

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
 :
Arias, Inc., :
t/a My Brother's Place :
237 2nd Street, NW :
Retailer CR :
License No. 71593 : Show Cause
Case No. 12-CMP-00538 : Hearing
ANC 6C :
Failed to Maintain on the :
Premises Three Years of Adequate: :
Books and Records Showing All :
Sales; Failed to Make a Copy of :
Settlement Agreement Immediately: :
Accessible :
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APRIL 17, 2013

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

PRESENT

- RUTHANNE MILLER, Chairperson
- NICK ALBERTI, Member
- DONALD BROOKS, Member
- MIKE SILVERSTEIN, Member
- ALSO PRESENT
- CHRISTINE GEPHARDT, OAG

TYRONE LAWSON, ABRA

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

Closing Statement for the Government. 26

WITNESSES

Tyrone Lawson6

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

5:01 p.m.

CHAIRPERSON MILLER: All right.

We have one more case on the calendar I believe for this afternoon, and that is Case No. 12-CMP-00538, My Brother's Place located at 237 2nd Street, N.W., License No. 71593 in ANC 6C.

It was scheduled for 4:30 and it's now 5:01. The Government is here on this case?

MS. GEPHARDT: Correct.

CHAIRPERSON MILLER: Okay. Would you identify yourself for the record?

MS. GEPHARDT: Chrissy Gephardt on behalf of the Government.

CHAIRPERSON MILLER: And do you have any indication as to whether the Licensee may be on his or here way?

MS. GEPHARDT: No, I have not had an communication with the Licensee in this matter.

1 CHAIRPERSON MILLER: Okay. Are
2 you prepared to proceed ex parte?

3 MS. GEPHARDT: Yes.

4 CHAIRPERSON MILLER: Okay. Would
5 you just give me one minute?

6 MS. GEPHARDT: Okay.

7 CHAIRPERSON MILLER: Okay. The
8 office has not been called by the Licensee
9 either to say that they're on their way, so
10 we're ready for you to proceed.

11 MS. GEPHARDT: Okay.

12 CHAIRPERSON MILLER: Okay.

13 MS. GEPHARDT: All right. So just
14 start with --

15 CHAIRPERSON MILLER: You have a
16 witness?

17 MS. GEPHARDT: I do have a
18 witness, yes.

19 CHAIRPERSON MILLER: Okay. Yes,
20 go right ahead whenever you're ready.

21 MS. GEPHARDT: My witness is here.
22 Okay. I mean do you want me to make an

1 opening statement or --

2 CHAIRPERSON MILLER: If you'd
3 like. Opening statement is optional. Would
4 you like to?

5 MS. GEPHARDT: Okay. I'm going to
6 waive the opening statement.

7 CHAIRPERSON MILLER: Okay.

8 MS. GEPHARDT: I'll make a closing
9 statement.

10 CHAIRPERSON MILLER: All right.

11 MS. GEPHARDT: So I'd like to call
12 my witness. I would like to call my witness,
13 Investigator Tyrone Lawson.

14 CHAIRPERSON MILLER: Okay. Good
15 afternoon.

16 INVESTIGATOR LAWSON: Good
17 afternoon, Madam Chair.

18 CHAIRPERSON MILLER: Do you swear
19 to tell the truth, the whole truth, nothing
20 but the truth?

21 INVESTIGATOR LAWSON: Yes, ma'am.

22 CHAIRPERSON MILLER: Okay. Great.

1 MS. GEPHARDT: Okay. Good
2 afternoon, investigator. Can you state your
3 name and spell it for the record?

4 INVESTIGATOR LAWSON: Tyrone
5 Lawson, T-Y-R-O-N-E, L-A-W-S-O-N.

6 MS. GEPHARDT: Okay. And, Mr.
7 Lawson, where do you work?

8 INVESTIGATOR LAWSON: At the
9 Alcohol Beverage Regulation Administration.

10 MS. GEPHARDT: And what is your
11 position?

12 INVESTIGATOR LAWSON:
13 Investigator.

14 MS. GEPHARDT: Okay. And how long
15 have you been an investigator?

16 INVESTIGATOR LAWSON:
17 Approximately three-and-a-half years with the
18 Alcohol Beverage Regulation Administration.

19 MS. GEPHARDT: Okay. Investigator
20 Lawson, are you familiar with an establishment
21 by the name of My Brother's Place?

22 INVESTIGATOR LAWSON: Yes, ma'am.

1 MS. GEPHARDT: Okay. And do you
2 recall visiting My Brother's Place on
3 Thursday, August 23rd, 2012?

4 INVESTIGATOR LAWSON: Yes, ma'am.

5 MS. GEPHARDT: Okay. And can you
6 tell the Board what brought you to visit the
7 establishment on that date?

8 INVESTIGATOR LAWSON: Yes, ma'am.
9 Initially I visited the establishment with
10 ABRA Investigator Brian Malloy to conduct a
11 regulatory inspection in conjunction with a
12 quarterly statement violation. Investigator
13 Malloy actually conducted the regulatory
14 inspection at that time. We checked the point
15 of sale system at the establishment to make
16 sure that they were able to keep and store the
17 point of sale records in terms of guest checks
18 and receipts and that kind of thing. We asked
19 for invoices, but at the time the ABC manager
20 told us that they were locked inside of the
21 management office and that we could return to
22 inspect to alcoholic beverage invoices.

1 MS. GEPHARDT: So let me just back
2 up for one second. When you went to the
3 establishment who did you ask to speak to?

4 INVESTIGATOR LAWSON: We asked to
5 speak to an ABC manager or owner initially
6 when we identified ourselves.

7 MS. GEPHARDT: Okay. And who did
8 you end up speaking to?

9 INVESTIGATOR LAWSON: Jos, Cardoza
10 was the ABC manager that we spoke to.

11 MS. GEPHARDT: He was the ABC
12 manager?

13 INVESTIGATOR LAWSON: Yes, ma'am.

14 MS. GEPHARDT: Okay.

15 INVESTIGATOR LAWSON: The ABC
16 manager on duty.

17 MS. GEPHARDT: And what exactly
18 did you tell him? What was the reason for
19 your visit? What did you tell him?

20 INVESTIGATOR LAWSON: We informed
21 him that we were there because the
22 establishment failed to file their quarterly

1 statement for the period of April 1st, 2012
2 through July 31st, 2012.

3 MS. GEPHARDT: Okay. And then did
4 you ask them to show you their invoices and
5 delivery slips?

6 INVESTIGATOR LAWSON: Yes, ma'am.

7 MS. GEPHARDT: Okay. And what was
8 Mr. Cardoza's response?

9 INVESTIGATOR LAWSON: Mr.
10 Cardoza's response was that the invoices were
11 stored in a locked management office -- was
12 what he said.

13 MS. GEPHARDT: Okay.

14 INVESTIGATOR LAWSON: And he said
15 that -- he told me when the owner would be
16 there and when I could speak with the owner
17 about the alcoholic beverage purchase
18 invoices.

19 MS. GEPHARDT: So did they give
20 you the owner's information, or did they say
21 to you we'll have the owner call you or --

22 INVESTIGATOR LAWSON: Well, I

1 provided my information. I provided a
2 business card to them and requested that they
3 have the owner call me.

4 MS. GEPHARDT: Okay.

5 INVESTIGATOR LAWSON: And he did
6 call me.

7 MS. GEPHARDT: And they indicated
8 that the owner would have what?

9 INVESTIGATOR LAWSON: He would
10 make the alcoholic beverage purchase invoices
11 either available or -- well, yes, he would
12 make the alcoholic beverage purchase invoices
13 available for my inspection.

14 MS. GEPHARDT: Okay. And did you
15 receive a phone call from the owner?

16 INVESTIGATOR LAWSON: Yes, he left
17 me a voicemail.

18 MS. GEPHARDT: What day was that?

19 INVESTIGATOR LAWSON: On April
20 27th, 2012.

21 MS. GEPHARDT: Do you mean August
22 27th?

1 INVESTIGATOR LAWSON: I'm sorry,
2 August 27th.

3 MS. GEPHARDT: Okay.

4 INVESTIGATOR LAWSON: 2012.

5 MS. GEPHARDT: So you received a
6 voicemail. And what did the voicemail state?

7 INVESTIGATOR LAWSON: That the
8 alcoholic beverage purchase invoices for My
9 Brother's Place were available for inspection
10 and I could go there any time and inspect
11 them.

12 MS. GEPHARDT: Okay. And did you
13 go there and inspect them?

14 INVESTIGATOR LAWSON: Yes, ma'am.
15 I went on Thursday, August 30th, 2012 to
16 inspect the alcoholic beverage purchase
17 invoices.

18 MS. GEPHARDT: And what did --

19 INVESTIGATOR LAWSON: And also
20 conduct another regulatory inspection.

21 MS. GEPHARDT: And what is the
22 owner's name?

1 INVESTIGATOR LAWSON: Nelson

2 Arias.

3 MS. GEPHARDT: Okay. And what
4 information did he present to you when you
5 came back on that Thursday, August 30th?

6 INVESTIGATOR LAWSON: Well, I
7 didn't speak to Mr. Arias. When I visited on
8 August 30th, 2012, I spoke to -- Mr. Cardoza
9 was there. Another ABC manager, Rachel
10 Traverso, was there. And a chef, Israel
11 Arias, who stated he was the owner's brother
12 and was also an ABC manager was there.

13 MS. GEPHARDT: Okay.

14 INVESTIGATOR LAWSON: So I spoke
15 to all three of them.

16 MS. GEPHARDT: Okay. And what did
17 you ask them for when you got there?

18 INVESTIGATOR LAWSON: Well, now, I
19 asked them to see a copy of the
20 establishment's voluntary agreement as part of
21 the regulatory inspection and I would conduct
22 it.

1 MS. GEPHARDT: And were they able
2 to produce the voluntary agreement?

3 INVESTIGATOR LAWSON: No, ma'am.

4 MS. GEPHARDT: What did they say?

5 INVESTIGATOR LAWSON: They stated
6 they did not know what the voluntary agreement
7 was or where it was.

8 MS. GEPHARDT: They stated they
9 didn't know what it was?

10 INVESTIGATOR LAWSON: Yes.

11 MS. GEPHARDT: Okay.

12 INVESTIGATOR LAWSON: Yes, they
13 didn't know what it was or where it was.

14 MS. GEPHARDT: Did you have a copy
15 of the voluntary agreement on hand to give
16 them?

17 INVESTIGATOR LAWSON: Yes, I did.

18 MS. GEPHARDT: And did you provide
19 that to them?

20 INVESTIGATOR LAWSON: Yes, ma'am.

21 MS. GEPHARDT: And did you ask
22 them to find it and provide it to you?

1 INVESTIGATOR LAWSON: Yes, and
2 then before I gave them the copy that I took
3 with me, I asked them to provide My Brother's
4 Place's copy of the voluntary agreement.

5 MS. GEPHARDT: Okay.

6 INVESTIGATOR LAWSON: Or
7 settlement agreement.

8 MS. GEPHARDT: Okay. After you
9 asked for the voluntary agreement did you ask
10 them for anything else while you were there on
11 your visit?

12 INVESTIGATOR LAWSON: Yes, I asked
13 them to show the alcoholic beverage purchase
14 invoices that I had discussed with Mr. Arias
15 for -- My Brother's Place's alcoholic beverage
16 purchase invoices for the last -- that had
17 been maintained on the premises for the last
18 three years.

19 MS. GEPHARDT: And what were they
20 able to produce, or what did they show you?

21 INVESTIGATOR LAWSON: Chef Arias
22 showed me that the establishment had alcoholic

1 beverage purchase invoices dated from January
2 2011 to August 2012 on the premises.

3 MS. GEPHARDT: And what did Mr.
4 Arias tell you about any prior dates?

5 INVESTIGATOR LAWSON: Mr. Arias
6 stated that the years 2009 and 2010 invoices
7 had been sent to Bladensburg, Maryland for
8 storage.

9 MS. GEPHARDT: And when they
10 advised you of the fact that those two years,
11 2009 and 2010, were being stored in
12 Bladensburg, what did you say to them?

13 INVESTIGATOR LAWSON: I explained
14 the D.C. Official Code requires that the ABC
15 establishments keep and maintain its original
16 purchase invoices and delivery slips on the
17 licensed premises, except for beer, within the
18 District of Columbia for a period of three
19 years.

20 MS. GEPHARDT: Okay.

21 INVESTIGATOR LAWSON: And I
22 advised them that if they wanted to keep the

1 invoices off premises, that they would have to
2 obtain permission from the ABC Board to store
3 or keep invoices anywhere else off the
4 licensed premises.

5 MS. GEPHARDT: Okay. And did you
6 ask them or give them the opportunity to
7 retrieve these invoices from Bladensburg --

8 INVESTIGATOR LAWSON: Yes.

9 MS. GEPHARDT: -- to bring onto
10 the premises to show you?

11 INVESTIGATOR LAWSON: Yes. Mr.
12 Cardoza and Chef Arias stated that they would
13 notify the owner about the requirements to
14 have years 2009 and 2010 invoices on the
15 premises. And I completed the regulatory
16 inspection, and they told me that they were
17 going to have Mr. Nelson Arias call me --

18 MS. GEPHARDT: Okay.

19 INVESTIGATOR LAWSON: -- regarding
20 the remaining -- the outstanding invoices,
21 purchase invoices.

22 MS. GEPHARDT: Okay. And did you

1 talk to Mr. Nelson Arias?

2 INVESTIGATOR LAWSON: Yes.

3 MS. GEPHARDT: Did you talk to him
4 after that?

5 INVESTIGATOR LAWSON: Yes, I
6 received a phone call and I personally spoke
7 to Nelson Arias, and he told me that he had
8 all alcoholic beverage purchase invoices on
9 the premises and they were available for
10 inspection. I talked to him on Friday,
11 September 7th, 2012.

12 MS. GEPHARDT: And when did you go
13 back to the establishment?

14 INVESTIGATOR LAWSON: The very
15 same day I went back there. On Friday,
16 September 7th, 2012 I went back to --

17 MS. GEPHARDT: And did you go back
18 to inspect the alcoholic beverage invoices?

19 INVESTIGATOR LAWSON: Yes, ma'am.

20 MS. GEPHARDT: And what did they
21 show you?

22 INVESTIGATOR LAWSON: I spoke with

1 Mr. Nelson Arias and his general manager,
2 Martin Scahill, and Mr. Scahill showed me
3 folders that contained the years 2010, 2011
4 and 2012 alcoholic beverage invoices. Mr.
5 Scahill stated that My Brother's Place did not
6 have the year 2009 invoices on the premises.

7 MS. GEPHARDT: And what was your
8 response to the fact that they did not have
9 the 2009 premises?

10 INVESTIGATOR LAWSON: I again
11 explained to them that D.C. Official Code
12 requires that ABC licensed establishments keep
13 and maintain the original purchase invoices
14 and delivery slips on the licensed premises,
15 except for beer, within the District of
16 Columbia for a period of three years. I also
17 explained that the establishment may file a
18 written request to the Board to have the
19 original invoices kept outside of D.C. or
20 within D.C. at a different location.

21 MS. GEPHARDT: And Mr. Arias, did
22 he give any indication whether the 2009

1 invoices were still in Bladensburg, or did you
2 give him an opportunity to bring them back?

3 INVESTIGATOR LAWSON: I asked him
4 about them, but there was pretty much no
5 response regarding the 2009 alcoholic beverage
6 purchase invoices.

7 MS. GEPHARDT: Okay.

8 INVESTIGATOR LAWSON: So they led
9 me to believe that they were not available.

10 MS. GEPHARDT: Okay. I believe
11 that's all I have. Thank you so much for your
12 testimony.

13 CHAIRPERSON MILLER: Board
14 questions? Mr. Alberti?

15 MEMBER ALBERTI: Investigator
16 Lawson, good evening. When you visited on
17 August 23rd and spoke to Mr. Cardoza --

18 INVESTIGATOR LAWSON: Yes, sir?

19 MEMBER ALBERTI: -- did you
20 explain to him what records needed to be --

21 INVESTIGATOR LAWSON: Yes, I --

22 MEMBER ALBERTI: -- not the

1 content, but what years needed to be --

2 INVESTIGATOR LAWSON: Yes, sir. I
3 was very clear and explained to them that --
4 what I did was I told Mr. Cardoza to be sure
5 and let Mr. Nelson Arias know that the
6 establishment is required to have three years
7 of alcoholic beverage purchase invoices on the
8 premises and that's what I would be coming
9 back to inspect.

10 MEMBER ALBERTI: Okay. And you
11 got a voicemail on August 27th from Mr. Arias.
12 Before you visited on August 30th, did you
13 speak with Mr. Arias?

14 INVESTIGATOR LAWSON: I don't
15 recall if I did personally speak to him or
16 not.

17 MEMBER ALBERTI: Would you have
18 left him a voicemail, do you know to let him
19 know you were coming?

20 INVESTIGATOR LAWSON: (No audible
21 response.)

22 MEMBER ALBERTI: Here's my

1 question: Before August 30th did you
2 personally -- at any point did you yourself
3 inform Mr. Arias, other than speaking to Mr.
4 Cardoza, of the records that were required?

5 INVESTIGATOR LAWSON: That I don't
6 recall.

7 MEMBER ALBERTI: You don't recall?

8 INVESTIGATOR LAWSON: I do know
9 that I had several conversations with Mr.
10 Arias. I don't remember the dates and I don't
11 remember if I spoke to him before that date or
12 after that date. I did have several
13 conversations with him telephonically
14 regarding his purchase invoices, the alcoholic
15 beverage purchase invoices.

16 MEMBER ALBERTI: Okay. So but
17 when you visited on August 30th, the 2010
18 invoices were not available, is that correct?

19 INVESTIGATOR LAWSON: 2011 and
20 2012 were available.

21 MEMBER ALBERTI: But not two-
22 thousand --

1 INVESTIGATOR LAWSON: But not 2009
2 and 2010.

3 MEMBER ALBERTI: Okay. Thank you.

4 INVESTIGATOR LAWSON: And as Mr.
5 Arias or Chef Arias explained to me that he --
6 he called his brother Nelson Arias while I was
7 there conducting the inspection and he relayed
8 the information that -- well, he told me
9 called Mr. Nelson Arias and he was relaying
10 the information to me from the telephone
11 stating that the outstanding alcoholic
12 beverage purchase invoices for 2009 and 2010
13 were in Bladensburg, Maryland.

14 MEMBER ALBERTI: Okay. Thank you.

15 CHAIRPERSON MILLER: Other Board
16 questions?

17 (No audible response.)

18 CHAIRPERSON MILLER: Okay. Mr.
19 Lawson, when you went back to the
20 establishment on September 7th --

21 INVESTIGATOR LAWSON: Yes, ma'am?

22 MS. GEPHARDT: -- did you ask to

1 see their voluntary agreement or settlement
2 agreement again?

3 INVESTIGATOR LAWSON: When I went
4 back on the 7th, no, because I had provided
5 them a copy of it on the 30th.

6 CHAIRPERSON MILLER: Oh, okay.

7 INVESTIGATOR LAWSON: On our
8 initial visit we did not ask to see the
9 voluntary agreement because we were there
10 pretty much to conduct a books and records
11 check in conjunction with the quarterly
12 statement violation. And I also had been
13 assigned another regulatory inspection that
14 was a pre-populated form. One we have to fill
15 out. One is pre-populated. The pre-populated
16 form was what I completed when I went on the
17 August 30th, 2012.

18 CHAIRPERSON MILLER: Oh, so which
19 day did you ask for the voluntary agreement?

20 INVESTIGATOR LAWSON: August 30th,
21 2012.

22 CHAIRPERSON MILLER: August 30th?

1 And they didn't have it? They couldn't find
2 it.

3 INVESTIGATOR LAWSON: They didn't
4 have it. They didn't even know what it was.

5 CHAIRPERSON MILLER: So when did
6 you provide them with it?

7 INVESTIGATOR LAWSON: August 30th.

8 CHAIRPERSON MILLER: Oh, you had
9 it with you?

10 INVESTIGATOR LAWSON: Yes, ma'am.

11 CHAIRPERSON MILLER: Oh, okay.

12 INVESTIGATOR LAWSON: I had it
13 when I went there.

14 CHAIRPERSON MILLER: Okay. Good.
15 And my other question is, so when you're
16 looking at the invoices that are required to
17 be kept for three years --

18 INVESTIGATOR LAWSON: Yes, ma'am?

19 CHAIRPERSON MILLER: -- do you go
20 back basically three years from the date that
21 you're in the establishment?

22 INVESTIGATOR LAWSON: Pretty much,

1 yes.

2 CHAIRPERSON MILLER: If you're
3 there September 1st --

4 INVESTIGATOR LAWSON: Yes.

5 CHAIRPERSON MILLER: -- 2012, you
6 go back to September 1st, okay, three years?

7 INVESTIGATOR LAWSON: That is the
8 procedure that I use.

9 CHAIRPERSON MILLER: Okay.

10 INVESTIGATOR LAWSON: Whatever
11 date I'm there, I go back three years from
12 that date.

13 CHAIRPERSON MILLER: Okay. Great.
14 Okay. I don't have any other questions.
15 Anybody else?

16 (No audible response.)

17 CHAIRPERSON MILLER: Okay.

18 Thanks.

19 You didn't have any questions on
20 Board questions?

21 MS. GEPHARDT: No, thank you.

22 (Laughter.)

1 CHAIRPERSON MILLER: Okay.

2 MS. GEPHARDT: Good questions.

3 CHAIRPERSON MILLER: Okay. And
4 you don't have any exhibits other than the
5 investigative report that's in?

6 MS. GEPHARDT: Right.

7 CHAIRPERSON MILLER: Okay.

8 MS. GEPHARDT: Correct.

9 CHAIRPERSON MILLER: So I guess
10 we're at closing.

11 MS. GEPHARDT: All right. In
12 closing, the Government would ask that you
13 find this establishment liable for both
14 charges in this case, one for failure to
15 provide a copy of voluntary agreement, and
16 second for failing to keep and maintain upon
17 their premises for three years records to
18 include invoices and delivery slips which
19 reflect all purchases, sales and deliveries of
20 all alcoholic beverages.

21 You heard through the testimony of
22 Tyrone Lawson that when he went to visit this

1 establishment on several occasions he asked
2 for the delivery invoices and slips and they
3 were not able to produce the full three years.
4 He went there on August 30th, 2012 and they
5 were not able to provide the voluntary
6 agreement and they were only able to provide
7 delivery slips from 2011 and 2012.

8 Furthermore, when he went back on
9 September 7th, 2012, the establishment was
10 only able to provide alcoholic beverage
11 invoices from 2010, 2011 and 2012. On the
12 date of his visit they were not able to
13 produce three years, which would include 2009,
14 2010, 2011 going up to 2012, therefore the
15 establishment is in violation of the provision
16 for which we are charging them.

17 That is all I have to say. Thank
18 you.

19 MEMBER BROOKS: Penalty?

20 CHAIRPERSON MILLER: Yes, do you
21 have a --

22 MEMBER BROOKS: Oh. Oh, okay.

1 MS. GEPHARDT: Oh, yes. I'm
2 sorry.

3 MEMBER BROOKS: If you want to
4 answer it, yes.

5 MS. GEPHARDT: I have a
6 recommendation for a fine in this case.

7 CHAIRPERSON MILLER: Okay.

8 MS. GEPHARDT: In this case the
9 Government is proposing a \$4,350 fine and four
10 days served. This would include a \$4,000
11 charge for charge 1 and a \$350 charge for
12 charge 2. And the four days are being
13 triggered from Case 12-251-129.

14 CHAIRPERSON MILLER: Okay. Thank
15 you. Do you want to file proposed findings of
16 facts and conclusions of law?

17 MS. GEPHARDT: No.

18 (Laughter.)

19 CHAIRPERSON MILLER: Okay. I
20 didn't think so. All right. Then that
21 concludes this hearing and we'll be issuing an
22 order within 90 days.

1 MS. GEPHARDT: Okay.

2 CHAIRPERSON MILLER: Yes, and I
3 will read the instructions for a closed
4 meeting, but you don't have to hang around if
5 you don't want to. Very interesting though.

6 MS. GEPHARDT: Yes, very.

7 CHAIRPERSON MILLER: All right.

8 As Chairperson of the Alcoholic Beverage
9 Control Board for the District of Columbia and
10 in accordance with Section 405 of the Open
11 Meetings Amendment Act of 2010, I move that
12 the ABC Board hold a closed meeting today for
13 the purpose of seeking legal advice from our
14 counsel on Case No. 12-CMP-00538, My Brother's
15 Place, per Section 405(b)(4) of the Open
16 Meetings Amendment Act of 2010 and
17 deliberating upon this case for the reasons
18 cited in Section 405(b)(13) of the Open
19 Meetings Amendment Act of 2010.

20 Is there a second?

21 MEMBER BROOKS: Second.

22 CHAIRPERSON MILLER: Mr. Brooks

1 has seconded the motion. I'll now take a roll
2 call vote. Mr. Brooks?

3 MEMBER BROOKS: I agree.

4 CHAIRPERSON MILLER: Mr. Alberti?

5 MEMBER ALBERTI: I agree.

6 CHAIRPERSON MILLER: Ms. Miller
7 agrees. Mr. Silverstein?

8 MEMBER SILVERSTEIN: I agree.

9 CHAIRPERSON MILLER: It appears
10 that the motion has passed by a 4-0-0 vote.
11 I hereby give notice that the ABC Board will
12 hold a closed meeting in the ABC Board
13 conference room today pursuant to the Open
14 Meetings Amendment Act of 2010 and issue an
15 order within 90 days.

16 Thank you. That concludes this
17 hearing and it concludes our afternoon
18 hearings for today. So the Board will recess
19 and return very shortly to do its agenda
20 items.

21 (Whereupon, the hearing was
22 concluded at 5:25 p.m.)

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