

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

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IN THE MATTER OF: :
: :
Sierra Catering :
t/a Sierra Catering :
1354 Leegate Road, NW : Show Cause
Retailer Class G : Hearing
License No. 86514 :
Case No. 11-CMP-00141 :
ANC 4A :
Temporary License Application, :
Event Held at the Historical :
Society of Washington, D.C. :
on March 26, 2011 :
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FEBRUARY 15, 2012

The Alcoholic Beverage Control

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

PRESENT

RUTHANNE MILLER, Chairperson

- NICK ALBERTI, Member
- DONALD BROOKS, Member
- HERMAN JONES, Member
- JEANNETTE MOBLEY, Member
- CALVIN NOPHLIN, Member
- MIKE SILVERSTEIN, Member

ALSO PRESENT

- AMY SCHMIDT, OIG
- TYRONE LAWSON, ABRA

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

Opening for the Government. 4

Closing for the Government. 37

WITNESSES:

Tyrone Lawson 5

EXHIBITS:

Government's

1 Temporary license application and Clean

Hands Certificate 7

4 Photo 11

5 Photo 9

6 Photo 9

7-9 Photos. 18

12 Promotional flyer for the event 13

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

2 2:10 p.m.

3 CHAIRPERSON MILLER: Okay. We're
4 back on the record. It's 2:10 p.m. and I'd
5 like to call case No. 11-CMP-00141 for a show
6 cause hearing, Sierra Catering, 1354 Leegate
7 Road, N.W., License No. 86514 in ANC 4A.

8 Would the parties introduce
9 themselves for the record, please?

10 MS. SCHMIDT: Good afternoon. Amy
11 Schmidt, Assistant Attorney General on behalf
12 of the District of Columbia.

13 CHAIRPERSON MILLER: And I see
14 that no one is here for the Licensee at this
15 time.

16 We were supposed to come out at
17 1:30 p.m. for this case and we've been holding
18 off hoping that the Licensee would come. I
19 understood that the Licensee called and said
20 they were dealing with traffic.

21 Ms. Schmidt, I don't know if
22 you've gotten any further updates.

1 MS. SCHMIDT: I think she was in
2 traffic at 1:40. Then they called back at
3 five to 2:00 and said that she was still in
4 Virginia. But she had ample notice of this
5 hearing, and the Government wishes to go
6 forward.

7 CHAIRPERSON MILLER: Okay. If
8 there aren't any other preliminary matters or
9 comments from the Board, then I'd like to call
10 the investigator on this case.

11 MEMBER ALBERTI: (Off microphone.)

12 CHAIRPERSON MILLER: I'm sorry.
13 It's your case.

14 MS. SCHMIDT: Oh. Old habits die
15 hard.

16 CHAIRPERSON MILLER: That's right.
17 That's exactly right. Okay.

18 MS. SCHMIDT: Yes, the Government
19 calls Investigator Tyrone Lawson.

20 CHAIRPERSON MILLER: Do you have
21 an opening statement, Ms. Schmidt, or are you
22 going right into --

1 MS. SCHMIDT: Just basically the
2 Government will show today through its
3 evidence that the Licensee, when it applied
4 for a liquor license for the event held on
5 February 26th, 2011 at the Historical Society
6 of Washington, D.C. located at 801 K Street,
7 made misrepresentations on the license, and
8 what transpired that evening was not what was
9 approved on the license. And this is
10 especially important in light of the fact that
11 she did sign a Clean Hands document and
12 everything that happened evening was nothing
13 like what she had applied for on the license.

14 CHAIRPERSON MILLER: Okay. Mr.
15 Lawson, do you want to stand and raise your
16 right hand? Do you swear to tell the whole
17 truth and nothing but the truth?

18 INVESTIGATOR LAWSON: Yes.

19 CHAIRPERSON MILLER: Thank you.

20 MS. SCHMIDT: Good afternoon,
21 investigator. Please state your name for the
22 record and your employment?

1 INVESTIGATOR LAWSON: Tyrone
2 Lawson. I'm an investigator with the Alcohol
3 Beverage Regulation Administration.

4 MS. SCHMIDT: And how long have
5 you been with ABRA?

6 INVESTIGATOR LAWSON:
7 Approximately two-and-a-half years.

8 MS. SCHMIDT: And drawing your
9 attention to February 26th, 2011, did you have
10 cause to go to the Historical Society of
11 Washington, D.C.?

12 INVESTIGATOR LAWSON: Yes, ma'am.

13 MS. SCHMIDT: And why did you go
14 there?

15 INVESTIGATOR LAWSON: Specifically
16 to monitor the event that was approved for a
17 one-day license at the Washington Historical
18 Society Building.

19 MS. SCHMIDT: Was there any
20 special reason why you went to monitor this
21 event versus any other events that day?

22 INVESTIGATOR LAWSON: Well, I was

1 assigned -- I was told that the Board had
2 special interest in the event and they wanted
3 to send an investigator to make sure that the
4 establishment was complying with the
5 requirements of the Alcoholic Beverage Control
6 laws.

7 MS. SCHMIDT: I'm going to hand to
8 you what will be marked for identification as
9 Exhibit No. 1.

10 It's in the Board's package.

11 Can you tell the Board what that
12 is?

13 INVESTIGATOR LAWSON: Yes, ma'am.
14 This is the temporary license application and
15 the Clean Hands certification that was part of
16 the packet that I was provided when I was
17 assigned to monitor the event at the
18 establishment.

19 MS. SCHMIDT: And who's the
20 applicant on that?

21 INVESTIGATOR LAWSON: Jonai Morse.

22 MS. SCHMIDT: And on behalf of

1 which enterprise?

2 INVESTIGATOR LAWSON: Sierra
3 Catering.

4 MS. SCHMIDT: And with that
5 application how many guests did they apply
6 that they would be serving that night?

7 INVESTIGATOR LAWSON: She
8 indicated that she was expecting 600 guests,
9 or it's written on here that she was expecting
10 600 guests.

11 MS. SCHMIDT: And also what kind
12 of event was it going to be according to the
13 application?

14 INVESTIGATOR LAWSON: This was a
15 black tie annual collegiate event for Hampton
16 University College.

17 MS. SCHMIDT: Okay. And which
18 security company was listed to supply that
19 evening?

20 INVESTIGATOR LAWSON: Allied
21 Security.

22 MS. SCHMIDT: And were there going

1 to be any sort of refreshments served?

2 INVESTIGATOR LAWSON: Yes, it says
3 light hors d'oeuvres would be served.

4 MS. SCHMIDT: And on the last page
5 of the application, what is that exactly
6 again?

7 INVESTIGATOR LAWSON: The --

8 MS. SCHMIDT: Yes.

9 INVESTIGATOR LAWSON: The Clean
10 Hands certification.

11 MS. SCHMIDT: And what is that?

12 INVESTIGATOR LAWSON: This is the
13 certification that is required by the Clean
14 Hands Act of the District of Columbia to
15 indicate that the license -- or the applicant
16 does not owe more than \$100 to the District of
17 Columbia government.

18 MS. SCHMIDT: Now going back to
19 the individual items, let's first talk about
20 the number of guests. I'm going to hand you
21 what has been marked as Exhibit No. 5, photos
22 No. 5 and 6.

1 INVESTIGATOR LAWSON: Yes.

2 MS. SCHMIDT: And could you please
3 identify -- well, could you please tell me who
4 took those photos?

5 INVESTIGATOR LAWSON: I took these
6 photos.

7 MS. SCHMIDT: And when did you
8 take those photos?

9 INVESTIGATOR LAWSON: On February
10 26th, 2011.

11 MS. SCHMIDT: And are they an
12 accurate reflection of what you saw that
13 evening?

14 INVESTIGATOR LAWSON: Yes. At the
15 time, yes.

16 MS. SCHMIDT: And what do those
17 photos depict?

18 INVESTIGATOR LAWSON: They depict
19 the large number of crowd that is, in my
20 opinion, obviously in excess of 600 patrons.

21 MS. SCHMIDT: And was your opinion
22 -- did anyone else share your opinion of that

1 that you spoke to that night?

2 INVESTIGATOR LAWSON: Investigator
3 Stewart, Craig Stewart was with me. Also when
4 I initially visited the establishment I was
5 with Investigator Donnell Butler, ABRA
6 Investigator Donnell Butler. We both agreed
7 that the occupancy had exceeded 600 guests.

8 MS. SCHMIDT: And I'm now going to
9 hand you what has been marked as Exhibit No.
10 4. And what sort of attire do you see on
11 these people?

12 INVESTIGATOR LAWSON: This is a
13 photo I took on February 26th to depict that
14 the patrons were wearing casual clothes and
15 there was no -- very little black tie worn at
16 all.

17 MS. SCHMIDT: And did you see
18 anyone wearing black tie that evening?

19 INVESTIGATOR LAWSON: I didn't
20 seeing anyone wearing black tie. I did see
21 some -- a few patrons that had on neckties and
22 suit jackets, but it was a very small amount.

1 Very few.

2 MS. SCHMIDT: And who provided
3 security that evening?

4 INVESTIGATOR LAWSON: Security was
5 provided by Prime Time, Inc. Security Company.

6 MS. SCHMIDT: And did you have an
7 opportunity to speak to the security company
8 there?

9 INVESTIGATOR LAWSON: I spoke to
10 the owner of Prime Time Inc. Security Company.

11 MS. SCHMIDT: And what did they
12 say about the event?

13 INVESTIGATOR LAWSON: Well, he
14 stated that his company was hired by Mr.
15 Danialu Davies to provide security for the
16 event and that he had provided -- he did
17 provide approximately 12 security members at
18 the event. And he stated that the members
19 were not equipped with two-way radios. They
20 communicated with each other through cellular
21 phones.

22 MS. SCHMIDT: And did you see any

1 food being served at that event?

2 INVESTIGATOR LAWSON: No, I did
3 not.

4 MS. SCHMIDT: I'm also going to
5 hand you what is marked as Exhibit No. 12.
6 And can you tell the Board what that is?

7 INVESTIGATOR LAWSON: Yes, ma'am.
8 This is a printout or a copy of a printout of
9 the event that was promoted on February 26th,
10 2011 at the Historical Society of Washington,
11 D.C.

12 MS. SCHMIDT: Is there any mention
13 on that flyer as to black tie?

14 INVESTIGATOR LAWSON: No, ma'am.

15 MS. SCHMIDT: Any mention of any
16 food being served, any food to be provided in
17 the flyer?

18 INVESTIGATOR LAWSON: No, ma'am.

19 MS. SCHMIDT: And while you were
20 at that event did you notice any warning signs
21 regarding the dangers of alcohol consumption
22 during pregnancy?

1 INVESTIGATOR LAWSON: No, ma'am.

2 MS. SCHMIDT: And did you ask
3 anyone about -- if they were located anywhere?

4 INVESTIGATOR LAWSON: Yes, I asked
5 the promoter, Mr. Davies of Danny Davies --
6 Danny D. Productions, and he stated that he
7 knew what they were, but he stated that there
8 were no signs posted anywhere in the building
9 on the night of the visit.

10 MS. SCHMIDT: And while you were
11 there, were you able to make contact with an
12 ABC manager?

13 INVESTIGATOR LAWSON: No. I asked
14 Mr. Davies were the Licensee or an ABC manager
15 on the premises, and he stated no. He
16 indicated that he would call the Licensee by
17 cell phone.

18 MS. SCHMIDT: Yes, but when you
19 were there there was no manager?

20 INVESTIGATOR LAWSON: No, ma'am.
21 And the application that was submitted by the
22 Licensee indicates that the Licensee stated

1 that she would attend the function.

2 MS. SCHMIDT: Thank you,
3 investigator. No further questions at this
4 time.

5 CHAIRPERSON MILLER: Any Board
6 questions?

7 MEMBER ALBERTI: I do.

8 CHAIRPERSON MILLER: Okay. Go
9 ahead.

10 MEMBER ALBERTI: Good afternoon,
11 Investigator Lawson.

12 INVESTIGATOR LAWSON: Mr. Alberti.

13 MEMBER ALBERTI: I have questions
14 about your estimate of the size of the crowd.

15 INVESTIGATOR LAWSON: Yes, sir.

16 MEMBER ALBERTI: Looking at the
17 Certificate of Occupancy for the City Museum
18 Building --

19 INVESTIGATOR LAWSON: Yes, sir.

20 MEMBER ALBERTI: -- it doesn't
21 give an occupancy load, but it does say that
22 they occupy the basement, first through fifth

1 floors. Can you tell me where the crowd was
2 located?

3 INVESTIGATOR LAWSON: Most
4 everybody was on the first floor and actually
5 the first floor and the basement. They did
6 have a ground level where the -- a lot of the
7 restrooms were. And they had photographers in
8 the basement floor level. Most everybody was
9 on -- mainly on the first floor, but it was so
10 crowded there were people in the stairwell
11 leading to the second floor. The second floor
12 was not -- there was not a lot of people
13 there. Oh, I'm sorry, the third level. There
14 was actually three levels.

15 MEMBER ALBERTI: Oh, yes, but the
16 second floor, what they call the second floor
17 of the City Museum Building --

18 INVESTIGATOR LAWSON: Yes.

19 MEMBER ALBERTI: -- were there
20 people up there?

21 INVESTIGATOR LAWSON: No.

22 MEMBER ALBERTI: But there were

1 people on the stairway?

2 INVESTIGATOR LAWSON: Yes, on the
3 stairway. But I think that they had -- their
4 contract with the Washington Historical
5 Society permitted them the use of only certain
6 areas.

7 MEMBER ALBERTI: Okay. And I'm
8 not concerned about what their contract was
9 for using -- but actually trying to get an
10 idea of how you came about your estimate of
11 there was over 600 people.

12 INVESTIGATOR LAWSON: Well, it was
13 actually -- the promoter, Mr. Davies --

14 MEMBER ALBERTI: Yes?

15 INVESTIGATOR LAWSON: -- he
16 actually told us that he had sold 2,100
17 tickets. I actually picked up a few of the
18 tickets off of the ground, or ticket stubs.

19 MEMBER ALBERTI: Yes.

20 INVESTIGATOR LAWSON: And one in
21 particular was No. 1139, ticket No. 1139.
22 They were numbered sequentially according to

1 the number of patrons.

2 MEMBER ALBERTI: Okay. Do you
3 have the report in front of you?

4 INVESTIGATOR LAWSON: Yes.

5 MEMBER ALBERTI: Okay. Can we go
6 through Exhibits 4, 5, 6, 7, 8 and 9, and
7 maybe you can walk me through and tell me
8 what's there?

9 INVESTIGATOR LAWSON: Okay. I
10 don't have the exhibits in front of me. I do
11 have the --

12 MEMBER ALBERTI: Can we get --

13 MS. SCHMIDT: Sure.

14 MEMBER ALBERTI: -- Mr. Lawson a
15 copy of the exhibits?

16 INVESTIGATOR LAWSON: Okay.

17 MEMBER ALBERTI: Thank you.

18 INVESTIGATOR LAWSON: Which
19 exhibits did you want to start with?

20 MEMBER ALBERTI: Well, let's start
21 with Exhibit 4.

22 INVESTIGATOR LAWSON: Exhibit 4

1 is --

2 MEMBER ALBERTI: What am I looking
3 at?

4 INVESTIGATOR LAWSON: Okay. This
5 the photograph I took basically from the view
6 when you walk into the front entrance.

7 MEMBER ALBERTI: Yes.

8 INVESTIGATOR LAWSON: I think I
9 may have stepped on -- there's -- when you
10 walk into the front entrance, to the right and
11 to the left there's stairwells that lead up to
12 what I would call the second level.

13 MEMBER ALBERTI: Yes.

14 INVESTIGATOR LAWSON: And I may
15 have stepped on a few of the steps just to
16 take some pictures.

17 MEMBER ALBERTI: Take the picture?

18 INVESTIGATOR LAWSON: Yes, sir.

19 The Exhibit No. 5 --

20 MEMBER ALBERTI: Okay. Well, in
21 this exhibit here --

22 INVESTIGATOR LAWSON: Yes?

1 MEMBER ALBERTI: -- people are
2 pretty -- packed in pretty tightly.

3 INVESTIGATOR LAWSON: Yes, sir.

4 MEMBER ALBERTI: Was this sort of
5 the scene throughout that floor?

6 INVESTIGATOR LAWSON: Yes, sir.

7 MEMBER ALBERTI: Okay.

8 INVESTIGATOR LAWSON: This is the
9 main floor, the main lounge where most of the
10 patrons were.

11 MEMBER ALBERTI: Was there a
12 designated dance floor?

13 INVESTIGATOR LAWSON: No, I didn't
14 observe one. They were dancing scattered
15 about through the lounge area.

16 MEMBER ALBERTI: Okay. So were
17 people throughout that first floor packed in
18 this tightly?

19 INVESTIGATOR LAWSON: Yes.

20 MEMBER ALBERTI: Okay. Continue
21 with Exhibit 5.

22 INVESTIGATOR LAWSON: Okay.

1 Exhibit No. 5 was taken from the second floor
2 mezzanine looking down on the --

3 MEMBER ALBERTI: Again, I see
4 everyone's packed in shoulder to shoulder. Is
5 that --

6 INVESTIGATOR LAWSON: That's
7 exactly --

8 MEMBER ALBERTI: Okay.

9 INVESTIGATOR LAWSON: Yes.

10 MEMBER ALBERTI: Exhibit 6?

11 INVESTIGATOR LAWSON: Okay. I
12 don't have Exhibit 6.

13 MEMBER ALBERTI: It looks like --

14 INVESTIGATOR LAWSON: As I recall,
15 I think that's a similar shot from --

16 MEMBER ALBERTI: From the second
17 floor?

18 INVESTIGATOR LAWSON: -- the
19 second level. It's either the mezzanine or
20 the top of the stairwell, one of the
21 stairwells.

22 MEMBER ALBERTI: Okay. I think --

1 isn't Exhibit 7 something similar?

2 INVESTIGATOR LAWSON: Yes,

3 MEMBER ALBERTI: Exhibit 8 shows
4 the stairwell.

5 INVESTIGATOR LAWSON: Yes, this
6 was the photograph I took to show that the
7 patrons were packed up on the stairwell. This
8 was actually before I walked up to the
9 stairwell.

10 MEMBER ALBERTI: So were these
11 people moving up and down the stairwell --

12 INVESTIGATOR LAWSON: No, they --

13 MEMBER ALBERTI: -- or were they
14 standing there?

15 INVESTIGATOR LAWSON: Some were
16 moving as best they could to get up and down
17 the stairwell, but for the most part that's
18 where they were standing.

19 MEMBER ALBERTI: How many people
20 would you estimate were on that stairwell?

21 INVESTIGATOR LAWSON: I would say
22 at least 40-45 people.

1 MEMBER ALBERTI: Okay. And the --

2 INVESTIGATOR LAWSON: And this is
3 just -- this is part of the stairwell. If you
4 see the wall that the stairwell curves around,
5 there were people standing there also.

6 MEMBER ALBERTI: So going all the
7 way up?

8 INVESTIGATOR LAWSON: Yes.

9 MEMBER ALBERTI: So on the stairs
10 themselves, the part we can see, the part we
11 can't see, how many people would you guess
12 were there?

13 INVESTIGATOR LAWSON: On the
14 stairwell alone?

15 MEMBER ALBERTI: Yes.

16 INVESTIGATOR LAWSON: And then
17 there were two stairwells.

18 MEMBER ALBERTI: I know. I know.
19 So just --

20 INVESTIGATOR LAWSON: Just one
21 stairwell? I would say a good 60 to 70
22 people.

1 MEMBER ALBERTI: And the other
2 stairwell was --

3 INVESTIGATOR LAWSON: Same.

4 MEMBER ALBERTI: -- the same?

5 INVESTIGATOR LAWSON: It was the
6 same condition.

7 MEMBER ALBERTI: Okay. So we have
8 -- in your estimate conservatively we have 100
9 people just on the stairwells?

10 INVESTIGATOR LAWSON: Yes.

11 MEMBER ALBERTI: Okay. Do you
12 have any idea of the size of that ground
13 floor?

14 INVESTIGATOR LAWSON: No.

15 MEMBER ALBERTI: Okay.

16 INVESTIGATOR LAWSON: You mean
17 square footage wise?

18 MEMBER ALBERTI: Okay. Now let's
19 go to the food.

20 INVESTIGATOR LAWSON: Okay.

21 MEMBER ALBERTI: My question is
22 basic. How much review did you do of this?

1 Did you go to all parts --

2 INVESTIGATOR LAWSON: Yes.

3 MEMBER ALBERTI: -- and all active
4 parts of this venue?

5 INVESTIGATOR LAWSON: Yes, I
6 actually went twice. I went early,
7 approximately 9:30 or so with Investigator
8 Butler And we walked through the
9 establishment with the promoter, because
10 initially he led us to believe that the
11 Licensee was there. So we walked up and down
12 the establishment and I asked him to show the
13 locations of the license being posted and the
14 under 21 sign and the pregnancy sign.

15 MEMBER ALBERTI: So do you think
16 you saw all the bars in operation?

17 INVESTIGATOR LAWSON: Yes. Yes, I
18 did. I did walk through all the bars, and
19 they did have I want to say at least six bars.

20 MEMBER ALBERTI: Okay. You saw
21 them taking photos at one place?

22 INVESTIGATOR LAWSON: Yes.

1 MEMBER ALBERTI: Okay.

2 INVESTIGATOR LAWSON: Yes.

3 MEMBER ALBERTI: Did you think
4 that you saw all of the activity stations,
5 I'll call them, bars and activity stations?
6 The photo taking as an activity station. I'd
7 say the restrooms are an activity station. Do
8 you think you saw all the activity stations
9 that were there?

10 INVESTIGATOR LAWSON: Yes.

11 MEMBER ALBERTI: Okay. So if
12 there was a food table --

13 INVESTIGATOR LAWSON: Oh,
14 absolutely, yes.

15 MEMBER ALBERTI: -- you would have
16 seen it?

17 INVESTIGATOR LAWSON: Yes.

18 MEMBER ALBERTI: Okay.

19 INVESTIGATOR LAWSON: Oh,
20 absolutely.

21 MEMBER ALBERTI: All right. I
22 have no further questions.

1 CHAIRPERSON MILLER: Others?

2 MEMBER MOBLEY: I have one
3 question.

4 CHAIRPERSON MILLER: Yes, Ms.
5 Mobley?

6 MEMBER MOBLEY: There's some
7 mention in the report, Investigator Lawson,
8 that the person who was at the door said that
9 the dress code was not being enforced. Did
10 you see anyone there in black and white tie?

11 INVESTIGATOR LAWSON: I didn't see
12 any black or white tie. I didn't see any of
13 that. I did see a few patrons did have on
14 business attire maybe.

15 MEMBER MOBLEY: Yes.

16 INVESTIGATOR LAWSON: But nothing
17 like the formal wear at all.

18 MEMBER MOBLEY: Okay. Thank you.

19 INVESTIGATOR LAWSON: Yes, ma'am.

20 CHAIRPERSON MILLER: Mr. Lawson,
21 could you explain again a little bit more
22 about how you ended up investigating this

1 party?

2 INVESTIGATOR LAWSON: I was
3 assigned by my supervisor to monitor the
4 establishment because the Board had a
5 particular interest in checking this
6 establishment and making sure that they were
7 in compliance with the Alcoholic Beverage
8 requirements -- Control requirements for the
9 event.

10 CHAIRPERSON MILLER: They had a
11 special interest because why? Do you know?

12 INVESTIGATOR LAWSON: I don't. He
13 told me that -- I think that the -- I was
14 later informed that the event has -- is three
15 years -- or I think it was the third year of
16 the event and that there was -- they had some
17 feedback from previous events that there may
18 have been some violations that were in
19 question regarding the Alcoholic Beverage
20 Control laws.

21 CHAIRPERSON MILLER: Okay. And
22 you went twice? You went once at 9:30?

1 INVESTIGATOR LAWSON: Yes, ma'am.

2 CHAIRPERSON MILLER: And what's
3 the second time you went?

4 INVESTIGATOR LAWSON: At
5 approximately -- it was 11:40.

6 CHAIRPERSON MILLER: And what time
7 did you take the pictures that are in
8 evidence?

9 INVESTIGATOR LAWSON: At 11:40.

10 CHAIRPERSON MILLER: Okay. And on
11 the application it says that the nature of the
12 event was for Hampton University College?

13 INVESTIGATOR LAWSON: Yes, ma'am.

14 CHAIRPERSON MILLER: Did you see
15 any indication or ask anybody --

16 INVESTIGATOR LAWSON: I did see
17 some indication that it may have been from
18 Hampton University, because I did see some
19 people that were driving cars from out of
20 state, Virginia, and some of them had Hampton
21 University paraphernalia on. And I noticed
22 that a lot of the tags that have Virginia tags

1 had Hampton University, the tag plates on
2 them.

3 So I don't -- I wouldn't say
4 everyone was there from Hampton University,
5 but there were some -- a few people that was
6 there from Hampton University.

7 CHAIRPERSON MILLER: Okay.
8 Exhibit 12, I don't know if you have that in
9 front of you.

10 INVESTIGATOR LAWSON: Twelve?

11 CHAIRPERSON MILLER: Yes, it looks
12 like the advertisement for the party, for the
13 event.

14 INVESTIGATOR LAWSON: Oh, yes,
15 ma'am.

16 CHAIRPERSON MILLER: Can you
17 describe what it is?

18 INVESTIGATOR LAWSON: Sorry, 12 is
19 not in here. Oh, okay. Okay. I have it.

20 CHAIRPERSON MILLER: You have it?

21 INVESTIGATOR LAWSON: Yes, ma'am.

22 CHAIRPERSON MILLER: Can you

1 explain what it is?

2 INVESTIGATOR LAWSON: After the
3 event I researched the event on the Internet
4 and these are the printouts of the event, the
5 promotions that was online for the event.

6 CHAIRPERSON MILLER: So this was
7 the invitation to the event as described in
8 the application?

9 INVESTIGATOR LAWSON: Yes.

10 CHAIRPERSON MILLER: Is that
11 correct?

12 INVESTIGATOR LAWSON: Yes.

13 CHAIRPERSON MILLER: Okay. And I
14 think you testified that there was no ABC
15 manager or a Licensee at the event that
16 night --

17 INVESTIGATOR LAWSON: Yes, ma'am.

18 CHAIRPERSON MILLER: -- when you
19 were there. So was there someone who was
20 supervising?

21 INVESTIGATOR LAWSON: The only
22 person that was actually -- actually the way

1 it happened, when I initially got there there
2 was a female there that attempted to say that
3 she was the Licensee until I asked her for
4 photo ID, and then she went and got the
5 promoter, Mr. Davies.

6 Mr. Davies said that the Licensee
7 wasn't there and there was no ABC manager
8 there and that -- he told me that he was going
9 to call her on her cell phone, which he took
10 out his cell phone and did make a phone call
11 and presumably left a message for her, because
12 he said that she didn't answer the phone. And
13 he called her several -- he stated he called
14 her several times while I was there, but she
15 refused to answer the phone at that time.

16 CHAIRPERSON MILLER: Okay. And
17 then are you aware of what the occupancy limit
18 was for that building?

19 INVESTIGATOR LAWSON: Not for the
20 building.

21 CHAIRPERSON MILLER: Okay.

22 INVESTIGATOR LAWSON: Because I

1 did look up the Certificate of Occupancy. I
2 don't think that it was listed on their
3 Certificate of Occupancy. I think they had --
4 they have a public hall permit or something.

5 CHAIRPERSON MILLER: Okay. And
6 there was no food whatsoever at the event?

7 INVESTIGATOR LAWSON: No, ma'am, I
8 did not see any food at all.

9 CHAIRPERSON MILLER: And did you
10 see non-alcoholic beverages being served?

11 INVESTIGATOR LAWSON: I saw some.
12 They had Cokes and Pepsis there.

13 CHAIRPERSON MILLER: Okay. Okay.
14 I don't have any other questions. Any other
15 Board questions?

16 MEMBER MOBLEY: Madam Chair, I do
17 have another question.

18 CHAIRPERSON MILLER: Okay.

19 MEMBER MOBLEY: Going back to
20 Exhibit 12, please?

21 INVESTIGATOR LAWSON: Yes, ma'am.

22 MEMBER MOBLEY: Do you see

1 anywhere on this exhibit, page 12 and the
2 following page, where it specifies that this
3 affair was for Hampton University?

4 INVESTIGATOR LAWSON: Oh, no.

5 MEMBER MOBLEY: Or for people
6 affiliated with Hampton University?

7 INVESTIGATOR LAWSON: No, ma'am.

8 MEMBER MOBLEY: Okay. So having
9 this online like this would lead you to
10 believe that it was open to the public?

11 INVESTIGATOR LAWSON: Yes, ma'am.

12 MEMBER MOBLEY: Okay. Thank you.
13 Those are my questions.

14 CHAIRPERSON MILLER: Okay. Any
15 other questions? Yes, Mr. Alberti?

16 MEMBER ALBERTI: One quick
17 question. Investigator Lawson, you were there
18 twice?

19 INVESTIGATOR LAWSON: Yes, sir.

20 MEMBER ALBERTI: How long were you
21 there the first time?

22 INVESTIGATOR LAWSON: The first

1 time it was approximately -- I would say
2 roughly about a half an hour.

3 MEMBER ALBERTI: Okay. And the
4 second time?

5 INVESTIGATOR LAWSON: Second time
6 a little more, probably about an hour.

7 MEMBER ALBERTI: About an hour?

8 INVESTIGATOR LAWSON: Yes, sir.

9 MEMBER ALBERTI: Okay. And when
10 did you tell Mr. Davies that -- have your
11 discussion with Mr. Davies about the
12 whereabouts of the Licensee?

13 INVESTIGATOR LAWSON: I had the
14 discussion when I was first -- initially at
15 9:30 when I got there. And he -- and I told
16 him I was coming back. I said I'll be back to
17 see if the Licensee is here yet.

18 MEMBER ALBERTI: And to your
19 knowledge did Jonai Morse -- was she there at
20 all during the time that you were there?

21 INVESTIGATOR LAWSON: No, sir.

22 MEMBER ALBERTI: Okay.

1 INVESTIGATOR LAWSON: No, sir,
2 because he -- when I went back the second time
3 he indicated that she still had not returned
4 his phone call and she -- he specifically told
5 me that Ms. Morse was in Fort Washington.

6 MEMBER ALBERTI: Okay. So to your
7 knowledge she never showed up while you were
8 there at all?

9 INVESTIGATOR LAWSON: No, sir.

10 MEMBER ALBERTI: Okay. Thank you.
11 No other questions.

12 CHAIRPERSON MILLER: Okay. Any
13 other questions?

14 (No audible response.)

15 CHAIRPERSON MILLER: Okay. Ms.
16 Schmidt, do you have any further questions for
17 the witness?

18 MS. SCHMIDT: No, no further
19 questions. Just a quick closing.

20 CHAIRPERSON MILLER: Okay. Before
21 you do closing, I just want to make sure that
22 no one has entered this hearing room that's

1 here for the Sierra Catering case.

2 (No audible response.)

3 CHAIRPERSON MILLER: Okay. Then
4 thank you very much, Mr. Lawson.

5 MS. SCHMIDT: Clearly the
6 testimony and observations of Investigator
7 Lawson show that Sierra Catering was in
8 violation of their application for their
9 temporary permit for that evening. It was
10 patently obvious that there were more than 600
11 people there that evening. There was no food
12 there. People were not dressed in black tie
13 and it did not really look like a Hampton
14 College affair. Moreover, there were no
15 pregnancy signs posted, Ms. Morse was not
16 there, and there was no ABC manager there that
17 evening.

18 Consequently, the Government's
19 asking that a substantial fine and possible --
20 well, with a one-day permit I don't know if
21 the suspension is appropriate. Then a
22 substantial fine be levied against Ms. Morse.

1 CHAIRPERSON MILLER: Okay. Could
2 you just repeat that. The Government's asking
3 for a substantial fine?

4 MS. SCHMIDT: A substantial fine.
5 I believe that these are -- I know that a
6 catering licensee can be fined as a primary,
7 so that's at least a \$2,000 fine for that
8 charge alone. And no pregnancy is going to be
9 \$100 and the no manager I'd ask for at least
10 \$500 or \$600 for that.

11 CHAIRPERSON MILLER: Okay. Thank
12 you.

13 MS. SCHMIDT: Thank you.

14 CHAIRPERSON MILLER: so the record
15 is now closed on this case and the Board will
16 issue a decision within 90 days.

17 I didn't ask if you wanted to
18 submit proposed findings of fact and
19 conclusions of law.

20 MS. SCHMIDT: No, that's --

21 CHAIRPERSON MILLER: Okay. As
22 Chairperson of the Alcoholic Beverage Control

1 Board for the District of Columbia and in
2 accordance with Section 405 of the Open
3 Meetings Amendment Act of 2010, I move that
4 the ABC Board hold a closed meeting for the
5 purpose of seeking legal advice from our
6 counsel on case No. 11-CMP-00141 per Section
7 405(b)(4) of the Open Meetings Amendment Act
8 of 2010 and deliberating on 11-CMP-00141,
9 Sierra Catering, for the reasons cited in
10 Section 405(b)(13) of the Open Meetings
11 Amendment Act of 2010.

12 Is there a second?

13 MEMBER ALBERTI: Second.

14 CHAIRPERSON MILLER: I'll now take
15 a roll call on this motion which has been
16 seconded.

17 Mr. Nophlin?

18 MEMBER NOPHLIN: I agree.

19 CHAIRPERSON MILLER: Mr. Brooks?

20 MEMBER BROOKS: I agree.

21 CHAIRPERSON MILLER: Mr. Alberti?

22 MEMBER ALBERTI: I agree.

1 CHAIRPERSON MILLER: Ms. Miller
2 agrees.

3 Mr. Silverstein?

4 MEMBER SILVERSTEIN: I agree.

5 CHAIRPERSON MILLER: Ms. Mobley?

6 MEMBER MOBLEY: I agree.

7 CHAIRPERSON MILLER: And Mr. Jones?

8 MEMBER JONES: I agree.

9 CHAIRPERSON MILLER: Okay. The
10 motion passes by a vote of 7-0 for us to
11 consider this in a closed session.

12 Okay.

13 MS. SCHMIDT: I'm sorry, I was
14 also going to ask to make one more request,
15 that we revoke the license after the fact so
16 that way it will be more difficult for her to
17 reapply for a license in the future. In other
18 words, if they revoke the license after --
19 that this license be revoked after the fact.

20 MEMBER ALBERTI: May I ask a
21 question?

22 CHAIRPERSON MILLER: Yes.

1 MEMBER ALBERTI: May I ask a
2 question on that?

3 CHAIRPERSON MILLER: Yes.

4 MEMBER ALBERTI: For clarity?

5 CHAIRPERSON MILLER: Yes.

6 MEMBER ALBERTI: Ms. Schmidt, when
7 you say revoke the license, are you talking
8 about --

9 MS. SCHMIDT: Just that the
10 temporary permit.

11 MEMBER ALBERTI: That's what I'm
12 asking. Let me finish my question. The
13 temporary permit or this person's catering
14 license? There are two licenses that are in
15 jeopardy.

16 MS. SCHMIDT: The caterer -- okay.
17 I was not aware the catering license itself
18 was in jeopardy.

19 MEMBER ALBERTI: Well, I'm asking
20 you what you're referring to.

21 MS. SCHMIDT: I'm referring to the
22 -- just the permit for the evening. So I

1 wasn't -- because it's a catering license, you
2 do have -- oh, yes, you do have -- yes, we'd
3 the -- a suspension of the catering license
4 then. I'm not sure if we -- I apologize.
5 This is a new field for us.

6 CHAIRPERSON MILLER: Okay. I
7 think what you're saying is you don't want to
8 limit us to just to look at the penalties and
9 that we should look at also suspension --

10 MS. SCHMIDT: Yes.

11 CHAIRPERSON MILLER: -- and
12 revocation as appropriate.

13 MS. SCHMIDT: And upon further
14 reflection I was not aware that actually --
15 there was that possibility at the time, and I
16 apologize for any --

17 CHAIRPERSON MILLER: Okay.

18 MEMBER ALBERTI: Okay.

19 CHAIRPERSON MILLER: Thank you.

20 MS. SCHMIDT: Thank you.

21 (Whereupon, the hearing was
22 concluded at 2:43 p.m.)

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