

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

IN THE MATTER OF:

Mimi & D, LLC t/a Vita  
Restaurant & Lounge/ Show  
Penthouse Nine Cause  
1318 9th Street, NW Hearing  
Retailer CT - ANC-2F  
License No. 86037  
Case #12-CMP-00187(NCBO)

(Failed to Comply With  
the Terms of its Offer  
in Compromise dated  
October 24, 2012)

March 5, 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:

FERNANDO RIVERO, OAG

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

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

(11:12 a.m.)

CHAIRPERSON MILLER: Okay. I'm going to call Case No. 12-CMP-00187(NCBO), Penthouse Nine located at 1318 9th Street, N.W., License No. 86037, in ANC-2F.

Good morning. When you are ready, if you would introduce yourselves.

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

CHAIRPERSON MILLER: Good morning.

MS. BEYENE: Abeba Beyene, the owner of Vita Lounge.

CHAIRPERSON MILLER: Okay. You are here for a Show Cause Hearing. Are there any preliminary matters?

MR. RIVERO: Well, other than the parties have a factual stipulation to the hearing.

CHAIRPERSON MILLER: Okay.

MR. RIVERO: I don't know if that

1       qualifies as a preliminary matter. Perhaps we  
2       might want to just go into the actual hearing  
3       and then we can present the stipulation.

4                   CHAIRPERSON MILLER: Okay. There  
5       is nothing other than that?

6                   MR. RIVERO: There is nothing  
7       other than that.

8                   CHAIRPERSON MILLER: Okay. All  
9       right. Mr. Rivero, do you want to address the  
10      factual stipulation, at this point?

11                   MR. RIVERO: Thank you.

12                   CHAIRPERSON MILLER: Okay.

13                   MR. RIVERO: Good morning, Board  
14      Members. We are here in the matter of Vita  
15      Restaurant and Lounge, Case No. 12-CMP-00187.  
16      The Government issued a Show Cause notice  
17      indicating that the licensee or alleging that  
18      the licensee had violated a Board order in  
19      violation of DC Official Code 25-826(6) of the  
20      2001 Edition.

21                   On October 24, 2012, the licensee  
22      agreed, through an offer in compromise, to pay

1 a fine of \$3,000, which was reflected in a  
2 Board Order, that gave the licensee 90 days to  
3 pay that fine, which would have run out on  
4 January 24, 2013.

5 The parties present the factual  
6 stipulation today that the licensee paid the  
7 fine of \$3,000 on August 23, 2013. And with  
8 that factual stipulation, the Government rests  
9 and we cede our time to the licensee for the  
10 licensee's case.

11 CHAIRPERSON MILLER: Okay. So you  
12 understand that the Government has the burden  
13 of proof and goes first with his case, which  
14 he has just presented and said -- did you  
15 represent that the parties stipulated to the  
16 facts that you just put on the record?

17 MR. RIVERO: Correct.

18 CHAIRPERSON MILLER: Okay. And do  
19 you agree that you --

20 MS. BEYENE: Yes.

21 CHAIRPERSON MILLER: Okay. All  
22 right. So both parties have stipulated to the

1 facts. Now, he rests his case for now. He  
2 went forward and it is now your turn. And you  
3 are not an attorney, so I'm going to swear you  
4 in in case you want to say anything as  
5 evidence testimony. Okay.

6 Whereupon,

7 ABEBA BEYENE

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

12 CHAIRPERSON MILLER: Okay. You  
13 can stay at the table though. It's fine. All  
14 right. So now it's up to you. Would you like  
15 to say something in your defense?

16 DIRECT EXAMINATION

17 MS. BEYENE: Yes. I had the 90  
18 days to pay the fine. The reason I didn't  
19 make the payment is the financial situation.  
20 I didn't have the money. When I had the  
21 money, I came to make a payment and I brought  
22 a check and they refused to take the check.

1 They said the date is already passed, 90 days.  
2 I have to contact the Government in order for  
3 me to make a payment.

4 So when they allow, when the  
5 Government allow to -- for me to make the  
6 payment, I came back and made that and draw up  
7 the check for them.

8 CHAIRPERSON MILLER: Okay. Does  
9 that complete your testimony?

10 MS. BEYENE: Yes. I mean, yes, I  
11 did. I agree, I didn't pay on time because of  
12 the financial situation that I'm in right now,  
13 because I have a failing business. I  
14 explained this before when I had a Show Cause  
15 Hearing. I'm in the middle of losing my  
16 business right now.

17 I tried to make the payment, but I  
18 couldn't be able to pay and I actually  
19 borrowed the money from my former boss to be  
20 able to pay this fine. When I came to pay, as  
21 I have said before, it was late. They  
22 couldn't take the check. So I had to get

1 approval from the Government in order for me  
2 to make that payment, which I did finally.

3 CHAIRPERSON MILLER: Okay. Thank  
4 you. So Mr. Rivero has the opportunity to ask  
5 you questions based on what you just said if  
6 you so choose.

7 MR. RIVERO: I have nothing. The  
8 Government has no questions for the witness.

9 CHAIRPERSON MILLER: Okay. Do  
10 Board Members? I have a couple questions. Do  
11 you know the date that you first tried to make  
12 your payment at ABRA?

13 MS. BEYENE: I don't have the date  
14 with me. But when I came to the office, they  
15 said it is past 90 days that day. I wish I  
16 had the exact date when I came, but I really  
17 don't.

18 CHAIRPERSON MILLER: Okay.

19 MS. BEYENE: I'm sorry.

20 CHAIRPERSON MILLER: Did you know  
21 that if you didn't pay within the time period  
22 outlined in the Board's order that you would

1 be subject to another fine?

2 MS. BEYENE: I never knew that  
3 before this. I never knew.

4 CHAIRPERSON MILLER: How did you  
5 come to know?

6 MS. BEYENE: When I came to make a  
7 payment and when they refused to take the  
8 check, that's when they explain it to me.

9 CHAIRPERSON MILLER: Okay. Did  
10 you have another circumstance where you were  
11 late in paying?

12 MS. BEYENE: Yes. As you know,  
13 Board Members, because of the case that I had  
14 in 2011 until today, I'm not allowed to use  
15 promoters for my establishment. Even though  
16 it was 45 days order by the Board for me not  
17 to use promoters, it has been two years now.  
18 I still cannot be able to use -- because it  
19 was never lifted. I couldn't be able to hire  
20 a lawyer, because of the financial situation  
21 I'm in.

22 So I submit a document, the

1 changes I made. I don't know if the Board  
2 reviewed that. I changed the whole business  
3 aspect of the establishment to be able to  
4 bring a different -- you know, I change it to  
5 restaurant basically, but it still same thing  
6 I cannot be able to do because the Board have  
7 order not to use promoters, not to bring -- I  
8 believe 11 order -- 11 restriction on the  
9 license it was put by 2011. It's still never  
10 lifted.

11 So because of that, the business  
12 cannot be able to succeed. In fact, I don't--  
13 if -- I remember, I was explaining this to  
14 you, I have a court case with my landlord  
15 because I have been -- I couldn't pay him the  
16 rent. So it's -- I'm in the middle of losing  
17 the business. So that's one of the reason  
18 that I couldn't be able to pay this payment,  
19 so I had to borrow money to pay this fine.

20 CHAIRPERSON MILLER: Okay. So I  
21 hear, you know, your basic argument, you know,  
22 that you didn't pay it because of financial

1 hardship. And financial hardship was related  
2 to some of the restrictions that you are  
3 operating under with respect to the Board  
4 order.

5           Could you just explain briefly,  
6 because we are going a little bit on a  
7 tangent, I know that, but --

8           MS. BEYENE: Excuse me.

9           CHAIRPERSON MILLER: -- how the  
10 promoter issue infringes upon your being  
11 successful as a restaurant as opposed to a  
12 night life place?

13           MS. BEYENE: Oh, the business --  
14 the building is a very expensive building. I  
15 bought this business \$218,000 for the  
16 entertainment endorsement of this license.  
17 It's a restaurant/lounge. It has  
18 entertainment endorsement.

19           CHAIRPERSON MILLER: Okay.

20           MS. BEYENE: That's why it cost a  
21 lot of money. And the rent is \$21,000 a  
22 month, so even though it's a restaurant,

1 Friday and Saturday it's a night life. That  
2 Friday and Saturday is what pays the bills.  
3 So when you don't have promoters in this  
4 business, because there is so many  
5 competition, each and every single  
6 establishment in Washington, D.C. have  
7 promoters.

8 People -- I cannot be able to  
9 bring nobody. Everybody else using promoters  
10 to bring people. This is a nightlife that is  
11 how you attract cliental. And because I  
12 cannot, my Friday night -- since this is since  
13 -- it's almost two years now. There's no  
14 business.

15 In fact a lot of people until  
16 today amazed how this place is still open,  
17 because it's just nothing I can be able to do.

18 CHAIRPERSON MILLER: Okay. Thank  
19 you. Other questions? Yes, Mr. Brooks?

20 MEMBER BROOKS: Yes, I just want  
21 some clarification. Did you indicate that  
22 your monthly rent is \$20,000?

1 MS. BEYENE: \$21,000, yes.

2 MEMBER BROOKS: \$21,000 a month?

3 MS. BEYENE: Yes.

4 MEMBER BROOKS: Okay. Thank you,  
5 ma'am.

6 CHAIRPERSON MILLER: Okay. Other  
7 Board questions? Any questions on Board  
8 questions, Mr. Rivero?

9 MR. RIVERO: I have one.

10 CHAIRPERSON MILLER: Okay.

11 CROSS-EXAMINATION

12 MR. RIVERO: You testified that  
13 you have a restriction on promoters?

14 MS. BEYENE: Yes.

15 MR. RIVERO: You can't bring --  
16 attract cliental because of that?

17 MS. BEYENE: Yes.

18 MR. RIVERO: What sort of  
19 entertainment did you have in mind that a  
20 promoter would bring, absent this restriction?  
21 We are trying to get a clear picture of the  
22 entertainment.

1 MS. BEYENE: Promoters --

2 MR. RIVERO: What you mean by  
3 entertainment?

4 MS. BEYENE: Well, promoters is  
5 people who use social media to attract --

6 MR. RIVERO: Right. I understand  
7 that. I understand what the promoters do.

8 MS. BEYENE: Um-hum.

9 MR. RIVERO: The question was what  
10 kind of entertainment you were expecting to  
11 have at the establishment on Friday and  
12 Saturday. I understand what the promoters do.  
13 But the question was just to give a little  
14 more detail, because it wasn't clear to me  
15 what kind of entertainment you expected to see  
16 on Friday and Saturday night? That's the  
17 question.

18 MS. BEYENE: What kind of  
19 entertainment in terms of what?

20 MR. RIVERO: What was your idea of  
21 entertainment for Friday and Saturday?

22 MS. BEYENE: I mean, what I had

1 before --

2 MR. RIVERO: For your customers.

3 MS. BEYENE: -- this restriction  
4 took place. I have -- we have different  
5 events. We have alternative lifestyle events.  
6 We have several -- we have bands, different  
7 kind of band. We have DJ. We have local  
8 artists come and perform. We have radio  
9 station that they come and do live broadcast  
10 and tell people that, you know, this is where  
11 we are and for them to come.

12 It's so many different things we  
13 do to bring -- promoters do to bring people  
14 and they advertise it on social media. They  
15 advertise it on the radio. And also print out  
16 flyer and pass out, you know, in different  
17 establishment and put it on the car and all  
18 those things are a part of promoters, what  
19 promoters do.

20 CHAIRPERSON MILLER: Okay.

21 MR. RIVERO: Fine. I have no  
22 further questions.

1 CHAIRPERSON MILLER: No further  
2 questions. All right. Then -- Mr. Short, you  
3 have a question? Okay.

4 MEMBER SHORT: Yes, I just have  
5 one question.

6 CHAIRPERSON MILLER: Okay.

7 MEMBER SHORT: Looking at the  
8 history of your club going back to 2011 --

9 MS. BEYENE: Um-hum.

10 MEMBER SHORT: -- you had the  
11 promotional reps and the information you get  
12 back again?

13 MS. BEYENE: Yes.

14 MEMBER SHORT: There were several  
15 violations for noise and other things. Is  
16 that the reason why you lost those privileges?

17 MS. BEYENE: No. Noise -- the  
18 noise violation I have a few noise violations.  
19 I have one outstanding. The noise violation  
20 is because the way the establishment is,  
21 before I bought this business it was a  
22 nightclub for six years. Had the same

1 speakers, the same amplifiers, everything is  
2 the same way. I bought it the way it is.

3 But after -- three years after the  
4 previous owner was -- took place, had the  
5 business, they beautify the condominium. We  
6 share walls. Like this is the establishment  
7 behind this is the condominium. There is five  
8 condominium. The noise violation is not  
9 coming from -- the noise violation that I was  
10 guilty of, it never came from this  
11 condominium, even though I share a wall. It  
12 came from people who lives far away.

13 One of them, there are two  
14 violations that I had on the record, it came  
15 from a gentleman who lives -- one of them, the  
16 outstanding one, it came from a gentleman who  
17 lives 10 -- 110 feet away from the  
18 establishment. The other two came from the  
19 couple who lives in a block away from me.

20 But I have five condominiums that  
21 I share wall with and I never had a noise  
22 violation case from them.

1 MEMBER SHORT: Thank you.

2 CHAIRPERSON MILLER: Okay. Other  
3 questions? Mr. Alberti does.

4 MEMBER ALBERTI: Since the subject  
5 was brought up, I just want to clarify that  
6 the Board's order prohibiting you from using  
7 promoters stems from, I believe, an incident  
8 about two years ago.

9 MS. BEYENE: Yes, sir.

10 MEMBER ALBERTI: Is that correct?

11 MS. BEYENE: Yes, sir.

12 MEMBER ALBERTI: In which there  
13 was an assault with a deadly weapon. Is that  
14 correct?

15 MS. BEYENE: Yes, outside the  
16 establishment.

17 MEMBER ALBERTI: And there was a  
18 96 hour police closing?

19 MS. BEYENE: 96 hour, yes, sir.

20 MEMBER ALBERTI: Thank you. I  
21 just wanted to clear that up.

22 MS. BEYENE: Yes, sir.

1 MEMBER ALBERTI: Thank you.

2 CHAIRPERSON MILLER: Any  
3 questions?

4 MEMBER RODRIGUEZ: Yes.

5 CHAIRPERSON MILLER: Mr.  
6 Rodriguez, yes?

7 MEMBER RODRIGUEZ: It took eight  
8 months for you to make payment from the time  
9 that it was due, right? It was -- the -- you  
10 agreed to pay 10/24/12. Is that correct,  
11 right? From what the record shows us.

12 CHAIRPERSON MILLER: Okay.

13 MEMBER RODRIGUEZ: On 10/24/12,  
14 the licensee agreed to pay a fine of \$3,000 as  
15 part of the OIC. Right?

16 MS. BEYENE: Yes, sir.

17 MEMBER RODRIGUEZ: This is what my  
18 report says. Right?

19 MS. BEYENE: You are right.

20 MEMBER RODRIGUEZ: Okay. And then  
21 the deadline was 1/24/13. Okay. So from  
22 there on you said that you tried to make

1 payment, right? You were informed that you  
2 were late for your payment, right?

3 MS. BEYENE: Yes, sir.

4 MEMBER RODRIGUEZ: And you tried  
5 to make payment. Did you -- I don't know,  
6 Madam Chair, if it's proper to ask this or  
7 not, but did you have a check already written  
8 for this Board when you said that it was  
9 refused? Didn't you say that you came to pay  
10 the --

11 MS. BEYENE: Yes.

12 MEMBER RODRIGUEZ: -- check,  
13 right?

14 MS. BEYENE: Yes.

15 MEMBER RODRIGUEZ: Did you have a  
16 check made out to -- for the payment of the  
17 fine?

18 MS. BEYENE: Absolutely.

19 MEMBER RODRIGUEZ: Do you have  
20 evidence of that?

21 MS. BEYENE: Yes, I have the  
22 people that I brought the check to, the

1 cashiers. They are aware of that. They  
2 actually told me to contact the Government in  
3 order for me to -- in order for them to take  
4 it.

5 MEMBER RODRIGUEZ: So there is  
6 evidence of a written check that you tried to  
7 make payment?

8 MS. BEYENE: Yes.

9 MEMBER RODRIGUEZ: And then after  
10 that, when you tried to make a payment then,  
11 what date was that?

12 MS. BEYENE: That's the date I can  
13 be able to provide the date, but I don't have  
14 it at this moment right now.

15 MEMBER RODRIGUEZ: Was it August  
16 or July of that year?

17 MS. BEYENE: No, it wasn't long  
18 after the three months. It wasn't long after.

19 MEMBER RODRIGUEZ: Okay. But the  
20 check that you said -- you have actually  
21 evidence because you have the date on that  
22 check, you are telling me, right?

1 MS. BEYENE: Yes.

2 MEMBER RODRIGUEZ: Okay. But you  
3 don't -- do you have a record of that check  
4 somewhere?

5 MS. BEYENE: I probably do because  
6 when you -- when I pay check --

7 MEMBER RODRIGUEZ: Right.

8 MS. BEYENE: -- I can be able to  
9 see it on my account.

10 MEMBER RODRIGUEZ: Right.

11 MS. BEYENE: But I brought the  
12 same check back --

13 MEMBER RODRIGUEZ: Right.

14 MS. BEYENE: -- when they allow me  
15 to pay. So I should have that check for the  
16 first date that I brought the check to.

17 MEMBER RODRIGUEZ: So --

18 MS. BEYENE: I should have it. I  
19 should have the evidence.

20 MEMBER RODRIGUEZ: -- we are  
21 looking at about eight months time by the time  
22 that you -- that the fine was due to the time

1 that you actually paid, made payment. Now you  
2 made payment on August 23rd, right? It's  
3 about eight months.

4 MS. BEYENE: Seven.

5 MEMBER RODRIGUEZ: Seven months?

6 Okay. Seven months. All right. So in the  
7 interim, why did it take so long for you to  
8 make payment on this fine, so that you would  
9 be in good standing with this Board?

10 MS. BEYENE: Number one, I was not  
11 -- until I brought the check to the office and  
12 they said we cannot take it --

13 MEMBER RODRIGUEZ: Right.

14 MS. BEYENE: -- I was not aware of  
15 the time limit when I can pay the check.

16 MEMBER RODRIGUEZ: And when you --  
17 okay. When you have -- when you purchase  
18 something or when you have a client for your  
19 business --

20 MS. BEYENE: Um-hum.

21 MEMBER RODRIGUEZ: -- and you  
22 don't pay in eight months, what happens?

1 Aren't you aware of that if a certain time  
2 lapses, that if you don't pay, that there are  
3 some consequences on that?

4 MS. BEYENE: Yes, sir.

5 MEMBER RODRIGUEZ: Did you not  
6 take this seriously that --

7 MS. BEYENE: No, I do take it  
8 seriously. I had a couple of fines before  
9 that and I paid. I paid -- the minute the  
10 Board ordered, I paid it --

11 MEMBER RODRIGUEZ: Right.

12 MS. BEYENE: -- because I was  
13 financially okay. The first, I believe, two  
14 fine I paid it right after the Board ordered  
15 it.

16 MEMBER RODRIGUEZ: Did you contact  
17 this Board in any other -- at any other time  
18 in the interim to let us know what your  
19 financial difficulty was?

20 MS. BEYENE: Absolutely. I  
21 submit --

22 MEMBER RODRIGUEZ: In writing?

1 MS. BEYENE: I submit a letter. I  
2 submit a document.

3 MEMBER RODRIGUEZ: They did come  
4 in?

5 CHAIRPERSON MILLER: As she  
6 mentioned before, she submitted a letter with  
7 a new business plan and also explaining the  
8 difficulties that the limitation on promoters  
9 was causing her.

10 MS. BEYENE: Yeah, the loss and  
11 everything.

12 CHAIRPERSON MILLER: Not  
13 necessarily connected to this specific --

14 MEMBER RODRIGUEZ: Right.

15 CHAIRPERSON MILLER: -- OIC though  
16 or fine.

17 MEMBER RODRIGUEZ: Okay. I have  
18 no more questions. Thank you.

19 MS. BEYENE: Yes.

20 MEMBER ALBERTI: Ms. Miller?

21 CHAIRPERSON MILLER: Um-hum, Mr.  
22 Alberti?

1 MEMBER ALBERTI: Yes. Okay. So  
2 you came in and tried to make payment, right?  
3 And they told you to go see the Government?

4 MS. BEYENE: Yes.

5 MEMBER ALBERTI: Meaning who?

6 MS. BEYENE: Ms. --

7 MEMBER ALBERTI: The Government is  
8 a big place.

9 MS. BEYENE: -- Lewis?

10 CHAIRPERSON MILLER: Huh?

11 MEMBER ALBERTI: Who did they  
12 direct you to see?

13 MS. BEYENE: Ms. -- am I right,  
14 Ms. Lewis?

15 MEMBER ALBERTI: Someone from Mr.  
16 Rivero's office?

17 MS. BEYENE: Yes, District --

18 MEMBER ALBERTI: Okay. Someone  
19 from Mr. Rivero's office.

20 MS. BEYENE: Yes.

21 MEMBER ALBERTI: Okay. And how  
22 long after you came here did you contact Mr.

1 Rivero's office?

2 MS. BEYENE: Actually, I called  
3 before I left the office.

4 MEMBER ALBERTI: So you  
5 immediately contacted Mr. Rivero's office?

6 MS. BEYENE: When I left this  
7 office.

8 MEMBER ALBERTI: Okay. Then they  
9 got back to you. How long did it take them to  
10 get back to you?

11 MS. BEYENE: It took a while to  
12 get back to me.

13 MEMBER ALBERTI: What's a while?

14 MS. BEYENE: I wish I can tell you  
15 the exact time.

16 MEMBER ALBERTI: Hours, days,  
17 weeks? How long?

18 MS. BEYENE: Weeks.

19 MEMBER ALBERTI: How many weeks?

20 MS. BEYENE: I'm not sure, but it  
21 took a while. So when I got the approval --

22 MEMBER ALBERTI: Well, wait, wait,

1 wait, wait.

2 MS. BEYENE: Yes, sir.

3 MEMBER ALBERTI: You've got to  
4 give me something.

5 MS. BEYENE: Yes.

6 MEMBER ALBERTI: Was it six  
7 months, nine months?

8 MS. BEYENE: No, no. It's not  
9 that long.

10 MEMBER ALBERTI: A month?

11 MS. BEYENE: Probably.

12 MEMBER ALBERTI: About a month.  
13 Okay. Probably about a month. Okay.

14 MS. BEYENE: Yes, sir.

15 MEMBER ALBERTI: And so then what  
16 happened? Did they tell you to come back in?  
17 Did they tell you to come back in and submit  
18 it again? What did they tell you, at that  
19 point?

20 MS. BEYENE: Yes, they told me  
21 that it's going to be a case because I, you  
22 know, wanted -- you know, I agreed to pay

1 late, there's going to be a case, but I can go  
2 ahead and pay it anyway.

3 MEMBER ALBERTI: Okay. So that's  
4 what prompted you to come back in and pay it?

5 MS. BEYENE: Yes, sir.

6 MEMBER ALBERTI: Okay. So after  
7 that communication with Mr. Rivero's office,  
8 how long did it take you to come back in and  
9 pay?

10 MS. BEYENE: I'm not sure.

11 MEMBER ALBERTI: The second time.

12 MS. BEYENE: I wish I can tell you  
13 the time, but I will be lying.

14 MEMBER ALBERTI: Was it days? Did  
15 you take months to come back in? Well, how  
16 long did it take you to come back in after  
17 talking to Mr. Rivero's office?

18 MS. BEYENE: I brought the same  
19 check.

20 MEMBER ALBERTI: And how long did  
21 it take you to come back in?

22 MS. BEYENE: I can't tell you,

1 sir, exactly how long it took me.

2 MEMBER ALBERTI: Eight months?

3 MS. BEYENE: Sorry.

4 MEMBER ALBERTI: Seven months?

5 MS. BEYENE: No.

6 MEMBER ALBERTI: No?

7 MS. BEYENE: No. It can't be that  
8 long.

9 MEMBER ALBERTI: A week, two  
10 weeks?

11 MS. BEYENE: I wish I can tell  
12 you, sir. I'm not sure of the dates.

13 MEMBER ALBERTI: Well, that says  
14 to me, Ms. Beyene, that you didn't come in  
15 immediately to pay this. That you waited some  
16 time. If you can't remember how long it was,  
17 it says to me that you -- you know, if I do  
18 something in a week, I usually kind of  
19 remember that well, you know, I did it within  
20 that week. But, you know, if it takes months  
21 for me to go, then I don't have --

22 MS. BEYENE: I didn't --

1                   MEMBER ALBERTI:  -- I have a  
2                   problem.  So I'm asking you.

3                   MS. BEYENE:  I know one thing,  
4                   sir.

5                   MEMBER ALBERTI:  Think back, how  
6                   long did it take you to come back in?

7                   MS. BEYENE:  I know one thing.  I  
8                   did not take -- because I use -- I have the  
9                   same check.

10                  MEMBER ALBERTI:  Right.

11                  MS. BEYENE:  I brought the same  
12                  check back, so I didn't -- it didn't take me  
13                  that long to bring it back.

14                  MEMBER ALBERTI:  Okay.  So what  
15                  I'm hearing you is that --

16                  MS. BEYENE:  At that time, I have  
17                  the money.

18                  MEMBER ALBERTI:  -- maybe six to  
19                  eight weeks transpired max by the time -- from  
20                  the time you first attempted until the time  
21                  you paid.  Is that about right?  Maximum?

22                  MS. BEYENE:  (No audible answer.)

1                   MEMBER ALBERTI:  So going back,  
2                   that would have been July 2013 that you would  
3                   have first made the attempt, under those  
4                   assumptions.  Is that correct?

5                   MS. BEYENE:  The only date I can--  
6                   I'm not sure about is the date I came to pay  
7                   the first time.  And when they said no, we  
8                   cannot take the check from you, that date I  
9                   cannot tell you.  However, after I came, after  
10                  I -- after they contact me and allow me to  
11                  pay, I didn't take long.  I came right back  
12                  and paid.

13                  MEMBER ALBERTI:  Okay.  Great.  
14                  Right.  So it only took them a month, so --

15                  MS. BEYENE:  At that time, I have  
16                  the money.

17                  MEMBER ALBERTI:  -- going to that  
18                  time frame, it was after July 1st that you  
19                  first came in, which is at least five months  
20                  after the due date that you first came in to  
21                  try to pay.

22                  MS. BEYENE:  It could be, sir.

1 MEMBER ALBERTI: Okay. Thank you.

2 MS. BEYENE: It could be.

3 MEMBER ALBERTI: Thank you.

4 MEMBER RODRIGUEZ: So five months.

5 MEMBER ALBERTI: Yeah, after the  
6 due date.

7 MEMBER RODRIGUEZ: After the due  
8 date.

9 CHAIRPERSON MILLER: Okay. Are  
10 there other questions? Mr. Rivero, questions  
11 on Board questions?

12 MR. RIVERO: No questions.

13 CHAIRPERSON MILLER: What?  
14 Finished?

15 MR. RIVERO: No questions.

16 CHAIRPERSON MILLER: Okay. So at  
17 this point then, are there any closing  
18 remarks?

19 MR. RIVERO: Yes, there are.

20 CHAIRPERSON MILLER: Okay. When  
21 the Board is ready, Mr. Rivero will have a  
22 closing statement. Mike, he is waiting.

1 Okay. Thank you.

2 MR. RIVERO: Thank you, Board  
3 Members.

4 CHAIRPERSON MILLER: Okay.

5 MR. RIVERO: This is the portion  
6 of the evidentiary hearing we have an  
7 evidentiary hearing. That's a hearing that is  
8 premised on evidence where the Government  
9 makes its closing argument.

10 This is administrative litigation.  
11 This is not litigation in front of the  
12 Superior Court of the District of Columbia.  
13 Therefore, I understand that Members of the  
14 Board don't act exactly like Judges, number  
15 one.

16 And number two, I also understand  
17 that we have unrepresented parties.

18 But in the middle of all that,  
19 some very important concepts are, I believe,  
20 being either muddled or getting completely  
21 lost here.

22 It is the Government's job to

1 prove by a preponderance of the evidence that  
2 what it states in its Show Cause Notice is  
3 true. The preponderance of the evidence is an  
4 evidentiary standard, sort of like beyond a  
5 reasonable doubt and probable cause.

6 What it means, according to case  
7 law, is that it is more likely than not that  
8 what the Government says is true. What the  
9 Government is saying is that the licensee paid  
10 the Board-ordered fine after the Board-  
11 required time period.

12 The Board-required time period was  
13 90 days and the licensee paid after that time  
14 period. How do we know this? Because the  
15 parties stipulated to that fact.

16 CHAIRPERSON MILLER: Right.

17 MR. RIVERO: Once the stipulation  
18 is taken, that means that the party against  
19 whom this proceeding is taking place has  
20 admitted to that fact. From the evidentiary  
21 standpoint, the Board is obligated to rule  
22 that the Government met its evidentiary

1       burden.

2                       Once that threshold is crossed,  
3       the only other question is what the response  
4       this Board will take to the evidence in front  
5       of it. And I want to be clear about that,  
6       because there had been some questions  
7       concerning evidence. There is no check in  
8       evidence before this Board. There is only  
9       testimony that a check was produced.

10                      There has been no testimony to  
11       contradict the licensee's testimony that she  
12       produced a check once, twice, three times,  
13       however many times. So there is evidence that  
14       she -- the evidence is basically the testimony  
15       that a check was presented. The parties have  
16       stipulated that a payment was made, but no  
17       actual check is presented.

18                      Once the parties have agreed that  
19       the violation took place, then what I  
20       understand has taken place here is a series of  
21       questions that have been put to the licensee  
22       to attempt to figure out whether the payment

1 took place on January 25th, 26th, 27th, all the  
2 way up to the actual stipulated date, which is  
3 August 23, 2013.

4 And it is -- the Board, of course  
5 under its own rules, has the right to ask  
6 questions of any witness with respect to the  
7 evidence in front of it.

8 I think where we get into some  
9 troubled waters is where we begin to ask  
10 questions of a witness that begin to look a  
11 little bit like coaching witnesses to put  
12 forth answers.

13 If witnesses are not able to  
14 answer, there is a certain point, I think,  
15 where it becomes inappropriate to continue to  
16 ask questions to attempt to get to a date  
17 where the witness has already testified she is  
18 unable to get to an exact date.

19 And I understand what the purview  
20 and the prerogatives are of this Board in  
21 terms of eliciting evidence. Okay. But at  
22 this point, the witness has testified that the

1 payment took place after January 24th, which  
2 is the legally-relevant date for this Board  
3 for evidentiary purposes, that the payment  
4 took place on August 23rd, which is also  
5 relevant because you would -- I think this  
6 case would be in a different posture if today  
7 the fine had not been paid.

8 I think this would be a different  
9 case --

10 MEMBER SILVERSTEIN: Say that  
11 again?

12 MR. RIVERO: -- that the case had  
13 been paid. Pardon?

14 MEMBER SILVERSTEIN: Please repeat  
15 what you said, today?

16 MR. RIVERO: Sure. I think that  
17 this would be a different case if the date of  
18 this evidentiary hearing the fine would not  
19 have -- would still be outstanding, but you  
20 don't have evidence of that fact. You have  
21 evidence that the fine was paid on August 23,  
22 2013.

1           The witness also testified that  
2 she came at a certain point. She is not clear  
3 when. She was sent to the Government, unclear  
4 really when that happened. These actions took  
5 place. The Government, in the person of me,  
6 has not cross-examined the witness to attempt  
7 to gain say that evidence, so it is  
8 uncontradicted testimony, but this  
9 uncontradicted testimony doesn't alter the  
10 decision that was brought.

11           Only with respect to the question  
12 of punishment do we have any evidence, I  
13 think, evidentiary interest in eliciting this  
14 information.

15           And I understand that the witness  
16 has done what she can to produce that  
17 information, but, again, I would caution the  
18 Board not to go very far to where it looks to  
19 the untrained eye like witnesses are trying --  
20 are being coached. Their evidence is being  
21 elicited in a situation that might place the  
22 witness in an uncomfortable position.

1                   From my point, we are not making  
2                   any recommendations as to a fine, at this  
3                   point. The evidence -- we also do not  
4                   contradict the fact that she had a hard time  
5                   paying, because she didn't have the money. We  
6                   get that.

7                   Our job here is to prove that the  
8                   fine was not paid. We did that. The  
9                   punishment is appropriate. We are not making  
10                  any recommendations. We have relevant  
11                  testimony today that goes to that question,  
12                  which is entirely within your statutory  
13                  purview and I get that.

14                  I just want it to be clear on the  
15                  record about what my thoughts were at this  
16                  proceeding, what the legal issues are that are  
17                  presented to the Board and what the legal  
18                  issues -- or what evidentiary questions should  
19                  or should not be considered by the Board in  
20                  the course of a hearing where witnesses may or  
21                  may not have the evidence that we really would  
22                  like.

1                   Some times we are stuck with the  
2 evidence that we get from the testimony of  
3 witnesses. Thank you very much.

4                   CHAIRPERSON MILLER: Okay. Thank  
5 you. Thank you. Appreciate that. Okay. Do  
6 you have any closing remarks you want to make?

7                   MS. BEYENE: No.

8                   CHAIRPERSON MILLER: Okay. I  
9 think we have heard a lot this morning. Okay.  
10 Then the record is closed in this case. This  
11 is a formality, but I need to ask if you want  
12 to file proposed findings of fact and  
13 conclusions of law or waive your right to do  
14 so?

15                  MR. RIVERO: The Court's -- I  
16 mean, the Board's indulgence.

17                  CHAIRPERSON MILLER: Thank you.  
18 Okay.

19                  MR. RIVERO: Thank you. Back on  
20 the record.

21                  CHAIRPERSON MILLER: Okay. So the  
22 question was would you like to file proposed

1 findings of facts and conclusions of law or  
2 waive your right to do so?

3 MR. RIVERO: The Government  
4 waives.

5 CHAIRPERSON MILLER: You waive  
6 also?

7 MS. BEYENE: (No audible answer.)

8 CHAIRPERSON MILLER: Okay. So  
9 then what is left is I'm going to read the  
10 instructions and have the Board take a vote on  
11 deliberating on this case in closed session.  
12 Okay.

13 As Chairperson of the Alcoholic  
14 Beverage Control Board for the District of  
15 Columbia and in accordance with Section 405 of  
16 the Open Meetings Amendment Act of 2010, I  
17 move that the ABC Board hold a closed meeting  
18 for the purpose of seeking legal advice from  
19 our counsel on Case No. 13-CMP-00104,  
20 Penthouse Nine, per Section 405(b)(4) of the  
21 Open Meetings Amendment Act of 2010, and  
22 deliberating upon this case for the reasons

1 cited in Section 405(b)(13) of the Open  
2 Meetings Amendment Act of 2010.

3 Do I have a second?

4 MEMBER RODRIGUEZ: Second.

5 CHAIRPERSON MILLER: Mr. Rodriguez  
6 has seconded the motion. I'll now take a roll  
7 call vote.

8 Mr. Brooks?

9 MEMBER BROOKS: I agree.

10 CHAIRPERSON MILLER: Mr. Alberti?

11 MEMBER ALBERTI: I agree.

12 CHAIRPERSON MILLER: Mr.

13 Rodriguez?

14 MEMBER RODRIGUEZ: I agree.

15 CHAIRPERSON MILLER: Ms. Miller  
16 agrees.

17 Mr. Silverstein?

18 MEMBER SILVERSTEIN: I agree.

19 CHAIRPERSON MILLER: Mr. Short?

20 MEMBER SHORT: I agree.

21 CHAIRPERSON MILLER: Okay. It

22 appears that the motion has passed by a 6-0-0

1 vote.

2 I hereby give notice that the ABC  
3 Board will hold a closed meeting in the ABC  
4 Board conference room on this case pursuant to  
5 the Open Meetings Amendment Act of 2010 and we  
6 will issue a written order within 90 days.

7 Okay. And you will get that. All  
8 right. Thank you very much.

9 MR. RIVERO: Thank you.

10 MEMBER RODRIGUEZ: Thank you.

11 CHAIRPERSON MILLER: Okay. Okay.

12 That concludes our hearings for this morning.  
13 So the Board will recess and come back after  
14 lunch for the agenda and a Protest Hearing  
15 this afternoon. Okay. Thank you.

16 (Whereupon, the Show Cause Hearing  
17 in the above-entitled matter was concluded at  
18 11:48 a.m.)

19

20

21

22

A		B		
<b>\$20,000</b> 11:22	27:6,10,12,15	<b>back</b> 6:6 15:8,12	3:13,18 4:2 7:10	<b>case</b> 1:8 2:4 3:15
<b>\$21,000</b> 10:21 12:1 12:2	28:3,6,11,14,20	21:12 26:9,10,12	8:13,16 9:1,6 10:3	4:10,13 5:1,4 8:13
<b>\$218,000</b> 10:15	29:2,4,6,9,13 30:1	27:16,17 28:4,8	12:7,7 19:8 22:9	9:14 16:22 27:21
<b>\$3,000</b> 4:1,7 18:14	30:5,10,14,18	28:15,16,21 30:5	23:10,14,17 32:11	28:1 34:6 37:6,9
<b>a.m.</b> 2:2 43:18	31:1,13,17 32:1,3	30:6,12,13 31:1	32:21 33:2,14	37:12,17 40:10
<b>ABC</b> 41:17 43:2,3	32:5 42:10,11	31:11 40:19 43:13	34:10,21 35:4,8	41:11,19,22 43:4
<b>Abeba</b> 2:13 5:7	<b>Alcoholic</b> 1:2,13,14 41:13	<b>band</b> 14:7	36:4,20 37:2	<b>cashiers</b> 20:1
<b>able</b> 6:18,20 8:18 8:19 9:3,6,12,18 11:8,17 20:13 21:8 36:13	<b>alleging</b> 3:17	<b>bands</b> 14:6	38:18 39:17,19	<b>cause</b> 1:6 2:16 3:16 6:14 34:2,5 43:16
<b>above-entitled</b> 43:17	<b>allow</b> 6:4,5 21:14 31:10	<b>based</b> 7:5	41:10,14,17 43:3 43:4,13	<b>causing</b> 24:9
<b>ABRA</b> 7:12	<b>allowed</b> 8:14	<b>basic</b> 9:21	<b>Board's</b> 7:22 17:6 40:16	<b>caution</b> 38:17
<b>absent</b> 12:20	<b>alter</b> 38:9	<b>basically</b> 9:5 35:14	<b>Board-ordered</b> 34:10	<b>cede</b> 4:9
<b>Absolutely</b> 19:18 23:20	<b>alternative</b> 14:5	<b>beautify</b> 16:5	<b>Board-required</b> 34:12	<b>certain</b> 23:1 36:14 38:2
<b>account</b> 21:9	<b>amazed</b> 11:16	<b>believe</b> 9:8 17:7 23:13 33:19	<b>borrow</b> 9:19	<b>Chair</b> 19:6
<b>act</b> 33:14 41:16,21 42:2 43:5	<b>Amendment</b> 41:16 41:21 42:2 43:5	<b>Beverage</b> 1:2,13,14 41:14	<b>borrowed</b> 6:19	<b>Chairperson</b> 1:15 1:18 2:3,12,15,21 3:4,8,12 4:11,18 4:21 5:12 6:8 7:3 7:9,18,20 8:4,9 9:20 10:9,19 11:18 12:6,10 14:20 15:1,6 17:2 18:2,5,12 24:5,12 24:15,21 25:10 32:9,13,16,20 33:4 34:16 40:4,8 40:17,21 41:5,8 41:13 42:5,10,12 42:15,19,21 43:11
<b>actions</b> 38:4	<b>amplifiers</b> 16:1	<b>Beyene</b> 2:13,13 4:20 5:7,17 6:10 7:13,19 8:2,6,12 10:8,13,20 12:1,3 12:14,17 13:1,4,8 13:18,22 14:3 15:9,13,17 17:9 17:11,15,19,22 18:16,19 19:3,11 19:14,18,21 20:8 20:12,17 21:1,5,8 21:11,14,18 22:4 22:10,14,20 23:4 23:7,12,20 24:1 24:10,19 25:4,6,9 25:13,17,20 26:2 26:6,11,14,18,20 27:2,5,8,11,14,20 28:5,10,12,18,22 29:3,5,7,11,14,22 30:3,7,11,16,22 31:5,15,22 32:2 40:7 41:7	<b>boss</b> 6:19	7:9,18,20 8:4,9 9:20 10:9,19 11:18 12:6,10 14:20 15:1,6 17:2 18:2,5,12 24:5,12 24:15,21 25:10 32:9,13,16,20 33:4 34:16 40:4,8 40:17,21 41:5,8 41:13 42:5,10,12 42:15,19,21 43:11
<b>actual</b> 3:2 35:17 36:2	<b>ANC-2F</b> 1:7 2:6	<b>big</b> 25:8	<b>bought</b> 10:15 15:21 16:2	<b>change</b> 9:4
<b>address</b> 3:9	<b>answer</b> 30:22 36:14 41:7	<b>bills</b> 11:2	<b>briefly</b> 10:5	<b>changed</b> 9:2
<b>administrative</b> 33:10	<b>answers</b> 36:12	<b>bit</b> 10:6 36:11	<b>bring</b> 9:4,7 11:9,10 12:15,20 14:13,13 30:13	<b>changes</b> 9:1
<b>admitted</b> 34:20	<b>anyway</b> 28:2	<b>block</b> 16:19	<b>broadcast</b> 14:9	<b>check</b> 5:22,22 6:7 6:22 8:8 19:7,12 19:16,22 20:6,20 20:22 21:3,6,12 21:15,16 22:11,15 28:19 30:9,12 31:8 35:7,9,12,15 35:17
<b>advertise</b> 14:14,15	<b>appears</b> 42:22	<b>Board</b> 1:2,14 2:9	<b>Brooks</b> 1:19 11:19 11:20 12:2,4 42:8 42:9	<b>choose</b> 7:6
<b>advice</b> 41:18	<b>Appreciate</b> 40:5		<b>brought</b> 5:21 17:5 19:22 21:11,16 22:11 28:18 30:11 38:10	<b>circumstance</b> 8:10
<b>afternoon</b> 43:15	<b>approval</b> 7:1 26:21		<b>building</b> 1:14 10:14 10:14	<b>cited</b> 42:1
<b>agenda</b> 43:14	<b>argument</b> 9:21 33:9		<b>burden</b> 4:12 35:1	<b>clarification</b> 11:21
<b>ago</b> 17:8	<b>artists</b> 14:8		<b>business</b> 6:13,16 9:2,11,17 10:13 10:15 11:4,14 15:21 16:5 22:19 24:7	<b>clarify</b> 17:5
<b>agree</b> 4:19 6:11 42:9,11,14,18,20	<b>asking</b> 30:2			
<b>agreed</b> 3:22 18:10 18:14 27:22 35:18	<b>aspect</b> 9:3			
<b>agrees</b> 42:16	<b>assault</b> 17:13			
<b>ahead</b> 28:2	<b>assumed</b> 5:9			
<b>Alberti</b> 1:18 17:3,4 17:10,12,17,20 18:1 24:20,22 25:1,5,7,11,15,18 25:21 26:4,8,13 26:16,19,22 27:3	<b>assumptions</b> 31:4			
	<b>attempt</b> 31:3 35:22 36:16 38:6			
	<b>attempted</b> 30:20			
	<b>attorney</b> 5:3			
	<b>attract</b> 11:11 12:16 13:5			
	<b>audible</b> 30:22 41:7			
	<b>August</b> 4:7 20:15 22:2 36:3 37:4,21			
	<b>aware</b> 20:1 22:14 23:1			

<b>clear</b> 12:21 13:14 17:21 35:5 38:2 39:14	<b>contradict</b> 35:11 39:4	<b>difficulties</b> 24:8	<b>exact</b> 7:16 26:15 36:18	21:16 23:13 30:20 31:3,7,19,20
<b>client</b> 22:18	<b>Control</b> 1:2,13,14 41:14	<b>difficulty</b> 23:19	<b>exactly</b> 29:1 33:14	<b>five</b> 16:7,20 31:19 32:4
<b>cliental</b> 11:11 12:16	<b>correct</b> 4:17 17:10 17:14 18:10 31:4	<b>direct</b> 5:16 25:12	<b>EXAMINATION</b> 5:16	<b>flyer</b> 14:16
<b>closed</b> 40:10 41:11 41:17 43:3	<b>cost</b> 10:20	<b>District</b> 1:1 2:10 25:17 33:12 41:14	<b>examined</b> 5:10	<b>follows</b> 5:11
<b>closing</b> 17:18 32:17 32:22 33:9 40:6	<b>counsel</b> 41:19	<b>DJ</b> 14:7	<b>Excuse</b> 10:8	<b>formality</b> 40:11
<b>club</b> 15:8	<b>couple</b> 7:10 16:19 23:8	<b>document</b> 8:22 24:2	<b>expected</b> 13:15	<b>former</b> 6:19
<b>coached</b> 38:20	<b>course</b> 36:4 39:20	<b>DONALD</b> 1:19	<b>expecting</b> 13:10	<b>forth</b> 36:12
<b>coaching</b> 36:11	<b>court</b> 9:14 33:12	<b>doubt</b> 34:5	<b>expensive</b> 10:14	<b>forward</b> 5:2
<b>Code</b> 3:19	<b>Court's</b> 40:15	<b>draw</b> 6:6	<b>explain</b> 8:8 10:5	<b>frame</b> 31:18
<b>Columbia</b> 1:1 2:11 33:12 41:15	<b>CROSS-EXAMI...</b> 12:11	<b>due</b> 18:9 21:22 31:20 32:6,7	<b>explained</b> 6:14	<b>Friday</b> 11:1,2,12 13:11,16,21
<b>come</b> 8:5 14:8,9,11 24:3 27:16,17 28:4,8,15,16,21 29:14 30:6 43:13	<b>cross-examined</b> 38:6	<b>duly</b> 5:9	<b>explaining</b> 9:13 24:7	<b>front</b> 33:11 35:4 36:7
<b>coming</b> 16:9	<b>customers</b> 14:2	<b>E</b>	<b>eye</b> 38:19	<b>further</b> 14:22 15:1
<b>communication</b> 28:7	<b>D</b>	<b>Edition</b> 3:20	<b>F</b>	<b>G</b>
<b>competition</b> 11:5	<b>D</b> 1:5	<b>eight</b> 18:7 21:21 22:3,22 29:2 30:19	<b>fact</b> 9:12 11:15 34:15,20 37:20 39:4 40:12	<b>gain</b> 38:7
<b>complete</b> 6:9	<b>D.C</b> 1:15 11:6	<b>either</b> 33:20	<b>facts</b> 4:16 5:1 41:1	<b>gentleman</b> 16:15 16:16
<b>completely</b> 33:20	<b>date</b> 6:1 7:11,13,16 20:11,12,13,21 21:16 31:5,6,8,20 32:6,8 36:2,16,18 37:2,17	<b>elicited</b> 38:21	<b>factual</b> 2:19 3:10 4:5,8	<b>getting</b> 33:20
<b>Comply</b> 1:9	<b>dated</b> 1:10	<b>eliciting</b> 36:21 38:13	<b>Failed</b> 1:9	<b>give</b> 13:13 27:4 43:2
<b>compromise</b> 1:10 3:22	<b>dates</b> 29:12	<b>endorsement</b> 10:16 10:18	<b>failing</b> 6:13	<b>go</b> 3:2 25:3 28:1 29:21 38:18
<b>concepts</b> 33:19	<b>day</b> 7:15	<b>entertainment</b> 10:16,18 12:19,22 13:3,10,15,19,21	<b>far</b> 16:12 38:18	<b>goes</b> 4:13 39:11
<b>concerning</b> 35:7	<b>days</b> 4:2 5:18 6:1 7:15 8:16 26:16 28:14 34:13 43:6	<b>entirely</b> 39:12	<b>feet</b> 16:17	<b>going</b> 2:4 5:3 10:6 15:8 27:21 28:1 31:1,17 41:9
<b>concluded</b> 43:17	<b>DC</b> 3:19	<b>establishment</b> 8:15 9:3 11:6 13:11 14:17 15:20 16:6 16:18 17:16	<b>Fernando</b> 1:22 2:10	<b>good</b> 2:7,9,12 3:13 22:9
<b>concludes</b> 43:12	<b>deadline</b> 18:21	<b>events</b> 14:5,5	<b>financial</b> 5:19 6:12 8:20 9:22 10:1 23:19	<b>Government</b> 3:16 4:8,12 6:2,5 7:1,8 20:2 25:3,7 33:8 34:8,9,22 38:3,5 41:3
<b>conclusions</b> 40:13 41:1	<b>deadly</b> 17:13	<b>Everybody</b> 11:9	<b>financially</b> 23:13	<b>Government's</b> 33:22
<b>condominium</b> 16:5 16:7,8,11	<b>decision</b> 38:10	<b>evidence</b> 5:5 19:20 20:6,21 21:19 33:8 34:1,3 35:4,7 35:8,13,14 36:7 36:21 37:20,21 38:7,12,20 39:3 39:21 40:2	<b>findings</b> 40:12 41:1	<b>Great</b> 31:13
<b>condominiums</b> 16:20	<b>defense</b> 5:15	<b>establishment</b> 8:15 9:3 11:6 13:11 14:17 15:20 16:6 16:18 17:16	<b>fine</b> 4:1,3,7 5:13,18 6:20 8:1 9:19 14:21 18:14 19:17 21:22 22:8 23:14 24:16 34:10 37:7 37:18,21 39:2,8	<b>guilty</b> 16:10
<b>conference</b> 43:4	<b>deliberating</b> 41:11 41:22	<b>entirely</b> 39:12	<b>finally</b> 7:2	<b>H</b>
<b>connected</b> 24:13	<b>detail</b> 13:14	<b>entirely</b> 39:12	<b>financial</b> 5:19 6:12 8:20 9:22 10:1 23:19	<b>happened</b> 27:16 38:4
<b>consequences</b> 23:3	<b>different</b> 9:4 14:4,6 14:12,16 37:6,8 37:17	<b>entirely</b> 39:12	<b>financially</b> 23:13	<b>happens</b> 22:22
<b>considered</b> 39:19		<b>evidentiary</b> 33:6,7 34:4,20,22 37:3 37:18 38:13 39:18	<b>findings</b> 40:12 41:1	<b>hard</b> 39:4
<b>contact</b> 6:2 20:2 23:16 25:22 31:10			<b>file</b> 40:12,22	
<b>contacted</b> 26:5			<b>finally</b> 7:2	
<b>continue</b> 36:15			<b>financial</b> 5:19 6:12 8:20 9:22 10:1 23:19	
			<b>financially</b> 23:13	
			<b>findings</b> 40:12 41:1	
			<b>fine</b> 4:1,3,7 5:13,18 6:20 8:1 9:19 14:21 18:14 19:17 21:22 22:8 23:14 24:16 34:10 37:7 37:18,21 39:2,8	
			<b>finances</b> 23:8	
			<b>Finished</b> 32:14	
			<b>first</b> 4:13 5:9 7:11	

**hardship** 10:1,1  
**hear** 9:21  
**heard** 40:9  
**hearing** 1:7,14 2:16  
 2:20 3:2 6:15  
 30:15 33:6,7,7  
 37:18 39:20 43:14  
 43:16  
**hearings** 43:12  
**HECTOR** 1:20  
**hire** 8:19  
**history** 15:8  
**hold** 41:17 43:3  
**hour** 17:18,19  
**Hours** 26:16  
**Huh** 25:10

---

**I**


---

**idea** 13:20  
**immediately** 26:5  
 29:15  
**important** 33:19  
**inappropriate**  
 36:15  
**incident** 17:7  
**indicate** 11:21  
**indicating** 3:17  
**indulgence** 40:16  
**information** 15:11  
 38:14,17  
**informed** 19:1  
**infringes** 10:10  
**instructions** 41:10  
**interest** 38:13  
**interim** 22:7 23:18  
**introduce** 2:8  
**issue** 10:10 43:6  
**issued** 3:16  
**issues** 39:16,18

---

**J**


---

**JAMES** 1:20  
**January** 4:4 36:1  
 37:1  
**job** 33:22 39:7  
**Judges** 33:14  
**July** 20:16 31:2,18

---

**K**


---

**kind** 13:10,15,18  
 14:7 29:18  
**knew** 8:2,3  
**know** 2:22 7:11,20  
 8:5,12 9:1,4,21,21  
 10:7 14:10,16  
 19:5 23:18 27:22  
 27:22 29:17,19,20  
 30:3,7 34:14

---

**L**


---

**landlord** 9:14  
**lapses** 23:2  
**late** 6:21 8:11 19:2  
 28:1  
**law** 34:7 40:13 41:1

**lawyer** 8:20  
**left** 26:3,6 41:9  
**legal** 39:16,17  
 41:18  
**legally-relevant**  
 37:2  
**letter** 24:1,6  
**Lewis** 25:9,14  
**license** 1:8 2:6 9:9  
 10:16  
**licensee** 3:17,18,21  
 4:2,6,9 5:8 18:14  
 34:9,13 35:21  
**licensee's** 4:10  
 35:11

**life** 10:12 11:1  
**lifestyle** 14:5  
**lifted** 8:19 9:10  
**limit** 22:15  
**limitation** 24:8  
**litigation** 33:10,11  
**little** 10:6 13:13  
 36:11  
**live** 14:9  
**lives** 16:12,15,17,19  
**LLC** 1:5  
**local** 14:7  
**located** 2:5  
**long** 20:17,18 22:7

25:22 26:9,17  
 27:9 28:8,16,20  
 29:1,8,16 30:6,13  
 31:11

**look** 36:10  
**looking** 15:7 21:21  
**looks** 38:18  
**losing** 6:15 9:16  
**loss** 24:10  
**lost** 15:16 33:21  
**lot** 10:21 11:15  
 40:9

**Lounge** 1:6 2:14  
 3:15  
**lunch** 43:14  
**lying** 28:13

---

**M**


---

**ma'am** 12:5  
**Madam** 19:6  
**making** 39:1,9  
**March** 1:12  
**matter** 1:4 3:1,14  
 43:17  
**matters** 2:17  
**max** 30:19  
**Maximum** 30:21  
**mean** 6:10 13:2,22  
 40:16  
**Meaning** 25:5  
**means** 34:6,18  
**media** 13:5 14:14  
**meeting** 1:3 41:17  
 43:3  
**Meetings** 41:16,21  
 42:2 43:5  
**Member** 1:18,19,19  
 1:20,20 11:20  
 12:2,4 15:4,7,10  
 15:14 17:1,4,10  
 17:12,17,20 18:1  
 18:4,7,13,17,20  
 19:4,12,15,19  
 20:5,9,15,19 21:2  
 21:7,10,13,17,20  
 22:5,13,16,21

23:5,11,16,22  
 24:3,14,17,20  
 25:1,5,7,11,15,18  
 25:21 26:4,8,13  
 26:16,19,22 27:3  
 27:6,10,12,15  
 28:3,6,11,14,20  
 29:2,4,6,9,13 30:1  
 30:5,10,14,18  
 31:1,13,17 32:1,3  
 32:4,5,7 37:10,14  
 42:4,9,11,14,18  
 42:20 43:10

**Members** 2:10 3:14  
 7:10 8:13 33:3,13

**mentioned** 24:6  
**met** 1:14 34:22  
**middle** 6:15 9:16  
 33:18  
**Mike** 1:19 32:22  
**Miller** 1:15,18 2:3  
 2:12,15,21 3:4,8  
 3:12 4:11,18,21  
 5:12 6:8 7:3,9,18  
 7:20 8:4,9 9:20  
 10:9,19 11:18  
 12:6,10 14:20  
 15:1,6 17:2 18:2,5  
 18:12 24:5,12,15  
 24:20,21 25:10  
 32:9,13,16,20  
 33:4 34:16 40:4,8  
 40:17,21 41:5,8  
 42:5,10,12,15,15  
 42:19,21 43:11

**Mimi** 1:5  
**mind** 12:19  
**minute** 23:9  
**moment** 20:14  
**money** 5:20,21 6:19  
 9:19 10:21 30:17  
 31:16 39:5  
**month** 10:22 12:2  
 27:10,12,13 31:14  
**monthly** 11:22  
**months** 18:8 20:18

21:21 22:3,5,6,22  
 27:7,7 28:15 29:2  
 29:4,20 31:19  
 32:4

**morning** 2:7,9,12  
 3:13 40:9 43:12  
**motion** 42:6,22  
**move** 41:17  
**muddled** 33:20

---

**N**


---

**N.W** 1:15 2:6  
**necessarily** 24:13  
**need** 40:11  
**never** 8:2,3,19 9:9  
 16:10,21  
**new** 24:7  
**NICK** 1:18  
**night** 10:12 11:1,12  
 13:16  
**nightclub** 15:22  
**nightlife** 11:10  
**nine** 1:6 2:5 27:7  
 41:20  
**noise** 15:15,17,18  
 15:18,19 16:8,9  
 16:21  
**notice** 3:16 34:2  
 43:2  
**number** 22:10  
 33:14,16  
**NW** 1:7

---

**O**


---

**OAG** 1:22  
**obligated** 34:21  
**October** 1:11 3:21  
**offer** 1:10 3:22  
**office** 7:14 22:11  
 25:16,19 26:1,3,5  
 26:7 28:7,17  
**Official** 3:19  
**Oh** 10:13  
**OIC** 18:15 24:15  
**okay** 2:3,15,21 3:4  
 3:8,12 4:11,18,21  
 5:5,12 6:8 7:3,9

7:18 8:9 9:20 10:19 11:18 12:4 12:6,10 14:20 15:3,6 17:2 18:12 18:20,21 20:19 21:2 22:6,17 23:13 24:17 25:1 25:18,21 26:8 27:13,13 28:3,6 30:14 31:13 32:1 32:9,16,20 33:1,4 36:21 40:4,5,8,9 40:18,21 41:8,12 42:21 43:7,11,11 43:15 <b>once</b> 34:17 35:2,12 35:18 <b>open</b> 11:16 41:16 41:21 42:1 43:5 <b>operating</b> 10:3 <b>opportunity</b> 7:4 <b>opposed</b> 10:11 <b>order</b> 3:18 4:2 6:2 7:1,22 8:16 9:7,8 10:4 17:6 20:3,3 43:6 <b>ordered</b> 23:10,14 <b>outlined</b> 7:22 <b>outside</b> 17:15 <b>outstanding</b> 15:19 16:16 37:19 <b>owner</b> 2:14 16:4	<b>pass</b> 14:16 <b>passed</b> 6:1 42:22 <b>pay</b> 3:22 4:3 5:18 6:11,18,20,20 7:21 9:15,18,19 9:22 18:10,14 19:9 21:6,15 22:15,22 23:2 27:22 28:2,4,9 29:15 31:6,11,21 <b>paying</b> 8:11 39:5 <b>payment</b> 5:19,21 6:3,6,17 7:2,12 8:7 9:18 18:8 19:1,2,5,16 20:7 20:10 22:1,2,8 25:2 35:16,22 37:1,3 <b>pays</b> 11:2 <b>Penthouse</b> 1:6 2:5 41:20 <b>people</b> 11:8,10,15 13:5 14:10,13 16:12 19:22 <b>perform</b> 14:8 <b>period</b> 7:21 34:11 34:12,14 <b>person</b> 38:5 <b>picture</b> 12:21 <b>place</b> 10:12 11:16 14:4 16:4 25:8 34:19 35:19,20 36:1 37:1,4 38:5 38:21 <b>plan</b> 24:7 <b>Please</b> 37:14 <b>point</b> 3:10 27:19 32:17 36:14,22 38:2 39:1,3 <b>police</b> 17:18 <b>portion</b> 33:5 <b>position</b> 38:22 <b>posture</b> 37:6 <b>preliminary</b> 2:17 3:1 <b>premised</b> 33:8	<b>preponderance</b> 34:1,3 <b>prerogatives</b> 36:20 <b>present</b> 1:17,21 3:3 4:5 <b>presented</b> 4:14 35:15,17 39:17 <b>presiding</b> 1:16 <b>previous</b> 16:4 <b>print</b> 14:15 <b>privileges</b> 15:16 <b>probable</b> 34:5 <b>probably</b> 21:5 27:11,13 <b>problem</b> 30:2 <b>proceeding</b> 34:19 39:16 <b>produce</b> 38:16 <b>produced</b> 35:9,12 <b>prohibiting</b> 17:6 <b>promoter</b> 10:10 12:20 <b>promoters</b> 8:15,17 9:7 11:3,7,9 12:13 13:1,4,7,12 14:13 14:18,19 17:7 24:8 <b>promotional</b> 15:11 <b>prompted</b> 28:4 <b>proof</b> 4:13 <b>proper</b> 19:6 <b>proposed</b> 40:12,22 <b>Protest</b> 43:14 <b>prove</b> 34:1 39:7 <b>provide</b> 20:13 <b>punishment</b> 38:12 39:9 <b>purchase</b> 22:17 <b>purpose</b> 41:18 <b>purposes</b> 37:3 <b>pursuant</b> 43:4 <b>purview</b> 36:19 39:13 <b>put</b> 4:16 9:9 14:17 35:21 36:11	<hr/> <b>Q</b> <hr/> <b>qualifies</b> 3:1 <b>question</b> 13:9,13,17 15:3,5 35:3 38:11 39:11 40:22 <b>questions</b> 7:5,8,10 11:19 12:7,7,8 14:22 15:2 17:3 18:3 24:18 32:10 32:10,11,12,15 35:6,21 36:6,10 36:16 39:18 <hr/> <b>R</b> <hr/> <b>radio</b> 14:8,15 <b>read</b> 41:9 <b>ready</b> 2:7 32:21 <b>really</b> 7:16 38:4 39:21 <b>reason</b> 5:18 9:17 15:16 <b>reasonable</b> 34:5 <b>reasons</b> 41:22 <b>recess</b> 43:13 <b>recommendations</b> 39:2,10 <b>record</b> 4:16 16:14 18:11 21:3 39:15 40:10,20 <b>Reeves</b> 1:14 <b>reflected</b> 4:1 <b>refused</b> 5:22 8:7 19:9 <b>related</b> 10:1 <b>relevant</b> 37:5 39:10 <b>remarks</b> 32:18 40:6 <b>remember</b> 9:13 29:16,19 <b>rent</b> 9:16 10:21 11:22 <b>repeat</b> 37:14 <b>report</b> 18:18 <b>represent</b> 4:15 <b>reps</b> 15:11 <b>required</b> 34:11 <b>respect</b> 10:3 36:6	38:11 <b>response</b> 35:3 <b>restaurant</b> 1:6 3:15 9:5 10:11,22 <b>restaurant/lounge</b> 10:17 <b>restriction</b> 9:8 12:13,20 14:3 <b>restrictions</b> 10:2 <b>rests</b> 4:8 5:1 <b>Retailer</b> 1:7 <b>reviewed</b> 9:2 <b>right</b> 3:9 4:22 5:14 6:12,16 13:6 15:2 18:9,11,15,18,19 19:1,2,13 20:14 20:22 21:7,10,13 22:2,6,13 23:11 23:14 24:14 25:2 25:13 30:10,21 31:11,14 34:16 36:5 40:13 41:2 43:8 <b>Rivero</b> 1:22 2:9,10 2:18,22 3:6,9,11 3:13 4:17 7:4,7 12:8,9,12,15,18 13:2,6,9,20 14:2 14:21 32:10,12,15 32:19,21 33:2,5 34:17 37:12,16 40:15,19 41:3 43:9 <b>Rivero's</b> 25:16,19 26:1,5 28:7,17 <b>Rodriguez</b> 1:20 18:4,6,7,13,17,20 19:4,12,15,19 20:5,9,15,19 21:2 21:7,10,13,17,20 22:5,13,16,21 23:5,11,16,22 24:3,14,17 32:4,7 42:4,5,13,14 43:10 <b>roll</b> 42:6
<hr/> <b>P</b> <hr/> <b>P-R-O-C-E-E-D-...</b> 2:1 <b>paid</b> 4:6 22:1 23:9 23:9,10,14 30:21 31:12 34:9,13 37:7,13,21 39:8 <b>Pardon</b> 37:13 <b>part</b> 14:18 18:15 <b>parties</b> 2:19 4:5,15 4:22 33:17 34:15 35:15,18 <b>party</b> 34:18				

**room** 1:14 43:4  
**rule** 34:21  
**rules** 36:5  
**run** 4:3  
**Ruthanne** 1:15,18

---

**S**

---

**Saturday** 11:1,2  
 13:12,16,21  
**saying** 34:9  
**says** 18:18 29:13,17  
 34:8  
**second** 28:11 42:3  
 42:4  
**seconded** 42:6  
**Section** 41:15,20  
 42:1  
**see** 13:15 21:9 25:3  
 25:12  
**seeking** 41:18  
**sent** 38:3  
**series** 35:20  
**seriously** 23:6,8  
**session** 41:11  
**Seven** 22:4,5,6 29:4  
**share** 16:6,11,21  
**Short** 1:20 15:2,4,7  
 15:10,14 17:1  
 42:19,20  
**Show** 1:6 2:16 3:16  
 6:14 34:2 43:16  
**shows** 18:11  
**Silverstein** 1:19  
 37:10,14 42:17,18  
**single** 11:5  
**sir** 17:9,11,19,22  
 18:16 19:3 23:4  
 27:2,14 28:5 29:1  
 29:12 30:4 31:22  
**situation** 5:19 6:12  
 8:20 38:21  
**six** 15:22 27:6  
 30:18  
**social** 13:5 14:14  
**sorry** 7:19 29:3  
**sort** 12:18 34:4

**speakers** 16:1  
**specific** 24:13  
**stand** 5:10  
**standard** 34:4  
**standing** 22:9  
**standpoint** 34:21  
**statement** 32:22  
**states** 34:2  
**station** 14:9  
**statutory** 39:12  
**stay** 5:13  
**stems** 17:7  
**stipulated** 4:15,22  
 34:15 35:16 36:2  
**stipulation** 2:19 3:3  
 3:10 4:6,8 34:17  
**Street** 1:7,15 2:5  
**stuck** 40:1  
**subject** 8:1 17:4  
**submit** 8:22 23:21  
 24:1,2 27:17  
**submitted** 24:6  
**succeed** 9:12  
**successful** 10:11  
**Suite** 1:15  
**Superior** 33:12  
**sure** 26:20 28:10  
 29:12 31:6 37:16  
**swear** 5:3  
**sworn** 5:9

---

**T**

---

**t/a** 1:5  
**table** 5:13  
**take** 5:22 6:22 8:7  
 20:3 22:7,12 23:6  
 23:7 26:9 28:8,15  
 28:16,21 30:6,8  
 30:12 31:8,11  
 35:4 41:10 42:6  
**taken** 34:18 35:20  
**takes** 29:20  
**talking** 28:17  
**tangent** 10:7  
**tell** 14:10 26:14  
 27:16,17,18 28:12

28:22 29:11 31:9  
**telling** 20:22  
**terms** 1:10 13:19  
 36:21  
**testified** 5:10 12:12  
 36:17,22 38:1  
**testimony** 5:5 6:9  
 35:9,10,11,14  
 38:8,9 39:11 40:2  
**Thank** 3:11 7:3  
 11:18 12:4 17:1  
 17:20 18:1 24:18  
 32:1,3 33:1,2 40:3  
 40:4,5,17,19 43:8  
 43:9,10,15  
**thing** 9:5 30:3,7  
**things** 14:12,18  
 15:15  
**think** 30:5 36:8,14  
 37:5,8,16 38:13  
 40:9  
**thoughts** 39:15  
**three** 16:3 20:18  
 35:12  
**threshold** 35:2  
**time** 4:9 6:11 7:21  
 18:8 21:21,21,22  
 22:15 23:1,17  
 26:15 28:11,13  
 29:16 30:16,19,20  
 30:20 31:7,15,18  
 34:11,12,13 39:4  
**times** 35:12,13 40:1  
**today** 4:6 8:14  
 11:16 37:6,15  
 39:11  
**told** 20:2 25:3  
 27:20  
**transpired** 30:19  
**tried** 6:17 7:11  
 18:22 19:4 20:6  
 20:10 25:2  
**troubled** 36:9  
**true** 34:3,8  
**try** 31:21  
**trying** 12:21 38:19

**turn** 5:2  
**twice** 35:12  
**two** 8:17 11:13  
 16:13,18 17:8  
 23:13 29:9 33:16

---

**U**

---

**Um-hum** 13:8 15:9  
 22:20 24:21  
**unable** 36:18  
**unclear** 38:3  
**uncomfortable**  
 38:22  
**uncontradicted**  
 38:8,9  
**understand** 4:12  
 13:6,7,12 33:13  
 33:16 35:20 36:19  
 38:15  
**unrepresented**  
 33:17  
**untrained** 38:19  
**use** 8:14,17,18 9:7  
 13:5 30:8  
**usually** 29:18

---

**V**

---

**violated** 3:18  
**violation** 3:19  
 15:18,19 16:8,9  
 16:22 35:19  
**violations** 15:15,18  
 16:14  
**Vita** 1:5 2:14 3:14  
**vote** 41:10 42:7  
 43:1

---

**W**

---

**wait** 26:22,22 27:1  
 27:1  
**waited** 29:15  
**waiting** 32:22  
**waive** 40:13 41:2,5  
**waives** 41:4  
**wall** 16:11,21  
**walls** 16:6  
**want** 3:2,9 5:4

11:20 17:5 35:5  
 39:14 40:6,11  
**wanted** 17:21 27:22  
**Washington** 1:15  
 11:6  
**wasn't** 13:14 20:17  
 20:18  
**waters** 36:9  
**way** 15:20 16:2,2  
 36:2  
**weapon** 17:13  
**week** 29:9,18,20  
**weeks** 26:17,18,19  
 29:10 30:19  
**went** 5:2  
**wish** 7:15 26:14  
 28:12 29:11  
**witness** 5:8,10 7:8  
 36:6,10,17,22  
 38:1,6,15,22  
**witnesses** 36:11,13  
 38:19 39:20 40:3  
**writing** 23:22  
**written** 19:7 20:6  
 43:6

---

**X**

---



---

**Y**

---

**Yeah** 24:10 32:5  
**year** 20:16  
**years** 8:17 11:13  
 15:22 16:3 17:8

---

**Z**

---



---

**0**

---



---

**1**

---

**1/24/13** 18:21  
**10** 16:17  
**10/24/12** 18:10,13  
**11** 9:8,8  
**11:12** 2:2  
**11:48** 43:18  
**110** 16:17  
**12-CMP-00187**

3:15	<b>86037</b> 1:8 2:6			
<b>12-CMP-00187(...)</b>				
1:8 2:4	<u>9</u>			
<b>13-CMP-00104</b>	<b>90</b> 4:2 5:17 6:1 7:15			
41:19	34:13 43:6			
<b>1318</b> 1:7 2:5	<b>96</b> 17:18,19			
<b>14th</b> 1:14	<b>9th</b> 1:7 2:5			
<b>1st</b> 31:18				
<u>2</u>				
<b>2000</b> 1:14				
<b>20009</b> 1:15				
<b>2001</b> 3:20				
<b>2010</b> 41:16,21 42:2				
43:5				
<b>2011</b> 8:14 9:9 15:8				
<b>2012</b> 1:11 3:21				
<b>2013</b> 4:4,7 31:2				
36:3 37:22				
<b>2014</b> 1:12				
<b>23</b> 4:7 36:3 37:21				
<b>23rd</b> 22:2 37:4				
<b>24</b> 1:11 3:21 4:4				
<b>24th</b> 37:1				
<b>25-826(6)</b> 3:19				
<b>25th</b> 36:1				
<b>26th</b> 36:1				
<b>27th</b> 36:1				
<u>3</u>				
<u>4</u>				
<b>400S</b> 1:15				
<b>405</b> 41:15				
<b>405(b)(13)</b> 42:1				
<b>405(b)(4)</b> 41:20				
<b>45</b> 8:16				
<u>5</u>				
<b>5</b> 1:12				
<u>6</u>				
<b>6-0-0</b> 42:22				
<u>7</u>				
<u>8</u>				