

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

IN THE MATTER OF:

A And A, LLC t/a
Georgia Line Convenience Store Show Cause
5125 Georgia Ave., NW Hearing
Retailer B - ANC-4D
License No. 91196
Case #14-CMP-00460

(Operating After Hours,
Violation of Settlement
Agreement)

April 8, 2015

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
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

ALSO PRESENT:

FERNANDO RIVERO, OAG
DORSHAE DEMBY, ABRA Investigator

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

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

2 10:53 a.m.

3 CHAIRPERSON MILLER: All right. The
4 next case is Case No. 14-CMP-00460, Georgia Line
5 Convenience Store located at 5125 Georgia Avenue,
6 N.W., License No. 91196, in ANC-4D.

7 MR. RIVERO: A brief indulgence,
8 please.

9 CHAIRPERSON MILLER: Mr. Rivero, would
10 you like five minutes or anything?

11 MR. RIVERO: That would be great
12 actually.

13 CHAIRPERSON MILLER: All right. So
14 the Board can take a five minute break as well.

15 (Whereupon, the above-entitled matter
16 went of the record at 10:54 a.m. and resumed at
17 11:05 a.m.)

18 CHAIRPERSON MILLER: Okay. So I
19 believe I called the case before we took that
20 quick recess. So now, I would ask if you all
21 would introduce yourselves for the record? So
22 why don't we start -- well, Mr. Rivero, why don't

1 we start, you are quicker, your side is quicker?

2 MR. RIVERO: Good morning. Fernando
3 Rivero for the District of Columbia.

4 CHAIRPERSON MILLER: All right.

5 MR. FOX: Good morning, Madam Chair
6 and Board. Jameson Fox. William is my first
7 name. I go by Jameson for Georgia Line.

8 CHAIRPERSON MILLER: Okay. I will
9 tell you that the mike is on the table, so you
10 don't have to stand in the future. We hear
11 better if you are sitting.

12 MR. FOX: Okay. William Fox for
13 Georgia Line.

14 CHAIRPERSON MILLER: Okay.

15 MS. TASSEW: Alemtsehay Tassew from
16 Georgia Line.

17 MS. TADESSE: Tigist Tadesse from
18 Georgia Line.

19 CHAIRPERSON MILLER: Okay. Wait a
20 second. So it's William Fox? Are you an
21 attorney?

22 MR. FOX: Yes, I am.

1 CHAIRPERSON MILLER: Okay. And then
2 I'm sorry, could you repeat your name again?

3 MS. TASSEW: Alemtsehay Tassew from
4 Georgia Line.

5 CHAIRPERSON MILLER: Can you spell
6 your last name?

7 MS. TASSEW: T-A-S-S-E-W.

8 CHAIRPERSON MILLER: All right.
9 Tassew?

10 MS. TASSEW: Tassew.

11 CHAIRPERSON MILLER: Tassew?

12 MS. TASSEW: Yes.

13 CHAIRPERSON MILLER: Okay. Are you
14 the owner?

15 MS. TASSEW: Yes.

16 CHAIRPERSON MILLER: All right. And
17 with you?

18 MS. TADESSE: Tigist Tadesse. I am
19 from Georgia Line. She is my aunt and my mother
20 is also the owner.

21 CHAIRPERSON MILLER: She is your aunt.
22 Okay. And you also -- do you work there, too, or

1 you are just -- no.

2 MS. TADESSE: No, I don't work there.

3 CHAIRPERSON MILLER: Okay. And what's
4 your -- can you spell your last name?

5 MS. TADESSE: Yes. T-A-D-E-S-S-E.

6 CHAIRPERSON MILLER: Okay. Okay.

7 This is a Show Cause Hearing. Have you done this
8 before with us?

9 MR. FOX: I'm relatively new to the
10 procedure.

11 CHAIRPERSON MILLER: Okay. So the
12 Government has the burden of proof. We usually
13 start with opening statements, like a regular
14 Court proceeding. You can do an opening
15 statement after him, it's voluntary, or you can
16 wait and do it at the beginning of your case, if
17 you want to, that's all optional.

18 And they go first and you get a chance
19 to cross-examine his witnesses and the Board also
20 gets a chance to ask questions of the witnesses.
21 And then you do your case. It's basically fairly
22 simple that way. We do apply the Rules of

1 Evidence, but pretty broadly, so like if you want
2 a document to be considered by the Board, it
3 needs to be put into evidence.

4 And the other side could object, for
5 instance, if it wasn't relevant or something like
6 that, but we do accept hearsay to a certain
7 extent.

8 So if you have any questions along the
9 way, you can ask me also.

10 MR. FOX: Okay. I will ask --

11 CHAIRPERSON MILLER: Do you have any
12 questions now?

13 MR. FOX: Well, we do have two pieces
14 of evidence, two documentary evidence that we
15 want to submit. We will need to authenticate at
16 least one of them.

17 MEMBER SILVERSTEIN: Sir, I'm going to
18 ask you to speak up.

19 MR. FOX: My apologies.

20 MEMBER SILVERSTEIN: Thank you.

21 MR. FOX: I just wanted to let you
22 know we have two pieces of documentary evidence

1 we have not been able to submit to you yet.

2 CHAIRPERSON MILLER: Okay.

3 MR. FOX: My apologies. One of them
4 we will need to authenticate. I guess we will do
5 that when we --

6 CHAIRPERSON MILLER: Yes.

7 MR. FOX: -- present our case.

8 CHAIRPERSON MILLER: That's fine.

9 Okay. Yes, so when you do your case, then you
10 can present your documents.

11 MR. FOX: Great.

12 CHAIRPERSON MILLER: Okay. Mr.
13 Rivero, are you ready? All right.

14 MR. RIVERO: Good morning, Board
15 Members. We are here today for a Show Cause
16 Hearing in the matter of Georgia Line Convenience
17 Store, License No. 91196. The Show Cause Notice
18 issued in this matter concerns the charges that
19 the licensee permitted the sale of an alcoholic
20 beverage or alcoholic beverages on a Sunday in
21 violation of D.C. Official Code 25-722(a) and
22 also breached its Board-approved settlement

1 agreement by conducting that same sale on a
2 Sunday.

3 It's our belief that by a
4 preponderance of the evidence based on the
5 testimony of our witness, Investigator Dorshae
6 Demby will show that on Sunday, August 10, 2014,
7 the licensee's clerk sold a two-pack of alcoholic
8 beverages to the Investigator.

9 The establishment's license prohibits
10 sales on Sundays, as does its settlement
11 agreement. Thank you.

12 CHAIRPERSON MILLER: Okay. Do you
13 have an opening statement you want to make now?

14 MR. FOX: Yes.

15 CHAIRPERSON MILLER: Okay.

16 MR. FOX: Thank you, Madam Chair and
17 Members of the Board. We believe that there is a
18 simple explanation to this, essentially that
19 there is some kind of paperwork mistake on the
20 part of Investigator Demby. We believe that the
21 documentary evidence will show that there was no
22 -- there is no male clerk that worked on August

1 10th at Georgia Line and that there were no
2 alcohol sales made based on the record of
3 receipts for the sales that date.

4 We will present to you witnesses:
5 Alemtsehay Tassew, who is one of the two owners
6 of Georgia Line, and Tigist Tadesse, who is the
7 daughter of the other owner, and can testify to
8 their daily -- especially their Sunday sales
9 practices. Thank you.

10 CHAIRPERSON MILLER: Okay. Thank you.
11 Okay. Mr. Rivero, whenever you are ready.

12 MR. RIVERO: The Government will call
13 Dorshae Demby to testify, please.

14 CHAIRPERSON MILLER: Good morning.
15 Whereupon,

16 INVESTIGATOR DORSHAE DEMBY
17 was called as a witness by Counsel for the
18 Government, and having been first duly sworn,
19 assumed the witness stand and was examined and
20 testified as follows:

21 INVESTIGATOR DEMBY: I do.

22 CHAIRPERSON MILLER: All right. Thank

1 you.

2 DIRECT EXAMINATION

3 MR. RIVERO: Good morning. Can you,
4 please, state your name for the record?

5 INVESTIGATOR DEMBY: Investigator
6 Dorshae Demby.

7 MR. RIVERO: Spell your last name,
8 please.

9 INVESTIGATOR DEMBY: D, as in David,
10 E, as in Edward, M, as in Mary, B, as in boy, Y.

11 MR. RIVERO: Mr. Demby, what is your
12 occupation?

13 INVESTIGATOR DEMBY: Investigator.

14 MR. RIVERO: And who is your employer?

15 INVESTIGATOR DEMBY: The Alcoholic
16 Beverage Regulation Administration.

17 MR. RIVERO: How long have you worked
18 for the Administration?

19 INVESTIGATOR DEMBY: Since January of
20 2014.

21 MR. RIVERO: Okay. Are you familiar
22 with Georgia Line Convenience Store?

1 INVESTIGATOR DEMBY: Yes, sir.

2 MR. RIVERO: And how are you familiar?

3 INVESTIGATOR DEMBY: How did I become
4 familiar with --

5 MR. RIVERO: Yes.

6 INVESTIGATOR DEMBY: -- the
7 establishment?

8 MR. RIVERO: Yes.

9 INVESTIGATOR DEMBY: I was given an
10 assignment to monitor that establishment for
11 possible Sunday sales.

12 MR. RIVERO: Okay. And what date did
13 you do the monitoring?

14 INVESTIGATOR DEMBY: On August 10,
15 2014.

16 MR. RIVERO: Okay. What day of the
17 week was that?

18 INVESTIGATOR DEMBY: On a Sunday.

19 MR. RIVERO: Okay. When did you
20 arrive at the establishment?

21 INVESTIGATOR DEMBY: I would have to
22 refer to my report for that, sir.

1 MR. RIVERO: Certainly. I have in my
2 possession what is written -- what is labeled as
3 Government Exhibit 1 for identification purposes
4 only, copies of which have been presented to the
5 licensee's counsel.

6 Can you identify that as your report?

7 INVESTIGATOR DEMBY: Yes, sir, this is
8 my investigative report on Georgia Line
9 Convenience Store.

10 (Whereupon, the above-referred to
11 document was marked as Government
12 Exhibit No. 1 for identification.)

13 MR. RIVERO: Could you just take a
14 moment to refresh your recollection.

15 INVESTIGATOR DEMBY: All right.

16 MR. RIVERO: Okay. What time did you
17 arrive at the establishment?

18 INVESTIGATOR DEMBY: At approximately
19 12:05 p.m.

20 MR. RIVERO: Okay. And then when you
21 got there, what did you proceed to do?

22 INVESTIGATOR DEMBY: I monitored the

1 establishment from the exterior inside of my
2 Government vehicle, watching pedestrian foot
3 traffic into the store, seeing if I could see
4 anybody come out of the store with alcoholic
5 beverages in their possession.

6 It was a Sunday. It was light foot
7 traffic that day. If I recall, I believe I seen
8 two patrons leave the store. None of them had
9 alcoholic beverages.

10 MR. RIVERO: Okay.

11 INVESTIGATOR DEMBY: After about 10
12 minutes, I proceeded to enter the establishment.

13 MR. RIVERO: And what did you do when
14 you were inside the establishment?

15 INVESTIGATOR DEMBY: I entered the
16 establishment in an undercover capacity. I
17 walked inside of the store. I walked past the
18 cash register, which was located on my right hand
19 side. I walked along the right hand wall down to
20 the end and retrieved an alcoholic beverage and
21 took it to the cash register for purchase.

22 MR. RIVERO: Okay. And what beverage

1 type did you retrieve?

2 INVESTIGATOR DEMBY: It was a
3 Strawberita beer.

4 MR. RIVERO: Is that an alcoholic
5 beverage?

6 INVESTIGATOR DEMBY: Yes, sir.

7 MR. RIVERO: Okay. And after you
8 retrieved the beverage, what did you do next?

9 INVESTIGATOR DEMBY: After I retrieved
10 the -- after I paid for it, I went back to my
11 car.

12 MR. RIVERO: One moment. I want to
13 back you up.

14 INVESTIGATOR DEMBY: Okay.

15 MR. RIVERO: You retrieved the
16 beverage from a cooler?

17 INVESTIGATOR DEMBY: Yes, sir.

18 MR. RIVERO: Okay. What did you do
19 after you retrieved it from the cooler?

20 INVESTIGATOR DEMBY: I took -- I went
21 to the cash register.

22 MR. RIVERO: Okay. And when you got

1 to the cash register, what happened next?

2 INVESTIGATOR DEMBY: There were two
3 male gentlemen behind the counter.

4 MR. RIVERO: Two male gentlemen?

5 INVESTIGATOR DEMBY: Two male
6 gentlemen behind the counter.

7 MR. RIVERO: Okay.

8 INVESTIGATOR DEMBY: One of the male
9 gentlemen took my alcoholic beverage, placed it
10 in a black plastic bag, charged me for the
11 beverage.

12 MR. RIVERO: How much were you
13 charged?

14 INVESTIGATOR DEMBY: I believe it was
15 \$5.49.

16 MR. RIVERO: Okay. How did you pay
17 for it?

18 INVESTIGATOR DEMBY: With cash.

19 MR. RIVERO: And do you recall exactly
20 how?

21 INVESTIGATOR DEMBY: The denomination?
22 I'm going to have to refer to my report.

1 MR. RIVERO: Okay. Take a minute to
2 refresh your recollection. And when you are
3 ready just let me know.

4 INVESTIGATOR DEMBY: I'm ready.

5 MR. RIVERO: You can go ahead and
6 answer the question.

7 INVESTIGATOR DEMBY: With a 10-dollar
8 bill.

9 MR. RIVERO: Were you given change?

10 INVESTIGATOR DEMBY: Yes, sir.

11 MR. RIVERO: Okay. What happened
12 after you were given change?

13 INVESTIGATOR DEMBY: I exited the
14 establishment.

15 MR. RIVERO: Okay. You exited the
16 establishment with or without the beverage?

17 INVESTIGATOR DEMBY: With the beverage
18 in my possession.

19 MR. RIVERO: Okay. And after you
20 exited the establishment with the beverage in
21 your possession, what did you do next?

22 INVESTIGATOR DEMBY: I went back to my

1 vehicle, returned to ABRA and followed the
2 protocol for storing evidence until this moment
3 here.

4 MR. RIVERO: Okay. Now, you indicated
5 that there were two male clerks --

6 INVESTIGATOR DEMBY: Yes, sir.

7 MR. RIVERO: -- behind the counter?

8 INVESTIGATOR DEMBY: Yes, sir.

9 MR. RIVERO: Okay. Did you have any
10 conversations with them?

11 INVESTIGATOR DEMBY: No, sir.

12 MR. RIVERO: All right. And do you
13 recall their appearance?

14 INVESTIGATOR DEMBY: Vaguely.

15 MR. RIVERO: Okay. What is it that
16 you recall?

17 INVESTIGATOR DEMBY: I recall that
18 there were two male individuals. One of the
19 individuals -- I sent an email -- can I back up?
20 When I came back to the Agency, I sent an email
21 in the form of an After-Action Report to my chief
22 and I outlined what took place at the

1 establishment.

2 In that email, I described the two
3 male gentlemen and what they were wearing, but
4 one of the male gentlemen, I believe, was wearing
5 a cotton T-shirt. They both seemed to be darker
6 complected. I wouldn't call them African-
7 Americans, but I would just say that they were
8 darker complected.

9 There was nothing, you know, extra
10 outside of the ordinary that would make me pay
11 attention to them other than that.

12 MR. RIVERO: Okay. All right. Thank
13 you. No further questions of the witness, at
14 this time.

15 CHAIRPERSON MILLER: Okay. Do you
16 have questions, cross-exam?

17 MR. FOX: Yes, I would like to ask.

18 CROSS-EXAMINATION

19 MR. FOX: Thank you for coming,
20 Investigator Demby. I would like to know since
21 January 2014 when you started doing this, how
22 many investigations of stores have you performed?

1 INVESTIGATOR DEMBY: Several, sir. I
2 don't have an exact number for you.

3 MR. FOX: Would it be tens, would it
4 be in the hundreds?

5 INVESTIGATOR DEMBY: I would say it's
6 in the 10s.

7 MR. FOX: Okay. On a weekly basis, is
8 it -- or on a monthly basis, is it one or two per
9 month?

10 INVESTIGATOR DEMBY: On a monthly
11 basis?

12 MR. FOX: Yes.

13 INVESTIGATOR DEMBY: It depends on
14 what the Agency needs, sir.

15 MR. FOX: Okay.

16 INVESTIGATOR DEMBY: It could be 10 in
17 one month and one the next.

18 MR. FOX: Okay. In August, do you
19 remember how many investigations you performed?

20 INVESTIGATOR DEMBY: I do not.

21 MR. FOX: Was it -- was this the only
22 one in August or --

1 INVESTIGATOR DEMBY: No, sir, it was
2 not.

3 MR. FOX: Okay. Were there five
4 others in August?

5 INVESTIGATOR DEMBY: I couldn't give
6 you an exact number, sir.

7 MR. FOX: Okay. Thank you. When you
8 purchased the Strawberita, did you ask for a
9 receipt?

10 INVESTIGATOR DEMBY: No, sir, I did
11 not.

12 MR. FOX: Did they provide you a
13 receipt?

14 INVESTIGATOR DEMBY: No, sir, they did
15 not.

16 MR. FOX: Okay. I believe that's all
17 the questions I have. Thank you.

18 CHAIRPERSON MILLER: Okay. Any Board
19 questions? Mr. Short?

20 MEMBER SHORT: Good morning,
21 Investigator Demby.

22 INVESTIGATOR DEMBY: Good morning,

1 sir.

2 MEMBER SHORT: On the date that you
3 went to this establishment, you were sent there
4 or requested to go there by ABRA Board. Is that
5 correct?

6 INVESTIGATOR DEMBY: Yes, sir.

7 MEMBER SHORT: And you found that
8 there were illegal sales going on?

9 INVESTIGATOR DEMBY: Yes, sir.

10 MEMBER SHORT: Do you have any reason
11 to testify --

12 INVESTIGATOR DEMBY: No, sir.

13 MEMBER SHORT: -- to this other than
14 you were just doing your job?

15 INVESTIGATOR DEMBY: No, sir.

16 MEMBER SHORT: All right. Thank you
17 very much. That's all I have, Madam Chair.

18 CHAIRPERSON MILLER: Okay. Others?
19 Okay. Thank you. Oh, I'm sorry, Board
20 questions? You are allowed to ask questions
21 based on any Board questions that were asked. Do
22 you have any?

1 MR. RIVERO: Actually, I can ask --

2 CHAIRPERSON MILLER: You can ask, too.

3 MR. RIVERO: -- on redirect.

4 CHAIRPERSON MILLER: You can have
5 redirect, too.

6 MR. RIVERO: Thank you.

7 CHAIRPERSON MILLER: Yes, that's aside
8 from questions on Board questions. All right.
9 Redirect?

10 MR. RIVERO: Thank you.

11 REDIRECT EXAMINATION

12 MR. RIVERO: You testified that there
13 were male clerks, right?

14 INVESTIGATOR DEMBY: Yes, sir.

15 MR. RIVERO: Okay. They are
16 documented in your report? Is there
17 documentation in the report?

18 INVESTIGATOR DEMBY: Yes, sir.

19 MR. RIVERO: Okay. You have
20 identified this as your report. Is that correct?

21 INVESTIGATOR DEMBY: Yes, sir.

22 MR. RIVERO: Okay. Make sure that it

1 is a complete report with attachments.

2 INVESTIGATOR DEMBY: Yes, sir.

3 MR. RIVERO: Okay. The Government
4 would move the Investigator's report into
5 evidence, at this time.

6 CHAIRPERSON MILLER: Okay.

7 MR. FOX: No objection.

8 CHAIRPERSON MILLER: Okay.

9 MR. RIVERO: Okay.

10 CHAIRPERSON MILLER: So that will be
11 Government's Exhibit No. 1. It's always in
12 evidence anyway.

13 (Whereupon, the above-referred to
14 document marked as Government Exhibit
15 No. 1 was received into evidence.)

16 CHAIRPERSON MILLER: But did you say
17 that in the report he described the clerks?

18 MR. RIVERO: He mentions the clerks.

19 CHAIRPERSON MILLER: In the
20 investigative report?

21 MR. RIVERO: Yes.

22 CHAIRPERSON MILLER: Okay. Okay.

1 MR. RIVERO: I have the document.

2 CHAIRPERSON MILLER: Okay. Thank you.

3 MR. RIVERO: Oh, one more question.

4 Your report includes a photograph.

5 INVESTIGATOR DEMBY: Yes, sir.

6 MR. RIVERO: I hold it up right now,

7 so that you can see. The record will reflect

8 that I'm showing a photograph of two containers.

9 Can you identify that photograph?

10 INVESTIGATOR DEMBY: It's the
11 alcoholic beverages that I purchased from Georgia
12 Line Convenience Store.

13 MR. RIVERO: And who took this
14 photograph?

15 INVESTIGATOR DEMBY: I did.

16 MR. RIVERO: Okay. And when did you
17 take it?

18 INVESTIGATOR DEMBY: On August 10,
19 2014.

20 MR. RIVERO: Okay. Thank you. No
21 further questions.

22 CHAIRPERSON MILLER: And that's

1 attached to the --

2 MR. RIVERO: It is an exhibit --

3 CHAIRPERSON MILLER: -- investigative
4 report?

5 MR. RIVERO: -- to the Government's
6 Exhibit 1.

7 CHAIRPERSON MILLER: Right.

8 MR. RIVERO: It's an exhibit to the
9 report.

10 CHAIRPERSON MILLER: Right. Okay. I
11 want to ask a question actually, because I'm
12 looking through the report to find where you
13 describe the male clerks.

14 INVESTIGATOR DEMBY: No, ma'am, in the
15 report it states that it's an unknown male clerk.
16 What I described to Mr. Fernando was that I sent
17 an After-Action to my chief when I came back to
18 the office which described the male clerks in
19 detail, the two male clerks located behind the
20 counter.

21 CHAIRPERSON MILLER: Okay. That's not
22 attached as an exhibit or anything?

1 INVESTIGATOR DEMBY: No, ma'am.

2 CHAIRPERSON MILLER: Okay. And also,
3 I just wanted to follow-up, I thought I heard you
4 say that there were two male clerks.

5 INVESTIGATOR DEMBY: That's correct.

6 CHAIRPERSON MILLER: Did you say that
7 in your report?

8 INVESTIGATOR DEMBY: I only mentioned
9 the male clerk that processed the transaction.
10 He was the one that was relevant to my case.

11 CHAIRPERSON MILLER: Okay. Thank you.
12 All right. Any questions based on my questions?
13 Okay. Thank you.

14 INVESTIGATOR DEMBY: Thank you.
15 (Whereupon, the witness was excused.)

16 MR. RIVERO: The Government has no
17 further witnesses.

18 CHAIRPERSON MILLER: Okay. Are you
19 ready for witnesses?

20 MR. FOX: Yes.

21 CHAIRPERSON MILLER: All right.

22 MR. FOX: Madam Chair, would you like

1 me to start with the documentary evidence or with
2 the witnesses?

3 CHAIRPERSON MILLER: It's up to you.
4 However, it would logically work.

5 MR. FOX: I think it would be good for
6 me to submit this to you. We will have to -- one
7 is an original receipt that I would like to pass
8 around to you and then make a copy of it for your
9 records later, if that's a correct procedure.

10 CHAIRPERSON MILLER: Okay. Have you
11 shown Mr. Rivero what you are about to show us?

12 MR. FOX: Yes.

13 MR. RIVERO: Yes, the Government
14 doesn't have any objection to the Board
15 considering the tax filing. It's a business
16 record. There is no issue with that.

17 I think that we would need to hear
18 some authentication about this receipt that is
19 being mentioned.

20 CHAIRPERSON MILLER: Okay. The
21 receipt is the second document? The first --

22 MR. RIVERO: Yes.

1 CHAIRPERSON MILLER: -- is a tax
2 document and you will explain how it is relevant,
3 I'm sure.

4 MR. FOX: Yes.

5 CHAIRPERSON MILLER: Okay.

6 MR. FOX: Exactly.

7 CHAIRPERSON MILLER: So he has seen
8 it. So now what you want the Board to see, and I
9 would have to see it to rule on it, especially,
10 is what else? Do you need it to show your
11 witness as well?

12 MR. FOX: Perhaps what we can do is
13 first authenticate the second document. And then
14 I will pass that both of the documents onto you,
15 both the tax record and the receipt.

16 CHAIRPERSON MILLER: Okay. He is not
17 ready yet.

18 I'm going to swear you in.

19 Whereupon,

20 ALEMTSEHAY TASSEW

21 was called as a witness by Counsel for the
22 Applicant, and having been first duly sworn,

1 assumed the witness stand and was examined and
2 testified as follows:

3 MS. TASSEW: Yes.

4 CHAIRPERSON MILLER: Okay. Thanks.

5 DIRECT EXAMINATION

6 MR. FOX: Okay. Ms. Tassew, in your
7 hand you have a receipt. When is it dated?

8 MS. TASSEW: August 10, 2014.

9 MR. FOX: Okay. And how did you --

10 CHAIRPERSON MILLER: Could she speak
11 up, so we can catch it?

12 MEMBER SILVERSTEIN: Please, speak up.
13 Move closer to the mike so we can hear you.

14 MS. TASSEW: August 10, 2014.

15 MR. FOX: And how did that come to --

16 CHAIRPERSON MILLER: No. I'm sorry,
17 could you repeat that? August what?

18 MS. TASSEW: August 10, 2014.

19 CHAIRPERSON MILLER: August 10, 2014?

20 MS. TASSEW: Yes.

21 CHAIRPERSON MILLER: Okay.

22 MR. RIVERO: May I just ask that the

1 witness' name be clearly established on the
2 record, please?

3 CHAIRPERSON MILLER: Oh, yes. Do you
4 want to ask her her name again?

5 MR. FOX: Yes.

6 MR. RIVERO: And some foundation as to
7 why she is testifying.

8 MR. FOX: Okay.

9 MS. TASSEW: My name is Alemtsehay
10 Tassew. I'm from Georgia Line Convenience Store.

11 MR. FOX: And are you one of the
12 owners of Georgia Line?

13 MS. TASSEW: Yes.

14 MR. FOX: Okay. And the document that
15 is in your hand, how did it come into your
16 possession? Where did you get this document?

17 MS. TASSEW: I have in my record.

18 MR. FOX: In your record?

19 MS. TASSEW: Yes.

20 MR. FOX: And how does it relate to
21 Georgia Line? Is it from Georgia Line Store's --

22 MS. TASSEW: Yes.

1 MR. FOX: -- cash register?

2 MS. TASSEW: Yes.

3 MR. FOX: Okay. And is it a record of
4 a single transaction?

5 MS. TASSEW: I'm sorry?

6 MR. FOX: Is a record of a single
7 transaction or is it a record of the transactions
8 from the entire day?

9 MS. TASSEW: That's the entire day for
10 August 10.

11 MR. FOX: Okay. At the top underneath
12 the date or near the top you have three
13 categories of purchases that total something like
14 \$535. Is that correct?

15 MS. TASSEW: Yes.

16 MR. FOX: What are those categories
17 labeled?

18 MS. TASSEW: The first, the Department
19 15 is groceries, like food and drinks. And the
20 second one like paper towels, cups, candles and
21 stuff like that. And the third one is like phone
22 card.

1 MR. FOX: Okay.

2 MS. TASSEW: We just separate to do
3 the -- to know the transaction, how much we sell,
4 which individual sell.

5 MR. FOX: Okay. So let's go
6 department by department. Department 15 --

7 MS. TASSEW: Is --

8 MR. FOX: -- what is the total that
9 was sold on that date?

10 MS. TASSEW: \$541.

11 MR. FOX: Okay. Does that department
12 contain alcoholic beverages within --

13 MS. TASSEW: No.

14 MR. FOX: -- that category?

15 MS. TASSEW: No.

16 MR. FOX: Okay. Department 16, what
17 is the total there?

18 MS. TASSEW: \$28.89.

19 MR. FOX: Okay. And does Department
20 16, that category, contain -

21 MS. TASSEW: Right.

22 MR. FOX: -- alcoholic beverages?

1 MS. TASSEW: No.

2 MR. FOX: Okay. And Department 17,
3 you called phone card. What was the total sold
4 for --

5 MS. TASSEW: \$6.

6 MR. FOX: -- that? \$6. And does that
7 contain alcoholic beverages?

8 MS. TASSEW: No.

9 MR. FOX: Okay. If you were to sell
10 an alcoholic beverage, what would the department
11 number be on there?

12 MS. TASSEW: Yes. It should show beer
13 and the other one said wine. We have, but I
14 don't really remember the number. I can call my
15 sister and verify. She can tell me which
16 department it is.

17 MR. FOX: Okay.

18 MS. TASSEW: But it show on the paper
19 said beer and other one is wine, next to the, you
20 know, phone card, I think. But to have -- they
21 have department numbers.

22 MR. FOX: Okay. So but the words beer

1 or wine would show up next to that department?

2 MS. TASSEW: Yes, sure.

3 MR. FOX: Okay. Does, on that
4 receipt, beer or wine show up as one of the
5 departments?

6 MS. TASSEW: Here?

7 MR. FOX: Yes.

8 MS. TASSEW: No.

9 MR. FOX: Okay. All right. I think
10 that's all we need for authentication. We would
11 move to have this submitted into the record.

12 CHAIRPERSON MILLER: Any objection?

13 I need to see it though.

14 MR. RIVERO: No objection.

15 CHAIRPERSON MILLER: I'll take it
16 right here. Okay. You need this back though,
17 right?

18 MR. FOX: Yes.

19 CHAIRPERSON MILLER: Yes. So we would
20 have to make a copy of it.

21 MR. FOX: And we will take it upon
22 ourselves to get copies to you later.

1 CHAIRPERSON MILLER: Okay.

2 MR. FOX: With the Board's permission,
3 I would like to continue interviewing Ms. Tassew.

4 MEMBER SILVERSTEIN: Please, speak up.

5 MR. FOX: My apologies. With the
6 Board's permission, I would like to continue
7 interviewing Ms. Tassew.

8 CHAIRPERSON MILLER: All right. I was
9 just dealing with the logistics of your needing
10 to get this receipt back. Okay. But I didn't
11 rule on its admission, I don't think, so I want
12 to do that before we move on.

13 And there have been no objections, so
14 this receipt will be Licensee's Exhibit No. 1,
15 admitted into evidence.

16 (Whereupon, the above-referred to
17 document was marked as Licensee
18 Exhibit No. 1 for identification and
19 was received into evidence.)

20 CHAIRPERSON MILLER: Okay.

21 MR. FOX: Thank you.

22 CHAIRPERSON MILLER: We are going to

1 have a copy made.

2 MR. FOX: Okay.

3 CHAIRPERSON MILLER: And give this
4 back to you. Okay.

5 MR. FOX: With your permission, I
6 would like to continue asking questions of Ms.
7 Tassew.

8 CHAIRPERSON MILLER: Okay.

9 MR. FOX: Let's start a little bit
10 with your history with Georgia Line. When did
11 you obtain ownership of Georgia Line?

12 MS. TASSEW: Two years.

13 MR. FOX: Two years ago?

14 MS. TASSEW: Yes.

15 MR. FOX: So would it have been in the
16 spring of 2013?

17 MS. TASSEW: It was 2013, February
18 or --

19 MR. FOX: February 2013?

20 MS. TASSEW: -- actually I'm not sure.

21 MR. FOX: And you own it jointly with
22 your sister?

1 MS. TASSEW: Yes.

2 MR. FOX: Is that correct?

3 MS. TASSEW: Yes.

4 MR. FOX: What is your sister's name?

5 MS. TASSEW: Ababa Tassew.

6 MR. FOX: Could you spell that for us?

7 MS. TASSEW: A-B-A-B-A.

8 MR. FOX: Okay.

9 MS. TASSEW: T-A-S-S-E-W.

10 MR. FOX: The same last name as
11 yourself?

12 MS. TASSEW: Same last name.

13 CHAIRPERSON MILLER: Okay.

14 MR. FOX: On a daily basis, who runs
15 your store?

16 MS. TASSEW: Me and my sister.

17 MR. FOX: Okay. Do you have anybody
18 else who helps you out, employees, clerks?

19 MS. TASSEW: No.

20 MR. FOX: Okay. Has that always been
21 the case since you have started or at a certain
22 point have you hired employees?

1 MS. TASSEW: No. Not really busy
2 place, so we can -- she open today and I open
3 tomorrow. Like we open -- if she open early
4 tomorrow and I open tomorrow early, so she can
5 come late. So that's why we work, because it's
6 not really busy, so we cannot hire people.

7 MR. FOX: Okay. Now, do family
8 members or friends assist in the store?

9 MS. TASSEW: No.

10 MR. FOX: Okay. When you and your
11 sister both are busy, for example, both of you
12 don't have time, what do you do? Do you have
13 somebody come in and assist you?

14 MS. TASSEW: No.

15 MR. FOX: Do you close the store?

16 MS. TASSEW: If really busy, we cannot
17 make it with us, we open late or I know one time
18 we close it was Easter, that's our Easter one
19 time we close, that's all.

20 MR. FOX: Okay. Do any -- now, you
21 submitted as an exhibit your tax records. Did
22 you list any payments made to employees or

1 independent contractors on your tax record?

2 MS. TASSEW: No.

3 MR. RIVERO: If I can, sorry to
4 interject. The tax records are not an exhibit.

5 MR. FOX: Oh.

6 CHAIRPERSON MILLER: You mean they
7 haven't been admitted yet?

8 MR. RIVERO: They haven't been
9 admitted as --

10 MR. FOX: Okay.

11 MR. RIVERO: -- an exhibit.

12 MR. FOX: My apologies. I believe I
13 passed them on to you.

14 CHAIRPERSON MILLER: You only brought
15 one copy again?

16 MR. FOX: Yes.

17 CHAIRPERSON MILLER: All right. So
18 you need to take it back to use it.

19 MR. FOX: Okay. I would like to make
20 the initial --

21 CHAIRPERSON MILLER: Okay.

22 MR. FOX: So, Ms. Tassew, what

1 document are you looking at here?

2 MS. TASSEW: This is my tax file
3 paper.

4 MR. FOX: On that first page there is
5 a row where you enter the amount of payments made
6 to employees. Have you listed any payments
7 there?

8 MS. TASSEW: No.

9 MR. FOX: Okay. Have you paid any
10 independent contractors or part-time people that
11 would not show up there?

12 MS. TASSEW: No.

13 MR. FOX: Okay. Do you understand
14 that your voluntary settlement agreement with the
15 Advisory Neighborhood Committee precludes you
16 from making sales on Sunday?

17 MS. TASSEW: I'm sorry?

18 MR. FOX: Do you understand that your
19 agreement means that you are not allowed to sell
20 alcohol on Sunday?

21 MS. TASSEW: Yes.

22 MR. FOX: Okay. Do you abide by that

1 agreement? Do you follow that agreement?

2 MS. TASSEW: Yes.

3 MR. FOX: Okay. I think those are all
4 the questions I have, at this time.

5 CHAIRPERSON MILLER: Okay.

6 CROSS-EXAMINATION

7 MR. RIVERO: Ms. Tassew?

8 MS. TASSEW: Yes.

9 MR. RIVERO: Did I pronounce that
10 correctly?

11 MS. TASSEW: That's right.

12 MR. RIVERO: Good morning.

13 MS. TASSEW: Good morning.

14 MR. RIVERO: Ms. Tassew, you just
15 testified that you don't sell alcoholic beverages
16 on Sundays. Is that correct?

17 MS. TASSEW: We just --

18 MR. RIVERO: You don't sell alcohol --
19 you said -- now, you don't sell alcoholic
20 beverages on Sundays.

21 MS. TASSEW: Yes.

22 MR. RIVERO: That's what you said now?

1 MS. TASSEW: Yes.

2 MR. RIVERO: Okay. What do you do
3 with the alcohol on Sundays? Do you lock it up?

4 MS. TASSEW: We lock with the -- what
5 do you call it?

6 MR. RIVERO: What do you do? Explain.

7 MS. TASSEW: Well, we tie it up with
8 something, the beer section.

9 MR. RIVERO: Describe the beer
10 section. I don't understand what you mean.

11 MS. TASSEW: The fridge where we stock
12 the beer, we locked it.

13 MR. RIVERO: How do you lock it?

14 MS. TASSEW: With a string.

15 MR. RIVERO: You lock it with string?

16 MS. TASSEW: Ropes.

17 MR. RIVERO: With ropes?

18 MS. TASSEW: Yes.

19 MR. RIVERO: So you tie the ropes?

20 MS. TASSEW: Yes.

21 MR. RIVERO: Okay. And you tie the
22 ropes to what?

1 MS. TASSEW: Because they cannot open
2 the fridge.

3 MR. RIVERO: I understand. You tie
4 the ropes to what? You said there is a fridge,
5 right?

6 MS. TASSEW: That have the handle,
7 they cannot open.

8 MR. RIVERO: The handle.

9 MS. TASSEW: Yes. We tie it with
10 that.

11 MR. RIVERO: So you tie a rope to the
12 handle?

13 MS. TASSEW: Yes.

14 MR. RIVERO: Okay. You don't use a
15 lock?

16 MS. TASSEW: No.

17 MR. RIVERO: Just a rope?

18 MS. TASSEW: Yes.

19 MR. RIVERO: Do you sell a lot of
20 different kinds of products?

21 MS. TASSEW: Yes.

22 MR. RIVERO: For example? Tell us

1 what products you sell.

2 MS. TASSEW: All groceries.

3 MR. RIVERO: Groceries?

4 MS. TASSEW: Yes.

5 MR. RIVERO: Do you also sell

6 alcoholic beverages?

7 MS. TASSEW: Sunday?

8 MR. RIVERO: No.

9 MS. TASSEW: On other days?

10 MR. RIVERO: Yes.

11 MS. TASSEW: Sure, yes.

12 MR. RIVERO: Do you sell non-alcoholic

13 beverages?

14 MS. TASSEW: Yes.

15 MR. RIVERO: Okay. And do you order

16 your supplies so that new groceries and beverages

17 come into the store to sell?

18 MS. TASSEW: Yes.

19 MR. RIVERO: Okay. And how do you

20 take the supplies into the store to sell them?

21 MS. TASSEW: We get it from Cash &

22 Carry.

1 MR. RIVERO: From what?

2 MS. TASSEW: Cash & Carry.

3 MR. RIVERO: Okay.

4 MS. TASSEW: Very Best, different
5 companies.

6 MR. RIVERO: And the companies, do
7 they deliver the --

8 MS. TASSEW: Yes.

9 MR. RIVERO: -- products to your
10 store?

11 MS. TASSEW: Yes.

12 MR. RIVERO: Okay. And who puts the
13 products on your store's shelves, so that they
14 can be sold?

15 MS. TASSEW: Me and my sister.

16 MR. RIVERO: Okay. And you don't get
17 any help from anybody else?

18 MS. TASSEW: No.

19 MR. RIVERO: You testified just now
20 that it's only the two of you. So if the day is
21 very busy, you say you are open late. Is what
22 you said.

1 MS. TASSEW: No.

2 MR. RIVERO: That's what you
3 testified.

4 MS. TASSEW: I say today if I open
5 late, she can't come late tomorrow. That's why--
6 the schedule we work.

7 MR. RIVERO: Okay.

8 MS. TASSEW: Because we working long
9 hours, so we don't want to stay to -- in the
10 morning, it's not busy. So we don't have to have
11 two people at the same time.

12 MR. RIVERO: Okay.

13 MS. TASSEW: So if I come today by
14 12:00 or 1:00 and she can come tomorrow like by
15 1:00 or 12:00. So that's what we work. In the
16 morning, it's not busy. We don't need two people
17 to stand over there.

18 MR. RIVERO: When do you close for the
19 day?

20 MS. TASSEW: 10:00.

21 MR. RIVERO: I just need you to
22 explain one more time what did you mean by

1 opening late?

2 MS. TASSEW: No. Like we open 9:00,
3 sometimes 9:30 in the morning.

4 MR. RIVERO: Okay.

5 MS. TASSEW: If I open today at 9:30
6 or 9:00 and my sister she can't like come like
7 1:00, 1:00 p.m., I open today, so she can come
8 1:00. And tomorrow, I can come 1:00 p.m. and she
9 can come -- she open early in the morning.
10 That's what we do.

11 MR. RIVERO: Okay.

12 MS. TASSEW: Yes.

13 MR. RIVERO: The receipt is in
14 evidence and I would like to cross-examine the
15 witness concerning the receipt that is in
16 evidence that she identified.

17 You testified this was a receipt from
18 your store, right?

19 MS. TASSEW: Yes.

20 MR. RIVERO: Okay. Can you tell me
21 where in this receipt there is the name of your
22 store or the address of your store, please?

1 MS. TASSEW: We don't have here. We
2 have on credit card receipts.

3 CHAIRPERSON MILLER: I'm sorry, you
4 need to talk --

5 MS. TASSEW: I'm sorry.

6 CHAIRPERSON MILLER: -- to the mike,
7 yes.

8 MS. TASSEW: We have it in -- it
9 doesn't have it here, but we have it on the
10 credit card receipts. We have the credit card
11 receipts on the file. I have that.

12 MR. RIVERO: All right. So you
13 testified this comes from your --

14 MS. TASSEW: Yes.

15 MR. RIVERO: From where exactly in the
16 store?

17 MS. TASSEW: Yes.

18 MR. RIVERO: What machine produces
19 this?

20 MS. TASSEW: From the cash register
21 machine.

22 MR. RIVERO: The cash register?

1 MS. TASSEW: Yes.

2 MR. RIVERO: Okay. Can you explain
3 what you have to do to produce this? What do you
4 have to do to the cash register to produce this?

5 MS. TASSEW: Meaning?

6 MR. RIVERO: What do you do to the
7 machine to make this come out?

8 MS. TASSEW: Finally nighttime at
9 10:00 at night, we make a report, final report
10 and print out for -- to do the night for the
11 customers.

12 MR. RIVERO: How do you do that on the
13 machine? What do you do to the machine?

14 MS. TASSEW: We have a key.

15 MR. RIVERO: Okay.

16 MS. TASSEW: Yes.

17 MR. RIVERO: You turn a key on the
18 machine?

19 MS. TASSEW: Yes.

20 MR. RIVERO: And then what happens?

21 MS. TASSEW: It come out.

22 MR. RIVERO: This comes out?

1 MS. TASSEW: No, no, no. You push the
2 key on the -- it tell you where to put the paper
3 and you put on that side and you push the point
4 key and you push the cash side, it print out.

5 MR. RIVERO: So you push two buttons
6 and this prints?

7 MS. TASSEW: Yes.

8 MR. RIVERO: No further questions, at
9 this time.

10 CHAIRPERSON MILLER: Okay. Are there
11 Board questions? Yes, Mr. Short?

12 MEMBER SHORT: Good morning, ma'am.

13 MS. TASSEW: Good morning.

14 MEMBER SHORT: On the -- what was the
15 time or is there a time on that receipt of the
16 sale?

17 MS. TASSEW: Yes, 8:30 p.m., closing
18 time.

19 MEMBER SHORT: And that receipt is
20 supposed to be -- it was entered in the test --
21 into evidence for what reason? That was at 8:30
22 at night.

1 MS. TASSEW: I'm sorry?

2 MEMBER SHORT: You said that was at
3 8:30 p.m.?

4 MS. TASSEW: Yes.

5 MEMBER SHORT: What time was the
6 alleged sale made, illegal sale made on Sunday?

7 MR. RIVERO: I would --

8 MS. TASSEW: This is 8:30 p.m. We
9 close like -- because Sundays are slow, we don't
10 sell any beer and wine, so we close 8:30.

11 MEMBER SHORT: I guess the question
12 I'm trying to get to is how does that receipt tie
13 into this alleged illegal sale?

14 MR. RIVERO: I would have to object,
15 unfortunately, to the question, because it's not
16 relevant to the witness' testimony. The witness
17 is not testifying that a sale took place at all.
18 Therefore, that question is properly a question
19 of the Government's witness or --

20 CHAIRPERSON MILLER: Or --

21 MR. RIVERO: -- the evidence that is
22 in the record. The evidence that is in the

1 record is the Investigator's report, which
2 indicates that at, approximately, 12:05 p.m. the
3 sale took place.

4 CHAIRPERSON MILLER: Right.

5 MR. RIVERO: That's Government's
6 Exhibit 1 in evidence, at this time.

7 CHAIRPERSON MILLER: Also, I think
8 it's up to the attorney to tie all the evidence
9 together at the end of the case what it shows.

10 MEMBER SHORT: Okay. Well, can I ask
11 someone why was the receipt produced as evidence?

12 CHAIRPERSON MILLER: Okay. Yes, he
13 offered it --

14 MR. RIVERO: That's --

15 CHAIRPERSON MILLER: -- into evidence
16 and we accepted it, so if you want to explain?

17 MR. FOX: Definitely --

18 MEMBER SHORT: Thank you.

19 CHAIRPERSON MILLER: Okay.

20 MR. FOX: -- Madam Chair.

21 CHAIRPERSON MILLER: Yes.

22 MR. FOX: This receipt is a summary of

1 the sales for that date. So it was produced at
2 8:30 p.m., approximately, closing time on a
3 Sunday, but it contains the totals or at least we
4 are submitting it for the proposition that it
5 contains the totals of the three categories --

6 MEMBER SHORT: All sales for the day?

7 MR. FOX: Yes.

8 MR. RIVERO: This is testimony and I
9 would object to the response to the question,
10 unless the witness also provides the same
11 explanation.

12 CHAIRPERSON MILLER: Well, it's kind
13 of like a proffer. I mean, he asked why is it
14 being submitted and Mr. Fox is saying why. But I
15 understand, but Mr. Rivero is cautioning that
16 that's not evidence. Whatever Mr. Fox says is
17 argument or whatever.

18 MR. RIVERO: If the witness testifies
19 what --

20 CHAIRPERSON MILLER: That's not
21 evidence.

22 MR. RIVERO: -- this thing is, what

1 the receipt is and that is evidence.

2 CHAIRPERSON MILLER: She --

3 MR. RIVERO: The witness testifies.

4 CHAIRPERSON MILLER: -- the witness
5 has to testify to that.

6 MEMBER SHORT: Okay. Well, I just
7 wanted to get some clarification, but I do have
8 more questions.

9 MR. RIVERO: Of the witness?

10 MEMBER SHORT: I would like to -- of
11 the witness. I would like to ask other than your
12 spirits or beer and wine, what other products do
13 you sell out of the refrigerator?

14 MS. TASSEW: Sodas, juices.

15 MEMBER SHORT: Sodas. How many
16 refrigerators do you have in the establishment?

17 MS. TASSEW: I have one cooler, one
18 big cooler.

19 MEMBER SHORT: One big cooler.

20 MS. TASSEW: And one frozen, one is
21 for like milk and meats.

22 MEMBER SHORT: Okay. Now, that's

1 great.

2 MS. TASSEW: One ice cream machine and
3 one ice machine.

4 MEMBER SHORT: How are the alcoholic
5 beverages separate from the milk and soft drinks.

6 MS. TASSEW: The soft drink -- the
7 cooler, the whole cooler and half beer and half
8 juice and water, sodas.

9 MEMBER SHORT: Now, you testified that
10 you take a rope and you tie off the alcoholic
11 beverages.

12 MS. TASSEW: From the alcohol -- this
13 is the alcohol, so that from here to there
14 alcohol, we tie from rope from here to there.
15 And we open the other one.

16 MEMBER SHORT: But it's the same
17 refrigerator?

18 MS. TASSEW: It's the same
19 refrigerator, but they have different doors.

20 MEMBER SHORT: Okay. And you say it
21 was only one person working that day?

22 MS. TASSEW: Me and my sister.

1 MEMBER SHORT: There was two of you
2 working?

3 MS. TASSEW: If it's that time, I will
4 be there or my sister -- both of us will be there
5 by that time. Because early, she may be there or
6 I may be there.

7 MEMBER SHORT: Who would have been in
8 the store operating the cash register when the
9 Investigator came in?

10 MS. TASSEW: Maybe like me or my
11 sister. I don't know. I didn't see him. I
12 don't know.

13 MEMBER SHORT: You were working on the
14 date of this incident?

15 MS. TASSEW: Yes, yes.

16 MEMBER SHORT: What time did you come
17 to work that day?

18 MS. TASSEW: That day? I came in like
19 10:00.

20 MEMBER SHORT: 10:00 a.m.?

21 MS. TASSEW: Yes.

22 MEMBER SHORT: And the Investigator

1 came in at what time?

2 MS. TASSEW: He said 12:00 something.

3 MEMBER SHORT: So were you working at
4 that time or was your sister working?

5 MS. TASSEW: No, both of us working.

6 MEMBER SHORT: You both were working?

7 MS. TASSEW: Yes.

8 MEMBER SHORT: And you both work the
9 cash register?

10 MS. TASSEW: Well, one, if I am cash
11 register, she can be on the lottery machine. So
12 there is two. Lottery machine and cash register.
13 If I am on the cash register, she is going to be
14 on the lottery machine. If I'm on the lottery
15 machine, she is going to be on cash register.

16 MEMBER SHORT: Okay. So you don't
17 know which was which that day?

18 MS. TASSEW: Yes. I don't know.

19 MEMBER SHORT: I think I have one more
20 question, just bear with me. Okay. And since
21 you have had your settlement agreement, you have
22 never sold any alcohol on Sundays?

1 MS. TASSEW: No.

2 MEMBER SHORT: Thank you very much.

3 That's all I have, Madam Chair.

4 CHAIRPERSON MILLER: Okay. Others?

5 Yes, Mr. Brooks?

6 MEMBER BROOKS: Yes. Thank you, Madam
7 Chair. Do you have a glass partition? A glass
8 partition in the store?

9 MS. TASSEW: Glass? Like?

10 MEMBER BROOKS: Cage, glass cage?

11 MS. TASSEW: You mean at the store?

12 MEMBER BROOKS: At the store, yes,
13 ma'am.

14 MS. TASSEW: Yes, like break-proof?
15 Lead-proof?

16 MEMBER BROOKS: Yes.

17 MS. TASSEW: Yes.

18 MEMBER BROOKS: You have that?

19 MS. TASSEW: Yes.

20 MEMBER BROOKS: Okay. And do you have
21 a male employee, besides the two of you working?

22 MS. TASSEW: No.

1 MEMBER BROOKS: You never have?

2 MS. TASSEW: No.

3 MEMBER BROOKS: Okay. Thank you,
4 Madam Chair.

5 CHAIRPERSON MILLER: Okay. Others?
6 So your niece is in this hearing. This is your
7 niece? Your niece?

8 MS. TASSEW: Yes.

9 CHAIRPERSON MILLER: And she helps out
10 in the store?

11 MS. TASSEW: I'm sorry?

12 CHAIRPERSON MILLER: Does she help out
13 in the store?

14 MS. TASSEW: No.

15 CHAIRPERSON MILLER: Oh, okay. Okay.
16 It was your testimony no one helps out, just you
17 and your sister?

18 MS. TASSEW: Yes.

19 CHAIRPERSON MILLER: Okay. Do you
20 recall seeing the Investigator that day?

21 MS. TASSEW: I'm sorry?

22 CHAIRPERSON MILLER: Do you recall

1 seeing an Investigator that day?

2 MS. TASSEW: No.

3 CHAIRPERSON MILLER: The one that was
4 in the hearing room here?

5 MS. TASSEW: No.

6 CHAIRPERSON MILLER: Okay. And can
7 you just explain the rope attaches from the
8 handle on the cooler to what? What's the other
9 end of the rope attaching to?

10 MS. TASSEW: There is a handle also.
11 They have like doors. You can open each door, so
12 we start from here and we tie from here and the
13 other end we tie it, so it cannot open. If they
14 see, that means they know it's -- we don't sell
15 beer. So they say why you don't sell the beer,
16 because they don't know. They think we are not
17 allowed to sell. They don't know what we have in
18 agreement, so the customers are mad because of we
19 don't sell agreement, because they sell like next
20 door liquor store. They sell --

21 CHAIRPERSON MILLER: Okay.

22 MS. TASSEW: -- beer and wine.

1 CHAIRPERSON MILLER: I'm just having
2 trouble visualizing.

3 MS. TASSEW: Sorry.

4 CHAIRPERSON MILLER: I'm having
5 trouble imagining the rope.

6 MS. TASSEW: Oh, sure.

7 CHAIRPERSON MILLER: One end is tied
8 to a handle. Where is the other part tied?

9 MS. TASSEW: Same thing, in the
10 handle, too.

11 CHAIRPERSON MILLER: Handle to handle?

12 MS. TASSEW: Yes.

13 CHAIRPERSON MILLER: And that keeps
14 them from opening?

15 MS. TASSEW: You cannot open it. That
16 means if you see, that means it is closed, you
17 cannot open it.

18 CHAIRPERSON MILLER: How do they
19 normally open? Do they normally open when you
20 pull the doors out or --

21 MS. TASSEW: Pull.

22 CHAIRPERSON MILLER: -- slide or what?

1 MS. TASSEW: Just pull. No, pull out.

2 CHAIRPERSON MILLER: Pull out.

3 MS. TASSEW: Yes.

4 CHAIRPERSON MILLER: Okay. I don't
5 have any other questions. Does anybody else?

6 Questions on Board questions? You are also
7 entitled to redirect.

8 MR. FOX: I think I can just do it on
9 redirect.

10 CHAIRPERSON MILLER: Okay.

11 REDIRECT EXAMINATION

12 MR. FOX: Ms. Tassew, I wanted to get
13 clarification. When you say that when your
14 sister is busy and you are busy, you can open
15 late. Are you talking about delaying the time
16 that you open in the morning?

17 MS. TASSEW: Yes.

18 MR. FOX: Okay. With regards to that
19 receipt, is it your testimony that that receipt
20 shows all the purchases made for that day?

21 MS. TASSEW: Yes.

22 MR. FOX: August 10th?

1 MS. TASSEW: Yes.

2 MR. FOX: Okay. Those are all the
3 questions I have.

4 CHAIRPERSON MILLER: Okay. And did
5 you have any questions on Board questions?

6 MR. FOX: (No audible answer.)

7 CHAIRPERSON MILLER: Okay.

8 MR. RIVERO: I have recross.

9 CHAIRPERSON MILLER: Oh, recross? Do
10 we do that?

11 MR. RIVERO: Well, I do have a
12 question on Board questions.

13 CHAIRPERSON MILLER: All right.

14 MR. RIVERO: If I can do that.

15 CHAIRPERSON MILLER: Okay.

16 RE-CROSS-EXAMINATION

17 MR. RIVERO: You testified in response
18 to a question that on August 10th you were working
19 there at 10:00 a.m., that's what you said in
20 response to a Board question, right? How do you
21 remember that?

22 MS. TASSEW: Because we -- Sunday we

1 open at 10:00.

2 MR. RIVERO: Is that your regular
3 opening time?

4 MS. TASSEW: Yes.

5 MR. RIVERO: How do you remember that
6 both of you were there on that day?

7 MS. TASSEW: Because at --

8 MR. RIVERO: Both you and your sister.

9 MS. TASSEW: -- that time, we were new
10 for a business, so we have to be there.

11 MR. RIVERO: What do you mean by new?

12 MS. TASSEW: Because like for a
13 business, that's the first time we just start the
14 business working. So it's hard for us like one
15 person working there.

16 MR. RIVERO: When did you start the
17 business?

18 MS. TASSEW: 2013.

19 MR. RIVERO: 2013?

20 MS. TASSEW: '13.

21 MR. RIVERO: No further questions.

22 CHAIRPERSON MILLER: Okay. Thank you.

1 (Whereupon, the witness was excused.)

2 CHAIRPERSON MILLER: All right.

3 MR. FOX: Ms. Tassew, please.

4 CHAIRPERSON MILLER: You can have a
5 seat.

6 MS. TASSEW: Okay. Thank you.

7 MR. FOX: Madam Chair and the Board,
8 I would like to present a second witness.

9 CHAIRPERSON MILLER: Okay.

10 MR. FOX: Would you, please, take the
11 stand?

12 CHAIRPERSON MILLER: Good morning.

13 MS. TADESSE: Good morning.

14 Whereupon,

15 TIGIST TADESSE

16 was called as a witness by Counsel for the
17 applicant, and having been first duly sworn,
18 assumed the witness stand and was examined and
19 testified as follows:

20 MS. TADESSE: Yes.

21 CHAIRPERSON MILLER: Okay.

22 DIRECT EXAMINATION

1 MR. FOX: Okay. First off, what is
2 your name?

3 MS. TADESSE: My name is Tigist
4 Tadesse.

5 MR. FOX: Could you spell that for us?

6 MS. TADESSE: Yes. My first name is
7 T-I-G-I-S-T last name T-A-D-E-S-S-E.

8 MR. FOX: Okay. And how old are you?

9 MS. TADESSE: I am 18 years-old.

10 MR. FOX: And what is your
11 relationship to Alemtsehay Tassew?

12 MS. TADESSE: That is my aunt.

13 MR. FOX: And what is your
14 relationship to Ababa Tassew?

15 MS. TADESSE: That is my mother.

16 MR. FOX: Okay. How often do you
17 frequent Georgia Line?

18 MS. TADESSE: I am there on Sundays a
19 couple of times, because I -- my mom and my aunt
20 work 13 hours a day, seven days a week. So
21 because I can't have that time with my mom,
22 sometimes every other Sunday after church service

1 I stop by for a couple of minutes to talk to her
2 and then I go home.

3 MR. FOX: Okay. Do you work at that
4 store?

5 MS. TADESSE: No, sir.

6 MR. FOX: Okay. Do you ever help out
7 with tasks around the store?

8 MS. TADESSE: No, sir.

9 MR. FOX: Have you seen employees
10 besides your mother and your aunt at the store?

11 MS. TADESSE: No, sir.

12 MR. FOX: No female or male clerks
13 besides your aunt or your mother?

14 MS. TADESSE: No, it's just them two,
15 sir.

16 MR. FOX: Okay. Have you ever heard
17 either your aunt or your mother talking about
18 having employees?

19 MS. TADESSE: No, sir.

20 MR. FOX: When you are there on
21 Sundays, have you seen the -- have you seen
22 alcohol sales take place?

1 MS. TADESSE: No, sir. The fridges
2 are tied with a rope and it goes from one end, to
3 clarify your question, they tie it to one end of
4 the fridge which has alcoholic beverages and it
5 goes through the handles all the way across to
6 the end of one end and then it comes together and
7 they tie the end, so it's impossible to kind of
8 open it up, because it closes -- when one is
9 pulled, the closed fridge is kind of putting
10 weight on that one. So it's hard to open up.

11 CHAIRPERSON MILLER: Okay. Thank you.

12 MR. FOX: I think those are all the
13 questions I have, at this time.

14 CHAIRPERSON MILLER: Okay. Cross?

15 MR. RIVERO: Thank you.

16 CROSS-EXAMINATION

17 MR. RIVERO: Good morning.

18 MS. TADESSE: Good morning.

19 MR. RIVERO: Were you at Georgia Line
20 Convenience Store on August 10, 2014?

21 MS. TADESSE: I do not recall.

22 MR. RIVERO: No further questions.

1 CHAIRPERSON MILLER: Okay. Other
2 questions? Okay. Thank you very much.

3 MS. TADESSE: Thank you.

4 (Whereupon, the witness was excused.)

5 CHAIRPERSON MILLER: The defense
6 rests.

7 CHAIRPERSON MILLER: Okay. I don't
8 believe you -- I'm not sure, but I don't think
9 you moved the tax returns into evidence. I don't
10 recall.

11 MR. FOX: I would like to do that at
12 this time then, ma'am.

13 CHAIRPERSON MILLER: Okay. Do you
14 have an objection?

15 MR. RIVERO: No objection.

16 CHAIRPERSON MILLER: All right. But
17 do we have them? Is that something we need to --
18 we're going to have to make a copy of if we are
19 admitting it into evidence.

20 MR. RIVERO: I thought they were
21 provided over here by somebody.

22 MR. FOX: We do have copies.

1 CHAIRPERSON MILLER: I do have a copy.
2 I think so, right? Yes. This is a copy for us
3 or no?

4 MR. FOX: You can keep that.

5 CHAIRPERSON MILLER: Okay.

6 MS. TASSEW: I don't have a copy.
7 That's all right.

8 CHAIRPERSON MILLER: You need a copy.

9 MS. TASSEW: He didn't give to me.

10 CHAIRPERSON MILLER: Okay. So okay,
11 you can make a copy. I'm going to admit it as
12 Licensee's Exhibit No. 2.

13 (Whereupon, the above-referred to
14 document was marked as Licensee
15 Exhibit No. 2 for identification and
16 was received into evidence.)

17 CHAIRPERSON MILLER: And our staff is
18 going to make a copy and give you back the
19 original.

20 MR. FOX: Thank you very much.

21 CHAIRPERSON MILLER: All right. I
22 think we are up to closings.

1 MR. FOX: Is that us first?

2 MR. RIVERO: Yes, the Government.

3 CHAIRPERSON MILLER: No. It's the
4 Government goes first.

5 MR. RIVERO: Well, Board Members, you
6 have two starkly different accounts of what
7 happened on August 10, 2014 and it will be up to
8 this Board to believe one story or the other.

9 For purposes of the evidence that the
10 Government has presented, the Investigator has
11 indicated that he has gone to the store, that he
12 has gone to the location where the beverages were
13 stored. He did not testify they were restrained
14 in any way, obviously, because he picked up the
15 products, the alcoholic beverages.

16 There was an actual sale to
17 individuals that he clear saw. He does remember
18 August 10, 2014 and had he seen the other persons
19 there, the licensees, he would have so testified,
20 but his story was he saw two male clerks. He
21 left after purchasing the products and took a
22 photograph of the products, although that is in

1 evidence, and that is the experience of the
2 Investigator.

3 No evidence has been presented to
4 impugn the credibility of the Investigator
5 whatsoever.

6 As to the evidence that has been
7 presented by the respondent, it seems to me that
8 the tax form is well-intentioned, but not of much
9 use here, because, as a matter of fact, it's okay
10 that you don't pay any employees and we get that,
11 but that doesn't obviate the possibility that
12 someone else could have been helping out that day
13 for no wages.

14 So the tax form only gets you so far
15 and no further.

16 In terms of the receipt that was
17 presented into evidence, there has been no
18 evidence really tying the receipt to the machine,
19 other than the testimony of the licensee. I
20 tried to see if maybe the receipt would have any
21 identifying indicia that it came, in fact, from
22 the establishment, we don't see that. And we

1 also don't have any explanation on how the
2 machine actually works to produce this
3 information.

4 We don't know, there is no testimony
5 as to whether it was working properly or not and,
6 therefore, that's really the most that the
7 Government can say about this particular piece of
8 evidence.

9 We do understand that the licensee has
10 testified that she pressed a couple of buttons
11 and this came out. But how the machine processes
12 the data and it presents itself into that
13 receipt, we don't have into evidence.

14 It will be the Board's decision to
15 credit one story over the other. Thank you.

16 CHAIRPERSON MILLER: Thank you. Go
17 ahead.

18 MR. FOX: Thank you, Madam Chair and
19 the Board. The obvious piece of evidence that
20 would have strengthened Investigator Demby's case
21 is if he had had a receipt of the transaction
22 there. That's not in evidence and that's

1 missing.

2 And as Investigator Demby testified,
3 he has multiple investigations going on and there
4 were multiple investigations that month in
5 August. And it's very possible that wires were
6 crossed.

7 We have presented evidence that
8 Georgia Line does not employ employees
9 whatsoever, whether male or female, and that no
10 male store clerks work at the convenience store.

11 The receipt is essentially
12 automatically -- as testimony was brought in,
13 it's automatically produced by punching two
14 buttons at the end of the day. And as Ms. Tassew
15 has testified, the categories therein show that
16 the missing category is alcohol purchases.

17 As the Government has stated, this is
18 a case of two different sets of testimonies. But
19 we have here a small business owner who is trying
20 the best she can to abide by her -- by the terms
21 of her settlement agreement. And we request that
22 the Board take that into consideration.

1 CHAIRPERSON MILLER: Okay. Thank you.
2 All right. At this point then, I'm going to
3 close the record in this case and ask if the
4 parties want to file proposed findings of facts
5 and conclusions of law or waive their right to do
6 so?

7 MR. RIVERO: The Government waives.

8 MR. FOX: The defense waives.

9 CHAIRPERSON MILLER: Okay. Then the
10 Board will consider the case in closed session
11 and issue an order within 90 days. And the Board
12 is going to take a roll call vote now on
13 deliberating on the case in closed session.

14 As Chairperson of the District of
15 Columbia's Alcoholic Beverage Control Board and
16 in accordance with Section 405 of the Open
17 Meetings Amendment Act of 2010, I move that the
18 ABC Board hold a closed meeting for the purpose
19 of seeking legal advice from our counsel on Case
20 No. 14-CMP-00460, Georgia Line Convenience Store,
21 per Section 405(b)(4) of the Open Meetings
22 Amendment Act of 2010, and deliberating upon this

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

3 Is there a second?

4 MEMBER SILVERSTEIN: Second.

5 CHAIRPERSON MILLER: Mr. Silverstein
6 seconded the motion. I'll now take a roll call
7 vote on the motion before us now that it has been
8 seconded.

9 Mr. Brooks?

10 MEMBER BROOKS: I agree.

11 CHAIRPERSON MILLER: Mr. Rodriguez?

12 MEMBER RODRIGUEZ: I agree.

13 CHAIRPERSON MILLER: Ms. Miller
14 agrees.

15 Mr. Silverstein?

16 MEMBER SILVERSTEIN: I agree.

17 CHAIRPERSON MILLER: Mr. Short?

18 MEMBER SHORT: I agree.

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

21 I hereby give notice that the ABC
22 Board will consider this case in closed meeting

1 in the ABC Board conference room pursuant to the
2 Open Meetings Amendment Act of 2010 and issue an
3 order within 90 days, a written order.

4 Okay. Thank you very much.

5 MR. FOX: Thank you.

6 MR. RIVERO: Thank you.

7 CHAIRPERSON MILLER: Okay.

8 (Whereupon, the Show Cause Hearing in
9 the above-entitled matter was concluded at 12:01
10 p.m.)

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