 speculatively. I mean, you know the nature of
9 the relationship that you have with your
10 employer.

11 MR. DOMINQUEZ: I would say --

12 MEMBER JONES: If you believe that
13 you will be fired, you can say that. I know
14 you don't know factually.

15 MR. DOMINQUEZ: I don't know to be
16 honest with you. I know that when I was
17 hired, it was something that was required of
18 me to get.

19 MEMBER JONES: Okay. So this was
20 originally part of a condition of your
21 employment, correct? Is that a fair
22 characterization?

1 MR. DOMINQUEZ: Yes.

2 MEMBER JONES: Okay. Thank you.

3 Thank you, Madam Chair.

4 CHAIRPERSON MILLER: Okay. I
5 think you have been asked a lot of questions
6 by others. I just want to ask just a couple.

7 MR. DOMINQUEZ: Sure.

8 CHAIRPERSON MILLER: Why had you
9 been drinking the night that you were arrested
10 for DUI?

11 MR. DOMINQUEZ: I wasn't drinking.
12 I was charged with driving under the influence
13 of drugs.

14 CHAIRPERSON MILLER: Oh, okay, it
15 wasn't alcohol.

16 MR. DOMINQUEZ: I was charged with
17 drunk in public back in 2007. And that was
18 just cleared.

19 CHAIRPERSON MILLER: Oh, okay. So
20 that was the last alcohol-related offense in
21 2007?

22 MR. DOMINQUEZ: Yes.

1 CHAIRPERSON MILLER: Okay.

2 MR. DOMINQUEZ: The one in 2011
3 was a drug-related offense.

4 CHAIRPERSON MILLER: Do you think
5 that you learned anything from either the
6 education or having been put in that position
7 that would help you in your position as an ABC
8 Manager?

9 MR. DOMINQUEZ: Um, it's opened my
10 eyes to be more aware of situations, people's
11 reactions. Just to be more detailed about who
12 is drinking, just to be more careful, I guess.
13 Um, know about the liabilities that the club
14 holds, know about the liabilities that I hold
15 if something goes wrong or, God, forbid,
16 somebody gets in a car and causes an accident,
17 so, yes, I would say that's very important to
18 know what people can do when they drink too
19 much.

20 CHAIRPERSON MILLER: Okay. Thank
21 you. Okay. I think it has been very helpful
22 for you to come in for us. I'm ready to move

1 that we approve your application.

2 Do I have a second?

3 MEMBER BROOKS: Second.

4 CHAIRPERSON MILLER: Any other
5 comments before we vote? Okay.

6 I mean, if there is -- if any
7 Board Members want to talk about this before
8 we vote, that's fine, too. Just does anybody?

9 MEMBER JONES: Well, I mean, I
10 wasn't going to approve it outright. I would
11 approve a six month conditional, but that's
12 just my individual Board Member's perspective.

13 CHAIRPERSON MILLER: Okay.

14 MEMBER JONES: Based on what I
15 have heard.

16 MEMBER MOBLEY: I would support
17 Board Member Jones in that regard.

18 CHAIRPERSON MILLER: Okay.
19 Actually, I would like to say that everything
20 I heard was, I thought, very positive, that he
21 seems to be an individual who has had, you
22 know, some experience with this and learned

1 from it and alcohol is the last -- in 2007.

2 So anyway, if we are prepared to
3 vote? Yes, if there is a little bit of -- at
4 some point to have a discussion about that we
5 will close this meeting and we will come back.

6 MEMBER JONES: We'll come back.

7 CHAIRPERSON MILLER: We are
8 already in closed meeting. I'll close the
9 closed meeting.

10 MEMBER JONES: Yes, we'll close.

11 CHAIRPERSON MILLER: Okay. So we
12 are in a closed meeting, but we are going to
13 close the closed meeting and have another
14 closed meeting.

15 So, okay. Okay. As Chairperson
16 of the Alcoholic Beverage Control Board for
17 the District of Columbia and in accordance
18 with ^U 405 of the Open Meetings Amendment Act
19 of 2010, I move that the ABC Board close a
20 closed meeting on this manager's application,
21 Mr. Miguel Dominquez, for the purpose of
22 seeking legal advice from our counsel or

1 otherwise deliberating.

2 Is there a second?

3 MEMBER BROOKS: Second.

4 CHAIRPERSON MILLER: Okay. Then
5 let's vote on it.

6 Mr. Nophlin, how say you?

7 MEMBER NOPHLIN: I agree.

8 CHAIRPERSON MILLER: Mr. Brooks?

9 MEMBER BROOKS: I agree.

10 CHAIRPERSON MILLER: Mr. Alberti?

11 MEMBER ALBERTI: I agree.

12 CHAIRPERSON MILLER: Ms. Miller?

13 I agree. Mr. Silverstein?

14 MEMBER SILVERSTEIN: I agree.

15 CHAIRPERSON MILLER: Ms. Mobley?

16 MEMBER MOBLEY: I agree.

17 CHAIRPERSON MILLER: Mr. Jones?

18 MEMBER JONES: I agree.

19 CHAIRPERSON MILLER: Okay. The
20 vote is 7-0 to hold a closed meeting on this
21 issue. We will be back to you shortly.

22 MR. DOMINQUEZ: Thank you.

1 (Whereupon, at 10:34 a.m. a recess
2 until 10:40 a.m.)

3 CHAIRPERSON MILLER: Okay. We are
4 back on the record.

5 The Board needed to step out a
6 little bit, it's an important decision, you
7 know, you will be overseeing, you know, the
8 serving of alcohol in your job, should we
9 approve it.

10 So I think, at this point, then
11 the Board is ready to vote on your
12 application. And I would move that we approve
13 the application.

14 Do I have a second?

15 MEMBER BROOKS: Second it.

16 CHAIRPERSON MILLER: Okay. I'm
17 going to take the vote then.

18 How say you, Mr. Nophlin?

19 MEMBER NOPHLIN: I agree.

20 CHAIRPERSON MILLER: Mr. Brooks?

21 MEMBER BROOKS: I disagree.

22 CHAIRPERSON MILLER: Mr. Alberti?

1 MEMBER ALBERTI: I agree.

2 CHAIRPERSON MILLER: Ms. Miller
3 agrees. Mr. Silverstein?

4 MEMBER SILVERSTEIN: I agree.

5 CHAIRPERSON MILLER: Ms. Mobley?

6 MEMBER MOBLEY: I disagree.

7 CHAIRPERSON MILLER: And Mr.

8 Jones?

9 MEMBER JONES: I disagree.

10 CHAIRPERSON MILLER: Okay. The
11 vote is 4-3 to approve the application. Does
12 anybody have any comments they want to make
13 before we conclude this case?

14 MEMBER ALBERTI: May I just --

15 CHAIRPERSON MILLER: Yes, sir.

16 MEMBER ALBERTI: Mr. Dominguez,
17 I'm hopeful that you will not disappoint this
18 Board.

19 MR. DOMINQUEZ: Yes, sir.

20 MEMBER ALBERTI: Okay. The
21 responsibility that goes along with a
22 manager's license is very important.

1 MR. DOMINQUEZ: Yes, sir.

2 MEMBER ALBERTI: And it's a big
3 responsibility, whether you think -- treat it
4 that way or not, it's up to you. And I hope
5 you kind of reflect as you mature on your
6 mistakes you have made in the past and think
7 about, you know, what you need to do
8 differently.

9 MR. DOMINQUEZ: Yes, sir.

10 MEMBER ALBERTI: But I wish you
11 well --

12 MR. DOMINQUEZ: Thank you very
13 much.

14 MEMBER ALBERTI: -- in your new
15 job.

16 CHAIRPERSON MILLER: I would say
17 the same. You know, good luck to you. The
18 Board is putting its trust in you and, you
19 know, we hope you succeed.

20 MR. DOMINQUEZ: Thank you very
21 much.

22 CHAIRPERSON MILLER: Thank you

1 very much. If you have any questions, you can
2 see the staff. Okay.

3 MEMBER ALBERTI: And you can get
4 your license today, if you wish. If you just
5 go out and see staff, they will issue it
6 today.

7 MR. DOMINQUEZ: Thank you very
8 much.

9 MEMBER ALBERTI: We are signing it
10 now. You're welcome.

11 (Whereupon, the Fact-Finding
12 Hearing in the above-entitled matter was
13 concluded at 10:42 a.m.)

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A	arrested 5:18 6:10 6:11 19:9 arrests 6:6 asked 4:9 19:5 assistance 8:21 aware 8:13 9:13,17 20:10 a.m 2:2 24:1,2 27:13	caused 15:15 causes 20:16 Chair 9:9,12 14:21 19:3 Chairman 4:21 8:16 Chairperson 1:13 1:17 2:3,16 3:4,8 3:10,12,15,17,19 4:1,6,15,19 8:17 9:10 14:22 16:10 19:4,8,14,19 20:1 20:4,20 21:4,13 21:18 22:7,11,15 23:4,8,10,12,15 23:17,19 24:3,16 24:20,22 25:2,5,7 25:10,15 26:16,22	come 4:9 20:22 22:5,6 comments 21:5 25:12 community 6:16 complete 9:2 completed 6:19 concerns 2:8 conclude 25:13 concluded 27:13 condition 18:20 conditional 21:11 conferences 5:9 consumed 12:19 consumption 12:10 context 12:19 contingent 16:12 16:13,16 continue 15:22 Control 1:2,12,12 2:17 22:16 correct 5:20 6:3 7:14 10:1 11:7 16:20 18:21 counsel 22:22 counseling 8:21 9:4 9:7 couple 19:6 court 6:13 crashed 14:7 criminal 4:10 current 16:11 currently 9:13 10:15 15:20	difficult 8:2 15:17 disagree 24:21 25:6 25:9 disappoint 25:17 discussion 22:4 District 1:1 2:17 22:17 doing 7:22 Dominquez 1:6 2:6 2:22 3:22 4:3,4,14 4:18,21 5:1,5,8,14 5:21 6:3,7 7:6,8 7:15,18 8:7,9,11 8:14 9:1,14,16,19 10:2,8,11,14,18 11:1,8,12,16,19 11:21 12:2,7,11 12:13,15,22 13:2 13:5,9,14,17,22 14:2,6,12,15,18 15:2,3,7,13 16:13 16:21 17:6,9,12 17:16,20 18:6,11 18:15 19:1,7,11 19:16,22 20:2,9 22:21 23:22 25:16 25:19 26:1,9,12 26:20 27:7 Dominquez's 2:8 2:11 DONALD 1:18 drink 12:9 20:18 drinking 19:9,11 20:12 drive 13:16 driver 13:6 driving 12:1 19:12 drop 11:3 dropped 7:1 10:22 14:4 drove 13:6,18,19 13:20,21 14:10,13 drugs 7:10 19:13 drug-related 20:3 drunk 5:19 6:10 13:8,9 19:17 DUI 11:3 19:10
B	back 13:19,21 19:17 22:5,6 23:21 24:4 background 9:21 10:4 banquet 5:5,10 Based 21:14 basically 7:9 9:3 16:16 17:1 behavior 8:22 believe 9:5 18:12 best 8:1 better 8:4 beverage 1:2,12,12 2:17 12:9 22:16 big 26:2 bit 22:3 24:6 Board 1:2,12 2:17 2:20 3:5 4:12,16 6:5 21:7,12,17 22:16,19 24:5,11 25:18 26:18 Brooks 1:18 3:3,8,9 4:20 5:3,7,12,16 5:22 6:4 7:3,7,11 7:16 8:5,8,10,12 8:15 21:3 23:3,8,9 24:15,20,21 bus 13:6 14:3	characterization 18:22 charge 6:17,18 9:2 10:20 11:4 16:5 charged 9:20 19:12 19:16 charges 8:13,20 9:13 10:1 check 9:21 10:4 12:3 child 16:2 children 8:9 choices 7:18,20 city 16:6 class 7:5,10,12 classes 6:15,20 9:3 9:5 cleared 19:18 close 3:20 22:5,8,10 22:13,19 closed 2:20 22:8,9 22:12,13,14,20 23:20 closing 2:13,15 club 4:5 5:2 13:2 20:13 coincided 9:4 Columbia 1:1 2:18 22:17	control 15:22 Control 1:2,12,12 2:17 22:16 correct 5:20 6:3 7:14 10:1 11:7 16:20 18:21 counsel 22:22 counseling 8:21 9:4 9:7 couple 19:6 court 6:13 crashed 14:7 criminal 4:10 current 16:11 currently 9:13 10:15 15:20	
C	called 6:9 CALVIN 1:19 car 20:16 career 8:1 15:21 careful 20:12 case 16:20 25:13		D	
ABC 2:20 4:8 20:7 22:19 able 16:15,18 above-entitled 27:12 ABRA 17:8,9,15 accident 20:16 acknowledge 11:6 Act 2:19 22:18 action 7:9 Adams 13:3 advice 22:22 agenda 2:4 agree 3:7,9,11,13 3:14,16,18 23:7,9 23:11,13,14,16,18 24:19 25:1,4 agrees 25:3 Alberti 1:18 3:10 3:11 15:1,4,8 16:9 23:10,11 24:22 25:1,14,16,20 26:2,10,14 27:3,9 alcohol 6:15 7:8,10 9:4 12:19 15:6,12 16:6 19:15 22:1 24:8 alcoholic 1:2,12,12 2:16 12:9 22:16 alcohol-related 19:20 Amendment 2:19 22:18 amount 18:3 anybody 21:8 25:12 anyway 22:2 apparently 7:11 application 1:8 2:5 2:22 4:7 21:1 22:20 24:12,13 25:11 approve 21:1,10,11 24:9,12 25:11 April 6:1,21 9:20 arrest 5:22				

DUID 6:22	front 5:17	important 16:6	21:22	5:22 6:4 7:3,7,11
DWI 6:1	full 9:15	20:17 24:6 25:22	legal 22:22	7:16 8:5,8,10,12
D.C 1:13	future 8:1	indicated 10:21	let's 23:5	8:15,19 9:8,11,15
E	G	individual 21:12,21	level 18:4	9:17,22 10:3,10
education 20:6	getting 16:12	individuals 2:9	liabilities 20:13,14	10:13,16,19 11:5
educational 7:9	given 7:4 15:9,13	influence 19:12	license 15:9 17:7,15	11:9,14,17,20,22
either 17:18 20:5	17:6	information 5:17	18:1 25:22 27:4	12:5,8,12,17 13:1
employer 8:13 9:12	giving 16:4	intoxicated 12:1	life 7:20 8:3 15:14	13:4,8,11,15,20
18:10	go 6:15 27:5	involves 3:1	15:16,18	14:1,3,9,13,16,20
employment 16:12	God 20:15	issue 23:21 27:5	limit 18:3	15:1,4,8 16:9,11
18:5,21	goes 20:15 25:21	issued 17:11	list 10:6	16:19 17:4,8,10
encompassed 9:22	going 2:13 4:16	issues 3:2	little 22:3 24:6	17:14,17,22 18:7
entered 6:13	13:4 21:10 22:12	item 2:4	live 7:22	18:12,19 19:2
establishment 4:8	24:17	J	location 14:8,10,11	21:3,9,14,16,17
13:13	good 3:21 4:3 26:17	January 17:19,21	14:14	22:6,10 23:3,7,9
events 5:9 16:15,17	group 9:3	JEANNETTE 1:22	long 5:12 7:7 9:6	23:11,14,16,18
experience 21:22	guess 3:5 4:1 6:14	job 15:19 24:8	lot 19:5	24:15,19,21 25:1
expire 17:19	11:2 15:16 20:12	26:15	luck 26:17	25:4,6,9,14,16,20
expired 17:19,20	guilty 6:18,22 11:3	Jones 1:19 3:17,18	M	26:2,10,14 27:3,9
explain 6:4 7:17,20	H	9:10,11,15,17,22	Madam 4:20 8:15	Members 4:16 21:7
12:18 15:10	handle 12:18	10:3,10,13,16,19	9:9,11 14:21 19:3	Member's 21:12
extent 9:15	happened 6:9 8:3	11:5,9,14,17,20	manage 5:10 15:6	met 1:12
eyes 20:10	heard 21:15,20	11:22 12:5,8,12	15:11 16:15	Miguel 1:6 2:5 4:4
F	hearing 1:7,13 2:4	12:17 13:1,4,8,11	managed 15:19	22:21
fact 1:6 11:6	2:10,14,21 3:20	13:15,20 14:1,3,9	manager 4:4,8,13	MIKE 1:21
factually 18:14	27:12	14:13,16,20 16:10	5:6 20:8	Miller 1:14,17 2:3
Fact-Finding 2:4	help 5:11 20:7	16:11,19 17:4,8	managers 17:1	3:4,8,10,12,12,15
2:21 4:9 27:11	helpful 20:21	17:10,14,17,22	manager's 1:8 2:5	3:17,19 4:1,6,15
failed 12:3	HERMAN 1:19	18:7,12,19 19:2	2:22 22:20 25:22	4:19 8:17 9:10
fair 18:21	hire 10:6	21:9,14,17 22:6	marijuana 5:19 6:2	14:22 16:10 19:4
family 8:6	hired 9:20 10:12	22:10 23:17,18	6:12 11:4,6	19:8,14,19 20:1,4
far 6:21	18:17	25:8,9	married 8:10	20:20 21:4,13,18
favor 3:5	history 2:8	June 5:14 9:20	matter 1:5 2:7	22:7,11 23:4,8,10
February 1:10	hold 2:20 5:9 20:14	10:12	27:12	23:12,12,15,17,19
feel 16:7	23:20	K	mature 26:5	24:3,16,20,22
find 15:5	holds 20:14	Keep 13:4	mean 15:8 18:8	25:2,2,5,7,10,15
Finding 1:6	home 13:22 14:1,14	Kids 8:8	21:6,9	26:16,22
fine 21:8	honest 18:16	kind 8:20 26:5	meeting 1:3 2:15	mistakes 26:6
fired 18:2,13	hope 26:4,19	know 18:8,13,14,15	2:20 22:5,8,9,12	Mobley 1:22 3:15
first 6:7 7:4,12 9:2	hopeful 25:17	18:16 20:13,14,18	22:13,14,20 23:20	3:16 21:16 23:15
fit 4:13	hoping 7:22	21:22 24:7,7 26:7	Meetings 2:19	23:16 25:5,6
forbid 20:15	hours 9:7	26:17,19	22:18	month 17:21 21:11
forgot 7:12	house 6:9 12:21	L	Member 1:18,18	months 9:6
found 6:12	I	learn 8:4	1:19,19,21,22 3:3	Morgan 13:3
four 7:13 16:22	identify 4:2	learned 7:12 20:5	3:7,9,11,14,16,18	morning 3:21,22
friends 13:7,18			4:20 5:3,7,12,16	4:3 14:18,19,20
				motion 3:20

move 2:19 20:22 22:19 24:12	outright 21:10 outside 6:10 overseeing 24:7	2:1	saying 18:2,3 school 6:8 second 3:2,3 6:2 10:20 21:2,3 23:2 23:3 24:14,15 see 4:16 27:2,5 seeking 22:22 service 6:16 15:6 15:11 serving 24:8 severity 15:15 shortly 23:21 shuttle 13:6,17 14:3 side 5:10 signing 27:9 Silverstein 1:21 3:13,14 23:13,14 25:3,4 sir 11:8 15:3 25:15 25:19 26:1,9 situation 6:5 12:18 situations 20:10 six 21:11 smoked 11:18 smoking 15:17 sobered 14:16 sobriety 12:3,4 somebody 20:16 sort 7:5 speak 18:7 special 10:6 speculatively 18:8 staff 27:2,5 start 4:17 State 7:2 step 2:10 24:5 Street 1:13 5:2,2 succeed 26:19 Suite 1:13 support 21:16 Sure 19:7 surrounding 6:6 survived 10:17	talk 21:7 taught 15:22 16:1 temporary 16:22 17:5,7,15 terms 8:21 test 12:4 Thank 8:15 9:9,11 14:21,21 16:9 19:2,3 20:20 23:22 26:12,20,22 27:7 things 8:3 16:2 think 9:6 10:21 15:21 17:20 19:5 20:4,21 24:10 26:3,6 thought 21:20 three 9:6 thrilled 15:20 time 7:4 8:2 11:7 11:18 12:9 15:18 title 16:16 today 27:4,6 town 12:21 transportation 13:12 treat 26:3 trust 15:5,11 26:18 trusted 16:8 trying 8:3 two 5:10,11 6:6	
<hr/> N <hr/> name 4:4 National 4:5 5:1 nature 18:8 need 4:2 26:7 needed 24:5 new 12:11,13,14,15 12:20 15:19 26:14 NICK 1:18 night 19:9 non-guilt 6:18 Nophlin 1:19 3:6,7 8:18,19 9:8 23:6,7 24:18,19 noted 9:12 November 17:18 N.W 1:13	<hr/> P <hr/> part 11:1 18:20 party 6:8 12:20 13:7 passes 3:20 path 15:21 people 20:18 people's 20:10 period 10:9,20 person 8:4 personal 2:8 15:14 perspective 21:12 pertains 2:11 place 5:8 plea 6:14 plead 11:2 pleaded 6:22 point 22:4 24:10 police 6:9 poll 3:5 poor 7:18,20 position 20:6,7 positive 21:20 possession 5:19 6:1 7:1 10:21 11:4 pot 15:17 prepared 22:2 PRESENT 1:15 presiding 1:14 press 4:5 5:2,9 privacy 2:12 3:2 probation 6:15,19 7:2,4 probationary 10:9 10:19 professional 15:16 program 7:9 public 5:19 6:11 19:17 purpose 22:21 put 10:6 20:6 putting 26:18 P-R-O-C-E-E-D-...	<hr/> Q <hr/> question 15:2 questions 4:12,17 8:16 19:5 27:1	<hr/> R <hr/> ran 9:21 10:4 reactions 20:11 read 2:14 ready 20:22 24:11 really 7:19 reason 15:16 received 8:20 17:14 recess 24:1 record 4:2,10 6:17 9:21 10:5 15:10 24:4 recreational 11:10 11:13,14 reflect 26:5 regard 21:17 regarding 2:21 relationship 18:9 remarks 2:14 required 18:17 residence 14:7 residences 14:5 respect 3:1 respective 14:4,7 responsibility 16:1 16:5 18:4 25:21 26:3 responsible 15:11 16:3 responsibly 15:6 restaurants 5:10 5:11 result 8:19 right 11:17 15:7 role 17:1 room 1:13 2:10 Ruthanne 1:14,17	<hr/> S <hr/> safety 7:8 saw 10:4	<hr/> T <hr/> take 9:3 24:17
<hr/> O <hr/> occurred 7:13 October 5:18 17:13 17:15,18 offense 6:2 19:20 20:3 Oh 3:5 4:18 8:12 12:13 14:9 19:14 19:19 okay 2:6 3:19,21,21 4:6,14,15,18,19 5:7 7:3,16 8:12,17 10:3,10,16,20 11:5,9,9 12:8,14 12:17 13:11 14:13 14:21 15:10 17:8 17:10,22 18:19 19:2,4,14,19 20:1 20:20,21 21:5,13 21:18 22:11,15,15 23:4,19 24:3,16 25:10,20 27:2 ongoing 18:5 Open 2:19 22:18 opened 20:9 opportunity 4:11 originally 18:20	<hr/> U <hr/> U 2:18 22:18 Um 12:2 13:5 15:13 17:12 18:6 20:9 20:13 understand 15:14 16:4 use 11:15 user 11:10				
	<hr/> V <hr/> vacation 13:1 Virginia 6:14 7:2 vote 21:5,8 22:3 23:5,20 24:11,17 25:11				

W	4			
want 4:11 16:7 17:12 19:6 21:7 25:12 Washington 1:13 wasn't 19:11,15 21:10 way 26:4 weed 11:18 welcome 27:10 went 6:13,19 7:4 10:16 weren't 11:22 we'll 3:5 22:6,10 wish 26:10 27:4 work 16:18 17:3 working 4:22 10:15 worth 9:7 wouldn't 16:14 wrong 20:15	4-3 25:11 400S 1:13 405 2:18 22:18			
	5			
	5 5:14 529 5:2			
	6			
	60 9:6			
	7			
	7-0 3:20 23:20			
	9			
	90 10:8,17 17:6,15 17:17			
Y				
year 6:16 7:2 years 7:13 12:11,13 12:14,16,20				
P				
p 1:4,8				
1				
1 1:10 10:16 2:2 10:34 24:1 10:40 24:2 10:42 27:13 12th 17:21 14th 1:13 5:2,2				
2				
2000 1:13 20009 1:13 2001 5:15 2007 5:18 6:8 9:2 19:17,21 22:1 2010 2:19 22:19 2011 6:1 20:2 2012 1:10				