

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

R I Associates
t/a Holiday Inn Central Show
1501 Rhode Island Ave., NW Cause
Retailer CH - ANC-2B Hearing
License No. 16066
Case #13-CMP-00228

(Failed to Post Legal
Drinking Age Sign, Failed to
Post Pregnancy Sign)

February 12, 2014

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
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

ALSO PRESENT:

MICHAEL STERN, OAG
DEREK BROOKS, ABRA Investigator
EARL JONES, ABRA Investigator

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

(10:02 a.m.)

CHAIRPERSON MILLER: Okay. Good morning.

MR. WICKRAMARATNE: Good morning.

CHAIRPERSON MILLER: The next case on our calendar is Case No. 13-CMP-00228, Holiday Inn Central located at 1501 Rhode Island Avenue, N.W., License No. 16066, in ANC-2B. Good morning.

MR. WICKRAMARATNE: Hi, good morning. I'm Marshall Wickramaratne. Excuse me, I'm the food and beverage director and I'm the person in the hotel and I have a letter from the owners that I can -- may I forward that to you?

CHAIRPERSON MILLER: Yes. I'm just starting with introductions. Could you give your name again, sir?

MR. WICKRAMARATNE: Marshall Wickramaratne and you can call me Marshall, that's easy.

1 CHAIRPERSON MILLER: Okay. And I
2 believe Mr. Stern is representing the
3 Government, but he --

4 MEMBER ALBERTI: Mr. Stern is in
5 the back. I can go get him.

6 CHAIRPERSON MILLER: Okay. So we
7 will wait a minute for Mr. Stern to get here.
8 Mr. Stern, whenever you are ready to introduce
9 yourself.

10 MR. STERN: Yes. Michael Stern
11 representing the District of Columbia.

12 CHAIRPERSON MILLER: Okay. So
13 this is a Show Cause Hearing. Are there any
14 preliminary matters?

15 MR. STERN: There are none.

16 CHAIRPERSON MILLER: Okay. Are
17 you familiar with these proceedings?

18 MR. WICKRAMARATNE: Yes, ma'am.

19 CHAIRPERSON MILLER: Okay. Good.
20 All right. Then I'm going to turn to the
21 Government then to go forward with its case.

22 MR. STERN: Thank you. By way of

1 opening statement, the Government's case will
2 show that on May 4, 2013 at, approximately,
3 2:45 a.m., Investigators of the Alcoholic
4 Beverage Regulation Administration entered the
5 Holiday Inn Central at 1501 Rhode Island
6 Avenue, N.W., to conduct a regulatory
7 inspection.

8 While there they noticed that the
9 establishment did not have posted in a
10 conspicuous place either the signs warning
11 regarding consumption of alcohol under the age
12 of 21 or the sign warning about consumption of
13 alcohol by pregnant persons.

14 A citation was issued. The
15 Government contends that at the conclusion of
16 the evidence, the Board will find that the
17 respondents have violated the law and we will
18 ask for a fine to be posted for the
19 violations.

20 CHAIRPERSON MILLER: Okay. Do you
21 have an opening statement now?

22 MR. WICKRAMARATNE: Oh, yes,

1 ma'am. Actually, yes, the inspector was there
2 at 2:45 in the morning. By that time --

3 CHAIRPERSON MILLER: Let me just
4 say one thing to you, okay? I'm not asking
5 you to testify to the merits yet. It's only
6 if you had an overview that you wanted to
7 give. I'll put you under oath when you are
8 going to testify to the merits.

9 MR. WICKRAMARATNE: Yes, actually,
10 I do have some concern, because I think this
11 is not -- we are not violating because we are
12 under construction at that time, so I do have
13 some proof and everything to show you all.

14 CHAIRPERSON MILLER: Right. So
15 when it is your turn to put on your case, we
16 will do that.

17 MR. WICKRAMARATNE: Okay.

18 CHAIRPERSON MILLER: Okay. So if
19 you don't have an overview, which you don't
20 have to, at this point --.

21 MR. WICKRAMARATNE: No.

22 CHAIRPERSON MILLER: -- we can --

1 the Government can proceed and then we will
2 get to your case.

3 MR. WICKRAMARATNE: Okay.

4 CHAIRPERSON MILLER: Okay. Mr.
5 Stern, do you have a witness?

6 MR. STERN: Yes. The Government
7 will be calling Mr. Derek Brooks.

8 CHAIRPERSON MILLER: Good morning.

9 INVESTIGATOR BROOKS: Good
10 morning.

11 Whereupon,

12 INVESTIGATOR DEREK BROOKS
13 was called as a witness by Counsel for the
14 Government, and having been first duly sworn,
15 assumed the witness stand and was examined and
16 testified as follows:

17 CHAIRPERSON MILLER: Okay. Thank
18 you.

19 DIRECT EXAMINATION

20 MR. STERN: Good morning. Can you
21 give us your full name and spell your last
22 name for the court reporter, please?

1 INVESTIGATOR BROOKS: Okay. Derek
2 Brooks, B-R-O-O-K-S.

3 MR. STERN: Okay. And, Mr.
4 Brooks, going back to May 4, 2013, were you
5 employed at that time?

6 INVESTIGATOR BROOKS: Yes, I was.

7 MR. STERN: And how were you
8 employed?

9 INVESTIGATOR BROOKS: With ABRA as
10 an Investigator.

11 MR. STERN: Okay. As a part of
12 your duties, did you come to know an
13 establishment by the trade name of Holiday Inn
14 Central?

15 INVESTIGATOR BROOKS: Yes, I did.

16 MR. STERN: Okay. Can you tell me
17 what happened on May 4th regarding -- that you
18 observed regarding Holiday Inn Central?

19 INVESTIGATOR BROOKS: Yes.
20 Investigator Jones and myself went into the
21 establishment to conduct a regulatory
22 inspection. Upon conducting this inspection,

1 we looked to -- looked for the required legal
2 drinking age sign and the pregnancy warning
3 sign. We looked all throughout the
4 establishment's bar area, restaurant area, out
5 on the front door and did not observe these
6 signs anywhere, nor anywhere in the hotel
7 lobby. We did not observe these signs
8 anywhere.

9 MR. STERN: Okay. And did you
10 speak to someone about -- at the establishment
11 regarding that?

12 INVESTIGATOR BROOKS: Yes. The
13 front desk clerk or manager, whatever he was,
14 he had no idea about the signs or the ABRA
15 requirements.

16 MR. STERN: Okay. When you went
17 into the establishment, was it open for
18 business?

19 INVESTIGATOR BROOKS: No, it was
20 not.

21 MR. STERN: Okay. Can you tell me
22 whether it was set up to conduct business?

1 INVESTIGATOR BROOKS: Yes, it was.

2 MR. STERN: Okay. So it was just
3 that it was after hours?

4 INVESTIGATOR BROOKS: Just after
5 hours, yes.

6 MR. STERN: Okay. Now, did you
7 tell someone about the necessity of the signs?

8 INVESTIGATOR BROOKS: Yes, we did.

9 MR. STERN: Okay. And what
10 happened, at that point?

11 INVESTIGATOR BROOKS: We advised
12 them that we would -- we advised that front
13 desk clerk or the attendant about the
14 requirement to have the signs and we told them
15 that we would be back.

16 MR. STERN: Okay. And did you go
17 back again?

18 INVESTIGATOR BROOKS: Yes, I
19 actually did, actually twice more.

20 MR. STERN: And when was that?

21 INVESTIGATOR BROOKS: I went back
22 a couple of days later. I guess it was about

1 May 14th.

2 MR. STERN: Okay.

3 INVESTIGATOR BROOKS: It was like
4 on a weekday.

5 MR. STERN: Okay. And what did
6 you observe when you went back?

7 INVESTIGATOR BROOKS: That they
8 were open for business at the time. And that
9 these signs still were not posted.

10 MR. STERN: Okay. Thank you.
11 That's all the questions I have for you.

12 CHAIRPERSON MILLER: Do you have
13 any cross-examination questions for Mr.
14 Brooks?

15 MR. WICKRAMARATNE: Yes, actually.
16 Mr. Brooks and his colleague came back on two
17 days.

18 CHAIRPERSON MILLER: Wait, not
19 testimony. You will get a chance to testify,
20 but this is questions.

21 MR. WICKRAMARATNE: Oh, no, no.
22 No questions right now.

1 CHAIRPERSON MILLER: No?

2 MR. WICKRAMARATNE: No.

3 CHAIRPERSON MILLER: Okay. Board
4 questions? Mr. Brooks?

5 MEMBER BROOKS: Yes, just quickly.

6 Thank you, Madam Chair. Mr. Brooks, during
7 your visits, did you notice any unusual
8 appearance of the establishment?

9 INVESTIGATOR BROOKS: No, I
10 didn't, but I guess the manager, the ABC
11 manager who is seated here at the table, I
12 can't remember his name, sorry, he said that
13 they had just done some renovations and that's
14 why they took the signs down. But I didn't
15 notice any kind of renovations had been -- I
16 mean, I couldn't tell whether they were
17 recently done or had been done a month, a
18 week, a year before.

19 MEMBER BROOKS: Okay. So this was
20 shared with you during your visits?

21 INVESTIGATOR BROOKS: During the
22 time that we went back to issue the citation.

1 And that date isn't actually in here because
2 I issued the citation, but it was in the wrong
3 amount, so I had to end up going back to issue
4 the right amount in the citation.

5 MEMBER BROOKS: So a total of how
6 many times were you actually in the --

7 INVESTIGATOR BROOKS: Twice.

8 MEMBER BROOKS: Twice.

9 INVESTIGATOR BROOKS: A total of
10 three.

11 MEMBER BROOKS: Three times?

12 INVESTIGATOR BROOKS: Yeah.

13 MEMBER BROOKS: Okay. But you
14 didn't see anything that looked like
15 construction or renovations to you?

16 INVESTIGATOR BROOKS: No,
17 absolutely not.

18 MEMBER BROOKS: Okay. Thank you,
19 Madam Chair.

20 CHAIRPERSON MILLER: Okay. Mr.
21 Alberti, do you have some questions?

22 MEMBER ALBERTI: Hi, Investigator

1 Brooks. Thank you for your report. I'm just
2 a little curious, I'm confused. So on May 4th
3 when you visited at 2:45, that was after
4 operations had ceased --

5 INVESTIGATOR BROOKS: Yes.

6 MEMBER ALBERTI: -- for this
7 establishment?

8 INVESTIGATOR BROOKS: Yes, it was.

9 MEMBER ALBERTI: Okay. So why
10 would you visit after operations would cease?

11 INVESTIGATOR BROOKS: Well,
12 that's, you know, like the establishment --
13 the hotel is open, but the bar area wasn't.

14 MEMBER ALBERTI: Okay.

15 INVESTIGATOR BROOKS: And I
16 actually was -- would have to defer that
17 answer to Investigator Jones. I was in
18 training, at that time.

19 MEMBER ALBERTI: Okay. All right.
20 That's not that important. Okay.

21 INVESTIGATOR BROOKS: Okay.

22 MEMBER ALBERTI: So you returned

1 on May 14th. Did you speak with anyone then?

2 INVESTIGATOR BROOKS: Yes, I did.

3 I spoke with the gentleman seated at the
4 table.

5 MEMBER ALBERTI: And is that
6 when --

7 INVESTIGATOR BROOKS: The ABC
8 manager.

9 MEMBER ALBERTI: -- they told you
10 about the renovations?

11 INVESTIGATOR BROOKS: No, he -- we
12 had gone one time before that and that's when
13 he had told -- that's like a couple of days --
14 whatever that weekday is that's following our
15 weekend.

16 MEMBER ALBERTI: Okay.

17 INVESTIGATOR BROOKS: Is when we
18 went in the first time and he did not have
19 those signs up. And I think we actually gave
20 him the signs. And that's when he told me
21 about some renovations, which I did not see.

22 MEMBER ALBERTI: Okay. So let me

1 get this straight. You were there on the
2 14th, but you said it's not in your report,
3 but you were there a few days before that?

4 INVESTIGATOR BROOKS: Right. We--
5 it's not in the report, but we actually went
6 right after. You know, we -- the process is
7 we come back to the office, review their
8 history, the supervisor approves the amount of
9 the fine and then you go back and issue the
10 citation.

11 So we actually went back, I'm not
12 sure how many days, and that's actually not in
13 here, because I went back, we went back to
14 give them that citation and that was some days
15 later and also issued them a -- gave him the
16 signs that he needed.

17 MEMBER ALBERTI: Okay. So you
18 gave him the signs at --

19 INVESTIGATOR BROOKS: At that
20 point, right.

21 MEMBER ALBERTI: And that visit
22 was prior to May 14th?

1 INVESTIGATOR BROOKS: Yes, it was.

2 MEMBER ALBERTI: Okay. And now
3 are you certain?

4 INVESTIGATOR BROOKS: Or --

5 MEMBER ALBERTI: Is that correct?

6 INVESTIGATOR BROOKS: Actually, I
7 think it was on May 14th, because that was the
8 day it was actually -- that was on May 14th.

9 MEMBER ALBERTI: Okay. So it was
10 May 14th that you visited?

11 INVESTIGATOR BROOKS: Right.

12 MEMBER ALBERTI: All right. It
13 was May 14th that you visited. And you gave
14 them the signs?

15 INVESTIGATOR BROOKS: Right.

16 MEMBER ALBERTI: Correct? All
17 right. When you returned on the 18th,
18 Saturday the 18th, did you see the signs
19 posted?

20 INVESTIGATOR BROOKS: Yes, they
21 were posted.

22 MEMBER ALBERTI: Okay. All right.

1 I have no further questions. Thank you.

2 CHAIRPERSON MILLER: Others? Mr.
3 Brooks, I just -- as far as the dates go, you
4 went on the 4th and then you didn't go back
5 until the 14th? I'm just curious. Is that
6 longer than you usually wait to go back to
7 issue a citation?

8 INVESTIGATOR BROOKS: It just
9 depends. And to be honest, I'm not quite
10 certain on the actual dates, because I
11 remember going back to meet him during the
12 day. So it was during the day that I actually
13 met him. And they were open for business and
14 there were people in the restaurant. There
15 was -- the signs were not posted. He was
16 given the signs, at that point.

17 And then when I went back again to
18 issue the citation, if I recall correctly, he
19 wasn't -- yeah, I gave it to him. And then I
20 had to go back again with the corrected
21 version because the amount was incorrect and
22 that's when I had to try to retrieve the one

1 that was previously written, but he wasn't
2 there. It was a female ABC manager and he
3 told her over the phone where to find it.

4 CHAIRPERSON MILLER: Okay.

5 INVESTIGATOR BROOKS: And he did
6 that. So that's my last item.

7 CHAIRPERSON MILLER: So on the 4th
8 did he inquire about how to get a sign or
9 anything like that?

10 INVESTIGATOR BROOKS: No, they did
11 not.

12 CHAIRPERSON MILLER: All right.
13 Who is making the noise? Okay. I don't have
14 any other questions. Are there any other
15 Board questions? Any questions based on the
16 Board questions?

17 MR. STERN: No, ma'am.

18 CHAIRPERSON MILLER: Okay. Then
19 you can be excused, Mr. Brooks.

20 INVESTIGATOR BROOKS: Thank you.

21 (Whereupon, witness was excused.)

22 MR. STERN: That's all from the

1 Government.

2 CHAIRPERSON MILLER: Okay. That's
3 all? You rest your case. All right. And
4 it's your turn.

5 MR. WICKRAMARATNE: My turn.

6 CHAIRPERSON MILLER: Okay. If you
7 will raise your right hand?

8 Whereupon,

9 MARSHALL WICKRAMARATNE

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

14 CHAIRPERSON MILLER: Okay. So you
15 should start with your name again.

16 DIRECT EXAMINATION

17 MR. WICKRAMARATNE: My name is
18 Marshall Wickramaratne and I'm the food and
19 beverage director. Actually, on May 4th, Mr.
20 Brooks came around like 2:45. My front desk
21 auditor, he was the auditor at that time, John
22 and he text me that night and said that those

1 inspectors were here.

2 So I said we were closed and why
3 are inspectors are there, because according to
4 my understanding, they had to do the
5 inspecting during the operating hours.

6 So and next day, it was on
7 Saturday, and when I went back for Monday
8 morning, Mr. Brooks and his colleague came
9 back to the restaurant and said there was a
10 violation on there is no signs posted. So
11 what's going on?

12 So I said, at that time, we were
13 under construction and maybe the after hours
14 contractor took all the signs off to clean up,
15 because it was dusty and we were finishing the
16 construction in the bar area, if you call
17 there, it's a brand new bar.

18 So and I do have some proof from
19 the contractor that we paid all of the
20 \$335,000 and I have the time period and
21 everything that they were doing the
22 construction. So maybe the have put the signs

1 down.

2 At the same time, I told the
3 gentleman that I don't think it was a
4 violation, because it was after hours and all
5 the managers are gone for the day. And at the
6 same time, I said -- and at the same time the
7 gentleman that on Monday, that was on the 6th,
8 I believe, and he gave me a sign. He gave me
9 a sign, but he didn't issue me any violations
10 or anything like that. So I post it right
11 away, okay, because I want to be make sure
12 that we -- there had been misplaced signs that
13 they took down.

14 So and after, according to my
15 records, he came back on the 15th and had the
16 sign over here on the 15th and I signed for
17 this and said that we do have some -- he find
18 some more violations before as well, so he
19 issued me a ticket for \$600.

20 So at that time, I said okay, I
21 will sign for this, but I know that I been
22 there for a very long time. I have been

1 working there for almost 17 years. And I'm
2 pretty sure there is no violations before.

3 And he said that no, he checked in
4 the system, there is a violation recorded in
5 the system. And but according to the case
6 before that I received from you all, it shows
7 that Mr. Brooks had reviewed the system and
8 see whether we have in the history, in the
9 past, we have any violations, but he came back
10 on the 15th and day after he reviewed the
11 report he issue me a ticket for \$600 because
12 second offense.

13 So I was confused. So I said I'm
14 not going to bother your job, whatever you do,
15 but I think I am going to dispute this,
16 because it's not -- it's a violation, number
17 one. We are closed. I had the payroll
18 reports. The last person is the -- left
19 around like 11:47, my manager. So all the
20 liquor documents are locked and, therefore,
21 every liquor cabinet I have a key, so nobody
22 can access for those things. And all the

1 draft beers and everything is turned down.

2 Everything is locked.

3 So there is no business at all at
4 that time for 2:45 in the morning. At the
5 same time, even the hotel is -- the restaurant
6 belongs to the hotel still it's a different
7 department. We have five departments in the
8 hotel. There are the soup and beverages,
9 which is my department.

10 So there was no issue. So he said
11 no, there was some kind of problem. So and
12 after that, Mr. Brooks came back on the 6th.
13 Let me go back for a second. On the 6th when
14 Mr. Brooks came back just to talk to me about
15 the violation, yes, he gave me a sign. I post
16 it right away.

17 So because I was not sure whether
18 where these people put the sign down, because
19 -- the construction people or the cleaning
20 people. I don't want to wait for another --
21 I find out later after he leave to find
22 another sign. So while he was there, I asked

1 him as a cautious, here you go, please, if you
2 have something, give me. So he was very
3 helpful. He gave me the sign right there.

4 And there was -- and I post it
5 right away. And after that, he came back
6 again on the 18th at 10:25 p.m. and I had the
7 sign things and one of my shift manager signed
8 for this. He said yes, there was an error
9 from the first one, so this is the right one
10 and he gave me another different ticket for
11 \$350.

12 So I was confused. I said now
13 what's going on? He was reviewed on the 14th.
14 Now, he issue me a ticket on the 15th for a
15 violation. And the whole restaurant was
16 closed at that time that he came, so I was so
17 confused.

18 At the same time, I just want to
19 show you this is the sign that we have put on
20 the wall in the lobby of our operating hours.
21 So the lounge, the bar is open from 11:00 to
22 11:00, but sometimes according to business, we

1 keep little bit late open and at the same
2 time, after we finished the business, the
3 bartenders, they have their side work to do,
4 so that's why the bartender left.

5 I have the payroll report. And
6 the bartender left on that day at 11:40.
7 11:40 he is gone. So that mean the whole
8 department is shut down. It's no operations
9 at all.

10 So I was so confused because we
11 are doing as -- myself and my staff, we are
12 doing our best to keep all the regulations,
13 follow all the regulations and not only that,
14 some ABC -- I'm getting some certificates and
15 saying appreciating the way that I'm doing the
16 -- operating my business.

17 So I thought it was like what's
18 going on? This is discouraging to us. At the
19 same time, I was so confused as an employee
20 over there. I was confused what's going on.
21 That's what I was strongly disputing this and
22 I do have to review for you all the

1 construction bills that the period they have
2 start and they end.

3 The final bill was paid about
4 \$335,000 on the -- on June 17th. The period
5 is from February 2nd to this time, because it
6 was a huge construction going on. The whole
7 bar was -- it is a brand new bar, floors to
8 walls to lights to everything and the
9 restaurant is already renovating at that time.
10 And still we were doing some things like
11 carpet changing and everything, because our
12 hotel was on PIP Program, Property Improvement
13 Program from IHG, the InterContinental Hotel
14 Group.

15 So we do have doing some
16 construction time to time. And we were under
17 construction. These are the proof that we
18 were doing some construction. Some times when
19 they come over here, because we want to make
20 sure that bar and the restaurant is -- looks
21 great when the guests come there. So even
22 though there is construction time, we make

1 sure overnight everything was clean, nice and
2 dust-free and it's open for the guests to
3 come.

4 So that's why sometimes you don't
5 see like it was construction going on, because
6 they were not -- it was one time everything
7 was blocked during the construction. But this
8 is the ending period. So we were making sure
9 that every day we were cleaning all those
10 things, so there was accidentally there a
11 contractor or cleaning people have took the
12 signs down and we never, ever had any
13 violation on this.

14 And I'm very strict on that with
15 my staff and told my staff because I want the
16 signs to be posted every single day. But it
17 was not for days or weeks, the signs were up
18 there. Just while he came on Saturday and he
19 came back to inform me that there was a
20 violation. On Monday he came back to tell me.
21 At that time, I told Mr. Brooks there was no--
22 I mean, this is beyond the construction.

1 Maybe somebody have put this down and was the
2 director, I don't want to take a chance, I
3 right away ask, sir, you have any signs I can
4 get, because I want to be cautious on that.

5 So he gave me. He was kind
6 enough. He gave me sign. I post it right
7 away. And actually found the sign behind the
8 register, the POS system, because they just
9 take everything and clean the cabinets and the
10 walls and everything.

11 So but I do have some extra, so
12 always I keep some extra signs and those
13 things for emergencies, cleaning staff can
14 misplace those things. We thought the third-
15 party without knowing, they can trash those
16 things, so I always have a backup. So I can
17 tell even -- and I'm a director. I've been
18 working there for 17 years. I'm always make
19 sure that they can contact me day and night,
20 that's why I been there for 17 years.

21 And if there is something, a
22 problem, they call me middle of the night, I

1 have the -- I can inform them to react and go
2 and get things. So I think it was a huge
3 confusion. At the same time, I think that I
4 didn't violate anything. And I'm finally
5 asking the Board Members, please, I didn't
6 have no violations before and there was --
7 according to the signs or anything and for
8 many years I am doing my best to conduct the
9 business according to the rules and
10 regulations in Washington, D.C. and take care
11 of the customers and make sure that our guests
12 is safe.

13 So I'm thinking I'm strongly
14 disputing this one. I really appreciate if
15 you can consider my request and dismiss this.

16 CHAIRPERSON MILLER: Okay. Mr.
17 Stern, do you have cross-examination?

18 MR. STERN: Yes.

19 CROSS-EXAMINATION

20 MR. STERN: Sir, you say you have
21 been there for 17 years?

22 MR. WICKRAMARATNE: Yes, sir.

1 MR. STERN: And have you been the
2 -- working in the beverage/alcohol service for
3 that time?

4 MR. WICKRAMARATNE: Yes, sir.

5 MR. STERN: Okay. Would it
6 surprise you to know -- excuse me. Were you
7 there on May 8, 2008?

8 MR. WICKRAMARATNE: May 8?

9 MR. STERN: 2008.

10 MR. WICKRAMARATNE: May 8, 2008?

11 MR. STERN: Yes. Were you working
12 during that --

13 MR. WICKRAMARATNE: Yes, I do,
14 yes.

15 MR. STERN: -- time period?

16 MR. WICKRAMARATNE: Yes.

17 MR. STERN: And were you working
18 during that time period of December 4 through
19 December 11, 2008?

20 MR. WICKRAMARATNE: Yes, yes.

21 MR. STERN: Okay. Would it
22 surprise you to know that ABRA records reveal

1 that the establishment had a sale to minors on
2 May 8, 2008?

3 MR. WICKRAMARATNE: Yes, actually.
4 Yes, at that time, I wasn't just a manager at
5 the restaurant. I was the assistant director.
6 Yes.

7 MR. STERN: So you acknowledge
8 that you did have --

9 MR. WICKRAMARATNE: Yes. Yes,
10 there was one.

11 MR. STERN: So when you said you
12 had no prior violations, that wasn't true, was
13 it?

14 MR. WICKRAMARATNE: It wasn't for
15 signs, sir, that's what I said. I believe
16 that I said the violation --

17 MR. STERN: And in 2010, the
18 establishment failed to file a quarterly
19 report. Isn't that correct?

20 MR. WICKRAMARATNE: Yes, but it
21 was a mistake from your area. It was -- we
22 have filed reports on time. At that -- there

1 is -- that was on my time when I took over the
2 whole operation as a food and beverage
3 director. And we filed a report. At that
4 time, you all moved from the old building to
5 the new building, so it was going to the new
6 building, that's why they dismissed that.

7 MR. STERN: Okay. Thank you.
8 Now, you say that you were in contact with the
9 front desk on Friday night, early Saturday
10 morning when the inspectors came?

11 MR. WICKRAMARATNE: Actually,
12 contact mean they had text me, at that time,
13 when the inspector was here. And I saw them
14 and I woke up in the morning 6:00, actually
15 before 6:00.

16 MR. STERN: Did you try to find
17 out what -- why they were there?

18 MR. WICKRAMARATNE: Yes, actually,
19 he said that -- yes, I called immediately,
20 because the night auditor leave by 7:00 in the
21 morning. I called immediately and he said
22 there was no signs. I said what do you mean

1 there are no signs? There were always signs
2 there.

3 MR. STERN: Okay. So I'm going to
4 ask questions of you. The -- so you were told
5 on Saturday of the violation?

6 MR. WICKRAMARATNE: Yes, I do.

7 MR. STERN: Okay. And --

8 MR. WICKRAMARATNE: But Saturday
9 night he came.

10 MR. STERN: Okay.

11 MR. WICKRAMARATNE: So I know on
12 Sunday.

13 MR. STERN: Okay. So you were
14 told on Sunday. And when he came on Monday,
15 you were open for business, weren't you?

16 MR. WICKRAMARATNE: Oh, yes, we
17 do. Yes.

18 MR. STERN: Okay.

19 MR. WICKRAMARATNE: We were.

20 MR. STERN: And were you open for
21 business on Sunday as well, because you were--
22 it's a --

1 MR. WICKRAMARATNE: Yes.

2 MR. STERN: -- hotel.

3 MR. WICKRAMARATNE: Yes, actually,
4 but we -- at that time, the period that we
5 have very limited time that we open.

6 MR. STERN: Okay.

7 MR. WICKRAMARATNE: Some times the
8 bar, they are working in the bar, we close the
9 bar area. And we just do the --

10 MR. STERN: Okay. But when you
11 came -- when he came in Monday, the signs
12 still weren't up. Isn't that correct?

13 MR. WICKRAMARATNE: There was some
14 sign, but it was the wrong one. So that's the
15 time that I came to work to, the office, and
16 the same time Mr. Brooks and his colleague
17 came at the same time.

18 MR. STERN: Okay. But you said
19 you found the right signs behind the POS
20 system?

21 MR. WICKRAMARATNE: Yes.

22 MR. STERN: After they were there

1 on Monday?

2 MR. WICKRAMARATNE: Yes.

3 MR. STERN: Okay. So all day
4 Sunday when you were open, you didn't find
5 those signs?

6 MR. WICKRAMARATNE: Monday, I came
7 late to the office. At that time --

8 MR. STERN: The question was all
9 day Sunday --

10 MR. WICKRAMARATNE: Yeah. No,
11 there was some --

12 MR. STERN: -- you didn't find
13 that --

14 MR. WICKRAMARATNE: -- sign. They
15 put some sign, but it was the wrong one. It
16 was saying like, you know, not the exact words
17 that the signs that you all have provided. It
18 was something that there was a different sign
19 says that alcohol cannot be served for 21 and
20 -- under 21, yes.

21 MR. STERN: I'm sorry. They
22 weren't ABRA-issued signs though?

1 MR. WICKRAMARATNE: No, that's not
2 the exact one --

3 MR. STERN: All right.

4 MR. WICKRAMARATNE: -- that you
5 have.

6 MR. STERN: And you know that when
7 you hang these signs, they have to be ABRA-
8 issued signs?

9 MR. WICKRAMARATNE: Oh, yes, I do,
10 yes.

11 MR. STERN: Okay. So you knew
12 that that was the wrong sign.

13 MR. WICKRAMARATNE: But I didn't
14 know that until I came back on Monday.

15 MR. STERN: Okay. Well, let's say
16 Monday morning when you came in, you didn't
17 change the sign then. You didn't look for it
18 then.

19 MR. WICKRAMARATNE: So that's what
20 I said. I'm very sorry. I came in the same
21 time that Mr. Brooks came to the -- my
22 restaurant. That's the time that I came to my

1 office. I came late.

2 MR. STERN: Okay. Well, if you
3 were concerned, why didn't you ask somebody on
4 Sunday who was running the bar --

5 MR. WICKRAMARATNE: Yes.

6 MR. STERN: -- to look for those
7 signs and make sure the ABRA signs were up?

8 MR. WICKRAMARATNE: Yes, sir,
9 that's what I did on Sunday morning. I called
10 the restaurant and asked the supervisor that
11 was working the morning and she -- I told her
12 to post the sign and look for the sign and
13 post it. And when I called her back,
14 naturally, she called me back and she said
15 yes, I already post it.

16 MR. STERN: Okay. But it wasn't
17 the ABRA sign?

18 MR. WICKRAMARATNE: That -- it was
19 not the exact one that you all said, but it
20 says the same --

21 MR. STERN: It wasn't the sign
22 that was issued by ABRA, was it?

1 MR. WICKRAMARATNE: No, sir, no.

2 MR. STERN: Okay. And it would
3 have been easy enough to tell her, you have to
4 post the sign that is issued by ABRA, right?

5 MR. WICKRAMARATNE: Yes. Yes, it
6 is. But actually, she was not maybe aware
7 about exactly what I was telling her. So I
8 mean, she knew that there was a sign -- that
9 a sign should be there with 21 years and --
10 age 21 --

11 MR. STERN: So someone took down
12 your signs. You don't really know who, right?

13 MR. WICKRAMARATNE: I'm sorry?

14 MR. STERN: Someone took down your
15 signs. You don't know who?

16 MR. WICKRAMARATNE: No.

17 MR. STERN: And someone put up a
18 sign, but it was the wrong sign, right?

19 MR. WICKRAMARATNE: It was the
20 wrong sign, yes.

21 MR. STERN: Okay. And then when
22 they came there, by happenstance, you don't

1 show up until the same exact time as the ABRA
2 Investigator shows up. Is that right?

3 MR. WICKRAMARATNE: Yes. I do have
4 some different schedule. I have to come -- I
5 have some other work to do sometimes, so I
6 came -- on that day I came late. I can
7 remember that.

8 MR. STERN: Okay. Thank you. And
9 when you said -- okay. Thank you. That's all
10 I have.

11 CHAIRPERSON MILLER: Okay. Are
12 there Board questions? I just have a couple.

13 MR. WICKRAMARATNE: Yes, ma'am.

14 CHAIRPERSON MILLER: How was it
15 that you have signs that say the same thing as
16 ABRA signs, but they are not ABRA signs?

17 MR. WICKRAMARATNE: Actually, what
18 she did was she posted something that when she
19 was having training, that the instructor gives
20 some signs saying that to follow-up on this
21 thing, age limit, the pregnancy rules and
22 that's the one that she posted.

1 So not exactly the way that you
2 all say, but this is the one that she received
3 at -- when she was training for the manager's
4 license, so she posted that one. It was on
5 red letters, lettering and it was right on the
6 wall. It was the wrong one.

7 I agree with that, yes.

8 CHAIRPERSON MILLER: Okay. And it
9 probably varied, but around the time of this
10 inspection, construction was still going on?

11 MR. WICKRAMARATNE: Yes, ma'am,
12 yes.

13 CHAIRPERSON MILLER: When was the
14 -- when did you do the construction?

15 MR. WICKRAMARATNE: Actually, the
16 major construction was over by maybe June.
17 And after that, also we had some renovations.
18 By November, we did the whole carpeting again.
19 New carpet in the restaurant. So we do have
20 some continuously. We are having some
21 renovation. The air conditioning was
22 replaced, brand new air condition, you know,

1 different time.

2 So and still we are working on
3 things. We are not finished yet.

4 CHAIRPERSON MILLER: Okay. So my
5 question is like in May around this time, was
6 there some renovation going on and if so, when
7 did they do it? Did they do it after hours?
8 Did they do it --

9 MR. WICKRAMARATNE: They do some
10 after hours, because that's the time that we
11 are finishing the construction. So all this
12 touch-up work and finishing work is done after
13 work finish. So some days what happen is if
14 the hotel is busy and we need some more, so we
15 change the time, we push the time a little
16 late. So they come like midnight and do
17 things and by morning they finish everything
18 and it's nothing -- looks nothing done at
19 night.

20 CHAIRPERSON MILLER: Okay.

21 MR. WICKRAMARATNE: Everything is
22 clean and nice, yeah.

1 CHAIRPERSON MILLER: Okay. And
2 then finally, you made reference to some
3 documents you have there. And I wanted to ask
4 you if you want to move them into -- what is
5 called moving them into evidence, so that the
6 Board can consider them.

7 MR. WICKRAMARATNE: Yes. I can do
8 that.

9 CHAIRPERSON MILLER: So to do
10 that, I don't know if you have copies?

11 MR. WICKRAMARATNE: I --

12 CHAIRPERSON MILLER: Do you have
13 copies?

14 MR. WICKRAMARATNE: Actually, I
15 think that I can make another copy. I can ask
16 my general manager to make a copy for me.

17 CHAIRPERSON MILLER: So we would
18 need them. So wait. Let me just tell you, we
19 would need them now.

20 MR. WICKRAMARATNE: Okay.

21 CHAIRPERSON MILLER: In this
22 proceeding, so, first of all, I would want you

1 to show them to Mr. Stern. But if -- maybe
2 our staff can make copies if you don't have
3 copies. How many documents do you --

4 MR. WICKRAMARATNE: I have two,
5 three and this violation, of course.

6 CHAIRPERSON MILLER: Okay. So --

7 MEMBER ALBERTI: Ms. Walker, I
8 think Mr. Stern needs to see them.

9 MR. STERN: Yeah, if I could.

10 CHAIRPERSON MILLER: We are going
11 to make you a copy, unless you don't want one.

12 MR. STERN: I have no objection to
13 those.

14 CHAIRPERSON MILLER: Oh, you don't
15 have objection. Okay. Dee Dee? Maybe we
16 won't have to wait for the copies. We will
17 make a copy to give back to you, but just for
18 me to, first, decide to admit them into
19 evidence. Mr. Stern has no objection. So I
20 might have to give this back to you, unless
21 you can recall what they are to identify them
22 for the record.

1 MR. WICKRAMARATNE: Ma'am, will
2 you, please, repeat that, because I'm --

3 CHAIRPERSON MILLER: Okay. I
4 think I'm going to have Ms. Walker give it
5 back to you to identify for the record, unless
6 you can do it from -- you know, I think --
7 only one copy, right?

8 MR. WICKRAMARATNE: Oh, yeah,
9 sure.

10 CHAIRPERSON MILLER: Okay. So I
11 need you to identify what they are.

12 MR. WICKRAMARATNE: Okay.

13 CHAIRPERSON MILLER: So you can
14 say like this is Licensee's Exhibit No. 1,
15 it's a contract, blah, blah, blah.

16 MR. WICKRAMARATNE: Actually --

17 CHAIRPERSON MILLER: No. 2 it's a
18 sign. No. 3 whatever. Okay. Do you
19 understand what I'm saying? You have separate
20 documents there.

21 MR. WICKRAMARATNE: Yes, ma'am.

22 CHAIRPERSON MILLER: So can you

1 identify each one? Say No. 1 is.

2 MR. WICKRAMARATNE: I wrote it on
3 that same bill.

4 CHAIRPERSON MILLER: Okay.

5 MR. WICKRAMARATNE: So the
6 construction bill and this signs.

7 CHAIRPERSON MILLER: Have you
8 numbered them?

9 MR. WICKRAMARATNE: Yes, ma'am.
10 I'm very sorry. And that is the violation.

11 CHAIRPERSON MILLER: Okay.

12 MEMBER ALBERTI: Is he going to
13 describe them?

14 CHAIRPERSON MILLER: I don't know.
15 Otherwise, I will.

16 MEMBER ALBERTI: Ms. Miller, could
17 -- I thought the purpose was for this
18 gentleman to describe each of the exhibits.

19 CHAIRPERSON MILLER: Well, yeah.
20 I was going to say one of us, either he does
21 -- if he doesn't understand it, I can do it.
22 Mr. Stern hasn't objected. If it's obvious--

1 MR. STERN: If it will make things
2 go faster, I'll be happy to lead him through
3 the questioning to admit those. I don't have
4 an objection to admitting them.

5 CHAIRPERSON MILLER: Right.

6 MEMBER ALBERTI: Mr. Stern, you
7 want to go to lunch, huh?

8 MR. STERN: No, no.

9 CHAIRPERSON MILLER: All right.

10 MR. STERN: I'm trying to help, if
11 I can.

12 CHAIRPERSON MILLER: Okay. This
13 is 2. This is 3. Okay. All right. So what
14 he has done is he has circled or identified on
15 the document what they are.

16 Exhibit No. 1 is the construction
17 bill. Exhibit No. 2 is -- and there are two
18 pages to that. Exhibit No. 2 is the sign in
19 the lobby of the hotel with the hours that the
20 restaurant and the lounge are open.

21 MEMBER ALBERTI: But, Ms. Miller?

22 CHAIRPERSON MILLER: Yes?

1 MEMBER ALBERTI: I think for the
2 record, we need some acknowledgement from the
3 licensee. You are seeing these things. You
4 don't really know what they are, unless the
5 licensee -- unless the witness acknowledges
6 that you are correct.

7 MR. STERN: Let me help.

8 CHAIRPERSON MILLER: Okay. Okay.
9 I'm just identifying them.

10 MEMBER ALBERTI: I understand, but
11 you said this is a sign in the lobby. You
12 don't know that. He needs to --

13 CHAIRPERSON MILLER: Yes, but
14 we're not finished.

15 MEMBER ALBERTI: He needs to
16 acknowledge that for you.

17 CHAIRPERSON MILLER: Okay. Okay.
18 I'm just going to finish. No. 3 is a notice
19 of violation.

20 (Whereupon, the documents were
21 marked as Licensee Exhibit 1
22 through 3 for identification.)

1 CHAIRPERSON MILLER: Mr. Stern, do
2 you have some questions for him? I'm going to
3 give these back. Now, do you -- thank you.

4 MR. STERN: I'm going to show you
5 what you marked as No. 1. Can you tell me
6 what that is?

7 MR. WICKRAMARATNE: That's for the
8 construction bill. That's for the time
9 period.

10 MR. STERN: Okay. And is that a
11 true and accurate reflection of the bill which
12 you received for your construction?

13 MR. WICKRAMARATNE: Yes, this is
14 the one that I received this morning from the
15 hotel.

16 MR. STERN: Okay. I'm going to
17 show you what is Exhibit No. 2. Can you
18 identify what that is?

19 MR. WICKRAMARATNE: Yes, this is
20 the sign that we posted in the lobby, the
21 operating hours for the restaurant and the
22 bar.

1 MR. STERN: Okay. And is that a
2 true and accurate depiction of what the lobby
3 sign looks like?

4 MR. WICKRAMARATNE: Yes.
5 Personally, I took by myself.

6 MR. STERN: Okay. I'll show you
7 No. 3. Can you tell me what that is?

8 MR. WICKRAMARATNE: These are the
9 violation notice that I received from the
10 inspectors that two -- on two occasions.

11 MR. STERN: Okay. So these are
12 both violations?

13 MR. WICKRAMARATNE: Yes.

14 MR. STERN: Thank you.

15 MR. WICKRAMARATNE: One is the --
16 yeah.

17 MR. STERN: Would you like these
18 admitted into evidence?

19 MR. WICKRAMARATNE: Yes, sir.

20 MR. STERN: We have no objection.

21 CHAIRPERSON MILLER: Okay. Then
22 Licensee's Exhibit 1, 2 and 3 are admitted

1 into evidence.

2 (Whereupon, the documents marked
3 as Licensee Exhibit 1 through 3
4 were received in evidence.)

5 CHAIRPERSON MILLER: Thank you
6 very much, Mr. Stern.

7 Are there any other questions on
8 the exhibits?

9 MEMBER ALBERTI: Yes, I have some.

10 CHAIRPERSON MILLER: Yes, Mr.
11 Alberti has some questions.

12 MEMBER ALBERTI: Sir, okay, you
13 talked about someone who posted signs on the
14 following day. The inspector visits on
15 Saturday, May 4th, at 2:45 a.m., but the next
16 day someone posts signs.

17 MR. WICKRAMARATNE: Yes.

18 MEMBER ALBERTI: Who is this
19 person? Do they have a last name?

20 MR. WICKRAMARATNE: Yes, she is
21 Rosa Alles and she was the --

22 MEMBER ALBERTI: Alles?

1 MR. WICKRAMARATNE: Alles.

2 MEMBER ALBERTI: Alles.

3 MR. WICKRAMARATNE: Yes.

4 MEMBER ALBERTI: Okay. Ms. Alles.

5 Is she a licensed manager?

6 MR. WICKRAMARATNE: She is, yes.

7 MEMBER ALBERTI: Okay. Okay. So
8 the next day she remembers that she has got
9 stuff from her training and posts something
10 that she got from her training?

11 MR. WICKRAMARATNE: Yes.

12 MEMBER ALBERTI: Okay. All right.
13 Ms. Alles, how often does she work there?

14 MR. WICKRAMARATNE: She is a part-
15 time employee. And she is working like two or
16 three days per week.

17 MEMBER ALBERTI: I'm sorry? Can
18 you repeat that?

19 MR. WICKRAMARATNE: She works like
20 two or three days. Mostly like two days per
21 week.

22 MEMBER ALBERTI: How many?

1 MR. WICKRAMARATNE: Two days.

2 MEMBER ALBERTI: Two days per
3 week?

4 MR. WICKRAMARATNE: A couple of
5 days, yes.

6 MEMBER ALBERTI: Okay. So had she
7 been working there prior to Mr. Brooks' visit
8 in the week preceding that?

9 MR. WICKRAMARATNE: She was not
10 there when Mr. Brooks came, no.

11 MEMBER ALBERTI: I understand
12 that, because it was --

13 MR. WICKRAMARATNE: Yes, she was.
14 She was.

15 MEMBER ALBERTI: She had worked in
16 the days preceding that? In the week
17 preceding Mr. Brooks' visit, had she worked
18 during that week?

19 MR. WICKRAMARATNE: So you're
20 asking me if she was there when Mr. Brooks
21 come?

22 MEMBER ALBERTI: No. In the week

1 prior to Mr. Brooks' visit.

2 MR. WICKRAMARATNE: Yes, yes.

3 MEMBER ALBERTI: Seven days prior
4 to Mr. Brooks' visit.

5 MR. WICKRAMARATNE: Yes, yes.

6 MEMBER ALBERTI: During that
7 period of seven days --

8 MR. WICKRAMARATNE: Yes.

9 MEMBER ALBERTI: -- did she work
10 at any time during that seven days?

11 MR. WICKRAMARATNE: Yes, sir.

12 MEMBER ALBERTI: Okay. Thank you.
13 So we had someone who had the wherewithal to
14 keep all this stuff from the training and have
15 it on hand and ready to post, but she didn't
16 have the wherewithal while she was working in
17 the preceding days to notice that the signs
18 weren't up. Is that correct?

19 MR. WICKRAMARATNE: Oh, actually,
20 she made a mistake and she post the wrong one.
21 That's what I was saying.

22 MEMBER ALBERTI: Oh, no, no, no.

1 She didn't recognize prior to Mr. Brooks'
2 visit that the ABRA required signs were not
3 up. Is that correct?

4 MR. WICKRAMARATNE: No. No, sir.
5 I mean, the signs were there, that's what I
6 said. Maybe, I'm not sure exactly what
7 happened on Saturday night when Mr. Brooks
8 came. The sign was there.

9 MEMBER ALBERTI: Well, what signs
10 were there?

11 MR. WICKRAMARATNE: The right
12 signs, sir. The signs that you all issued,
13 the legal signs were there and on that night,
14 Saturday night, maybe the cleaning people had
15 put that down or took it off from the wall to
16 clean the bar, that's the time that it was
17 missing from the place that I have posted.

18 MEMBER ALBERTI: So the cleaning
19 people would take this down to clean the bar?

20 MR. WICKRAMARATNE: Yes.

21 MEMBER ALBERTI: A regular
22 practice?

1 MR. WICKRAMARATNE: No, the
2 construction people.

3 MEMBER ALBERTI: Is that regular
4 practice?

5 MR. WICKRAMARATNE: I'm sorry?

6 MEMBER ALBERTI: Is that a regular
7 practice?

8 MR. WICKRAMARATNE: No, it's the
9 construction time. Yes, of course, yes,
10 sometimes that when we have like, you know,
11 bartenders when the dust is building, they
12 take all the signs and put it back. But the
13 construction time the contractors are after
14 hours when they work, before they leave they
15 clean everything.

16 MEMBER ALBERTI: Okay.

17 MR. WICKRAMARATNE: And that's the
18 time that they have taken those things down,
19 because they don't know about any signs or
20 anything like that. The contractors are --

21 MEMBER ALBERTI: Okay. Thank you.

22 MR. WICKRAMARATNE: -- third-

1 party.

2 MEMBER ALBERTI: All right. So
3 when did the construction begin?

4 MR. WICKRAMARATNE: Actually, it
5 was early 2013.

6 MEMBER ALBERTI: Early 2013. What
7 does that mean, January, February?

8 MR. WICKRAMARATNE: January, yes.
9 Actually, it was a little before that, I
10 think.

11 MEMBER ALBERTI: Okay.

12 MR. WICKRAMARATNE: If I recall.

13 MEMBER ALBERTI: And was the bar
14 closed for a period?

15 MR. WICKRAMARATNE: Yes, it was
16 closed until, I think, just before the
17 Inauguration be open a little bit. And there
18 was some construction going on after that,
19 yes. We did some minor things.

20 MEMBER ALBERTI: Wait, wait, wait.
21 You just told me -- I'm confused. You told me
22 the construction began in January of 2013, but

1 then you said it was open during the
2 Inauguration.

3 MR. WICKRAMARATNE: That's what I
4 said, yes.

5 MEMBER ALBERTI: But that would
6 have been in January.

7 MR. WICKRAMARATNE: January, yes.

8 MEMBER ALBERTI: So when did the
9 bar close? Was the bar closed for a period?

10 MR. WICKRAMARATNE: Yes, actually,
11 it was closed.

12 MEMBER ALBERTI: From when to
13 when?

14 MR. WICKRAMARATNE: It was closed
15 until Maybe May, April or May. Actually, we
16 closed the bar time to time according to what
17 they were doing.

18 MEMBER ALBERTI: Okay.

19 MR. WICKRAMARATNE: So, I mean --

20 MEMBER ALBERTI: Okay.

21 MR. WICKRAMARATNE: -- that is
22 from that period.

1 MEMBER ALBERTI: What was the
2 state of the construction on May -- at the
3 beginning of May? What was going on?

4 MR. WICKRAMARATNE: Actually, they
5 put all the counters and the air condition
6 unit, so they had to put all those vents and
7 everything, so a lot of dust is building. And
8 we do sometimes, I can't remember exact days.
9 They put new cabinets, put in the bar. And
10 everything was replaced. So time to time they
11 had taken -- they were doing some work in the
12 bar.

13 MEMBER ALBERTI: According to what
14 you are describing to me, it seems like it
15 would have been a regular occurrence for them
16 to take down the signs.

17 MR. WICKRAMARATNE: Actually, they
18 put the sign down, because I believe that they
19 are cleaning the walls.

20 MEMBER ALBERTI: Right, right.

21 MR. WICKRAMARATNE: And
22 everything.

1 MEMBER ALBERTI: So from what you
2 described to me, since this construction is
3 going on, it would have been a regular
4 occurrence that they would have taken down the
5 signs.

6 MR. WICKRAMARATNE: I believe
7 that. I mean, time to time that we see they
8 put the things down. There are different
9 people come for this construction company.

10 MEMBER ALBERTI: Right, right. So
11 they would have been taken down and then,
12 according to you, put back up.

13 MR. WICKRAMARATNE: Yes.

14 MEMBER ALBERTI: Throughout that
15 whole period.

16 MR. WICKRAMARATNE: Yes.

17 MEMBER ALBERTI: Who was
18 responsible for making sure that they went
19 back up?

20 MR. WICKRAMARATNE: The manager on
21 duty.

22 MEMBER ALBERTI: And you knew that

1 they were coming down. You obviously had to
2 know. Wait, wait. You had to know. You are
3 just telling me that this was a regular
4 occurrence. Construction is going on, people
5 are taking them off the walls to clean and
6 everything, so you knew that they were coming
7 down from time to time. Is that correct?

8 MR. WICKRAMARATNE: Time to time,
9 yes, but I don't know on that particular day
10 that they were down or not.

11 MEMBER ALBERTI: All right. So
12 you knew, you knew. All right. Who was
13 responsible for making sure that they were up?

14 MEMBER ALBERTI: The manager on
15 duty should be responsible for that.

16 MEMBER ALBERTI: All right. But
17 she hadn't. She was there all day Sunday and
18 she hadn't. Is that correct?

19 MR. WICKRAMARATNE: Yes, she had.
20 Yes, she had Sunday. Actually, Sunday, yes,
21 she put the thing back on on Sunday, but she
22 put the wrong one.

1 MEMBER ALBERTI: She was trained.
2 She knew what the right ones were. Is that
3 correct?

4 MR. WICKRAMARATNE: Well, she was
5 trained, but she was -- she picked the wrong
6 sign.

7 MEMBER ALBERTI: Well, where were
8 the right ones?

9 MR. WICKRAMARATNE: I'm sorry?

10 MEMBER ALBERTI: Where were the
11 right ones?

12 MR. WICKRAMARATNE: It was --
13 that's what I found behind the POS system. It
14 was right over there and I mean, maybe she
15 overlooked them. I'm not sure exactly how --
16 what happened, but she was -- it was the wrong
17 one that she put up.

18 MEMBER ALBERTI: So when did you
19 find the right ones?

20 MR. WICKRAMARATNE: I'm sorry?

21 MEMBER ALBERTI: When did you find
22 the right ones?

1 MR. WICKRAMARATNE: Oh, actually,
2 that was on -- right one, I found it. Later
3 I found it, even after Mr. Brooks came, that
4 I didn't see that right away, because I was
5 concentrating the sign and right away I
6 thought oh, no. Without looking for that, I
7 asked him do you have a sign? Here you go.
8 I put it right away, because I know how
9 critical to have those things on the wall.

10 So I didn't pay attention right
11 away, but later on I found that was behind the
12 sign.

13 MEMBER ALBERTI: But on Sunday she
14 didn't call -- she didn't text you to say I
15 can't find the signs. Is that correct?

16 MR. WICKRAMARATNE: No, sir. No.

17 MEMBER ALBERTI: Thank you.

18 MR. WICKRAMARATNE: I called her.

19 MEMBER ALBERTI: I don't care.

20 You called her? When? Sunday?

21 MR. WICKRAMARATNE: On Sunday
22 morning, because the inspector was there

1 Saturday.

2 MEMBER ALBERTI: And what did you
3 tell her?

4 MR. WICKRAMARATNE: What's that?

5 MEMBER ALBERTI: What did you tell
6 her with respect to the signs?

7 MR. WICKRAMARATNE: I said that I
8 heard that the inspector was there last night
9 at 2:45 in the morning and they said they
10 cannot find the sign. What's going on with
11 the signs? And she looked and said yeah, sure
12 the sign was not there. So I said okay, post
13 the sign. Find the sign and post it, because
14 it had to be there. So that was like after a
15 few hours the inspector came.

16 MEMBER ALBERTI: But did she call
17 you back and tell you she couldn't find the
18 signs?

19 MR. WICKRAMARATNE: Yes, she said
20 that she posted a sign.

21 MEMBER ALBERTI: All right. No
22 further questions, sir.

1 CHAIRPERSON MILLER: Okay.

2 Others?

3 MEMBER SHORT: I have a question.

4 CHAIRPERSON MILLER: Yes.

5 MEMBER SHORT: Good morning, sir.

6 MR. WICKRAMARATNE: Good morning,
7 sir.

8 MEMBER SHORT: You have been in
9 business how long in Washington, D.C.?

10 MR. WICKRAMARATNE: About 17
11 years.

12 MEMBER SHORT: 17 years. Are you
13 familiar with the District of Columbia's DCRA
14 Regulations when you are doing construction in
15 an occupied building?

16 MR. WICKRAMARATNE: I think that I
17 know some of it. I don't know what -- I know
18 the -- yeah.

19 MEMBER SHORT: Are you familiar
20 with the regulations for DCRA with
21 construction in an occupied building?

22 MR. WICKRAMARATNE: Yes, I do,

1 but, yes. I say yes, but I know the basics.

2 I don't know exactly.

3 MEMBER ALBERTI: That's a good
4 question.

5 MR. WICKRAMARATNE: Anything
6 related to alcohol beverage, yes, I think I
7 know.

8 MEMBER SHORT: Okay. And you were
9 there from January, you say construction was
10 going on, through May?

11 MR. WICKRAMARATNE: Right, yes.

12 MEMBER SHORT: And every night
13 that the construction took place, the signs
14 were put back up other than the time the
15 inspector came?

16 MR. WICKRAMARATNE: It was time to
17 time. Yeah, it was they had been down. Yes,
18 it was back on the wall, yes.

19 MEMBER SHORT: So you knew there
20 was a problem with the signs going back up
21 after construction?

22 MR. WICKRAMARATNE: It was -- at

1 that time, it was not a huge issue, because it
2 was -- mainly was follow the procedures. So
3 I mean, the signs were there time to time.

4 MEMBER SHORT: Okay. And the --

5 MR. WICKRAMARATNE: Time to time
6 it was being done. I mean, taken out, then
7 definitely it was going back to the wall.

8 MEMBER SHORT: Okay. And also,
9 the question was asked about how many
10 violations you had had, the history, since you
11 have been working there at that establishment.

12 MR. WICKRAMARATNE: I think that
13 that was before my term. I was one time.
14 That was serve alcohol for a minor because he
15 has actually checked his ID, according to my
16 knowledge, but he didn't calculate age
17 properly. But however, it was dismissed or
18 something. I can't remember exactly what
19 happened. That's the only violation that we
20 ever had in the organization.

21 MEMBER SHORT: The history doesn't
22 reflect that, but I'll just say this. I think

1 that you need to refresh yourself with the
2 rules and regulations dealing with DCRA,
3 Consumer and Regulatory Affairs, construction,
4 while you have an operating business for an
5 occupied building.

6 MR. WICKRAMARATNE: Yes.

7 MEMBER SHORT: I think that would
8 help alleviate your problems. I don't know if
9 it would have helped that night with the
10 signs, but I think if you knew those
11 regulations, it would help you and your staff
12 do a better job.

13 MR. WICKRAMARATNE: Yes, sir.
14 Yes, I agree with you. But I have trained
15 them and I have told them continuously that
16 you have some training and retraining them.
17 Yeah, it was, at that time, a mistake that
18 they post the wrong one. But it was saying
19 the same message, but it was the wrong one.

20 MEMBER SHORT: So you trained them
21 to do the right thing, but they put up the
22 wrong sign?

1 MR. WICKRAMARATNE: Yes. At that
2 time, she put the wrong one, yes, I agree with
3 that.

4 MEMBER SHORT: And how long has
5 she worked for you?

6 MR. WICKRAMARATNE: Time to time,
7 maybe -- she was -- been there for like four
8 or five years now.

9 MEMBER SHORT: Four or five years.

10 MR. WICKRAMARATNE: Yes.

11 MEMBER SHORT: So she is a
12 veteran?

13 MR. WICKRAMARATNE: Yes, I do have
14 some people like 20 plus, so I can't call them
15 veterans.

16 MEMBER SHORT: Okay. I thank you.
17 That's all I have.

18 CHAIRPERSON MILLER: Okay.
19 Others? I just have two quick questions.

20 MR. WICKRAMARATNE: Sure, ma'am.

21 CHAIRPERSON MILLER: What is the
22 POS system you are referring to?

1 MR. WICKRAMARATNE: Actually, it
2 was right underneath the sign at the bar
3 counter.

4 CHAIRPERSON MILLER: What is that,
5 POS?

6 MR. WICKRAMARATNE: Oh, that is
7 the MICROS computer system.

8 CHAIRPERSON MILLER: The what
9 system?

10 MR. WICKRAMARATNE: The computer.

11 CHAIRPERSON MILLER: The computer
12 system?

13 MR. WICKRAMARATNE: Yes.

14 CHAIRPERSON MILLER: Okay.

15 MR. WICKRAMARATNE: Computer, yes.
16 It has a huge screen and, you know.

17 CHAIRPERSON MILLER: Okay. And
18 how are your signs affixed on the wall? Do
19 you have them in glass on hooks or do you --

20 MR. WICKRAMARATNE: No, actually
21 we put --

22 CHAIRPERSON MILLER: -- tape them

1 or what do you do?

2 MR. WICKRAMARATNE: -- what do you
3 call, Scotch tape.

4 CHAIRPERSON MILLER: Scotch tape?

5 MR. WICKRAMARATNE: Yes.

6 CHAIRPERSON MILLER: Okay. So
7 they can come on and off that way.

8 MR. WICKRAMARATNE: Yes.

9 CHAIRPERSON MILLER: Okay. All
10 right. Anybody else? Any questions on Board
11 questions?

12 MR. STERN: I do have one or two
13 questions.

14 CHAIRPERSON MILLER: Okay.

15 MR. STERN: By the way, you were
16 saying P-O-S, Point of Sale?

17 MR. WICKRAMARATNE: Yes, point of
18 sale.

19 MR. STERN: Okay. So it's like
20 the cash register, but --

21 MR. WICKRAMARATNE: Yes.

22 MR. STERN: -- it's computerized.

1 CHAIRPERSON MILLER: Okay.

2 MR. STERN: Okay. And now, when
3 you were -- you knew that the citation was for
4 not having the signs, right?

5 MR. WICKRAMARATNE: Yes.

6 MR. STERN: And your manager told
7 you that she put up the sign. Isn't that
8 correct?

9 MR. WICKRAMARATNE: Yes, she did.

10 MR. STERN: Did you bring the sign
11 with you?

12 MR. WICKRAMARATNE: I'm sorry?

13 MR. STERN: Did you bring that
14 sign with you?

15 MR. WICKRAMARATNE: No, no, no, it
16 was in my office. I mean, we do have some
17 training.

18 MR. STERN: Here today. Did you
19 bring the sign with you?

20 MR. WICKRAMARATNE: No, I didn't.
21 Now, we have a new sign.

22 MR. STERN: Okay.

1 MR. WICKRAMARATNE: Yes.

2 MR. STERN: But the sign that your
3 manager put up was an integral part of what
4 you are defending, your actions?

5 MR. WICKRAMARATNE: Yes.
6 Actually, I can forward that to you. I don't
7 have right now.

8 MR. STERN: Unfortunately, today
9 is the day.

10 MR. WICKRAMARATNE: Yes.

11 MR. STERN: You didn't bring it?

12 MR. WICKRAMARATNE: Yes, just
13 everybody aware about those things, those
14 other ones that we have inspectors -- I mean,
15 the training people give training.

16 MR. STERN: Okay. And you said
17 that the bar has been operating since January?

18 MR. WICKRAMARATNE: Yes, sir.

19 MR. STERN: And selling beverages
20 and all that?

21 MR. WICKRAMARATNE: Yes.

22 MR. STERN: And this was May,

1 right?

2 MR. WICKRAMARATNE: Yes.

3 MR. STERN: So during that time
4 period, the sign would have been coming up and
5 down, up and down, up and down, right?

6 MR. WICKRAMARATNE: There was a
7 few occasions, yes.

8 MR. STERN: And it's your position
9 that this was the one and only time, the one
10 time that the Investigators came in that it
11 didn't get up, right?

12 MR. WICKRAMARATNE: Certainly I
13 can swear and say that, yes.

14 MR. STERN: Okay. Thank you. No
15 further questions.

16 CHAIRPERSON MILLER: Okay. Then
17 thank you. You can go back to the table.

18 MR. WICKRAMARATNE: Oh, thank you.

19 CHAIRPERSON MILLER: And at this
20 point, I think --

21 MR. STERN: The Government
22 actually has one quick rebuttal witness, if --

1 CHAIRPERSON MILLER: You do?

2 Okay. Then you may call your rebuttal
3 witness.

4 MR. STERN: Investigator Jones.

5 CHAIRPERSON MILLER: Good morning,
6 Mr. Jones.

7 INVESTIGATOR JONES: Good morning.
8 Whereupon,

9 INVESTIGATOR EARL JONES
10 was called as a witness by Counsel for the
11 Government, and having been first duly sworn,
12 assumed the witness stand and was examined and
13 testified as follows:

14 CHAIRPERSON MILLER: Okay.

15 DIRECT EXAMINATION

16 MR. STERN: Yes, Mr. Jones, could
17 you give us your full name and spell your last
18 name for the record, please?

19 INVESTIGATOR JONES: Earl Jones,
20 E-A-R-L last name Jones, J-O-N-E-S.

21 MR. STERN: Okay. And are you
22 employed?

1 INVESTIGATOR JONES: Yes, sir.

2 MR. STERN: And how are you
3 employed?

4 INVESTIGATOR JONES: With the
5 Alcoholic Beverage Regulation Administration.

6 MR. STERN: Okay. Going back to
7 May 4, 2013, were you involved with an
8 establishment that became known to you as the
9 Holiday Inn Central?

10 INVESTIGATOR JONES: Yes, sir.

11 MR. STERN: Okay. And your
12 involvement with that, were you part of the
13 regulatory inspection that went on?

14 INVESTIGATOR JONES: Yes, sir.

15 MR. STERN: Okay. Can you tell us
16 why you came at 2:45?

17 INVESTIGATOR JONES: I came at
18 2:45 because there were -- at the time,
19 actually Investigator Brooks was actually
20 training under me, at that time. And so I had
21 a batch of regulatory inspections that needed
22 to get done and within that batch of

1 inspections was the hotel, Holiday Inn
2 Central.

3 MR. STERN: Okay. Did you
4 anticipate that the bar would be open, at that
5 time?

6 INVESTIGATOR JONES: It was a hit
7 or miss because the hours of operations
8 indicates that they end at 3:00 in the
9 morning.

10 MR. STERN: Okay. So the hours of
11 operation end at 3:00.

12 INVESTIGATOR JONES: Yes.

13 MR. STERN: 2:45 would have been
14 within those hours of operation?

15 INVESTIGATOR JONES: Yes.

16 MR. STERN: Thank you. Now, did
17 you go back with Investigator Brooks on Monday
18 to talk to the establishment?

19 INVESTIGATOR JONES: Yes, sir.

20 MR. STERN: Okay. Can you tell me
21 whether or not there was any non-ABRA signs up
22 regarding sale of alcohol to 18 -- people

1 under 21 or pregnant -- warnings regarding
2 pregnant women?

3 INVESTIGATOR JONES: When we
4 arrived at the establishment, we spoke with
5 the manager here who is here today. Again, I
6 don't want to butcher his name. But we spoke
7 with him. We observed that there were no
8 signs that were posted. We advised that the
9 establishment was in violation of not posting
10 signs.

11 And at that time, he kept begging
12 us to give him a break, give him a break, give
13 him a break and we advised him that when we
14 came that Saturday -- that Sunday -- that
15 Saturday morning, that the signs weren't
16 posted. And again, us revisiting the signs
17 still weren't posted.

18 And he asked, at that point in
19 time, for the signs.

20 MR. STERN: Okay. When you say
21 the signs weren't posted, were there any signs
22 posted?

1 INVESTIGATOR JONES: No, there
2 were no signs posted.

3 MR. STERN: Thank you. No further
4 questions.

5 CHAIRPERSON MILLER: Do you have
6 any cross-examination for this witness, based
7 on his testimony?

8 MR. WICKRAMARATNE: Sure, yes,
9 ma'am. May I?

10 CHAIRPERSON MILLER: Um-hum.

11 CROSS-EXAMINATION

12 MR. WICKRAMARATNE: I really don't
13 want to make things complicated, but I can
14 remember very -- I think I have a very good
15 memory. And on Monday, I mean, you both came
16 back on Monday. Did I ask you to give me the
17 sign and you said that we don't have the sign,
18 right sign?

19 INVESTIGATOR JONES: I just stated
20 that, yes.

21 MR. WICKRAMARATNE: Yes. So
22 according to Mr. Brooks said that on the 14th

1 he said that you don't have a sign. You can
2 see a sign when you came the third time? But
3 even I received the sign on Monday, that was
4 like, you know, immediately the working day
5 morning, I post the sign right in front of
6 you. And you are still telling that -- is
7 that right? Can you remember?

8 INVESTIGATOR JONES: I'm telling
9 you when we walked in, we didn't see the signs
10 posted. That's what I stated.

11 MR. WICKRAMARATNE: So you said
12 that there was no sign on the wall, any other
13 sign that you said --

14 INVESTIGATOR JONES: Not that I
15 recall, no, sir.

16 MR. WICKRAMARATNE: No further
17 questions, because I can remember it was
18 there.

19 CHAIRPERSON MILLER: Okay. Are
20 there Board questions?

21 MEMBER ALBERTI: Yes.

22 CHAIRPERSON MILLER: Okay. Mr.

1 Alberti?

2 MEMBER ALBERTI: Investigator
3 Jones, I am just a little confused about the
4 dates.

5 CHAIRPERSON MILLER: Right.

6 MEMBER ALBERTI: You came on a
7 Saturday initially, right, and they were
8 closed?

9 INVESTIGATOR JONES: Yes, sir.

10 MEMBER ALBERTI: Is that correct?
11 All right. When did you come back? Was it
12 the following Monday?

13 INVESTIGATOR JONES: We went -- we
14 revisited the establishment on the following
15 Monday. And there was also a time that
16 Investigator Brooks went on his own.

17 MEMBER ALBERTI: Which was?

18 INVESTIGATOR JONES: But I don't
19 know when. Which was the first time that he
20 initially -- I believe it was maybe the 15th
21 where he had issued a citation. That's what
22 he was stating to you all that he had issued

1 a citation and he had to revise it.

2 MEMBER ALBERTI: Okay. When did
3 you give them the correct signs? Were you
4 there when the --

5 INVESTIGATOR JONES: Yes.

6 MEMBER ALBERTI: Okay. And --

7 INVESTIGATOR JONES: That was that
8 Monday.

9 MEMBER ALBERTI: It was that
10 Monday?

11 INVESTIGATOR JONES: Yes, sir.

12 MEMBER ALBERTI: Okay. So the
13 dates here --

14 INVESTIGATOR JONES: Well, it
15 wasn't indicated in the report because since
16 then our format for this type of case has
17 changed. So when we stated information in
18 this manner, it just basically told what
19 happened.

20 MEMBER ALBERTI: Okay.

21 INVESTIGATOR JONES: I didn't
22 indicate that the signs were given on a

1 certain date.

2 MEMBER ALBERTI: Okay. Very good.
3 Thank you very much.

4 INVESTIGATOR JONES: Yes, sir.

5 CHAIRPERSON MILLER: Others?

6 MEMBER SHORT: I have one, Madam
7 Chair.

8 CHAIRPERSON MILLER: Yes, Mr.
9 Short?

10 MEMBER SHORT: Again, what date
11 did you give him the correct signs, the real
12 signs?

13 INVESTIGATOR JONES: That would be
14 on the 6th, I believe, sir. The Monday, yes,
15 sir.

16 MEMBER SHORT: And did you return
17 after giving him the correct signs?

18 INVESTIGATOR JONES: Yes, sir.

19 MEMBER SHORT: Was the sign up at
20 that time?

21 INVESTIGATOR JONES: Yes, sir.

22 MEMBER SHORT: That's all I have.

1 CHAIRPERSON MILLER: Okay. Any
2 questions based on Board questions?

3 MR. WICKRAMARATNE: None for me.

4 CHAIRPERSON MILLER: All right.
5 Thank you very much, Mr. Jones.

6 INVESTIGATOR JONES: Thank you.

7 (Whereupon, witness was excused.)

8 MR. STERN: That would conclude
9 the District's case.

10 CHAIRPERSON MILLER: Okay. Then I
11 think everyone has put in whatever they want,
12 documents into evidence. We have your
13 documents. Okay.

14 Then it is time for closing and,
15 Mr. Stern, the Government goes first.

16 MR. STERN: Yes, thank you.

17 CHAIRPERSON MILLER: Okay.

18 MR. STERN: The District of
19 Columbia would contend that we have proven
20 these two violations by clear and convincing
21 evidence.

22 The fact is that at the time the

1 inspection was originally made on May 4th,
2 that was during the regular hours of operation
3 of the establishment. Now, the establishment
4 wasn't serving at that time, but it was within
5 their regular hours of operation.

6 And when the inspectors came to
7 the establishment, the establishment did not
8 have the required signs posted. That would be
9 true if everything that respondent said was
10 also true, which we find -- we believe that
11 the Board should find is not credible.

12 Let me just go over a little bit
13 of the evidence, the reasons why the
14 information from the respondent is not
15 credible.

16 First of all, the violation
17 occurred late Saturday night. The
18 establishment was open all day Sunday. They
19 still didn't have, by their own admission, the
20 correct signs up on Sunday.

21 On Monday when the establishment
22 was open, they still didn't have the correct

1 signs up. And as the Investigator testified,
2 when he came there, even the incorrect sign
3 wasn't up.

4 The establishment had had their
5 signs being taken down and put up, they claim,
6 regularly. It was by his own admission, by
7 his own testimony this was not a matter of
8 extreme importance. I contend that it was not
9 a matter of extreme importance to them because
10 it was only a sign and they didn't feel,
11 because it had to come down regularly for
12 construction, that they really needed to go
13 through the effort of putting it up regularly
14 as well.

15 And that's why when the -- I
16 believe the Board should find incredible that
17 on one particular day that the inspection
18 happened to be done was the one day out of a
19 four month period that the signs came down,
20 but didn't go back up. It's just incredulous
21 that would be the height of bad luck.

22 But even if it was just bad luck,

1 the sites didn't -- the signs didn't go up.

2 The signs were down, that's a violation.

3 The Government believes that the
4 establishment should be fined for each of
5 these violations. The violation for failing
6 to have a warning sign as to pregnancy has a
7 maximum violation of \$100 by statute. The
8 second charge is a secondary violation, we
9 believe a maximum fine of \$500 is appropriate,
10 bringing the total fine of \$600 for both
11 counts.

12 CHAIRPERSON MILLER: Okay. You
13 can do closing.

14 MR. WICKRAMARATNE: Yes. Yes, I
15 understand that that's no excuse that we
16 should have the right sign. But during the
17 dates, May 4th, 2:45 in the morning the
18 inspectors came. At that time, we are
19 completely -- the bar is closed, locked down,
20 everything is no access for any alcohol at
21 all.

22 Okay. And when I heard that early

1 morning, actually, at 6:00 in the morning, but
2 the text was sent immediately when the
3 inspectors were there, about like 3:00. And
4 said that there was still no sign. I call in
5 the morning on Sunday, that is after a few
6 hours when I heard this, there was no sign
7 over there.

8 And I told the manager on duty as
9 for the signs, what happened to the sign
10 because it was there. I know that. And at
11 that time, just for Sunday, the sign was put--
12 the sign was immediately put on the wall, but
13 it was the wrong one. Okay.

14 And after that, on Monday morning
15 the operation is from 11:00 to 3:30 in the --
16 3:00 in the morning, that's what we have the
17 license for. 11:00 in the morning to 3:00 in
18 the morning, following morning, but we never
19 conduct business -- have business until 3:00
20 in the morning.

21 Okay. We never -- normally, we
22 close around like 11:00 or 11:30, we are done.

1 We close everything. And as soon as the -- on
2 Monday morning when the gentleman came to talk
3 to me about it, not to issue the violation,
4 the violation tickets were not issued on that
5 day, when he came and spoke to me about the
6 violation, I immediately -- I had got the sign
7 from him without even trying to look for it,
8 I don't want to waste time on that.

9 Second it's my priority is to look
10 for the sign, but immediately what come to my
11 mind, as a responsible person, okay, let me
12 fix this problem right away. So I fix the
13 problem right away and put the sign that is
14 after one day, that was on Sunday. So and
15 after that, that was on the 6th that it's up,
16 that's a little more than 24 hours.

17 And on the 15th, the gentleman came
18 back and gave me the first ticket for \$600
19 with a second offense. But according to the
20 case report, it shows that inspector have
21 reviewed my records, the past history, and
22 there was -- they found no violations on that

1 day. Why I was -- why it was on the 15th and
2 not the one day, why they giving me a ticket
3 for two days then if they reviewed the
4 records?

5 And after that, when he came on
6 the 15th and gave it to me, yes, I signed and
7 took the thing, because I don't want to argue
8 that. That's not the right time. And I told
9 that is wrong, because I never had a violation
10 on the signs before.

11 So and after that gentleman came
12 back again on the 18th and said -- issue me
13 the correct ticket. So I'm suddenly in huge
14 confusion, but you see, ladies and gentlemen,
15 you see that I have fixed the problem right
16 away by within 24 hours, approximately, 24
17 hours. And it was on a Sunday. And this
18 happened on Sunday early morning, 2:45 in the
19 morning.

20 But immediately on Monday morning,
21 as soon as they came, regardless, I fix the
22 problem. It's just less than about like 24

1 hours, that's all I have that the wrong sign
2 was there. But I make sure that every time
3 that since all those years I work, the signs
4 ere there. There was no violations on the
5 signs.

6 It's the first time that we had
7 this one. And I was confused why this
8 inspector coming back and forth and leaving me
9 these things and telling me the violation,
10 even though there was no issues on that day,
11 and went back and the statement you send me,
12 I'm repeating again the same thing, you all
13 have -- they have reviewed my history and
14 found no violation on the 14th, but on the 15th
15 the next day, they are sending a wrong ticket
16 for me, a charge for me for a second offense.

17 I was confused. And after that I
18 said no, there was no violation, please,
19 double check and after that they came on the
20 18th and issued me the right one.

21 So I mean, I believe that both
22 side we had did some errors, some mistakes,

1 but I have not completely -- the business was
2 not operating without any signs at all. There
3 was a sign there, but it was the wrong one.
4 It was tell them this age, but maybe you are
5 not taking that as a right answer, but there
6 was -- we made a mistake on putting the wrong
7 sign.

8 But it still -- it said the same--
9 gave the same message. So that's all I can
10 tell you. That -- I mean, I think that I have
11 said everything that according to my
12 knowledge.

13 CHAIRPERSON MILLER: Okay.

14 MR. WICKRAMARATNE: And I mean,
15 both side made mistakes. And nobody been
16 harmed with that. No violation will be --
17 nobody claim a violation that guests or
18 somebody that we served some lady or pregnant
19 person with alcohol because there was no sign.
20 There was no indication of that. No other
21 violation on that Sunday, just one day, 24
22 hours.

1 CHAIRPERSON MILLER: Okay.

2 MR. WICKRAMARATNE: I made a
3 mistake for 24 hours. Mr. Brooks might have
4 made a mistake for 24 hours, too. He reviewed
5 the records on the 14th and 15th, after 24
6 hours, he is issuing a wrong one. So he made
7 a mistake, too.

8 CHAIRPERSON MILLER: Okay.

9 MR. WICKRAMARATNE: I'm sorry.
10 Thank you.

11 CHAIRPERSON MILLER: No, that's
12 okay. We have got it. We got it. Thank you
13 very much. Okay. There is no rebuttal, I
14 assume? All right.

15 At this point, I'm going to close
16 the record. We have got all the evidence in
17 the record that you put in today. I'm going
18 to ask if parties wish to file proposed
19 findings of fact and conclusions of law or
20 waive their right to do so?

21 MR. STERN: The District would
22 waive.

1 CHAIRPERSON MILLER: Okay. Sir,
2 do you understand what I said?

3 MR. WICKRAMARATNE: No, ma'am.

4 CHAIRPERSON MILLER: Okay. You
5 probably didn't. So basically, we have heard
6 your whole case.

7 MR. WICKRAMARATNE: Yes.

8 CHAIRPERSON MILLER: At the end of
9 a case, the parties could file in writing
10 proposed findings of facts and then
11 conclusions of law like a legal brief. In
12 most cases, that's not done. And the
13 Government is waiving its right to do so.

14 MR. WICKRAMARATNE: Okay.

15 CHAIRPERSON MILLER: So you can
16 either waive your right to do so or tell us
17 you want to file something like that.

18 MR. WICKRAMARATNE: So my
19 understand, just to make sure --

20 CHAIRPERSON MILLER: Go ahead.

21 MR. WICKRAMARATNE: It was not
22 waived. It was -- I've been fined.

1 CHAIRPERSON MILLER: No, we are
2 just talking about right now. We have heard
3 all the evidence from you here.

4 MR. WICKRAMARATNE: Yes.

5 CHAIRPERSON MILLER: And the
6 Government here. By your testimony, by your
7 documents. We have a transcript. And we will
8 make a decision based on that.

9 MR. WICKRAMARATNE: Okay.

10 CHAIRPERSON MILLER: Okay. But
11 you could, if you wanted to, file something in
12 writing articulating the findings that this
13 Board should make based on the evidence we
14 heard. Most parties in these kind of cases
15 don't do that. Mr. Stern is not going to do
16 that.

17 MR. WICKRAMARATNE: I believe that
18 it's not necessary, because I believe the
19 Board and I believe that you all do here your
20 job right. And at the same time, you are not
21 here to punish the establishments that do
22 their job right. And mistakes can happen.

1 CHAIRPERSON MILLER: Okay. So
2 what is means is no that --

3 MR. WICKRAMARATNE: No.

4 CHAIRPERSON MILLER: It just means
5 we are going to make a decision based on --

6 MR. WICKRAMARATNE: Yes, ma'am.

7 CHAIRPERSON MILLER: -- this
8 today, the facts in the record.

9 MR. WICKRAMARATNE: Okay, yes.

10 CHAIRPERSON MILLER: And the law.
11 Okay. So neither parties are going to file
12 proposed findings of fact and conclusions of
13 law.

14 Okay. So what is going to happen
15 is I'm going to read the instructions. We are
16 going to take a vote on considering this
17 matter in closed session. And then we will
18 issue an order within 90 days. Okay. Just a
19 minute.

20 As Chairperson of the Alcoholic
21 Beverage Control Board for the District of
22 Columbia and in accordance with Section 405 of

1 the Open Meetings Amendment Act of 2010, I
2 move that the ABC Board hold a closed meeting
3 for the purpose of seeking legal advice from
4 our counsel on Case No. 13-CMP-00228, Holiday
5 Inn Central, per Section 405(b)(4) of the Open
6 Meetings Amendment Act of 2010, and
7 deliberating upon this case for the reasons
8 cited in Section 405(b)(13) of the Open
9 Meetings Amendment Act of 2010.

10 Do I have a second?

11 MEMBER BROOKS: Second.

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

16 Mr. Brooks?

17 MEMBER BROOKS: I agree.

18 CHAIRPERSON MILLER: Mr.
19 Rodriguez?

20 MEMBER RODRIGUEZ: I agree.

21 CHAIRPERSON MILLER: Ms. Miller
22 agrees.

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Mr. Silverstein?

MEMBER SILVERSTEIN: I agree.

CHAIRPERSON MILLER: Mr. Short?

MEMBER SHORT: I agree.

CHAIRPERSON MILLER: Okay. It appears that the motion has passed by a 5-0-0 vote.

I hereby give notice that the ABC Board will hold a closed meeting in the ABC Board conference room to deliberate upon this case and we will issue a written decision within 90 days.

MR. STERN: Okay. Thank you.

CHAIRPERSON MILLER: Thank you very much.

MR. WICKRAMARATNE: Thank you. May I go? Thank you very much.

(Whereupon, the Show Cause Hearing in the above-entitled matter was concluded at 11:20 a.m.)

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