

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

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IN THE MATTER OF: :
: :
Case #11-CMP-00157, :
#11-251-00266, #11-CMP-00322 :
Polo D.C., LLC/Rugby Caf, :Show
t/a Rugby Caf, :Cause
1065 Wisconsin Avenue, N.W. :Hearing
License #75703 :(Status)
Retailer CR :
ANC 2E :
Sale to Minor, Failed to Take :
Steps Necessary to Ascertain :
Legal Drinking Age, Failed to :
Obtain an Entertainment :
Endorsement, Substantial :
Change (Entertainment :
Endorsement), Failed to :
Maintain Books and Records, :
Failed to File Quarterly :
Statements :
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FEBRUARY 22, 2012
The Alcoholic Beverage Control
Board met in Alcoholic Beverage Control
Hearing Room, Reeves Building, 2000 14th
Street, N.W., 4th Floor, Washington, D.C.

20009, Chairperson Miller, presiding.

PRESENT
RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
CALVIN NOPHLIN, Member
MICHAEL SILVERSTEIN, Member
JEANNETTE MOBLEY, Member

ALSO PRESENT

FERNANDO RIVERO, OAG

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

2 9:41 a.m.

3 CHAIR MILLER: Okay. So, the next
4 cases on the agenda are show cause status
5 hearings.

6 The first one is Case Number 11-
7 CMP-00368, Soussi at 2228 18th Street, N.W.,
8 License Number 60448 in ANC 1C.

9 I'm sorry. I'm sorry. I went out
10 of order. Let me go back.

11 The first case we're going to call
12 is, on the calendar, 11-CMP-00157, Number 11-
13 251-00266 and Number 11-CMP-00322 and this is
14 Rugby Caf, at 1065 Wisconsin Avenue, N.W.,
15 License Number 75703 in ANC 2E.

16 And I see that the parties have
17 already come forward. Would you introduce
18 yourselves for the record please?

19 MR. RIVERO: Good morning, Board
20 Members. Fernando Rivero for the District of
21 Columbia.

22 MR. KLINE: Good morning. Andrew

1 Kline on behalf of the Licensee.

2 MR. PILCHER: Lincoln Pilcher,
3 Licensee.

4 CHAIR MILLER: Okay. Good
5 morning. Mr. Kline, did your client receive
6 notice of the show cause?

7 MR. KLINE: Yes, read it,
8 understood it and will waive any required
9 formal reading.

10 CHAIR MILLER: Okay. Good. And
11 are there any preliminary matters?

12 MR. RIVERO: Yes, Board Members.
13 The parties have an offer in compromise to
14 present to the Board at this time and that
15 offer consists of a fine of \$11,000 payable
16 within 60 days, the dismissal of charges 2, 3
17 and 4, a suspension of the license for ten
18 days. Four of which will be served and six of
19 which will be stayed for a period of one year
20 pending no further violations. The dates of
21 service are March 4th, 5th, 6th and 7th.
22 Those being dates that the Licensee is

1 regularly open. The fine pertains to \$5,000
2 for charge one, \$5,000 for charge five and
3 \$2,000 for charge six.

4 That is the offer in compromise.

5 CHAIR MILLER: Okay. I'm just
6 going to repeat it and make sure that the
7 Licensee is agreeable to that.

8 That would be a fine of \$11,000
9 payable within 60 days, dismissal of charges
10 2, 3 and 4, suspension of the license for ten
11 days, four being service, six being stayed for
12 a year pending no violations. Days of service
13 would be March 4th, 5th, 6th and 7th and
14 \$5,000 goes to charge, \$4,000 goes to charge
15 five and \$2,000 goes to charge six.

16 And is that what the Licensee
17 understands the settlement to be?

18 MR. KLINE: Yes, we understand the
19 offer.

20 CHAIR MILLER: Okay. And do you
21 understand that you would waive your right to
22 a hearing?

1 MR. KLINE: Yes, we understand
2 that if the offer's accepted, we waive our
3 right to a hearing and waive our right to
4 appeal.

5 CHAIR MILLER: Okay. Good. And
6 what days of the week are the 4th, 5th, 6th?
7 Well --

8 MR. KLINE: Sunday through
9 Thursday.

10 CHAIR MILLER: Fourth, 5th, 6th
11 and 7th of March are Sunday, Monday, Tuesday
12 and Wednesday.

13 MR. KLINE: I'm sorry. Sunday --

14 CHAIR MILLER: Okay. Fine. Just
15 wanted to get that on the record. All right.

16
17 Do the Board Members have any
18 questions on this?

19 MR. KLINE: Madam Chair, the only
20 thing --

21 CHAIR MILLER: Yes, sir.

22 MR. KLINE: -- that I'd like to

1 add --

2 CHAIR MILLER: Okay.

3 MR. KLINE: -- is that this is
4 obviously a serious situation and it
5 represents the second serious situation
6 involving this license in a short period of
7 time. If the Board notes its records, it will
8 see that since then there haven't been any
9 incidents with respect to this establishment.
10 These happened about a year -- almost a year
11 ago and there hasn't been anything since then.

12 This establishment has taken steps
13 to make sure that there isn't a repeat of
14 these circumstances including changing on-site
15 management, use of an ID scanner on the
16 premises. There are two ID scanners on the
17 premises that are used.

18 Certainly, this does not excuse
19 the License, but there has been a
20 proliferation of very good fake IDs. I think
21 the Board is familiar with a resource overseas
22 from where these are shipped, but it does not

1 excuse the behavior and the Licensee certainly
2 accepts the penalties.

3 CHAIR MILLER: Okay. I have a
4 brief question and I understand that what
5 you're saying is argument as to why we would
6 consider this OIC as opposed to testimony were
7 there to be a hearing and I think you raised
8 the point about this is a second of a similar
9 type of violation in a short period of time
10 and I guess my question to you is, that you
11 are addressing the changes that have been
12 made, were they made after the -- they were
13 made after this offense as opposed to in
14 between the first offense and the second
15 offense that you were referring to.

16 MR. KLINE: Yes, but I think it's
17 important to note that the adjudication of the
18 first offense occurred after this offense.
19 So, these occurred in a very short period of
20 time within ten days of each other.

21 After that, the Licensee was
22 before the Board as the Board notes

1 previously. There was an offer in compromise
2 that was accepted. So, I think that that's
3 important to note that since the Licensee came
4 before the Board and accepted an offer in
5 compromise which the Board then accepted and
6 served the punishment, there hasn't been any
7 further instances and these remediation
8 procedures have been put into place and the
9 Licensee certainly understands the seriousness
10 of the situation and understands that a repeat
11 occurrence might lead the Board to take even
12 more drastic action.

13 The Board always obviously has the
14 right to revoke a license no matter what the
15 schedule of charges might say. The Licensee
16 is mindful of that, aware of that, understands
17 how seriously the Board takes the situation.

18 CHAIR MILLER: Okay. Okay. I
19 think we'll take a few minutes to consider
20 this. So, we'll go into a brief closed
21 meeting.

22 As Chairperson of the Alcoholic

1 Beverage Control Board for the District of
2 Columbia in accordance with Section 405 of the
3 Open Meetings Amendment Act of 2010 and with
4 that, the ABC Board will hold a closed meeting
5 for the purpose of seeking legal advice from
6 our counsel on Case Number 11-CMP-00157,
7 Number 11-251-00266 and 11-CMP-00322 per
8 Section 405(b)(4) of the Open Meetings
9 Amendment Act of 2010 in deliberating upon
10 Case Number 11-CMP-00157, et cetera that I
11 just read for Rugby Caf, for the reasons cited
12 in 405(b)(13) of the Open Meetings Amendment
13 Act of 2010. Is there a second?

14 MEMBER BROOKS: Second.

15 CHAIR MILLER: And I'll call the
16 vote on this. Mr. Nophlin?

17 MEMBER NOPHLIN: I agree.

18 CHAIR MILLER: Mr. Brooks?

19 MEMBER BROOKS: I agree.

20 CHAIR MILLER: Mr. Alberti?

21 MEMBER ALBERTI: I agree.

22 CHAIR MILLER: Ms. Miller, I

1 agree.

2 Mr. Silverstein?

3 MEMBER SILVERSTEIN: I agree.

4 CHAIR MILLER: Ms. Mobley?

5 MEMBER MOBLEY: I agree.

6 CHAIR MILLER: Okay. So, the
7 Board will take a few minutes and then return.

8 (Whereupon, at 9:52 a.m., a recess
9 was taken until 10:02 a.m.)

10 CHAIR MILLER: Okay. We're back
11 on the record. We have before us an offer in
12 compromise for \$11,000 payable within 60 days,
13 dismissing charges 2, 3 and 4, suspension of
14 the license for ten days, four days served,
15 six days stayed pending no violations during
16 the year. Service of the stayed days on March
17 4th, 5th, 6th and 7th.

18 Licensee made a representation of
19 certain mitigating steps that have been taken
20 since the last charge related -- related
21 charge and the Board considered that and while
22 mitigating steps are certainly to be favored,

1 I would move at this time though that we not
2 accept the OIC and we do have a hearing on
3 this matter.

4 Do I have a second?

5 MEMBER BROOKS: Second.

6 CHAIR MILLER: Any further
7 comments on this? Then I'll take a vote. All
8 those in favor say aye.

9 (Ayes.)

10 CHAIR MILLER: All those opposed.
11 All those abstaining and the vote is 6 to 0 to
12 reject this offer in compromise and we will
13 schedule this matter for a show cause hearing
14 on March 14th, 2012 at 2:30 p.m. and if you'll
15 bear with me.

16 Are there any questions before we
17 end this case?

18 MR. KLINE: We don't have any.

19 CHAIR MILLER: Okay. Thank you.

20 (Whereupon, at 10:05 a.m., the
21 hearing was adjourned.)

22

A	7:21 8:22,22 9:4,5 9:11,13,17 10:1,4 11:7,21 Books 1:14 brief 8:4 9:20 Brooks 1:23 10:14 10:18,19 12:5 Building 1:19	comments 12:7 compromise 4:13 5:4 9:1,5 11:12 12:12 consider 8:6 9:19 considered 11:21 consists 4:15 Control 1:2,18,18 10:1 counsel 10:6 CR 1:9	fine 4:15 5:1,8 6:14 first 3:6,11 8:14,18 five 5:2,15 Floor 1:19 formal 4:9 forward 3:17 four 4:18 5:11 11:14 Fourth 6:10 further 4:20 9:7 12:6	legal 1:11 10:5 license 1:8 3:8,15 4:17 5:10 7:6,19 9:14 11:14 Licensee 4:1,3,22 5:7,16 8:1,21 9:3 9:9,15 11:18 Lincoln 4:2 LLC/Rugby 1:6
B	C	D	G	M
ABC 10:4 abstaining 12:11 accept 12:2 accepted 6:2 9:2,4 9:5 accepts 8:2 Act 10:3,9,13 action 9:12 add 7:1 addressing 8:11 adjourned 12:21 adjudication 8:17 advice 10:5 Age 1:11 agenda 3:4 ago 7:11 agree 10:17,19,21 11:1,3,5 agreeable 5:7 Alberti 1:22 10:20 10:21 Alcoholic 1:2,18,18 9:22 Amendment 10:3,9 10:12 ANC 1:9 3:8,15 Andrew 3:22 appeal 6:4 argument 8:5 Ascertain 1:10 Avenue 1:8 3:14 aware 9:16 aye 12:8 Ayes 12:9 a.m 3:2 11:8,9 12:20	Caf 1:6,7 3:14 10:11 calendar 3:12 call 3:11 10:15 CALVIN 1:24 case 1:5 3:6,11 10:6 10:10 12:17 cases 3:4 cause 1:7 3:4 4:6 12:13 certain 11:19 certainly 7:18 8:1 9:9 11:22 cetera 10:10 Chair 3:3 4:4,10 5:5,20 6:5,10,14 6:19,21 7:2 8:3 9:18 10:15,18,20 10:22 11:4,6,10 12:6,10,19 Chairperson 1:20 1:22 9:22 Change 1:13 changes 8:11 changing 7:14 charge 5:2,2,3,14 5:14,15 11:20,21 charges 4:16 5:9 9:15 11:13 circumstances 7:14 cited 10:11 client 4:5 closed 9:20 10:4 CMP-00368 3:7 Columbia 1:1 3:21 10:2 come 3:17	dates 4:20,22 days 4:16,18 5:9,11 5:12 6:6 8:20 11:12,14,14,15,16 deliberating 10:9 dismissal 4:16 5:9 dismissing 11:13 District 1:1 3:20 10:1 DONALD 1:23 drastic 9:12 Drinking 1:11 D.C 1:6,19	go 3:10 9:20 goes 5:14,14,15 going 3:11 5:6 good 3:19,22 4:4,10 6:5 7:20 guess 8:10	Madam 6:19 Maintain 1:14 management 7:15 March 4:21 5:13 6:11 11:16 12:14 matter 1:4 9:14 12:3,13 matters 4:11 meeting 1:3 9:21 10:4 Meetings 10:3,8,12 Member 1:22,23 1:24,24,25 10:14 10:17,19,21 11:3 11:5 12:5 Members 3:20 4:12 6:17 met 1:18 MICHAEL 1:24 Miller 1:20,22 3:3 4:4,10 5:5,20 6:5 6:10,14,21 7:2 8:3 9:18 10:15,18,20 10:22,22 11:4,6 11:10 12:6,10,19 mindful 9:16 Minor 1:10 minutes 9:19 11:7 mitigating 11:19 11:22 Mobley 1:25 11:4,5 Monday 6:11 morning 3:19,22 4:5 move 12:1
B	C	E	H	I
back 3:10 11:10 bear 12:15 behalf 4:1 behavior 8:1 Beverage 1:2,18,18 10:1 Board 1:2,18 3:19 4:12,14 6:17 7:7	F	Endorsement 1:12 1:13 Entertainment 1:12,13 establishment 7:9 7:12 et 10:10 excuse 7:18 8:1	happened 7:10 hearing 1:8,19 5:22 6:3 8:7 12:2,13,21 hearings 3:5 hold 10:4	ID 7:15,16 IDs 7:20 important 8:17 9:3 incidents 7:9 including 7:14 instances 9:7 introduce 3:17 involving 7:6
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B	F	E	H	I
back 3:10 11:10 bear 12:15 behalf 4:1 behavior 8:1 Beverage 1:2,18,18 10:1 Board 1:2,18 3:19 4:12,14 6:17 7:7	Failed 1:10,11,13 1:14 fake 7:20 familiar 7:21 favor 12:8 favored 11:22 FEBRUARY 1:17 Fernando 2:12 3:20 File 1:14	Endorsement 1:12 1:13 Entertainment 1:12,13 establishment 7:9 7:12 et 10:10 excuse 7:18 8:1	happened 7:10 hearing 1:8,19 5:22 6:3 8:7 12:2,13,21 hearings 3:5 hold 10:4	ID 7:15,16 IDs 7:20 important 8:17 9:3 incidents 7:9 including 7:14 instances 9:7 introduce 3:17 involving 7:6
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B	F	E	H	I
back 3:10 11:10 bear 12:15 behalf 4:1 behavior 8:1 Beverage 1:2,18,18 10:1 Board 1:2,18 3:19 4:12,14 6:17 7:7	Failed 1:10,11,13 1:14 fake 7:20 familiar 7:21 favor 12:8 favored 11:22 FEBRUARY 1:17 Fernando 2:12 3:20 File 1:14	Endorsement 1:12 1:13 Entertainment 1:12,13 establishment 7:9 7:12 et 10:10 excuse 7:18 8:1	happened 7:10 hearing 1:8,19 5:22 6:3 8:7 12:2,13,21 hearings 3:5 hold 10:4	ID 7:15,16 IDs 7:20 important 8:17 9:3 incidents 7:9 including 7:14 instances 9:7 introduce 3:17 involving 7:6
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back 3:10 11:10 bear 12:15 behalf 4:1 behavior 8:1 Beverage 1:2,18,18 10:1 Board 1:2,18 3:19 4:12,14 6:17 7:7	Failed 1:10,11,13 1:14 fake 7:20 familiar 7:21 favor 12:8 favored 11:22 FEBRUARY 1:17 Fernando 2:12 3:20 File 1:14	Endorsement 1:12 1:13 Entertainment 1:12,13 establishment 7:9 7:12 et 10:10 excuse 7:18 8:1	happened 7:10 hearing 1:8,19 5:22 6:3 8:7 12:2,13,21 hearings 3:5 hold 10:4	ID 7:15,16 IDs 7:20 important 8:17 9:3 incidents 7:9 including 7:14 instances 9:7 introduce 3:17 involving 7:6
B	F	E	H	I
back 3:10 11:10 bear 12:15 behalf 4:1 behavior 8:1 Beverage 1:2,18,18 10:1 Board 1:2,18 3:19 4:12,14 6:17 7:7	Failed 1:10,11,13 1:14 fake 7:20 familiar 7:21 favor 12:8 favored 11:22 FEBRUARY 1:17 Fernando 2:12 3:20 File 1:14	Endorsement 1:12 1:13 Entertainment 1:12,13 establishment 7:9 7:12 et 10:10 excuse 7:18 8:1	happened 7:10 hearing 1:8,19 5:22 6:3 8:7 12:2,13,21 hearings 3:5 hold 10:4	ID 7:15,16 IDs 7:20 important 8:17 9:3 incidents 7:9 including 7:14 instances 9:7 introduce 3:17 involving 7:6
B	F	E	H	I
back 3:10 11:10 bear 12:15 behalf 4:1 behavior 8:1 Beverage 1:2,18,18 10:1 Board 1:2,18 3:19 4:12,14 6:17 7:7	Failed 1:10,11,13 1:14 fake 7:20 familiar 7:21 favor 12:8 favored 11:22 FEBRUARY 1:17 Fernando 2:12 3:20 File 1:14	Endorsement 1:12 1:13 Entertainment 1:12,13 establishment 7:9 7:12 et 10:10 excuse 7:18 8:1	happened 7:10 hearing 1:8,19 5:22 6:3 8:7 12:2,13,21 hearings 3:5 hold 10:4	ID 7:15,16 IDs 7:20 important 8:17 9:3 incidents 7:9 including 7:14 instances 9:7 introduce 3:17 involving 7:6
B	F	E	H	I
back 3:10 11:10 bear 12:15 behalf 4:1 behavior 8:1 Beverage 1:2,18,18 10:1 Board 1:2,18 3:19 4:12,14 6:17 7:7	Failed 1:10,11,13 1:14 fake 7:20 familiar 7:21 favor 12:8 favored 11:22 FEBRUARY 1:17 Fernando 2:12 3:20 File 1:14	Endorsement 1:12 1:13 Entertainment 1:12,13 establishment 7:9 7:12 et 10:10 excuse 7:18 8:1	happened 7:10 hearing 1:8,19 5:22 6:3 8:7 12:2,13,21 hearings 3:5 hold 10:4	ID 7:15,16 IDs 7:20 important 8:17 9:3 incidents 7:9 including 7:14 instances 9:7 introduce 3:17 involving 7:6
B	F	E	H	I
back 3:10 11:10 bear 12:15 behalf 4:1 behavior 8:1 Beverage 1:2,18,18 10:1 Board 1:2,18 3:19 4:12,14 6:17 7:7	Failed 1:10,11,13 1:14 fake 7:20 familiar 7:21 favor 12:8 favored 11:22 FEBRUARY 1:17 Fernando 2:12 3:20 File 1:14	Endorsement 1:12 1:13 Entertainment 1:12,13 establishment 7:9 7:12 et 10:10 excuse 7:18 8:1	happened 7:10 hearing 1:8,19 5:22 6:3 8:7 12:2,13,21 hearings 3:5 hold 10:4	ID 7:15,16 IDs 7:20 important 8:17 9:3 incidents 7:9 including 7:14 instances 9:7 introduce 3:17 involving 7:6
B	F	E	H	I
back 3:10 11:10 bear 12:15 behalf 4:1 behavior 8:1 Beverage 1:2,18,18 10:1 Board 1:2,18 3:19 4:12,14 6:17 7:7	Failed 1:10,11,13 1:14 fake 7:20 familiar 7:21 favor 12:8 favored 11:22 FEBRUARY 1:17 Fernando 2:12 3:20 File 1:14	Endorsement 1:12 1:13 Entertainment 1:12,13 establishment 7:9 7:12 et 10:10 excuse 7:18 8:1	happened 7:10 hearing 1:8,19 5:22 6:3 8:7 12:2,13,21 hearings 3:5 hold 10:4	ID 7:15,16 IDs 7:20 important 8:17 9:3 incidents 7:9 including 7:14 instances 9:7 introduce 3:17 involving 7:6
B	F	E	H	I
back 3:10 11:10 bear 12:15 behalf 4:1 behavior 8:1 Beverage				

Necessary 1:10 NICK 1:22 Nophlin 1:24 10:16 10:17 note 8:17 9:3 notes 7:7 8:22 notice 4:6 Number 3:6,8,12 3:13,15 10:6,7,10 N.W 1:8,19 3:7,14	Polo 1:6 preliminary 4:11 premises 7:16,17 present 1:21 2:10 4:14 presiding 1:20 previously 9:1 procedures 9:8 proliferation 7:20 punishment 9:6 purpose 10:5 put 9:8 P-R-O-C-E-E-D... 3:1 p.m 12:14	revoke 9:14 right 5:21 6:3,3,15 9:14 Rivero 2:12 3:19 3:20 4:12 Room 1:19 Rugby 1:7 3:14 10:11 RUTHANNE 1:22	11:15,16 steps 1:10 7:12 11:19,22 Street 1:19 3:7 Substantial 1:12 Sunday 6:8,11,13 sure 5:6 7:13 suspension 4:17 5:10 11:13	Washington 1:19 Wednesday 6:12 week 6:6 went 3:9 we'll 9:19,20 we're 3:11 11:10 Wisconsin 1:8 3:14	
O	Q	S	T	Y	
OAG 2:12 Obtain 1:12 obviously 7:4 9:13 occurred 8:18,19 occurrence 9:11 offense 8:13,14,15 8:18,18 offer 4:13,15 5:4,19 9:1,4 11:11 12:12 offer's 6:2 OIC 8:6 12:2 Okay 3:3 4:4,10 5:5,20 6:5,14 7:2 8:3 9:18,18 11:6 11:10 12:19 on-site 7:14 open 5:1 10:3,8,12 opposed 8:6,13 12:10 order 3:10 overseas 7:21	Quarterly 1:14 question 8:4,10 questions 6:18 12:16	Sale 1:10 saying 8:5 scanner 7:15 scanners 7:16 schedule 9:15 12:13 second 7:5 8:8,14 10:13,14 12:4,5 Section 10:2,8 see 3:16 7:8 seeking 10:5 serious 7:4,5 seriously 9:17 seriousness 9:9 served 4:18 9:6 11:14 service 4:21 5:11 5:12 11:16 settlement 5:17 shipped 7:22 short 7:6 8:9,19 show 1:6 3:4 4:6 12:13 Silverstein 1:24 11:2,3 similar 8:8 sir 6:21 situation 7:4,5 9:10 9:17 six 4:18 5:3,11,15 11:15 sorry 3:9,9 6:13 Soussi 3:7 Statements 1:15 status 1:8 3:4 stayed 4:19 5:11	take 1:10 9:11,19 11:7 12:7 taken 7:12 11:9,19 takes 9:17 ten 4:17 5:10 8:20 11:14 testimony 8:6 Thank 12:19 thing 6:20 think 7:20 8:7,16 9:2,19 Thursday 6:9 time 4:14 7:7 8:9 8:20 12:1 Tuesday 6:11 two 7:16 type 8:9 t/a 1:7	year 4:19 5:12 7:10 7:10 11:16	
P	R	U	V	W	
parties 3:16 4:13 payable 4:15 5:9 11:12 penalties 8:2 pending 4:20 5:12 11:15 period 4:19 7:6 8:9 8:19 pertains 5:1 Pilcher 4:2,2 place 9:8 please 3:18 point 8:8	raised 8:7 read 4:7 10:11 reading 4:9 reasons 10:11 receive 4:5 recess 11:8 record 3:18 6:15 11:11 records 1:14 7:7 Reeves 1:19 referring 8:15 regularly 5:1 reject 12:12 related 11:20,20 remediation 9:7 repeat 5:6 7:13 9:10 representation 11:18 represents 7:5 required 4:8 resource 7:21 respect 7:9 Retailer 1:9 return 11:7	understand 5:18 5:21 6:1 8:4 understands 5:17 9:9,10,16 understood 4:8 use 7:15	violation 8:9 violations 4:20 5:12 11:15 vote 10:16 12:7,11	waive 4:8 5:21 6:2 6:3 wanted 6:15	year 4:19 5:12 7:10 7:10 11:16
P	R	U	V	W	
parties 3:16 4:13 payable 4:15 5:9 11:12 penalties 8:2 pending 4:20 5:12 11:15 period 4:19 7:6 8:9 8:19 pertains 5:1 Pilcher 4:2,2 place 9:8 please 3:18 point 8:8	raised 8:7 read 4:7 10:11 reading 4:9 reasons 10:11 receive 4:5 recess 11:8 record 3:18 6:15 11:11 records 1:14 7:7 Reeves 1:19 referring 8:15 regularly 5:1 reject 12:12 related 11:20,20 remediation 9:7 repeat 5:6 7:13 9:10 representation 11:18 represents 7:5 required 4:8 resource 7:21 respect 7:9 Retailer 1:9 return 11:7	understand 5:18 5:21 6:1 8:4 understands 5:17 9:9,10,16 understood 4:8 use 7:15	violation 8:9 violations 4:20 5:12 11:15 vote 10:16 12:7,11	waive 4:8 5:21 6:2 6:3 wanted 6:15	year 4:19 5:12 7:10 7:10 11:16
P	R	U	V	W	
parties 3:16 4:13 payable 4:15 5:9 11:12 penalties 8:2 pending 4:20 5:12 11:15 period 4:19 7:6 8:9 8:19 pertains 5:1 Pilcher 4:2,2 place 9:8 please 3:18 point 8:8	raised 8:7 read 4:7 10:11 reading 4:9 reasons 10:11 receive 4:5 recess 11:8 record 3:18 6:15 11:11 records 1:14 7:7 Reeves 1:19 referring 8:15 regularly 5:1 reject 12:12 related 11:20,20 remediation 9:7 repeat 5:6 7:13 9:10 representation 11:18 represents 7:5 required 4:8 resource 7:21 respect 7:9 Retailer 1:9 return 11:7	understand 5:18 5:21 6:1 8:4 understands 5:17 9:9,10,16 understood 4:8 use 7:15	violation 8:9 violations 4:20 5:12 11:15 vote 10:16 12:7,11	waive 4:8 5:21 6:2 6:3 wanted 6:15	year 4:19 5:12 7:10 7:10 11:16
P	R	U	V	W	
parties 3:16 4:13 payable 4:15 5:9 11:12 penalties 8:2 pending 4:20 5:12 11:15 period 4:19 7:6 8:9 8:19 pertains 5:1 Pilcher 4:2,2 place 9:8 please 3:18 point 8:8	raised 8:7 read 4:7 10:11 reading 4:9 reasons 10:11 receive 4:5 recess 11:8 record 3:18 6:15 11:11 records 1:14 7:7 Reeves 1:19 referring 8:15 regularly 5:1 reject 12:12 related 11:20,20 remediation 9:7 repeat 5:6 7:13 9:10 representation 11:18 represents 7:5 required 4:8 resource 7:21 respect 7:9 Retailer 1:9 return 11:7	understand 5:18 5:21 6:1 8:4 understands 5:17 9:9,10,16 understood 4:8 use 7:15	violation 8:9 violations 4:20 5:12 11:15 vote 10:16 12:7,11	waive 4:8 5:21 6:2 6:3 wanted 6:15	year 4:19 5:12 7:10 7:10 11:16
P	R	U	V	W	
parties 3:16 4:13 payable 4:15 5:9 11:12 penalties 8:2 pending 4:20 5:12 11:15 period 4:19 7:6 8:9 8:19 pertains 5:1 Pilcher 4:2,2 place 9:8 please 3:18 point 8:8	raised 8:7 read 4:7 10:11 reading 4:9 reasons 10:11 receive 4:5 recess 11:8 record 3:18 6:15 11:11 records 1:14 7:7 Reeves 1:19 referring 8:15 regularly 5:1 reject 12:12 related 11:20,20 remediation 9:7 repeat 5:6 7:13 9:10 representation 11:18 represents 7:5 required 4:8 resource 7:21 respect 7:9 Retailer 1:9 return 11:7	understand 5:18 5:21 6:1 8:4 understands 5:17 9:9,10,16 understood 4:8 use 7:15	violation 8:9 violations 4:20 5:12 11:15 vote 10:16 12:7,11	waive 4:8 5:21 6:2 6:3 wanted 6:15	year 4:19 5:12 7:10 7:10 11:16
P	R	U	V	W	
parties 3:16 4:13 payable 4:15 5:9 11:12 penalties 8:2 pending 4:20 5:12 11:15 period 4:19 7:6 8:9 8:19 pertains 5:1 Pilcher 4:2,2 place 9:8 please 3:18 point 8:8	raised 8:7 read 4:7 10:11 reading 4:9 reasons 10:11 receive 4:5 recess 11:8 record 3:18 6:15 11:11 records 1:14 7:7 Reeves 1:19 referring 8:15 regularly 5:1 reject 12:12 related 11:20,20 remediation 9:7 repeat 5:6 7:13 9:10 representation 11:18 represents 7:5 required 4:8 resource 7:21 respect 7:9 Retailer 1:9 return 11:7	understand 5:18 5:21 6:1 8:4 understands 5:17 9:9,10,16 understood 4:8 use 7:15	violation 8:9 violations 4:20 5:12 11:15 vote 10:16 12:7,11	waive 4:8 5:21 6:2 6:3 wanted 6:15	year 4:19 5:12 7:10 7:10 11:16
P	R	U	V	W	
parties 3:16 4:13 payable 4:15 5:9 11:12 penalties 8:2 pending 4:20 5:12 11:15 period 4:19 7:6 8:9 8:19 pertains 5:1 Pilcher 4:2,2 place 9:8 please 3:18 point 8:8	raised 8:7 read 4:7 10:11 reading 4:9 reasons 10:11 receive 4:5 recess 11:8 record 3:18 6:15 11:11 records 1:14 7:7 Reeves 1:19 referring 8:15 regularly 5:1 reject 12:12 related 11:20,20 remediation 9:7 repeat 5:6 7:13 9:10 representation 11:18 represents 7:5 required 4:8 resource 7:21 respect 7:9 Retailer 1:9 return 11:7	understand 5:18 5:21 6:1 8:4 understands 5:17 9:9,10,16 understood 4:8 use 7:15	violation 8:9 violations 4:20 5:12 11:15 vote 10:16 12:7,11	waive 4:8 5:21 6:2 6:3 wanted 6:15	year 4:19 5:12 7:10 7:10 11:16
P	R	U	V	W	
parties 3:16 4:13 payable 4:15 5:9 11:12 penalties 8:2 pending 4:20 5:12 11:15 period 4:19 7:6 8:9 8:19 pertains 5:1 Pilcher 4:2,2 place 9:8 please 3:18 point 8:8	raised 8:7 read 4:7 10:11 reading 4:9 reasons 10:11 receive 4:5 recess 11:8 record 3:18 6:15 11:11 records 1:14 7:7 Reeves 1:19 referring 8:15 regularly 5:1 reject 12:12 related 11:20,20 remediation 9:7 repeat 5:6 7:13 9:10 representation 11:18 represents 7:5 required 4:8 resource 7:21 respect 7:9 Retailer 1:9 return 11:7	understand 5:18 5:21 6:1 8:4 understands 5:17 9:9,10,16 understood 4:8 use 7:15	violation 8:9 violations 4:20 5:12 11:15 vote 10:16 12:7,11	waive 4:8 5:21 6:2 6:3 wanted 6:15	year 4:19 5:12 7:10 7:10 11:16
P	R	U	V	W	
parties 3:16 4:13 payable 4:15 5:9 11:12 penalties 8:2 pending 4:20 5:12 11:15 period 4:19 7:6 8:9 8:19 pertains 5:1 Pilcher 4:2,2 place 9:8 please 3:18 point 8:8	raised 8:7 read 4:7 10:11 reading 4:9 reasons 10:11 receive 4:5 recess 11:8 record 3:18 6:15 11:11 records 1:14 7:7 Reeves 1:19 referring 8:15 regularly 5:1 reject 12:12 related 11:20,20 remediation 9:7 repeat 5:6 7:13 9:10 representation 11:18 represents 7:5 required 4:8 resource 7:21 respect 7:9 Retailer 1:9 return 11:7	understand 5:18 5:21 6:1 8:4 understands 5:17 9:9,10,16 understood 4:8 use 7:15	violation 8:9 violations 4:20 5:12 11:15 vote 10:16 12:7,11	waive 4:8 5:21 6:2 6:3 wanted 6:15	year 4:19 5:12 7:10 7:10 11:16
P	R	U	V	W	
parties 3:16 4:13 payable 4:15 5:9 11:12 penalties 8:2 pending 4:20 5:12 11:15 period 4:19 7:6 8:9 8:19 pertains 5:1 Pilcher 4:2,2 place 9:8 please 3:18 point 8:8	raised 8:7 read 4:7 10:11 reading 4:9 reasons 10:11 receive 4:5 recess 11:8 record 3:18 6:15 11:11 records 1:14 7:7 Reeves 1:19 referring 8:15 regularly 5:1 reject 12:12 related 11:20,20 remediation 9:7 repeat 5:6 7:13 9:10 representation 11:18 represents 7:5 required 4:8 resource 7:21 respect 7:9 Retailer 1:9 return 11:7	understand 5:18 5:21 6:1 8:4 understands 5:17 9:9,10,16 understood 4:8 use 7:15	violation 8:9 violations 4:20 5:12 11:15 vote 10:16 12:7,11	waive 4:8 5:21 6:2 6:3 wanted 6:15	year 4:19 5:12 7:10 7:10 11:16
P	R	U	V	W	
parties 3:16 4:13 payable 4:15 5:9 11:12 penalties 8:2 pending 4:20 5:12 11:15 period 4:19 7:6 8:9 8:19 pertains 5:1 Pilcher 4:2,2 place 9:8 please 3:18 point 8:8	raised 8:7 read 4:7 10:11 reading 4:9 reasons 10:11 receive 4:5 recess 11:8 record 3:18 6:15 11:11 records 1:14 7:7 Reeves 1:19 referring 8:15 regularly 5:1 reject 12:12 related 11:20,20 remediation 9:7 repeat 5:6 7:13 9:10 representation 11:18 represents 7:5 required 4:8 resource 7:21 respect 7:9 Retailer 1:9 return 11:7	understand 5:18 5:21 6:1 8:4 understands 5:17 9:9,10,16 understood 4:8 use 7:15	violation 8:9 violations 4:20 5:12 11:15 vote 10:16 12:7,11	waive 4:8 5:21 6:2 6:3 wanted 6:15	year 4:19 5:12 7:10 7:10 11:16
P	R	U	V	W	
parties 3:16 4:13 payable 4:15 5:9 11:12 penalties 8:2 pending 4:20 5:12 11:15 period 4:19 7:6 8:9 8:19 pertains 5:1 Pilcher 4:2,2 place 9:8 please 3:18 point 8:8	raised 8:7 read 4:7 10:11 reading 4:9 reasons 10:11 receive 4:5 recess 11:8 record 3:18 6:15 11:11 records 1:14 7:7 Reeves 1:19 referring 8:15 regularly 5:1 reject 12:12 related 11:20,20 remediation 9:7 repeat 5:6 7:13 9:10 representation 11:18 represents 7:5 required 4:8 resource 7:21 respect 7:9 Retailer 1:9 return 11:7	understand 5:18 5:21 6:1 8:4 understands 5:17 9:9,10,16 understood 4:8 use 7:15	violation 8:9 violations 4:20 5:12 11:15 vote 10:16 12:7,11	waive 4:8 5:21 6:2 6:3 wanted 6:15	year 4:19 5:12 7:10 7:10 11:16
P	R	U	V	W	
parties 3:16 4:13 payable 4:15 5:9 11:12 penalties 8:2 pending 4:20 5:12 11:15 period 4:19 7:6 8:9 8:19 pertains 5:1 Pilcher 4:2,2 place 9:8 please 3:18 point 8:8					

24:16 5:10 11:13
2E 1:9 3:15
2:30 12:14
2000 1:19
20009 1:20
2010 10:3,9,13
2012 1:17 12:14
22 1:17
2228 3:7
251-00266 3:13

3

34:16 5:10 11:13

4

44:17 5:10 11:13
4th 1:19 4:21 5:13
 6:6 11:17
405 10:2
405(b)(13) 10:12
405(b)(4) 10:8

5

5th 4:21 5:13 6:6
 6:10 11:17

6

6 12:11
6th 4:21 5:13 6:6
 6:10 11:17
60 4:16 5:9 11:12
60448 3:8

7

7th 4:21 5:13 6:11
 11:17
75703 3:15

9

9:41 3:2
9:52 11:8