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

1:37 p.m.

CHAIRPERSON MILLER: Okay. We're on the record now. This is Case No. 11-251-00174, Pan Mar Liquors, License No. 60242 at 1926 I Street, N.W. in ANC 2B.

Would the parties introduce themselves for the record?

MS. GEPHARDT: Chrissy Gephardt for the Government.

MR. KLINE: Good afternoon. Andrew Kline on behalf of the Licensee.

CHAIRPERSON MILLER: This is a show cause hearing. Mr. Kline, were you able to contact your client?

MR. KLINE: No, I understand from Ms. Gephardt that he was here earlier, but I cannot seem to find him in the building. I'd ask that the matter be passed.

CHAIRPERSON MILLER: Ms. Gephardt?

MS. GEPHARDT: The hearing was supposed to start at 1:30 and it's now 1:38.

1 We would ask that we move forward with the
2 case. I don't know typically what the Board
3 does, but we're ready to go forward to show
4 cause.

5 CHAIRPERSON MILLER: Well, let me
6 just see if -- no, our next case is at 3:00,
7 so -- no, our next case is at 2:30. I doubt
8 that case is here. It's Daniel Miller,
9 WestMill Capital Partners. No, they're not
10 here. Okay.

11 Mr. Kline, did you try to call
12 him?

13 MR. KLINE: No, if the Board would
14 give me 10 minutes, then I'll make every
15 effort to locate him and find out where he is.
16 I didn't want to keep the Board waiting on the
17 dais while I --

18 CHAIRPERSON MILLER: Okay. Well,
19 wait a second.

20 So, okay. We'll give you 10
21 minutes.

22 MR. KLINE: Great. Thank you so

1 much.

2 (Whereupon, at 1:39 p.m. off the
3 record until 1:51 p.m.)

4 CHAIRPERSON MILLER: Okay. We're
5 back on the record. Why don't you do
6 introductions again now that everybody's here?

7 MS. GEPHARDT: Chrissy Gephardt
8 for the District of Columbia.

9 MR. KLINE: Andrew Kline on behalf
10 of the Licensee.

11 MR. CHATWEL: I'm Baljeet Chatwel
12 from Pan Mar Liquor.

13 CHAIRPERSON MILLER: Can you speak
14 a little louder into the microphone?

15 MR. CHATWEL: I'm Baljeet Chatwel
16 from Pan Mar Liquor.

17 CHAIRPERSON MILLER: Okay.

18 MR. KLINE: Mr. Chatwel
19 apologizes. He misread the board and thought
20 the matter had been reset for 2:30.

21 MR. CHATWEL: 2:30.

22 MR. KLINE: That's not what the

1 calendar says, but that's the way he read it.
2 He was here earlier and left.

3 CHAIRPERSON MILLER: Okay. Well,
4 everything's fine now.

5 MR. CHATWEL: Thank you.

6 CHAIRPERSON MILLER: So are there
7 any preliminary matters in this case before we
8 get started?

9 MS. GEPHARDT: No preliminary
10 matters.

11 CHAIRPERSON MILLER: Okay. Then
12 we'll turn to the Government for your case.

13 MS. GEPHARDT: Okay. Good
14 afternoon, Board members. This is a sale to
15 minor case involving D.C. Code 25-781 and 783.
16 The issue in this case is whether the Licensee
17 took the reasonably necessary steps to
18 ascertain whether the young patron he was
19 selling beer to was of the legal drinking age.

20 You will hear through the
21 testimony of Detective Dave Carter that a
22 young GW student entered Pan Mar Liquors at

1 19th and I Streets, N.W. around 8:00 p.m. on
2 a Friday night to purchase beer. You will
3 hear that the boy looked very young. The
4 young man was stopped by Detective Carter who
5 was working underage alcohol enforcement as
6 the boy was exiting the liquor store. And
7 Detective Carter will tell you he spotted this
8 kid because of his youthful looking face.

9 The young patron told police that
10 he showed the clerk; it was actually Mr.
11 Chatwel, who happens to be the owner, a fake
12 ID and Mr. Chatwel proceeded to sell him a 20-
13 pack of beer. This ID that he showed Mr.
14 Chatwel was missing one of the hallmark
15 security features that a real ID would
16 typically have.

17 Board members, the Government asks
18 you to listen to the facts of this case and
19 the history of this establishment and ask
20 yourself what would be reasonable for an owner
21 who has a liquor store within just a few
22 blocks from two major universities who's had

1 numerous complaints from the community with
2 respect to selling to minors and who has a
3 history of previous violations for this very
4 issue, what would be reasonable, what would be
5 reasonable steps for an establishment such as
6 this to take to determine whether a patron is
7 of the legal drinking age?

8 We ask the Board to take a look at
9 the statute, which is 25-783, which requires
10 that licensees take reasonably necessary steps
11 to determine whether someone is of age. And
12 I ask that the Board will find that here the
13 Licensee failed to do that. Thank you.

14 CHAIRPERSON MILLER: Thank you.
15 Mr. Kline, are you going to make an opening
16 now or later?

17 MR. KLINE: We'll reserve for
18 later.

19 CHAIRPERSON MILLER: Okay.

20 MS. GEPHARDT: All right. The
21 Government would like to call Detective Carter
22 to the stand.

1 CHAIRPERSON MILLER: Good

2 afternoon.

3 DETECTIVE CARTER: Good afternoon.

4 CHAIRPERSON MILLER: Do you swear
5 to tell the truth, the whole truth, nothing
6 but the truth?

7 DETECTIVE CARTER: I do.

8 CHAIRPERSON MILLER: Okay. Thank
9 you.

10 MS. GEPHARDT: Does the Board have
11 a preference if we sit or stand?

12 CHAIRPERSON MILLER: No, we don't
13 have a preference. You probably -- make
14 yourself comfortable.

15 MS. GEPHARDT: Oh, me. Me.

16 CHAIRPERSON MILLER: Oh, you?

17 MS. GEPHARDT: Okay.

18 CHAIRPERSON MILLER: No.

19 MS. GEPHARDT: Judges in circuit
20 court are very particular about it. Okay.

21 Good afternoon, Detective Carter.

22 DETECTIVE CARTER: Good afternoon.

1 MS. GEPHARDT: Please state your
2 name and spell it for the record.

3 DETECTIVE CARTER: My name is
4 David Carter. First name is D-A-V-I-D. Last
5 name is C-A-R-T-E-R.

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

8 DETECTIVE CARTER: I work for the
9 Metropolitan Police Department in Washington,
10 D.C.

11 MS. GEPHARDT: And what is your
12 title?

13 DETECTIVE CARTER: Detective.

14 MS. GEPHARDT: All right. And how
15 long have you been with MPD?

16 DETECTIVE CARTER: Sixteen years.

17 MS. GEPHARDT: Okay. And do you
18 recall being on duty the evening of March 11th
19 of 2011 around 8:30 p.m.?

20 DETECTIVE CARTER: Yes.

21 MS. GEPHARDT: And where were you
22 assigned that evening?

1 DETECTIVE CARTER: I was working
2 underage alcohol enforcement that evening.

3 MS. GEPHARDT: Okay. And were you
4 in a particular location?

5 DETECTIVE CARTER: No, we do it
6 throughout the entire city.

7 MS. GEPHARDT: Okay. And are you
8 familiar with a licensee by the name of Pan
9 Mar Liquors?

10 DETECTIVE CARTER: Yes.

11 MS. GEPHARDT: Okay. Where
12 exactly is Pan Mar?

13 DETECTIVE CARTER: Pan Mar's on I
14 Street just before you get to Pennsylvania
15 Avenue.

16 MS. GEPHARDT: Okay. And did you
17 have occasion to go to Pan Mar Liquors that
18 evening?

19 DETECTIVE CARTER: Yes, I did.

20 MS. GEPHARDT: And how did you --
21 were you called to Pan Mar, or how did you
22 arrive there?

1 DETECTIVE CARTER: We were
2 actually on our way to another location and as
3 we were passing by Pan Mar, we see a young man
4 that looked very young and he was carrying a
5 big -- I think it was a 30-pack of alcohol --
6 of beer.

7 MS. GEPHARDT: Okay.

8 DETECTIVE CARTER: Yes.

9 MS. GEPHARDT: And what made you
10 stop this young man?

11 DETECTIVE CARTER: He looked very
12 young in age.

13 MS. GEPHARDT: Okay. Other than
14 you said he looked very young in age, was
15 there a certain feature that he had that made
16 him look young? Was it something he was
17 wearing or was it just his face?

18 DETECTIVE CARTER: Yes, just his
19 -- I mean, he just looked young in his face
20 when we saw him.

21 MS. GEPHARDT: Okay. And so after
22 you spotted him, what did you do next?

1 DETECTIVE CARTER: We stopped and
2 we got out, identified our self as police
3 officers and asked him for his ID, asked him
4 his age. And he gave us the ID that he used
5 in the liquor store.

6 MS. GEPHARDT: And can you
7 describe the ID that he gave you in the liquor
8 store?

9 DETECTIVE CARTER: Yes, I believe
10 it was a Rhode Island state -- well, we
11 believed it to be a Rhode Island state ID when
12 we first looked at it. But after further
13 examination of the ID, it didn't appear to be
14 valid.

15 MS. GEPHARDT: Okay. And what
16 made you believe that it was not a valid ID,
17 a real ID?

18 DETECTIVE CARTER: After looking
19 on the rear, there's supposed to be micro-
20 printing on the rear. And we see a lot of
21 fake Rhode Island IDs and it did not have the
22 micro-printing on the rear.

1 MS. GEPHARDT: Okay. And is this
2 micro-printing that you're referring to on the
3 rear, is that something that can be seen with
4 the naked eye?

5 DETECTIVE CARTER: No, it cannot.

6 MS. GEPHARDT: Okay. And so how
7 were you able to determine that there was no
8 micro-printing on the back?

9 DETECTIVE CARTER: We have a
10 magnifying glass that has a little flashlight
11 in it.

12 MS. GEPHARDT: Okay.

13 DETECTIVE CARTER: And it
14 magnifies at least 10 times so you can see the
15 micro-printing.

16 MS. GEPHARDT: Okay. And is this
17 a device that you typically carry with you
18 when you're doing underage alcohol
19 enforcement?

20 DETECTIVE CARTER: Yes, it is.

21 MS. GEPHARDT: Okay. Have you
22 seen this device used by other people other

1 than police officers?

2 DETECTIVE CARTER: Yes, I have.

3 MS. GEPHARDT: And can you tell us
4 where you've seen this device used before?

5 DETECTIVE CARTER: I've seen it
6 used at other nightclubs, bars. I've seen it
7 used at other liquor stores.

8 MS. GEPHARDT: Okay. So is there
9 anything that made you think that the ID as
10 you saw it should have been flagged as fake by
11 the store clerk just by looking at it?

12 DETECTIVE CARTER: Just it was a
13 good ID other than not having the micro-
14 printing on the back.

15 MS. GEPHARDT: Okay.

16 DETECTIVE CARTER: And again, the
17 person we stopped looked very young. He did
18 not look 21 at all.

19 MS. GEPHARDT: Okay. And you had
20 mentioned just earlier that you said you see
21 a lot of Rhode Island fake IDs. Can you
22 explain a little bit about that?

1 DETECTIVE CARTER: There's a Web
2 site called ID Chief and ID Chief makes --
3 it's one of the four main ones that they make
4 and that is definitely one of the ones that we
5 see quite a bit.

6 MS. GEPHARDT: Okay. And how did
7 you determine -- what else did the young
8 patron say to you? What else did he tell you
9 about how old he was, or he just showed you
10 the ID? Did he say anything else?

11 DETECTIVE CARTER: He showed us
12 the ID first. And once we let him know that
13 we know that it's fake, he admitted to us that
14 it was a fake ID.

15 MS. GEPHARDT: Yes.

16 DETECTIVE CARTER: He admitted to
17 us where it came from, and he says he has used
18 it before.

19 MS. GEPHARDT: Okay. Did he tell
20 you how old he was?

21 DETECTIVE CARTER: Yes, he did.

22 MS. GEPHARDT: And how old did he

1 say he was?

2 DETECTIVE CARTER: Nineteen.

3 MS. GEPHARDT: Okay. Did he say
4 if he was a student or --

5 DETECTIVE CARTER: Yes.

6 MS. GEPHARDT: -- why he was in
7 the area?

8 DETECTIVE CARTER: Yes, he's a
9 student at GW.

10 MS. GEPHARDT: Okay. What did you
11 do with the young man after he told you all
12 this? Did you arrest him?

13 DETECTIVE CARTER: No, we couldn't
14 arrest him because we didn't see him present
15 the ID and make the purchase. So therefore,
16 we could not arrest him.

17 MS. GEPHARDT: Okay. What did you
18 do after -- so I'm assuming -- did you let him
19 go after that?

20 DETECTIVE CARTER: Yes, we took
21 the alcohol and we took the ID and we let him
22 go.

1 MS. GEPHARDT: Okay. So after you
2 confiscated the ID and the alcohol, what did
3 you do next?

4 DETECTIVE CARTER: Then we did a
5 report based on what occurred.

6 MS. GEPHARDT: Okay. And did you
7 go into the store after that?

8 DETECTIVE CARTER: Yes, I did.

9 MS. GEPHARDT: And when you went
10 into the store, did you talk to anybody about
11 what had just happened?

12 DETECTIVE CARTER: Yes, I did. I
13 talked to the -- I think it was the clerk that
14 was there, and I'm not sure if it was the
15 manager. But, yes, we did let him know that
16 they did make a sale and the kid was 19 years
17 old, and we showed the ID that he used.

18 MS. GEPHARDT: And do you recall
19 what the clerk said when you presented it to
20 him?

21 DETECTIVE CARTER: I don't recall.

22 MS. GEPHARDT: Okay. And do you

1 see the man that was the clerk that day here?

2 DETECTIVE CARTER: I'm not really
3 sure on that date who it was. I'm not sure.

4 MS. GEPHARDT: Okay. So you're
5 not sure if it was Mr. Chatwel or not?

6 DETECTIVE CARTER: No, I'm not.

7 MS. GEPHARDT: Okay. So other
8 than asking him about the ID you said you
9 don't recall what he said in response. Did
10 you ask him for any other -- did you ask him
11 any other questions or tell him anything
12 beyond that, if you recall?

13 DETECTIVE CARTER: I don't recall.

14 MS. GEPHARDT: You don't recall?

15 DETECTIVE CARTER: I don't recall.

16 MS. GEPHARDT: Okay. How long
17 have you worked for MPD doing underage alcohol
18 enforcement?

19 DETECTIVE CARTER: Approximately
20 12 years.

21 MS. GEPHARDT: Twelve years?

22 DETECTIVE CARTER: Yes.

1 MS. GEPHARDT: And how many sale
2 to minor cases have you worked on?

3 DETECTIVE CARTER: A lot. Well
4 over 100.

5 MS. GEPHARDT: Well over 100?

6 DETECTIVE CARTER: Yes.

7 MS. GEPHARDT: Okay. Have you had
8 any special training in identifying fake IDs
9 or looking for certain things that are sort of
10 things that should sort of come out at you
11 about what makes an ID looks fake?

12 DETECTIVE CARTER: Yes, every year
13 they have a leadership conference and it's put
14 on by Department of Justice and they have
15 various workshops and training courses during
16 that. And I have attended that at least six,
17 seven years.

18 MS. GEPHARDT: Okay. And as part
19 of that training you go through how to
20 identify fake IDs?

21 DETECTIVE CARTER: Yes.

22 MS. GEPHARDT: Okay. And have you

1 been to Pan Mar Liquors -- in addition to this
2 incident, have you been to Pan Mar Liquors in
3 the past?

4 DETECTIVE CARTER: Yes, I have.

5 MS. GEPHARDT: And how many times
6 within the past two years would you say you've
7 been at Pan Mar?

8 DETECTIVE CARTER: In the past two
9 years I would say --

10 MS. GEPHARDT: Prior to this
11 incident.

12 DETECTIVE CARTER: Prior to this
13 incident maybe three occasions. Three.

14 MS. GEPHARDT: Three occasions?

15 DETECTIVE CARTER: Yes.

16 MS. GEPHARDT: And just to
17 clarify, I'm assuming you went for -- as MPD
18 and not to go buy your own liquor, correct?

19 DETECTIVE CARTER: That is
20 correct. That is correct.

21 MS. GEPHARDT: Okay.

22 DETECTIVE CARTER: That's correct.

1 MS. GEPHARDT: And what was the
2 occasion that brought you there? Were they
3 complaints? Were they violations? What
4 exactly -- what brought you there?

5 DETECTIVE CARTER: Well, we've
6 received complaints through ABRA that this
7 place is selling to minors, and when we do our
8 enforcement, that's how we put it on the list
9 as a place to visit.

10 MS. GEPHARDT: Okay. And --

11 MEMBER BROOKS: I'm sorry? Put it
12 on the list as --

13 DETECTIVE CARTER: As a place to
14 visit to observe.

15 MEMBER BROOKS: Thank you.

16 MS. GEPHARDT: And you may not
17 know the answer to this because it comes from
18 ABRA, but do you know where the complaints
19 come from?

20 DETECTIVE CARTER: That particular
21 complaint I'm not -- I don't know. I know
22 that they come from citizens. They could come

1 from -- I know a lot of them come from
2 citizens, but I'm not sure where that
3 particular complaint came from.

4 MS. GEPHARDT: Sure. Sure. Let
5 me direct your attention to a month earlier to
6 this incident, which was February the 3rd,
7 2011. Did you have the occasion to be at Pan
8 Mar Liquors on that date?

9 DETECTIVE CARTER: Yes.

10 MS. GEPHARDT: And do you recall
11 what happened on February 3rd, 2011?

12 MR. KLINE: Objection. Relevance.
13 This case doesn't concern what happened on
14 February 3rd, 2011.

15 CHAIRPERSON MILLER: Do you want
16 to proffer the relevance?

17 MS. GEPHARDT: It's key to
18 establish a pattern and a history with this
19 licensee in terms of sale to minors.

20 MR. KLINE: The Board's records
21 will reflect whether there's any such pattern.

22 CHAIRPERSON MILLER: I'm going to

1 let it in.

2 MS. GEPHARDT: Okay.

3 CHAIRPERSON MILLER: You know,
4 that can go both ways, that we have that in
5 our records, too.

6 MS. GEPHARDT: Sure. Sure.

7 CHAIRPERSON MILLER: To a limited
8 extent.

9 MS. GEPHARDT: I'm sorry?

10 CHAIRPERSON MILLER: To a limited
11 extent. Not a full-blown exploration.

12 MS. GEPHARDT: Yes. Oh, yes, yes.

13 CHAIRPERSON MILLER: Okay.

14 MS. GEPHARDT: Right. No, no.
15 I'm just going to touch on it.

16 CHAIRPERSON MILLER: Okay.

17 MS. GEPHARDT: Do you remember why
18 you went there on February 3rd? What exactly
19 -- just briefly what happened?

20 DETECTIVE CARTER: Yes, I do.

21 MS. GEPHARDT: And can you just
22 sort of summarize why you were called there?

1 DETECTIVE CARTER: Yes, like I
2 said, we received complaints about Pan Mar
3 Liquor selling to minors. And on that day we
4 were there and we were out front and we were
5 observing patrons entering and at the counter
6 with alcohol. And on that day we observed two
7 female patrons enter, bring alcohol up to the
8 counter and make a purchase, but we did not
9 see any identifications pass to the clerk at
10 the time.

11 MS. GEPHARDT: Okay.

12 DETECTIVE CARTER: Purchase was
13 made. They exited the establishment. They
14 were stopped, and when they were stopped, we
15 asked them for identification. And the only
16 identification they had on their person was
17 their student IDs, however, they were able to
18 make a purchase. And they were under the age
19 of 21.

20 MS. GEPHARDT: Yes. Did they say
21 anything to you about how they got the liquor
22 or --

1 DETECTIVE CARTER: They say it's a
2 place that they go to buy alcohol.

3 MS. GEPHARDT: Okay. Can you tell
4 us if there's any universities or colleges
5 near Pan Mar Liquors?

6 DETECTIVE CARTER: Yes, there are
7 two that are I would say within walking
8 distance. George Washington, which is just a
9 few blocks, or most of their housing is just
10 a few blocks from there. And then Georgetown
11 University, which is a little further out, but
12 it's still within walking distance.

13 MS. GEPHARDT: Okay. And do you
14 know how long Pan Mar has been at that
15 location on I Street?

16 DETECTIVE CARTER: They've been
17 there for a long time.

18 MS. GEPHARDT: Okay. Let's see.
19 Court's indulgence. One final question. Have
20 you had any interactions with the owner of Pan
21 Mar in terms of talking to him about these
22 incidences or giving him tips or training or

1 how to train his clerks on how to look for
2 fake IDs?

3 DETECTIVE CARTER: Yes, I have had
4 a talk with him. Yes.

5 MS. GEPHARDT: Okay. And how long
6 ago would you say you talked to the owner?

7 DETECTIVE CARTER: I don't
8 remember which date on the occasion that I've
9 been there that I talked to him, so it's hard
10 for me say which, but I do remember talking to
11 the owner.

12 MS. GEPHARDT: Okay. And exactly
13 what did you talk to him about?

14 DETECTIVE CARTER: Well, I talked
15 to him about being in close proximity of a
16 university and you definitely -- because
17 they're going to have these fake IDs and a lot
18 of them are out there and they need to make,
19 you know, steps -- maybe they should bet extra
20 training. And I told him that ABRA offers the
21 training for merchants. I told him the ID
22 books are a good idea to have at the counter.

1 Flashlight, blacklight, magnifying glass. I
2 try to -- you know, after I go into an
3 establishment and talk with the owner about --
4 you know, when I, you know, either make an
5 arrest or stop someone that has alcohol, I try
6 my best to explain to them, you know, steps
7 that they could take that would possibly help
8 them.

9 MS. GEPHARDT: Okay. All right.
10 Thank you, detective. That's all the
11 questions I have.

12 CHAIRPERSON MILLER: Cross?

13 MR. KLINE: Yes. Good afternoon,
14 Detective Carter.

15 DETECTIVE CARTER: Good afternoon.

16 MR. KLINE: Detective Carter, you
17 indicated that you've met with the owner?

18 DETECTIVE CARTER: Yes.

19 MR. KLINE: But you're not really
20 sure who he is today, are you?

21 DETECTIVE CARTER: Yes, I
22 recognize him. I just don't remember in which

1 occasion it was that I had actually talked to
2 him.

3 MR. KLINE: Okay. So you don't
4 remember him in connection with this incident,
5 correct?

6 DETECTIVE CARTER: Well, I don't
7 remember -- I can't recall if it was this
8 incident or the incident before.

9 MR. KLINE: Now your unit has done
10 other compliance checks in this store, haven't
11 you?

12 DETECTIVE CARTER: Yes.

13 MR. KLINE: And in fact on those
14 instances the establishment properly asked for
15 ID, correct?

16 DETECTIVE CARTER: That's correct.

17 MR. KLINE: All right. So there
18 were a number of times that you were in there
19 where they did not sell to an undercover
20 operative who was underage, correct?

21 DETECTIVE CARTER: That is
22 correct.

1 MR. KLINE: All right. So in
2 terms of a pattern it's kind of mixed, isn't
3 it?

4 DETECTIVE CARTER: I'm sorry?

5 MR. KLINE: In terms of the
6 pattern that you've testified about --

7 DETECTIVE CARTER: Yes.

8 MR. KLINE: -- it's not a
9 consistent pattern. It's kind of mixed, isn't
10 it?

11 DETECTIVE CARTER: Yes.

12 MR. KLINE: This Licensee doesn't
13 ignore its obligations to check IDs as
14 evidenced by your compliance checks, does it?

15 MS. GEPHARDT: Objection. He
16 can't make a conclusion about whether this
17 Licensee ignores -- I mean, he's making a
18 conclusion about it.

19 MR. KLINE: Well, I think we had
20 the opposite conclusion earlier.

21 CHAIRPERSON MILLER: I'll overrule
22 it.

1 DETECTIVE CARTER: Could you
2 repeat your question?

3 MR. KLINE: So you can't conclude
4 that this Licensee doesn't take steps to
5 ascertain that those people who purchase
6 alcohol in the store are not of age, can you?

7 DETECTIVE CARTER: Well, there
8 were times where he didn't and there were
9 times where he did.

10 MR. KLINE: All right. And the
11 time that you testified about earlier on
12 February 3rd, are you aware that that was
13 subject of an enforcement proceeding before
14 the Board?

15 DETECTIVE CARTER: When I was
16 there on the 3rd?

17 MR. KLINE: Yes, you testified
18 earlier about being there --

19 DETECTIVE CARTER: Yes.

20 MR. KLINE: -- on February 3rd of
21 2011, correct?

22 DETECTIVE CARTER: That's correct.

1 MR. KLINE: And you saw two young
2 women in there, correct?

3 DETECTIVE CARTER: Yes.

4 MR. KLINE: All right. Are you
5 aware that that incident that you described
6 was subject to an enforcement proceeding
7 before the Board?

8 DETECTIVE CARTER: Yes.

9 MR. KLINE: Okay. So that one's
10 already in the Board's records, correct?

11 DETECTIVE CARTER: Yes.

12 MR. KLINE: All right. The
13 incidents where you went in and sought to see
14 if the establishment sold to an undercover
15 operative that was under age, that's not in
16 the Board's records, is it, to your knowledge?

17 DETECTIVE CARTER: No.

18 MR. KLINE: Okay. What was the
19 name of the young man that you caught
20 tendering the fake ID?

21 DETECTIVE CARTER: I don't recall
22 his name.

1 MR. KLINE: Now you testified that
2 you couldn't arrest him because you didn't see
3 him purchase the alcohol, is that correct?

4 DETECTIVE CARTER: That is
5 correct.

6 MR. KLINE: He admitted to you
7 that he used a fake identification to purchase
8 beer in the store, didn't he?

9 DETECTIVE CARTER: Yes.

10 MR. KLINE: So he admitted that he
11 committed a crime?

12 DETECTIVE CARTER: Yes.

13 MR. KLINE: And why is it that you
14 couldn't arrest him despite the fact that he
15 admitted that he committed an offense?

16 DETECTIVE CARTER: Because in the
17 District of Columbia the way it works is that
18 we have what we call probable cause
19 misdemeanors, and there are 16 of them. And
20 that is not listed as a probable cause
21 misdemeanor. Those misdemeanors have to
22 happen in your presence. You have to observe

1 those offenses before you can make an arrest.

2 MR. KLINE: So it's your
3 contention that even if they admit the offense
4 to you that you can't make an arrest based
5 upon an admitted offense?

6 DETECTIVE CARTER: That's the way
7 the law works. I mean, again, there are 16 in
8 which we can make an arrest without observing.
9 Okay. This is not listed as one of the
10 offenses that we can make an arrest because
11 it's a misdemeanor offense if we did not
12 observe the actual offense take place.

13 MR. KLINE: All right. Now this
14 alleged fake ID from Rhode Island --

15 DETECTIVE CARTER: Yes.

16 MR. KLINE: -- did you get
17 certification from the State of Rhode Island
18 that it's a fake?

19 DETECTIVE CARTER: No, I did not.

20 MR. KLINE: Do we have the
21 identification here to look at, to examine so
22 the Board can make its own determination as to

1 whether it's a fake?

2 DETECTIVE CARTER: I don't have
3 it.

4 MR. KLINE: You don't have it
5 here?

6 DETECTIVE CARTER: No, I do not.

7 MR. KLINE: Micro-printing is not
8 visible to the naked eye, is it?

9 DETECTIVE CARTER: No, it's not.

10 MR. KLINE: So if there were
11 micro-printing on the back of the license, it
12 would appear as a series of marks and one
13 wouldn't be able to tell without aid that
14 there was printing there, correct?

15 DETECTIVE CARTER: That is
16 correct.

17 MR. KLINE: All right. The ID
18 that you saw, it was an alleged very good
19 fake, wasn't it?

20 DETECTIVE CARTER: Yes.

21 MR. KLINE: In fact, if one looked
22 at the "ID Checking Guide" -- you're familiar

1 with the "ID Checking Guide" --

2 DETECTIVE CARTER: Yes.

3 MR. KLINE: -- obviously, correct?

4 DETECTIVE CARTER: Yes.

5 MR. KLINE: And you know it has
6 photos of the fronts of the IDs?

7 DETECTIVE CARTER: Yes.

8 MR. KLINE: I'm going to ask the
9 Board to take administrative notice of the
10 2010 ID guide rather than entering it into
11 evidence. We can enter it into evidence if
12 that's the Board's preference, but I think we
13 have plenty of them down here.

14 CHAIRPERSON MILLER: Are you
15 referring to the older version as opposed to
16 the new version, right?

17 MR. KLINE: Yes.

18 CHAIRPERSON MILLER: Okay. We
19 don't have it to look at, but we'll --

20 MR. KLINE: Okay.

21 CHAIRPERSON MILLER: You don't
22 need us to look at it right now for what

1 you're --

2 MR. KLINE: No.

3 CHAIRPERSON MILLER: Okay.

4 MR. KLINE: I'm going to hand you
5 a booklet, ask you if you can identify what
6 that is.

7 DETECTIVE CARTER: Yes, this it
8 the 2010 "ID Checking Guide."

9 MR. KLINE: All right. On page
10 44 --

11 DETECTIVE CARTER: Yes.

12 MR. KLINE: -- is there a
13 description of a -- is there a depiction of a
14 Rhode Island ID?

15 DETECTIVE CARTER: Yes, there is.

16 MR. KLINE: And there's a photo of
17 a Rhode Island driver's license, isn't there?

18 DETECTIVE CARTER: Yes, there is.

19 MR. KLINE: And the photo is of
20 the front of the driver's license, correct?

21 DETECTIVE CARTER: That is
22 correct.

1 MR. KLINE: And there's no photo
2 of the back of the driver's license, is there?

3 DETECTIVE CARTER: No, there is
4 not.

5 MR. KLINE: And there's only one
6 reference that says micro-printing on back,
7 correct?

8 DETECTIVE CARTER: That is
9 correct.

10 MR. KLINE: And that's the only
11 way someone relying upon the ID guide would
12 have any indication that this ID that was
13 tendered by this young man was not a real ID,
14 isn't that true?

15 DETECTIVE CARTER: That is
16 correct.

17 MR. KLINE: Otherwise, it had all
18 of the security features that are featured on
19 page 44 of the guide, correct?

20 DETECTIVE CARTER: I don't know if
21 that ID had all of the security features.
22 Again, I just know that the security feature

1 that I noticed on that day was -- and that's
2 one that I check for all the time is the
3 micro-printing on the back.

4 MR. KLINE: Well there are some
5 pretty obvious ones on the front, aren't
6 there?

7 DETECTIVE CARTER: Yes.

8 MR. KLINE: in fact, there are
9 holograms --

10 DETECTIVE CARTER: Yes.

11 MR. KLINE: -- on the front?

12 DETECTIVE CARTER: Yes.

13 MR. KLINE: And presumably; and
14 maybe you remember, maybe you don't, but
15 presumably when you prepared your report, if
16 there was something else missing that was
17 obvious, you would have indicated that in that
18 report, wouldn't you have?

19 DETECTIVE CARTER: I would hope I
20 would, yes.

21 MR. KLINE: You said you've seen a
22 lot of fake Rhode Island IDs, correct?

1 DETECTIVE CARTER: Yes.

2 MR. KLINE: May I approach the
3 witness?

4 CHAIRPERSON MILLER: Yes.

5 MR. KLINE: I want to show you a
6 card. Is that like some of the fake IDs that
7 you've seen?

8 DETECTIVE CARTER: Yes.

9 MR. KLINE: And do you recognize
10 it as being consistent with many of the other
11 fake IDs that you've seen, perhaps produced by
12 ID Chief?

13 DETECTIVE CARTER: This one is
14 definitely of less quality.

15 MR. KLINE: Less quality?

16 DETECTIVE CARTER: Yes.

17 MR. KLINE: Yet that one has the
18 holograms on it, doesn't it?

19 DETECTIVE CARTER: No, I don't see
20 holograms on this ID.

21 MR. KLINE: I'm going to pass you
22 a little flashlight. See if that will aid you

1 at all.

2 DETECTIVE CARTER: No, there are
3 not holograms on this ID.

4 MR. KLINE: You don't see any
5 holograms on that?

6 DETECTIVE CARTER: There are no
7 holograms on this ID.

8 MR. KLINE: Well, okay. Just one
9 more time. If you flash that ID you don't see
10 RIDMV?

11 DETECTIVE CARTER: Yes, but that's
12 not a hologram.

13 MR. KLINE: That's not a hologram?

14 DETECTIVE CARTER: That's not a
15 hologram.

16 MR. KLINE: All right. With the
17 flashlight looking at the young man's hair in
18 the photograph --

19 DETECTIVE CARTER: Yes.

20 MR. KLINE: -- you don't see a
21 hologram there? You don't see the seal of the
22 State of Rhode Island?

1 DETECTIVE CARTER: It's writing
2 that's in the background, but that's not what
3 a hologram is.

4 MR. KLINE: Okay. So what's a
5 hologram?

6 DETECTIVE CARTER: Hologram is
7 when you use the blacklight and it becomes
8 visible to you when you use the blacklight.

9 MR. KLINE: Like in the young
10 man's hair where the seal is?

11 DETECTIVE CARTER: That's no
12 hologram there.

13 MR. KLINE: Okay. All right. But
14 the ID that you saw in this store was even
15 better than this one, correct?

16 DETECTIVE CARTER: I would have to
17 see it here now to compare it to it to say
18 that it was better.

19 MR. KLINE: And now this ID that
20 I've tendered to you today, it has some bars
21 or some markings on the back of it, doesn't
22 it?

1 DETECTIVE CARTER: That is
2 correct.

3 MR. KLINE: All right. And to the
4 naked eye one wouldn't know whether that's
5 micro-printing or not, would they?

6 DETECTIVE CARTER: That's correct.

7 MR. KLINE: All right. So the way
8 this is depicted could have micro-printing on
9 it, correct?

10 DETECTIVE CARTER: It could, yes.

11 MR. KLINE: Okay. And you said
12 the young man admitted that he obtained the ID
13 from ID Chief, is that correct?

14 DETECTIVE CARTER: Yes.

15 MR. KLINE: Okay. I don't have
16 any further questions of the witness at this
17 time. Thank you.

18 CHAIRPERSON MILLER: Okay.

19 MR. KLINE: I would like to tender
20 to the Board the ID and the flashlight so the
21 Board can --

22 CHAIRPERSON MILLER: You want it

1 in evidence?

2 MR. KLINE: I think it would be a
3 little awkward to put into evidence.

4 CHAIRPERSON MILLER: I don't know.

5 MR. KLINE: But I think that it
6 would be helpful.

7 CHAIRPERSON MILLER: You want us
8 to see it just here in the courtroom? Is that
9 what you're saying?

10 MR. KLINE: Yes. Yes.

11 CHAIRPERSON MILLER: Okay.

12 MR. KLINE: I think it would be
13 helpful to the Board --

14 CHAIRPERSON MILLER: Yes. Okay.

15 MR. KLINE: -- to experience
16 what's going on out there in the marketplace.

17 CHAIRPERSON MILLER: You have an
18 objection?

19 MS. GEPHARDT: Objection. How is
20 that ID relevant to this case other than that
21 is a fake ID? But that's not the ID in this
22 case. So I don't know how that helps the

1 Board.

2 MR. KLINE: I think he's testified
3 that this is comparable to other fakes that
4 he's seen. It's not even as good as other
5 fakes that he's seen and it's not even as good
6 as the fake that was in this case. So it's
7 certainly more instructive than nothing. And
8 since we don't have the ID that was seized, it
9 would seem that the Board would benefit from
10 being able to look at it and do with it what
11 they might.

12 MS. GEPHARDT: I object and just
13 say that I don't see how it would help the
14 Board in this case. That's all.

15 MR. KLINE: Well, I would submit
16 that what would have really helped the Board
17 would have been to have had the ID that was
18 seized here today, but we don't have that.

19 CHAIRPERSON MILLER: I think it
20 just would be helpful to see what the
21 detective was testifying about --

22 MS. GEPHARDT: Okay.

1 CHAIRPERSON MILLER: -- and his
2 impressions. So we can take it for that
3 limited purpose.

4 Are there Board questions? Yes,
5 Mr. Brooks?

6 MEMBER BROOKS: Yes, thank you,
7 Madam Chair.

8 Detective Carter?

9 DETECTIVE CARTER: Yes?

10 MEMBER BROOKS: The young man that
11 you questioned that evening, did he indicate
12 to you that he had used that same ID at Pan
13 Mar before?

14 DETECTIVE CARTER: Yes, he did.

15 MEMBER BROOKS: So he's used it
16 before the time that you saw him --

17 DETECTIVE CARTER: Yes.

18 MEMBER BROOKS: -- that evening?

19 DETECTIVE CARTER: Yes.

20 MEMBER BROOKS: Okay. Thank you,
21 Madam Chair.

22 CHAIRPERSON MILLER: Okay.

1 Others? Mr. Silverstein?

2 MEMBER SILVERSTEIN: Thank you for
3 your service, detective. Did this young man
4 admit to you that he had used this ID at other
5 places as well?

6 DETECTIVE CARTER: That I don't
7 remember. I remember asking him specifically
8 about Pan Mar and he did say he used it there
9 before.

10 MEMBER SILVERSTEIN: How good or
11 how bad was his fake ID?

12 DETECTIVE CARTER: I would say --

13 MEMBER SILVERSTEIN: In layman's
14 terms.

15 DETECTIVE CARTER: I would say it
16 was a good fake ID. But again, that's
17 relative to a very bad, or I would say it
18 would be somewhere -- if I were to gauge it on
19 a scale of 1 to 10, I would say it's probably
20 maybe a 5 or a 6, as far as being a good fake
21 ID.

22 MEMBER SILVERSTEIN: In your

1 experience did you know right away that this
2 was fake?

3 DETECTIVE CARTER: I had the sense
4 that it was fake because of how young the
5 gentleman looked. And again, that's what made
6 me look into the ID more. And right away I
7 know one of the bigger features that is hard
8 to reproduce is the micro-printing. And
9 because I have the device, that's the first
10 thing that I look for in a fake ID, especially
11 ones that actually have the actual micro-
12 printing.

13 MEMBER SILVERSTEIN: Should the
14 owner in your experience have been able to
15 spot this right away, or is this something
16 that would have been difficult and should have
17 taken the extra mile simply because this young
18 man was so young in appearance?

19 DETECTIVE CARTER: In my opinion I
20 think a little more should have been done to
21 look at the ID and possibly maybe even
22 questioned him as to his age, because he

1 looked very young. Again, we were just
2 driving and we just happened to see him
3 walking with this case of beer and we looked
4 and it was like there's no way. We're
5 thinking to ourselves this guy does not look
6 21 at all. And that's what prompted us to
7 stop.

8 MEMBER SILVERSTEIN: So you're
9 just driving down the street and you look, you
10 said there's no way in God's creation this guy
11 is 21?

12 DETECTIVE CARTER: I didn't -- he
13 looked very young. If he had been 21 -- and
14 again, I mean, it's possible, but --

15 MEMBER SILVERSTEIN: Yes.

16 DETECTIVE CARTER: -- I didn't
17 think he -- I mean, it looked very obvious
18 that he was not 21.

19 MEMBER SILVERSTEIN: So you would
20 not give this Licensee a pass under any
21 circumstances since there's a somewhat decent
22 fake ID?

1 DETECTIVE CARTER: It's as
2 somewhat -- I just think more steps could have
3 been made to question him instead of just
4 making the sale, looking at the ID and just
5 making the sale, because he just looked young.

6 MEMBER SILVERSTEIN: No further
7 questions. Thank you. Thank you for your
8 service.

9 CHAIRPERSON MILLER: Detective,
10 you didn't witness the purchase of the sale,
11 is that correct?

12 DETECTIVE CARTER: No, I did not.

13 CHAIRPERSON MILLER: So how do you
14 know what questions were asked and what
15 questions weren't asked of the buyer?

16 DETECTIVE CARTER: Because I asked
17 the buyer, you know, when he showed the ID,
18 you know, what happened? He says he showed
19 him the ID. They asked for it. And then he
20 handed it right back to me and the sale was
21 made.

22 CHAIRPERSON MILLER: Okay. Do you

1 have a picture of him?

2 DETECTIVE CARTER: Do I?

3 CHAIRPERSON MILLER: I mean,
4 you're all talking about how young he looks.

5 Do you have a picture of him?

6 DETECTIVE CARTER: No, I don't.

7 CHAIRPERSON MILLER: Okay. So we
8 have here a liquor store. We don't know who's
9 behind the counter, whether it's a clerk, the
10 owner, or what. And you suggest that it was
11 a pretty good fake ID, but more steps should
12 have been taken because the buyer looked
13 young?

14 DETECTIVE CARTER: Yes.

15 CHAIRPERSON MILLER: So what steps
16 should have been taken?

17 DETECTIVE CARTER: A lot of places
18 will question -- you know, they'll ask the
19 kid, you know, what year did you graduate high
20 school? They'll ask the kid, you know, maybe
21 what is your sign? I mean, there are other
22 questions that you can ask and based on how

1 they answer these questions -- and these are
2 things that I've actually learned from other
3 establishments that they do to try to, you
4 know, verify, you know, a kid's age. Or
5 they'll ask for a second form of ID.

6 CHAIRPERSON MILLER: Okay. And I
7 assume that's done in training when people are
8 trained for how to detect fake IDs or --

9 DETECTIVE CARTER: Yes.

10 CHAIRPERSON MILLER: Okay.

11 DETECTIVE CARTER: Yes.

12 CHAIRPERSON MILLER: Okay. I
13 don't have any other questions. Anybody else?
14 Yes, Mr. Alberti?

15 MEMBER ALBERTI: Detective Carter,
16 you were asked about prior checks at this
17 establishment.

18 DETECTIVE CARTER: Yes.

19 MEMBER ALBERTI: Have you been
20 involved in prior checks with this
21 establishment?

22 DETECTIVE CARTER: Yes.

1 MEMBER ALBERTI: Do you remember
2 how many?

3 DETECTIVE CARTER: In the past
4 maybe two years I've been there, I would say,
5 between three to four times.

6 MEMBER ALBERTI: Okay. And were
7 all of those checks of the same nature?

8 DETECTIVE CARTER: No. No. I
9 remember one check being a compliance check,
10 which is a total different than what I was
11 doing before, which is observation. A
12 compliance check is, you know, where we send
13 the minors in for them to make a purchase.

14 MEMBER ALBERTI: Okay. And others
15 were just observation?

16 DETECTIVE CARTER: Yes. Yes.

17 MEMBER ALBERTI: Meaning --
18 explain to me the observation check?

19 DETECTIVE CARTER: Observation, we
20 just sit there and we watch. And we'll see
21 kids who we don't know go inside and who we,
22 you know, feel that, you know, look very

1 young. And we'll watch and see what happens,
2 if they ask for ID, if they make the sale.
3 And then we stop those once they -- once the
4 sale is made, we stop them outside the store.

5 MEMBER ALBERTI: Do you remember
6 on any of those occasions where you did the
7 observation check if they turned away any
8 underage people who had fake IDs?

9 DETECTIVE CARTER: No, I don't
10 remember that.

11 MEMBER ALBERTI: Okay. In a
12 compliance check would you describe -- well,
13 all right. In a compliance check, is this the
14 program where an underage person is asked to
15 go in with a legitimate ID?

16 DETECTIVE CARTER: Yes. Yes.

17 MEMBER ALBERTI: And to purchase
18 alcohol?

19 DETECTIVE CARTER: Yes.

20 MEMBER ALBERTI: Would you explain
21 to the Board what that legitimate ID looks
22 like and how it identifies that the person is

1 not 21 years old?

2 DETECTIVE CARTER: Those IDs,
3 normally a lot of the kids that are -- they
4 have District of Columbia IDs, which District
5 of Columbia or the State of Maryland are
6 vertical as opposed to horizontal, where their
7 picture is at the top and the writing is --
8 it's a vertical ID and in bold red it states
9 that this person is under 21 until, you know,
10 2015, or whatever date they would be 21. And
11 when they're -- they're trained to when they
12 go up, they'll present the, you know, alcohol
13 and if they're asked for ID, they have to
14 produce their real ID, not a fake ID.

15 MEMBER ALBERTI: Okay. So those
16 IDs are real obvious to anyone?

17 DETECTIVE CARTER: Yes. Yes.

18 MEMBER ALBERTI: I mean, they're
19 oriented differently than a legitimate --
20 they're oriented differently than driver's
21 license ID would be in terms of they're
22 oriented vertically rather than horizontally?

1 DETECTIVE CARTER: Right. Right.

2 MEMBER ALBERTI: And they have big
3 -- in big red letters they have not 21 until
4 some date?

5 DETECTIVE CARTER: Yes.

6 MEMBER ALBERTI: Okay. All right.
7 Thank you for that. I think there was one
8 other question I was going to ask. Oh, who
9 else was with you when you observed this
10 individual?

11 DETECTIVE CARTER: On which
12 occasion?

13 MEMBER ALBERTI: On this case
14 here, when you observed this individual, who
15 was with you?

16 DETECTIVE CARTER: Detective
17 Edmonds, Scott Edmonds was with me on that
18 date.

19 MEMBER ALBERTI: Okay. Just one
20 other officer?

21 DETECTIVE CARTER: I believe there
22 was one other officer, and I'm trying to

1 remember, but I can't remember his name at
2 this point.

3 MEMBER ALBERTI: Okay. Do you
4 remember any of them expressing an observation
5 with regards to how old this individual
6 appeared to be?

7 DETECTIVE CARTER: Yes, we were
8 all in agreeance in the vehicle, because we
9 were all in the vehicle together when we
10 saw --

11 MEMBER ALBERTI: Okay.

12 DETECTIVE CARTER: -- that this
13 person looked young.

14 MEMBER ALBERTI: So no one in the
15 vehicle expressed any doubt --

16 DETECTIVE CARTER: No.

17 MEMBER ALBERTI: -- that this
18 person looked older than --

19 DETECTIVE CARTER: No.

20 MEMBER ALBERTI: -- looked as if
21 they were 21?

22 DETECTIVE CARTER: No.

1 MEMBER ALBERTI: Could be 21?

2 Okay. Thank you very much.

3 CHAIRPERSON MILLER: Any other
4 questions?

5 (No audible response.)

6 CHAIRPERSON MILLER: Any redirect?
7 Recross?

8 MS. GEPHARDT: Does the Government
9 get a redirect?

10 CHAIRPERSON MILLER: Yes.

11 MS. GEPHARDT: Okay. Just
12 briefly, detective --

13 MR. KLINE: I'll have recross.
14 I'm not sure --

15 CHAIRPERSON MILLER: You'll have
16 recross.

17 MS. GEPHARDT: Oh, he can't do
18 recross.

19 CHAIRPERSON MILLER: Yes, because
20 of the Board questions.

21 MR. KLINE: The Government asked a
22 whole bunch of --

1 CHAIRPERSON MILLER: The Board
2 questions opened up.

3 MR. KLINE: The Board asked a
4 whole lot of questions.

5 MS. GEPHARDT: Okay. All right.

6 CHAIRPERSON MILLER: You can have
7 redirect on what we all opened up.

8 MS. GEPHARDT: Okay.

9 CHAIRPERSON MILLER: Okay.

10 MS. GEPHARDT: Okay. Very good.

11 Detective, is it common for fake IDs to be
12 missing the micro-printing on the back?

13 DETECTIVE CARTER: Yes.

14 MS. GEPHARDT: And so it would be
15 an important feature for somebody to look at?

16 DETECTIVE CARTER: Yes.

17 MS. GEPHARDT: Okay. And why is
18 it that -- do you know why other bars, other
19 restaurants, other liquor store have those
20 flashlights, those blacklights? Why do they
21 invest in those? Do you know?

22 DETECTIVE CARTER: Because, I

1 mean, there are a lot of kids that come there
2 with fake IDs.

3 MS. GEPHARDT: Okay. And are
4 those specifically geared towards detecting
5 holograms and the micro-printing on the back,
6 or what are those specifically used for to
7 detect?

8 DETECTIVE CARTER: Well, the one
9 -- I don't have it with me today -- the one
10 device that I use has a magnifying glass. It
11 has a regular flashlight in the inside as well
12 as a blacklight to -- so you can see the
13 hologram.

14 MS. GEPHARDT: And do you know how
15 much those costs?

16 DETECTIVE CARTER: It's about
17 \$100.

18 MS. GEPHARDT: And do you know
19 what is it called?

20 DETECTIVE CARTER: It's made by a
21 company called ID TECH.

22 MS. GEPHARDT: Okay. And is that

1 a device that I could order online?

2 DETECTIVE CARTER: Yes.

3 MS. GEPHARDT: Okay. So anybody
4 -- you don't have to be a police officer to
5 get it?

6 DETECTIVE CARTER: No, you don't.

7 MS. GEPHARDT: Okay. And it's
8 \$100?

9 DETECTIVE CARTER: Yes.

10 MS. GEPHARDT: Okay. Thank you
11 very much.

12 MR. KLINE: Detective Carter, you
13 indicated that the micro-printing on the back
14 is -- I think the way you put it was an
15 important feature for someone to take a look
16 at.

17 DETECTIVE CARTER: Yes.

18 MR. KLINE: Is that right?

19 DETECTIVE CARTER: Yes.

20 MR. KLINE: Yet it's not even
21 depicted in the ID guidebook, is it?

22 DETECTIVE CARTER: Yes.

1 MR. KLINE: It is depicted there?

2 DETECTIVE CARTER: Yes, it talks
3 about it. Yes.

4 MR. KLINE: It talks about it?

5 DETECTIVE CARTER: Yes.

6 MR. KLINE: It talks about it.

7 And would those be the three words "micro-
8 printing on back?"

9 DETECTIVE CARTER: Yes.

10 MR. KLINE: The other features are
11 all illustrated, aren't they?

12 DETECTIVE CARTER: Yes.

13 MR. KLINE: Every other feature of
14 this ID is illustrated in the book, isn't it?

15 DETECTIVE CARTER: Yes.

16 MR. KLINE: Yet there's no
17 photograph of the back of the ID in the book
18 demonstrating what the micro-printing looks
19 like, is there?

20 DETECTIVE CARTER: No, it's not.

21 MR. KLINE: So apparently the
22 authors of this book didn't think it was such

1 an important feature because they didn't even
2 feature it in the photograph, correct?

3 MS. GEPHARDT: Objection. You
4 can't say what the makers of the book thought
5 was important. Objection.

6 CHAIRPERSON MILLER: Sustained.

7 MR. KLINE: Now you said that this
8 ID was a 5 or a 6 out of a 10?

9 DETECTIVE CARTER: Yes.

10 MR. KLINE: But in reality the
11 only thing that was missing was the micro-
12 printing, wasn't it?

13 DETECTIVE CARTER: Again, I said
14 unless I have it right here -- that was one of
15 the features that I noticed that it was
16 missing at the time.

17 MR. KLINE: Well --

18 DETECTIVE CARTER: I would have to
19 look at it again to say that it didn't have
20 any of the other features. That was a feature
21 that I immediately noticed right away.

22 MR. KLINE: All right. It was a

1 durable plastic card with a 2-D bar code on
2 the back, correct?

3 DETECTIVE CARTER: Yes, I would
4 have to look at the ID again to see exactly
5 what it had. I can't testify to because I
6 don't have it right here.

7 MR. KLINE: Well, you testified
8 that it's a 5 or a 6 out of a 10, and you
9 don't know what the features on it are? Is
10 that your testimony, that you don't really
11 remember?

12 DETECTIVE CARTER: I don't
13 remember all of the security features that it
14 did not contain.

15 MR. KLINE: All right. So it
16 could have every security feature but the
17 micro-printing. Is it your testimony that
18 it's only a 5 or a 6 out of a 10 in terms of
19 a good fake ID?

20 DETECTIVE CARTER: Repeat your
21 question.

22 MR. KLINE: If it had all of the

1 security features except the micro-printing,
2 which is all we apparently have in evidence
3 today -- that's the only thing that -- let me
4 back up. The only thing that you can recall
5 that the ID didn't have was the micro-
6 printing, correct?

7 DETECTIVE CARTER: That's correct.

8 MR. KLINE: All right. As we sit
9 here today you don't know whether it had RIDMV
10 in the OVD-embedded pattern, do you?

11 DETECTIVE CARTER: No, I don't.

12 MR. KLINE: Okay. You don't know
13 whether it had the state seal in overlay, do
14 you?

15 DETECTIVE CARTER: That's correct.

16 MR. KLINE: You don't know whether
17 it had the state flag emblem in UV ink?

18 DETECTIVE CARTER: No, I do not.

19 MR. KLINE: All right. So let's
20 for purposes of discussion presume that all
21 those things were there and the only thing
22 that was missing was the micro-printing.

1 Taking that presumption, is it your testimony
2 that that makes it a 5 or a 6 out of 10 in
3 terms of the fake ID?

4 DETECTIVE CARTER: Yes.

5 MR. KLINE: Okay. So missing that
6 one feature?

7 DETECTIVE CARTER: That's because
8 that's a very important feature.

9 MR. KLINE: Okay. And so
10 important it's not even in the guidebook?

11 DETECTIVE CARTER: It is in the
12 guidebook. It mentions it.

13 MR. KLINE: Well, show me the
14 picture of it in the guidebook. Let me show
15 you the 2011 guidebook. Show me --

16 MS. GEPHARDT: Objection.

17 MR. KLINE: -- where someone
18 looking at -- may I finish my question first
19 -- someone looking at the guidebook would be
20 able to see this feature that you describe as
21 so important. I want you to show us where it
22 is.

1 MS. GEPHARDT: Objection. It
2 can't be in the guidebook because if you need
3 a flashlight to look at it, it wouldn't be
4 depicted in the guidebook. It would be
5 impossible. So that's why it says micro-
6 printing. Check for micro-printing.

7 MR. KLINE: Indulge me. Detective
8 Carter, the micro-printing is visible in terms
9 of marks or lines on the back of the ID, isn't
10 it?

11 DETECTIVE CARTER: The micro-
12 printing?

13 MR. KLINE: Yes. The micro-
14 printing's not invisible to the naked eye, is
15 it?

16 DETECTIVE CARTER: You just can't
17 read the micro-printing.

18 MR. KLINE: Right. So an
19 illustration or a photograph of the back of
20 the ID would show someone what to look for in
21 terms of which part of it is the micro-
22 printing, correct?

1 DETECTIVE CARTER: Correct.

2 MR. KLINE: So even if you didn't
3 have the magnifying glass, you would be able
4 to see that this is where I'm supposed to hold
5 the magnifying glass to see whether those
6 marks are printing that is so small that it
7 can't be seen to the naked eye. Isn't that
8 right?

9 DETECTIVE CARTER: (No audible
10 response.)

11 MR. KLINE: Do you understand my
12 question?

13 DETECTIVE CARTER: I didn't know
14 that was a question.

15 MR. KLINE: The question was if
16 there was a photo of the back of the driver's
17 license --

18 DETECTIVE CARTER: Right.

19 MR. KLINE: -- in the guidebook --

20 DETECTIVE CARTER: Correct.

21 MR. KLINE: -- that depicted the
22 rear of the driver's license, then that would

1 be useful for an operator to know where to
2 look for the micro-printing, wouldn't it?

3 DETECTIVE CARTER: Yes, it would.

4 MR. KLINE: All right. As it
5 stands, the back of the ID has a bar code on
6 it, does it?

7 DETECTIVE CARTER: Yes.

8 MR. KLINE: Doesn't it?

9 DETECTIVE CARTER: Yes.

10 MR. KLINE: And without any
11 instruction one wouldn't know whether that was
12 the micro-printing or that was a bar code or
13 what it was, would they?

14 DETECTIVE CARTER: That's correct.

15 MR. KLINE: And the guidebook
16 doesn't shed any light on that, does it?

17 DETECTIVE CARTER: It just tells
18 you that there's micro-printing on the back.

19 MR. KLINE: All right. But one
20 could look at the back of it and conclude that
21 some of those markings are micro-printing,
22 correct?

1 DETECTIVE CARTER: Yes.

2 MR. KLINE: All right. So is it
3 still your contention that the absence of the
4 micro-printing in and of itself despite all
5 the other security features makes the driver's
6 license a 5 or a 6 out of 10?

7 DETECTIVE CARTER: Yes.

8 MR. KLINE: Okay. Thank you.

9 CHAIRPERSON MILLER: Okay. Does
10 that conclude your cross, your recross?

11 MR. KLINE: Yes.

12 CHAIRPERSON MILLER: Okay. All
13 right. Thank you very much, detective.

14 Do you have another witness, or is
15 that it?

16 MS. GEPHARDT: No, the Government
17 rests.

18 CHAIRPERSON MILLER: Okay.

19 MR. KLINE: I'll make a brief
20 opening and then we'll call our witness.

21 CHAIRPERSON MILLER: Okay.

22 MR. KLINE: Members of the Board,

1 sale of alcohol to those underage is obviously
2 a serious issue, and it is one that the Board
3 deals with all the time. Equally serious is
4 the purchase of alcohol by those underage and
5 the efforts, successful efforts apparently, to
6 obtain phony identifications to go in and
7 trick merchants into selling them.

8 But in this case the evidence will
9 show that this operator did take reasonable
10 steps to ascertain the ID. Looked at the ID.
11 The young man was carded. The ID was
12 examined, as Mr. Chatwel will testify to. And
13 from the guidebook there wasn't any reason in
14 the world to believe that this wasn't a real
15 ID. So at the conclusion of the case, we will
16 ask that you dismiss the charge of failing to
17 take reasonable steps.

18 And we also have questions, which
19 we'll argue at the conclusion of the case, in
20 terms of the Government meeting its burden and
21 failing to get a certification that the ID is
22 fake and not even having the ID here before

1 you today to look at.

2 And with that, I would call
3 Baljeet Chatwel to the stand.

4 CHAIRPERSON MILLER: Would you
5 raise your right hand? Do you swear to tell
6 the truth, the whole truth, nothing but the
7 truth?

8 MR. CHATWEL: I do.

9 CHAIRPERSON MILLER: Okay. Thank
10 you. Be sure to talk into the microphone so
11 we can hear you.

12 MR. CHATWEL: Okay.

13 MR. KLINE: Can you state your
14 name for the record, please?

15 MR. CHATWEL: My name is Baljeet
16 Chatwel.

17 MR. KLINE: And what's your
18 connection to Pan Mar Liquors?

19 MR. CHATWEL: I am the owner of
20 Pan Mar Liquors.

21 MR. KLINE: And how long have you
22 been the owner of Pan Mar Liquors?

1 MR. CHATWEL: Sixteen years.

2 MR. KLINE: Sixteen years? Now
3 you were present on the evening when this
4 young man that's been described today came
5 into your establishment, correct?

6 MR. CHATWEL: Yes.

7 MR. KLINE: All right. Tell the
8 Board what happened on that evening to the
9 best that you recollect it?

10 MR. CHATWEL: Between 8:00, 8:30
11 the gentleman came and pick up the beer and
12 came to counter. And I am the person. I ask
13 him can I see your ID? He show me the ID. I
14 take out the book, driver's license ID book,
15 and I check all features, the photo ID, date
16 of birth and the seal also, I check it. And
17 all the wording, whatever the book and the
18 driver's license is there, you know? I check
19 everything. And I give it to him beer.

20 MR. KLINE: All right. When you
21 say you checked everything -- first of all,
22 you referenced a book. What's the book that

1 you're referring to?

2 MR. CHATWEL: Is it driver's
3 license guidebook, 2010.

4 MR. KLINE: Is there one sitting
5 there in front of you?

6 MR. CHATWEL: Yes, there's right
7 here.

8 MR. KLINE: And will you identify
9 that to the Board in terms of what year it is?

10 MR. CHATWEL: This is 2010.

11 MR. KLINE: 2010?

12 MR. CHATWEL: 2010.

13 MR. KLINE: All right. Hold that
14 up for the Board to see.

15 All right. Now is that the
16 edition of the book that you relied on at that
17 time?

18 MR. CHATWEL: Yes.

19 MR. KLINE: All right. If you
20 would open it up to the page where Rhode
21 Island licenses are listed. Is that on page
22 44?

1 MR. CHATWEL: Yes.

2 MR. KLINE: All right. In looking
3 at that, can you tell the Board what it is
4 that you checked to ascertain whether this was
5 a valid Rhode Island driver's license?

6 MR. CHATWEL: First thing we check
7 mostly when somebody come and we see any
8 suspicious thing, you know, we check the date,
9 date of birth and the wording, whatever is
10 working on the driver's license and the
11 picture. We check that, too. And plus we
12 check double picture, which one is right here.
13 It was there, too, that time.

14 MR. KLINE: When you say "double
15 picture," you're referring to?

16 MR. CHATWEL: Like double picture.
17 One is small always and one is big.

18 MR. KLINE: Okay. Yes.

19 MR. CHATWEL: Okay. And the seal,
20 when I checked it, there was seal was there,
21 too, you know?

22 MR. KLINE: Okay. When you say

1 "the seal," what is it that you're referring
2 to?

3 MR. CHATWEL: A seal is, you know
4 -- the Rhode Island seal is there, you know?
5 And I check that one. It's right there, you
6 know?

7 MR. KLINE: Okay.

8 MR. CHATWEL: And plus -- and that
9 means, you know, the signature of the driver's
10 license holder. I check that, too.

11 MEMBER SILVERSTEIN: Sir, would
12 you repeat the last thing you said?

13 MR. CHATWEL: The driver's license
14 signature, I check that, too, you know? It
15 was there, you know?

16 MR. KLINE: You checked to see
17 that the driver's signature --

18 MR. CHATWEL: Signature was there.

19 MR. KLINE: -- was on the license?

20 MR. CHATWEL: Yes.

21 MR. KLINE: All right. In terms
22 of the numbers on the license, do you do

1 anything with those? Do you check those at
2 all?

3 MR. CHATWEL: Number? What are
4 you talking about?

5 MR. KLINE: The driver's license
6 number.

7 MR. CHATWEL: No.

8 MR. KLINE: Okay. And when you
9 examined the license of this individual, what
10 did you find?

11 MR. CHATWEL: It looks like to me
12 real ID, you know? I do not see any fake ID
13 or anything, you know? And I sell the liquor.

14 MR. KLINE: Now, why is it that
15 you were using the guidebook? Is there a
16 particular reason that you were using it?

17 MR. CHATWEL: Mostly, you know, I
18 am in a neighborhood, GW neighborhood. We
19 have lot of clients come out of town. We
20 always three or four visitor and then, you
21 know, because they bring fake IDs, you know?
22 And this time we especially all my employees,

1 they check the ID, too, for everybody.

2 MR. KLINE: About how many fake
3 IDs do you see a month in your store?

4 MR. CHATWEL: In a month?

5 MR. KLINE: Yes.

6 MR. CHATWEL: Ten or fifteen.

7 MR. KLINE: Ten or fifteen a
8 month? And what do you do under those
9 circumstances?

10 MR. CHATWEL: Just we return. We
11 don't sell to minor.

12 MR. KLINE: Now you've had some
13 previous sale to minor violations before the
14 Board, is that correct?

15 MR. CHATWEL: Yes.

16 MR. KLINE: Did that cause you to
17 have any concern with respect to how you dealt
18 with this ID?

19 MR. CHATWEL: When February 3rd,
20 we had problem. I was not there. I had no
21 idea about that.

22 MR. KLINE: Okay.

1 MR. CHATWEL: And 2008, when we
2 had problem, you know, I was not there, too,
3 you know?

4 MR. KLINE: Okay. Now are you
5 normally in the store?

6 MR. CHATWEL: Most of the time.

7 MR. KLINE: Most of the time?

8 MR. CHATWEL: Most of the time.

9 MR. KLINE: And you said you have
10 owned this store for 16 years?

11 MR. CHATWEL: Sixteen years.

12 MR. KLINE: And the previous two
13 violations, are those the only violations
14 you've had?

15 MR. CHATWEL: Only two violations,
16 yes.

17 MR. KLINE: Only two violations?

18 MR. CHATWEL: Yes.

19 MR. KLINE: In 16 years?

20 MR. CHATWEL: Sixteen years.

21 MR. KLINE: Did you ever get a
22 written warning concerning any sale to minors

1 violation, for any of the violations that you
2 had?

3 MR. CHATWEL: No, but I always get
4 certificate from ABRA when they check us all
5 the time. And they send us certification of
6 congratulations, you check whatever you done.
7 You done good thing, you know? And that kind
8 of certification. Even generally 2012 they
9 check me. They send somebody inside and one
10 of my employee check the ID and we did not
11 give to minor, you know?

12 MR. KLINE: Okay. How many of
13 those letters have you received over the
14 years? Do you recall?

15 MR. CHATWEL: In this year we
16 already have one, and last year three of them.

17 MR. KLINE: Three of them?

18 MR. CHATWEL: Three of them.

19 MR. KLINE: Okay. And what about
20 years prior to that?

21 MR. CHATWEL: Every year happy,
22 you know? We are checking all these things,

1 you know, my employees and myself.

2 MR. KLINE: And these two previous
3 violations caused you some concern?

4 MR. CHATWEL: Yes, always, you
5 know, is concern to us, you know? Why we did
6 mistake. We try to be more careful, you know,
7 in future, you know?

8 MR. KLINE: Okay. Thank you. I
9 don't have any further questions of the
10 witness at this time.

11 CHAIRPERSON MILLER: Cross?

12 MS. GEPHARDT: Yes. Good
13 afternoon, Mr. Chatwel. So this patron that
14 walked into your store on March 11th, 2011, he
15 looked young, didn't he?

16 MR. CHATWEL: You cannot say he's
17 young. He's 21. Looks like 21, 22-year-old
18 guy. He's not young. If he looked young, we
19 are be very, very careful, you know?

20 MS. GEPHARDT: Okay. And when you
21 see somebody that looks young, since you have
22 a lot of young people that come into your

1 store, as you said, do you think to ask --
2 other than for the ID, do you ask him -- in
3 this particular case did you ask him any other
4 questions besides looking at his ID?

5 MR. CHATWEL: No.

6 MS. GEPHARDT: Okay. Did you ask
7 him for a second form of ID?

8 MR. CHATWEL: (No audible
9 response.)

10 MS. GEPHARDT: Okay.

11 MR. CHATWEL: I think a person is
12 supposed to have one ID, not two.

13 COURT REPORTER: If you can answer
14 in verbal responses, please. I can't record
15 images, so if you could answer verbally.

16 MR. CHATWEL: Okay.

17 COURT REPORTER: Thank you.
18 Appreciate it.

19 MR. CHATWEL: Sure.

20 MR. KLINE: In other words don't
21 nod your head. Make sure you say out loud yes
22 or no.

1 PARTICIPANT: Say yes or not.

2 MR. CHATWEL: Okay.

3 MR. KLINE: Okay?

4 MR. CHATWEL: All right.

5 MR. KLINE: Just so we're clear.

6 MS. GEPHARDT: So the answer to
7 your question about did you ask him for a
8 second form of ID, your answer was?

9 MR. CHATWEL: No.

10 MS. GEPHARDT: No? Okay. So when
11 he showed you this ID, you looked at the front
12 of the ID?

13 MR. CHATWEL: Front of the ID,
14 yes.

15 MS. GEPHARDT: Did you look at the
16 back of the ID?

17 MR. CHATWEL: No.

18 MS. GEPHARDT: You didn't look at
19 the back? Okay. So you didn't look to see if
20 there was the micro-printing on the back?

21 MR. CHATWEL: First thing I don't
22 know what's micro-printing.

1 MS. GEPHARDT: Okay. And you've
2 been at Pan Mar Liquors for how many years?

3 MR. CHATWEL: Sixteen years.

4 MS. GEPHARDT: Okay. So you don't
5 have the blacklight, the magnifying glass?

6 MR. CHATWEL: No, ma'am.

7 MS. GEPHARDT: Okay. Have you
8 heard of that device? Have you ever seen one?

9 MR. CHATWEL: Yes, I heard about
10 that.

11 MS. GEPHARDT: Okay. Have you
12 ever thought about buying one?

13 MR. CHATWEL: Looks like from --

14 MS. GEPHARDT: Were you suspicious
15 at all that this young man might be underage?

16 MR. CHATWEL: No, because he don't
17 look like 19 or 20 or 18 year old. He looks
18 like more than 21 years old.

19 MS. GEPHARDT: Okay. And in this
20 instance did you end up selling him the
21 liquor?

22 MR. CHATWEL: Yes, I solded it.

1 MS. GEPHARDT: Okay. And you said
2 earlier on direct examination that you weren't
3 there for the past violations earlier in the
4 month in 2011 -- excuse me, earlier in the
5 year and then in 2008, but you're the owner of
6 the store, is that correct?

7 MR. CHATWEL: Right. Right.

8 MS. GEPHARDT: So you're
9 responsible for your clerks and training them
10 on checking IDs?

11 MR. CHATWEL: Yes, they are
12 trained.

13 MS. GEPHARDT: Okay. And you also
14 mentioned on direct that you know that there
15 are frequent visitors to your store from GW?

16 MR. CHATWEL: Yes.

17 MS. GEPHARDT: Okay. So other
18 than looking at the ID and only looking at the
19 front, do you have any other system that
20 you've implemented to check fake IDs?

21 MR. CHATWEL: Well, we have --

22 MS. GEPHARDT: Or checking the

1 guidebook?

2 MR. CHATWEL: -- guidebook. Yes.

3 MS. GEPHARDT: But that's it?

4 MR. CHATWEL: That's it.

5 MS. GEPHARDT: Okay. Give me one
6 moment. Court's indulgence.

7 How about in addition to the
8 violations that you were cited for by ABRA,
9 have you had complaints from the community in
10 general --

11 MR. CHATWEL: No, ma'am.

12 MS. GEPHARDT: -- regarding sale
13 to minor?

14 MR. CHATWEL: No.

15 MS. GEPHARDT: You haven't had
16 people come into your liquor store and talk to
17 you personally?

18 MR. CHATWEL: No.

19 MS. GEPHARDT: That's all I have.

20 CHAIRPERSON MILLER: Okay. Thank
21 you. Board questions? Ms. Mobley?

22 MEMBER MOBLEY: Good afternoon,

1 Mr. Chatwel. You stated that you have been
2 cited by ABRA, by ABC Board for selling to
3 minors before, correct?

4 MR. CHATWEL: No. No.

5 MEMBER MOBLEY: I thought I just
6 heard you testify that you had been cited for
7 selling to minors last year.

8 MR. CHATWEL: Not ABC Board. From
9 Metro --

10 MEMBER MOBLEY: Well, from ABRA.

11 MR. CHATWEL: -- MPD.

12 MEMBER MOBLEY: Okay. Did
13 Detective Carter ever suggest to you to get a
14 flashlight or the blacklight so that you can
15 see the micro-printing?

16 MR. CHATWEL: Yes, once he told
17 me. Yes.

18 MEMBER MOBLEY: Yes, he warned
19 you?

20 MR. CHATWEL: Yes.

21 MEMBER MOBLEY: When did he warn
22 you?

1 MR. CHATWEL: February. February
2 3rd.

3 MEMBER MOBLEY: February?

4 MR. CHATWEL: Third, yes.

5 MEMBER MOBLEY: Of last year?
6 2011?

7 MR. CHATWEL: 2012.

8 MEMBER MOBLEY: I'm sorry?

9 MR. CHATWEL: 2012.

10 MEMBER MOBLEY: 2012?

11 MR. CHATWEL: Yes.

12 MEMBER MOBLEY: Okay. And did you
13 buy --

14 MR. CHATWEL: When he told me,
15 after then, if I remember, I had surgery, eye
16 surgery. February 10th or something like
17 that, you know, I went for surgery. And
18 meantime, you know, I have to go for doctor
19 procedure for one week, you know? I did not
20 buy.

21 MEMBER MOBLEY: Okay. Aside from
22 Detective Carter, has anyone else ever

1 recommended to you --

2 MR. CHATWEL: No.

3 MEMBER MOBLEY: -- to buy --

4 MR. CHATWEL: No, ma'am.

5 MEMBER MOBLEY: Okay. But you've
6 been a owner for 16 years?

7 MR. CHATWEL: Yes, ma'am.

8 MEMBER MOBLEY: And you have a lot
9 of young students, GW and all, coming into
10 your establishment?

11 MR. CHATWEL: Yes, ma'am.

12 MEMBER MOBLEY: Okay. Did you not
13 feel a responsibility to get whatever you
14 needed to ensure --

15 MR. CHATWEL: Sure, ma'am, is my
16 responsibility, no doubt. Only thing I can
17 say right now, you know, I will buy -- when I
18 go out from here, I will buy UV, whatever,
19 flashlight, kind of like that.

20 MEMBER MOBLEY: Okay. In the 16
21 years that you've been an owner have you ever
22 participated in any of the classes that ABRA

1 provide for sale to minors and how to
2 recognize fake IDs? We offer that type of
3 training. Have you ever been to that
4 training?

5 MR. CHATWEL: No, ma'am.

6 MEMBER MOBLEY: You've never been
7 to that training?

8 MR. CHATWEL: Never. No.

9 MEMBER MOBLEY: Did you ever
10 receive notice of that training?

11 MR. CHATWEL: No.

12 MEMBER MOBLEY: Okay. No further
13 questions, Madam Chair.

14 CHAIRPERSON MILLER: Mr. Alberti?

15 MEMBER ALBERTI: Hi, Mr. Chatwel.

16 MR. CHATWEL: Yes.

17 MEMBER ALBERTI: In your testimony
18 you seemed to be pretty certain about your
19 recollection of the steps you took to check
20 his ID.

21 MR. CHATWEL: Yes.

22 MEMBER ALBERTI: So you remember

1 that clearly?

2 MR. CHATWEL: Yes.

3 MEMBER ALBERTI: Okay. Just for
4 my benefit, can you go over what the steps
5 were that you used to check again?

6 MR. CHATWEL: First thing if you
7 see anybody come underage, you know, or
8 anybody come under 30-year-old, you know, we
9 check the IDs, you know?

10 MEMBER ALBERTI: Yes.

11 MR. CHATWEL: And if we got any
12 suspicious of anything, we always have books.
13 Even we have 2012 book already in store, yes.

14 MEMBER ALBERTI: Okay.

15 MR. CHATWEL: We check the book
16 also. And my employees, they already have
17 training. Not me, but my employees, they
18 already have training, too, two times.

19 MEMBER ALBERTI: Okay. But in
20 this case, I mean, you were pretty certain
21 earlier and you say that you remember very
22 clearly the steps you took to check this

1 individual's --

2 MR. CHATWEL: ID.

3 MEMBER ALBERTI: -- person's ID.

4 MR. CHATWEL: Yes.

5 MEMBER ALBERTI: Can you go over
6 the steps again that you took to check his ID?

7 MR. CHATWEL: Okay. When he came,
8 I asked for his ID.

9 MEMBER ALBERTI: Yes.

10 MR. CHATWEL: He show me the ID.
11 I open the book, 2010.

12 MEMBER ALBERTI: Yes.

13 MR. CHATWEL: Check guideline. I
14 check the ID with the picture. And this
15 thing, there is two photos there, you know?

16 MEMBER ALBERTI: Yes.

17 MR. CHATWEL: One small, one big.
18 And the wording also, I check it. I check the
19 seal and date of birth, too.

20 MEMBER ALBERTI: Okay. I think it
21 says something about a state flag emblem. Did
22 you check for a state flag emblem?

1 MR. CHATWEL: No.

2 MEMBER ALBERTI: No? Okay. And
3 why not?

4 MR. CHATWEL: Seal, I check it.

5 MEMBER ALBERTI: All right. But
6 did you check for a state flag emblem?

7 MR. CHATWEL: No.

8 MEMBER ALBERTI: No? Okay. So if
9 I look at this book, it really lists three
10 things under validation. Want to open it up
11 for me?

12 MR. CHATWEL: Sure, sir.

13 MEMBER ALBERTI: Would you agree
14 that there are three items? The first item;
15 and I won't read the whole thing, it says
16 "OBD-imbedded pattern of RIDMV and state seal
17 in overlay." That's the first item. Did you
18 check for that?

19 MR. CHATWEL: Yes, sir.

20 MEMBER ALBERTI: Okay. And did
21 you check for the state flag emblem in UV?

22 MR. CHATWEL: Yes.

1 MEMBER ALBERTI: You just told me
2 you didn't check for the state flag.

3 MR. CHATWEL: This is state flag.

4 MEMBER ALBERTI: Oh, okay. All
5 right. But I asked you did you check for the
6 state flag?

7 MR. CHATWEL: Oh, I thought --

8 MEMBER ALBERTI: You didn't check
9 for the flag?

10 MR. CHATWEL: No, I did not. Yes,
11 this is state --

12 MEMBER ALBERTI: And the last one
13 is micro-printing on back.

14 MR. CHATWEL: I did not check
15 that.

16 MEMBER ALBERTI: Okay. So you
17 checked for really just one of those three
18 items, is that correct?

19 MR. CHATWEL: Yes.

20 MEMBER ALBERTI: Okay. Thank you.

21 CHAIRPERSON MILLER: Other
22 questions? Yes, Mr. Jones?

1 MEMBER JONES: Thank you, Madam
2 Chair.

3 Sir, you indicated that you were
4 provided guidance by Detective Carter about
5 the ability or checking the micro-printing on
6 the back. Did I mishear that?

7 MR. CHATWEL: Micro-printing,
8 first thing, I don't know anything.

9 MEMBER JONES: I'm sorry?

10 MR. CHATWEL: I don't know
11 anything about micro-printing.

12 MEMBER JONES: Okay. So I must
13 have misheard your testimony earlier, unless
14 I misunderstood your response. In response to
15 Board Member Mobley's question as to whether
16 or not Detective Carter had ever advised you
17 to check for printing on the back of the ID,
18 you respond in the affirmative, that you had
19 been told. You actually gave an exact date,
20 which I believe that date was February 3rd,
21 that you indicated you were advised by
22 Detective Carter.

1 MR. CHATWEL: No, I was not here.

2 MEMBER JONES: Did I misunderstand
3 that?

4 MR. CHATWEL: I was not there for
5 February 3rd.

6 MEMBER JONES: So what happened on
7 February 3rd? Did you respond to Board Member
8 Mobley with a date of February 3rd?

9 MR. CHATWEL: No, no. February
10 3rd I was not here. I was not, no.

11 MEMBER JONES: Did you respond to
12 Board Member Mobley's question regarding --

13 MR. CHATWEL: Yes, she told me
14 February 3rd you are there, and what happened
15 on February 3rd? I was not there even.

16 MEMBER JONES: Okay. So right now
17 you're saying you have never -- have you ever
18 been advised about checking IDs for micro-
19 printing on the back?

20 MR. CHATWEL: No, nobody said.

21 MEMBER JONES: No one told you?

22 MR. CHATWEL: No, nobody.

1 MEMBER JONES: So at no point were
2 you told by Detective Carter to --

3 MR. CHATWEL: No.

4 MEMBER JONES: So after you were
5 found in violation of selling to minors the
6 first time, was there any feedback, any
7 guidance --

8 MR. CHATWEL: Yes, he informed
9 me --

10 MEMBER JONES: Was there any
11 feedback, any training or any guidance that
12 you received from anyone as to how you could
13 better position yourself to not be caught in
14 that situation again? Yes or no?

15 MR. CHATWEL: Can you repeat it
16 again, please?

17 MEMBER JONES: After you were
18 found guilty of violating the sale to minor
19 regulation associated with the privilege of
20 having a license to sell alcohol in the
21 District of Columbia, did you receive any
22 guidance, training or feedback from anyone --

1 MR. CHATWEL: No.

2 MEMBER JONES: -- related to how
3 you could prevent yourself from being caught
4 that situation again?

5 MR. CHATWEL: No.

6 MEMBER JONES: No? Did you attend
7 any training?

8 MR. CHATWEL: No.

9 MEMBER JONES: Did you already
10 have a handbook at that time?

11 MR. CHATWEL: Yes.

12 CHAIRPERSON MILLER: You did?

13 MR. CHATWEL: Yes.

14 MEMBER JONES: All right. So no
15 officers came and spoke to you? No one from
16 ABRA came and spoke to you? No one?

17 MR. CHATWEL: No one.

18 MEMBER JONES: Okay. So when you
19 said that your employees received training,
20 did they receive training from you?

21 MR. CHATWEL: No, they went online
22 and they did training.

1 MEMBER JONES: Oh, they went
2 online and they took training?

3 MR. CHATWEL: Online, yes.

4 MEMBER JONES: All right. And
5 what online site did they go to?

6 MR. CHATWEL: I have an idea.

7 MEMBER JONES: Have you taken that
8 training?

9 MR. CHATWEL: No.

10 MEMBER JONES: You haven't taken
11 the training?

12 MR. CHATWEL: No, sir.

13 MEMBER JONES: So you're saying
14 you directed your employees to take
15 training --

16 MR. CHATWEL: Training, yes.

17 MEMBER JONES: -- that you haven't
18 taken?

19 MR. CHATWEL: I never did.

20 MEMBER JONES: So you're an owner?

21 MR. CHATWEL: Yes.

22 MEMBER JONES: You work at the

1 establishment?

2 MR. CHATWEL: I work in my --

3 MEMBER JONES: Are you responsible
4 for checking IDs?

5 MR. CHATWEL: Me and my employees,
6 yes, we are responsible.

7 MEMBER JONES: Okay. So I'm just
8 curious why as the owner are you directing
9 your employees to take training to help put
10 them in a better position to recognize fake
11 IDs that you yourself haven't taken?

12 MR. CHATWEL: I think I am in this
13 business from last 24 years.

14 MEMBER JONES: Yes.

15 MR. CHATWEL: I am from Florida.
16 I check -- I have experience there, too. I
17 had experience in Washington, District of
18 Columbia. I think I have more knowledge about
19 all these things.

20 MEMBER JONES: You think you have
21 more knowledge about what?

22 MR. CHATWEL: To check the IDs and

1 all that.

2 MEMBER JONES: Okay. So were you
3 the individual who took the ID on the date in
4 question where you sold to, allegedly sold to
5 an underage person?

6 MR. CHATWEL: From my knowledge I
7 did not sold to underage. I sold to the guy
8 21 year old, you know?

9 MEMBER JONES: Okay. So you're
10 saying because of your experience that you
11 know how to recognize and check for fake IDs?

12 MR. CHATWEL: I mean, I am not --

13 MEMBER JONES: And that's why you
14 haven't taken the training?

15 MR. CHATWEL: I am not 100 percent
16 sure, too, you know? But I am 80 percent sure
17 this ID is fake or this ID is bad.

18 MEMBER JONES: That's fine. I'm
19 asking you a specific question. So based on
20 your, I think you said 24 years of
21 experience --

22 MR. CHATWEL: Right.

1 MEMBER JONES: -- you know how to
2 recognize a fake ID, and that's why you didn't
3 take the training --

4 MR. CHATWEL: Correct.

5 MEMBER JONES: -- that you advised
6 your employees to take?

7 MR. CHATWEL: Right, sir.

8 MEMBER JONES: Okay. So as far as
9 you're concerned you received a valid ID and
10 that the valid ID that you received confirmed
11 that the individual to whom you sold the
12 alcohol to was over the age of 21, at the age
13 or over the age of 21, at the legal drinking
14 age?

15 MR. CHATWEL: Twenty-one, yes.

16 MEMBER JONES: Okay. And you said
17 you did not check the back of the ID?

18 MR. CHATWEL: I did not the back.

19 MEMBER JONES: Okay. Is that part
20 of your normal procedure? Is checking the
21 back of ID part of your normal --

22 MR. CHATWEL: First thing micro-

1 read, I have no idea before. I never --
2 nobody told me anything about all these
3 things, micro-printing.

4 MEMBER JONES: So in the guidebook
5 that you said you use as a reference --

6 MR. CHATWEL: Only front of the
7 ID.

8 MEMBER JONES: So the guidebook
9 that you use as a reference --

10 MR. CHATWEL: Right.

11 MEMBER JONES: -- did you read the
12 entire section related to Rhode Island IDs at
13 the time that you checked --

14 MR. CHATWEL: Yes, sir.

15 MEMBER JONES: -- for the
16 validity, or whether or not the ID you
17 received was valid from Rhode Island?

18 MR. CHATWEL: Yes, it was valid ID
19 when I checked it, Rhode Island.

20 MEMBER JONES: How can you confirm
21 that if you didn't check all of the aspects
22 that are noted in the ID book?

1 MR. CHATWEL: In the front,
2 whatever I check is all similar to me, you
3 know?

4 MEMBER JONES: Say that again?

5 MR. CHATWEL: All of the front ID,
6 when I check, they're all similar to that
7 picture.

8 MEMBER JONES: They're all similar
9 to?

10 MR. CHATWEL: Yes.

11 MEMBER JONES: But did you check?

12 MR. CHATWEL: Yes, I checked it.
13 Yes.

14 MEMBER JONES: How did you check
15 it? Do you have --

16 MR. CHATWEL: With this ID book,
17 guidebook.

18 MEMBER JONES: Okay. So that ID
19 guidebook, under validation, is there a
20 section called validation?

21 MR. CHATWEL: It did not say any
22 validation.

1 MEMBER JONES: May I see the book,
2 please?

3 MEMBER ALBERTI: Yes, that's the
4 section I read, too, Mr. Chatwel.

5 MEMBER JONES: So, is there a
6 section called validation?

7 MR. CHATWEL: Okay. Validation,
8 yes.

9 MEMBER JONES: All right. And
10 you're saying you've read this before?

11 MR. CHATWEL: That time I did
12 not --

13 MEMBER JONES: No, no. Have you
14 read this before --

15 MR. CHATWEL: Yes.

16 MEMBER JONES: -- at any time?

17 MR. CHATWEL: Any time, yes.

18 MEMBER JONES: You did?

19 MR. CHATWEL: Yes.

20 MEMBER JONES: Okay. Did you read
21 the entire thing?

22 MR. CHATWEL: I am not sure.

1 MEMBER JONES: You're not sure if
2 you read it?

3 MR. CHATWEL: I'm not sure.

4 MEMBER JONES: You're not sure?
5 Okay. So you can't say definitively that you
6 have read the words "micro-printing on back?"

7 MR. CHATWEL: I don't know
8 anything about micro-printing.

9 MEMBER JONES: You don't know
10 anything about micro-printing?

11 MR. CHATWEL: No.

12 MEMBER JONES: Okay. So I have a
13 -- I'll leave that comment to myself. Okay.
14 Thank you.

15 Thank you, Madam Chair.

16 CHAIRPERSON MILLER: Other
17 questions?

18 MEMBER ALBERTI: I'll have an
19 additional question.

20 CHAIRPERSON MILLER: Okay.

21 MEMBER ALBERTI: But you want me
22 to wait or -- you want me to go ahead, or do

1 you want me to wait?

2 CHAIRPERSON MILLER: I just have
3 two questions.

4 MEMBER ALBERTI: Oh, okay.
5 Pardon?

6 CHAIRPERSON MILLER: I just have
7 two questions.

8 MEMBER ALBERTI: Okay.

9 CHAIRPERSON MILLER: So in this
10 particular case you checked an ID and you were
11 wrong. It was a fake ID. You thought it was
12 real. You were wrong, right? It's okay. I'm
13 just saying that's what happened in this case,
14 correct?

15 MR. CHATWEL: Yes.

16 CHAIRPERSON MILLER: Okay. Has
17 that happened before to you?

18 MR. CHATWEL: No.

19 CHAIRPERSON MILLER: So this was
20 the first time that you made a mistake in
21 judging --

22 MR. CHATWEL: Yes.

1 CHAIRPERSON MILLER: -- an ID?

2 MR. CHATWEL: Yes, ma'am.

3 CHAIRPERSON MILLER: Okay. Do you
4 have a question?

5 MEMBER ALBERTI: No. Yes, I do
6 now.

7 CHAIRPERSON MILLER: Okay.

8 MEMBER ALBERTI: I have a
9 question?

10 CHAIRPERSON MILLER: Yes.

11 MEMBER ALBERTI: Okay. Mr.
12 Chatwel, how often do you work at the store?

13 MR. CHATWEL: I give almost 50 to
14 55 hours, maybe.

15 MEMBER ALBERTI: Ah, okay. So do
16 you see a lot of driver's licenses?

17 MR. CHATWEL: Yes. If I am in the
18 counter, yes, I check.

19 MEMBER ALBERTI: Oh, okay. Okay.
20 Do you see a lot of non-D.C. driver's
21 licenses?

22 MR. CHATWEL: Yes.

1 MEMBER ALBERTI: See a lot of D.C.
2 driver's licenses, too, correct?

3 MR. CHATWEL: Yes.

4 MEMBER ALBERTI: Do you often
5 check licenses against this book?

6 MR. CHATWEL: If anybody looks
7 like 30 years or 32, or looks young, yes, we
8 open the book and check the IDs.

9 MEMBER ALBERTI: How many times
10 would you say that happens a week?

11 MR. CHATWEL: Seven, eight times.

12 MEMBER ALBERTI: A week? All
13 right. So you use this book a lot, is that
14 correct?

15 MR. CHATWEL: Oh, yes.

16 MEMBER ALBERTI: Yes?

17 MR. CHATWEL: Always on counter.

18 MEMBER ALBERTI: All right. As I
19 look through this book; and I haven't counted
20 them, but it's my general impression just
21 doing sort of a random survey, sort of non-
22 scientific -- but I'm pretty convinced that

1 most of them under validation have a UV
2 feature. So have you noticed that before?

3 MR. CHATWEL: Sorry. Can you
4 repeat that?

5 MEMBER ALBERTI: That that's a
6 common feature of validation amongst driver's
7 licenses?

8 MR. CHATWEL: Yes.

9 MEMBER ALBERTI: You've noticed
10 that?

11 MR. CHATWEL: Yes.

12 MEMBER ALBERTI: And do you have a
13 UV light?

14 MR. CHATWEL: No, I don't.

15 MEMBER ALBERTI: Okay. Thank you.
16 Well, why not?

17 MR. CHATWEL: You can say is my
18 fault. When February turned that -- this
19 thing up, when I went for surgery, after I was
20 again in surgery, two, three months I was in
21 bed. My health is not totally back. I mean,
22 that's what I mean.

1 MEMBER ALBERTI: When did you have
2 surgery?

3 MR. CHATWEL: I went on -- last
4 six month I think two, three times I went for
5 surgery.

6 MEMBER ALBERTI: Oh, okay. Have
7 you seen these kinds of books before 2010?

8 MR. CHATWEL: Yes.

9 MEMBER ALBERTI: And this is from
10 2010?

11 MR. CHATWEL: Yes.

12 MEMBER ALBERTI: Does this predate
13 when you were ill?

14 MR. CHATWEL: Can you repeat it?

15 MEMBER ALBERTI: Did you have this
16 book before you became ill?

17 MR. CHATWEL: Yes.

18 MEMBER ALBERTI: Okay. So really
19 your illness really didn't get you in the way
20 of being able to --

21 MR. CHATWEL: No, I --

22 MEMBER ALBERTI: No, wait, wait.

1 Let me finish my question.

2 MR. CHATWEL: Sorry about that.

3 MEMBER ALBERTI: So really, if I'm
4 hearing you correctly, your illness didn't get
5 in the way of you recognizing that UV light
6 was something that would be useful and
7 necessary for many state IDs. Is that a
8 correct statement, that --

9 MR. CHATWEL: No, it is useful if
10 I have. Is useful, no doubt.

11 MEMBER ALBERTI: Okay. Thank you.

12 CHAIRPERSON MILLER: Yes, Mr.
13 Jones?

14 MEMBER JONES: Thank you, Chair.

15 Just for clarification purposes,
16 are you refuting the fact right now that you
17 sold to a minor on that day, or are you just
18 making the statement that you checked the ID?

19 MR. CHATWEL: I did not sold to
20 minor.

21 MEMBER JONES: So you're saying
22 you didn't sell to a minor?

1 MR. CHATWEL: No.

2 MEMBER JONES: Okay. So the fact
3 that the testimony that we've received is
4 vehemently in contradiction to that. You're
5 still -- as you sit at the witness stand,
6 you're saying you still have not sold to a
7 minor?

8 MR. CHATWEL: Yes, sir.

9 MR. KLINE: Objection.

10 CHAIRPERSON MILLER: Yes.

11 MR. KLINE: He's answered. it.

12 CHAIRPERSON MILLER: Okay.

13 MR. KLINE: There is no such
14 testimony.

15 CHAIRPERSON MILLER: I just want
16 to ask you, sir, where did you get the book,
17 or how did you get the ID checking book? I'm
18 just curious.

19 MEMBER JONES: Was I done?

20 CHAIRPERSON MILLER: I thought you
21 were done. No, I thought --

22 MEMBER JONES: No, he objected and

1 you didn't rule on the objection.

2 CHAIRPERSON MILLER: He withdrew
3 it.

4 MEMBER JONES: Oh, you withdrew
5 it?

6 MR. KLINE: He answered before I
7 finished my objection.

8 MEMBER JONES: Oh, okay. Cool.
9 But you can go ahead. I'll pick up where you
10 left off then.

11 CHAIRPERSON MILLER: I just have
12 just that question. I'm just wondering. You
13 know, you said you didn't go to training and
14 I was just wondering where you got this book.
15 How you got it.

16 MR. CHATWEL: This is 1-800 number
17 in the back. We call them every year to send
18 us.

19 CHAIRPERSON MILLER: You called
20 who?

21 MR. CHATWEL: There is number in
22 the back, 1-800.

1 CHAIRPERSON MILLER: Okay. So
2 every year you call to get the updated book?

3 MR. CHATWEL: Yes, to get the --

4 CHAIRPERSON MILLER: Okay. Mr.
5 Jones, I'm sorry. I didn't know you weren't
6 finished.

7 MEMBER JONES: No problem, ma'am.

8 The training that you said you had
9 your employees take, that you directed them to
10 a Web site to, how did they get to that Web
11 site? Meaning, you told them to take this
12 training, whatever training you're alleging
13 they took?

14 MR. CHATWEL: I told them to go
15 and take the training. I don't know which Web
16 site or where they go. They knows where to
17 go.

18 MEMBER JONES: How do they know
19 where to go?

20 MR. CHATWEL: I have no idea.

21 MEMBER JONES: Do you know where
22 to go?

1 MR. CHATWEL: No.

2 MEMBER JONES: So how is it that
3 you're assuming they know where to go?

4 MR. CHATWEL: Because they already
5 took the training.

6 MEMBER JONES: How do you know
7 that?

8 MR. CHATWEL: Because they get the
9 license and certificate.

10 MEMBER JONES: They received a
11 license that said they --

12 MR. CHATWEL: Yes, certification
13 of --

14 MEMBER JONES: They received a --

15 MR. CHATWEL: Yes.

16 MEMBER JONES: -- letter of
17 certification?

18 MR. CHATWEL: Yes.

19 MEMBER JONES: From whom?

20 MR. CHATWEL: From some Web site
21 or anything. I am saying -- I am telling you
22 I don't know anything about that.

1 MEMBER JONES: I'm just curious,
2 how did you verify that your employees took
3 this training that you know nothing about?

4 MR. CHATWEL: Okay.

5 MEMBER JONES: Then how do you
6 know that that training is even valid if you
7 know nothing about it?

8 MR. CHATWEL: They get the license
9 with all that. If they don't pass it, they
10 don't get the -- from ABRA license when they
11 do it.

12 MEMBER JONES: So you're saying
13 it's an ABRA-sponsored training --

14 MR. CHATWEL: Yes.

15 MEMBER JONES: -- online?

16 MR. CHATWEL: Online, yes.

17 MEMBER JONES: So you're saying
18 there's an ABRA Web site where training is
19 taken?

20 MR. CHATWEL: I don't know is ABRA
21 or something else.

22 MEMBER JONES: Okay.

1 MR. CHATWEL: I don't know.

2 MEMBER JONES: Thank you, Madam
3 Chair.

4 CHAIRPERSON MILLER: Okay.

5 MEMBER MOBLEY: Madam Chair, I
6 have some additional questions. I'm sorry.

7 CHAIRPERSON MILLER: Yes.

8 MEMBER MOBLEY: I don't want to
9 prolong this.

10 Mr. Chatwel, how many employees do
11 you have?

12 MR. CHATWEL: Two of them.

13 MEMBER MOBLEY: I'm sorry?

14 MR. CHATWEL: Two.

15 MEMBER MOBLEY: Two? How long
16 have they been with you?

17 MR. CHATWEL: One is six year, one
18 is two years.

19 MEMBER MOBLEY: Six years and two
20 years? Okay. February 3rd, 2011 you were
21 before us for a show cause hearing and at that
22 time part of the Offer in Compromise was for

1 all of you, your employees to go through ID
2 training. Do you recall that?

3 MR. CHATWEL: Yes.

4 MEMBER MOBLEY: Okay.

5 MR. CHATWEL: Not me. One of my
6 employee.

7 MEMBER MOBLEY: So when Board
8 Member Jones just asked you how did you know
9 about the training, why didn't you tell him it
10 was Board-mandated as part of an Offer in
11 Compromise as to why your employees received
12 this training?

13 MR. CHATWEL: Because only they
14 said the guy was there who sold it to minor
15 that day.

16 MEMBER MOBLEY: Mr. Chatwel, your
17 two employees, are these two employees went
18 through the training?

19 MR. CHATWEL: Yes.

20 MEMBER MOBLEY: Why did they go
21 through the training? Who told them to go
22 through the training?

1 MR. CHATWEL: Because of I think
2 prosecutor they told them.

3 MEMBER MOBLEY: I'm sorry?

4 MR. CHATWEL: The prosecutor,
5 they --

6 MEMBER MOBLEY: Prosecutor?

7 MR. CHATWEL: Yes.

8 MEMBER MOBLEY: Because it was
9 part of the Offer in Compromise?

10 MR. CHATWEL: Yes.

11 MEMBER MOBLEY: Is that correct?

12 MR. CHATWEL: Yes.

13 MEMBER MOBLEY: All right. So now
14 these employees got training on how to ID?

15 MR. CHATWEL: To check, yes.

16 MEMBER MOBLEY: Right. And you're
17 saying that with your 24 years of experience
18 you didn't need the training because you
19 already know how to spot fake IDs?

20 MR. CHATWEL: Right.

21 MEMBER MOBLEY: Is that correct?

22 MR. CHATWEL: Right. Yes.

1 MEMBER MOBLEY: Okay. So then it
2 begs the question why then did you have
3 another violation on the 3rd of February, 2011
4 -- March of 2011 and here you are back again
5 in front of us in 2012 with the same
6 violation? Please explain that to us.

7 MR. CHATWEL: Okay. First thing,
8 March 3rd when they are -- I was not there,
9 I'm telling you. I was not there in the shop.
10 March 3rd.

11 MEMBER MOBLEY: You were not
12 there? But your employees have been trained?

13 MR. CHATWEL: Employees was
14 training.

15 MEMBER MOBLEY: Okay.

16 MR. CHATWEL: Right. And then
17 second time when this thing happen, I was
18 there. I checked ID myself and it looks like
19 I sell it to age 21-year-old guy, you know?

20 MEMBER MOBLEY: It looked like you
21 did what, sir?

22 MR. CHATWEL: I sell it to 21-

1 year-old guy.

2 MEMBER MOBLEY: You sold to a 21-
3 year-old?

4 MR. CHATWEL: Twenty-one-year-old
5 guy, yes.

6 MEMBER MOBLEY: Okay. And so
7 jumping ahead a little bit, when I asked you
8 earlier had anyone told you or suggested to
9 you or recommend to you that you need to get
10 a UV light, you said that Detective Carter had
11 given you that advice.

12 MR. CHATWEL: Yes.

13 MEMBER MOBLEY: Back in February.

14 MR. CHATWEL: Right.

15 MEMBER MOBLEY: Okay. But then I
16 heard you say to Board Member Jones when that
17 question was raised that he had not told you
18 that --

19 MR. CHATWEL: No, I --

20 MEMBER MOBLEY: -- that you had
21 not -- sir?

22 MR. CHATWEL: I think I

1 misunderstood or I --

2 MEMBER MOBLEY: Do we need to have
3 it played back for you?

4 MR. CHATWEL: No, no, I never
5 said. I say, I never -- I mean, I don't know,
6 miss. I misunderstood or something like that,
7 you know?

8 MEMBER MOBLEY: Okay. So your
9 testimony is that Detective Carter in February
10 2012 did tell you, suggest to you that you
11 should get a UV light?

12 MR. CHATWEL: UV light, yes.

13 MEMBER MOBLEY: All right. Thank
14 you. No further questions, Madam Chair.

15 CHAIRPERSON MILLER: Other
16 questions?

17 (No audible response.)

18 CHAIRPERSON MILLER: I could save
19 this until the end, but I just want to say
20 that there is training coming up on ID
21 checking at this Agency May 18th, May 19th and
22 May 20th.

1 But anyway, if there are no
2 further Board questions, where are we at,
3 recross? Redirect?

4 MS. GEPHARDT: I don't have any
5 questions.

6 MEMBER ALBERTI: Redirect?

7 MR. KLINE: I'm done.

8 CHAIRPERSON MILLER: No, you're
9 done? You're both done?

10 Okay.

11 MR. KLINE: You can step down, Mr.
12 Chatwel.

13 CHAIRPERSON MILLER: You can step
14 down. Thank you very much.

15 Okay. Are there any other
16 witnesses?

17 MR. KLINE: No, we rest.

18 CHAIRPERSON MILLER: Okay.
19 Closing?

20 MS. GEPHARDT: Closing statements?
21 Okay.

22 CHAIRPERSON MILLER: If you'd

1 like.

2 MS. GEPHARDT: Sure. Board
3 members, you have heard today the testimony of
4 both Detective David Carter, who has been with
5 MPD, he's a veteran of MPD and a veteran of
6 doing underage alcohol enforcement. You also
7 heard the testimony of the owner, Mr. Chatwel,
8 with respect to this incident and with respect
9 to the prior incident, only a month prior
10 about this establishment selling alcohol to
11 minors.

12 I just want to refer you back to
13 the D.C. Code 25-783, and that states that the
14 steps that need to be taken to ascertain
15 whether somebody is of the legal drinking age
16 need to be reasonably necessary. The
17 Government argues that this should be
18 interpreted as what is reasonable under the
19 circumstances. Thus, we have to look at the
20 totality of the circumstances to determine
21 whether the owner, Mr. Chatwel, took
22 reasonably necessary steps in this situation

1 to determine if that young man's ID was real
2 or fake. We would argue that he did not take
3 the necessary steps.

4 First, this incident occurred at
5 8:30 p.m. on a Friday night. He's right near
6 a university. He even said himself that there
7 are college students everywhere that come from
8 GW to his establishment. The patron looked
9 very young. This might trigger one to ask for
10 another form of ID, ask more probing
11 questions. But Mr. Chatwel, as he said on the
12 stand, did not do that. He simply looked at
13 the front of the ID and returned it to the
14 individual and sold him the beer.

15 Second, this is an establishment
16 with a long history of complaints from the
17 community. We heard Detective Carter testify
18 to that, that there have been complaints that
19 have come into ABRA and he and his team have
20 gone out to investigate.

21 Third, this is their third
22 violation for sale to minors, two within a

1 month of each other and one in 2008. And
2 Detective Carter said that he has visited Pan
3 Mar Liquors at least three to four times
4 within the last two years to investigate
5 complaints and to do underage alcohol
6 enforcement. The last two violations prior to
7 this one the clerks completely failed to
8 bother to even check for IDs. And a month
9 later the establishment is cited again for yet
10 another violation. So you would think that
11 they would be on notice that they need to be
12 extra careful in checking IDs based on what
13 happened just a month prior.

14 In terms of this establishment's
15 responsibility to check IDs, we heard a lot of
16 testimony here about how Mr. Chatwel has been
17 in business for 24 years. He's been with Pan
18 Mar Liquors for 16. I believe Mr. Chatwel was
19 asked a question by Board Member Alberti about
20 how he looked at the front of the ID, and when
21 Board Member Alberti went through the three
22 things that need to be checked, Mr. Chatwel

1 admitted that he only checked one of them. He
2 did not check the -- I believe it was the
3 hologram or the emblem and he did not check
4 for the micro-printing on the back. Mr.
5 Chatwel admitted himself that he doesn't know
6 about the micro-printing on the back. No
7 one's ever told him about the micro-printing.
8 I found that hard to believe that Mr.
9 Chatwel's been in business for 24 years and
10 he's never heard of the micro-printing on the
11 back of an ID and that maybe you should check
12 it.

13 There was conflicting testimony up
14 here from Mr. Chatwel about whether Detective
15 Carter had talked to him in the past about
16 purchasing one of these ID detect lights. And
17 the first time he said, yes, Detective Carter
18 did talk to me. And then he said later -- he
19 recanted and said, no, he's never talked to
20 me. So there's reason to question the
21 credibility of Mr. Chatwel.

22 We also heard that Mr. Chatwel has

1 not even done the training himself on how to
2 check IDs. I would think somebody who's been
3 in business for as long as he has would take
4 it upon himself to get training and to train
5 his employees. He didn't even know where the
6 employees went to get their training. He
7 doesn't know the Web site. It just doesn't
8 seem like a responsible thing to do,
9 especially if you have a liquor store within
10 walking distance of two major universities.

11 You heard Detective Carter state
12 that he uses a device called an ID detect
13 which only costs \$100. Mr. Chatwel does not
14 have this device. I would argue that this is
15 a very, very small investment for an
16 establishment that has had several violations,
17 many complaints and that is in such close
18 proximity to two major universities swarming
19 with underage college students who are eager
20 to find a store like Pan Mar who doesn't
21 follow the rules, frankly. Mr. Chatwel
22 probably earns well over 10 times that amount

1 in a day, meaning \$100, so this is a small
2 investment in comparison and I think it's a
3 reasonable thing to ask for him to do.

4 In addition, there are other
5 things to this device that he could do, as we
6 discussed. He could ask more questions. He
7 could ask for another form of ID. He could
8 probe a bit more. He could invest in this
9 device. But Mr. Chatwel, based on his past
10 behavior, based on this current violation, I
11 would argue has shown a willful disregard of
12 the law with respect to sale to minors.

13 Mr. Chatwel has been on notice for
14 some time that he has a major problem with
15 minors trying to purchase alcohol and the
16 Government would assert that based on this he
17 hasn't done enough to show that he's willing
18 or able to put a stop to this behavior and act
19 responsibly. He must do his part to keep the
20 community safe and he has failed to do that
21 here.

22 I ask the Board, we ask the Board

1 that they found the Licensee has violated D.C.
2 Code 25-781 and 783. Thank you.

3 MR. KLINE: Members of the Board,
4 this Licensee has been licensed for 16 years
5 and the investigative record that you have
6 before you and the investigative report is
7 quite short. The only three incidents that
8 can be discussed are the three that have been
9 discussed.

10 In the case before the Board, it's
11 the Government's burden to come forward and
12 put on the evidence concerning the violation.
13 Now there are a lot of things missing here.
14 We don't even know the identity of this
15 alleged person that purchased alcohol who's
16 allegedly underage. We have no certification
17 that the ID is not a valid Rhode Island
18 driver's license, and you don't even have the
19 ID in front of you to make a determination as
20 to whether it is or it isn't.

21 We've had lots of discussion about
22 UV detection. There's no testimony whatsoever

1 that that was an issue with respect to this
2 identification in terms of the holograms. The
3 issue was magnification of micro-printing on
4 the reverse. So all of this discussion about
5 a UV light, none of that had anything to do
6 with the alleged defect in this particular
7 identification card, this particular driver's
8 license.

9 It's interesting that Detective
10 Carter testifies and acts as if the micro-
11 printing is the most important feature. It's
12 enough to take a 10 perfect fake ID down to a
13 5 or a 6. However, in the guidebook, which is
14 universally accepted and universally used,
15 there's not even a photo of the rear of the
16 driver's license depicting this micro-
17 printing, which is very strange to me indeed
18 that this expert in the field would take the
19 position that this is such an important
20 feature that it takes a 10 down to a 5 or a 6.

21 The Government has failed to prove
22 that there was a sale to someone under 21. We

1 don't have the name of the person. We don't
2 know that they were under 21. We have their
3 statement this person, who if Detective Carter
4 is to be believed, set out on a particular night
5 to intentionally break the law.

6 Now what happened to this alleged
7 lawbreaker? Nothing. He wasn't observed
8 doing it, so he was told to go back to his
9 dorm, and in fact probably came in again or
10 went into another store and attempted to buy.
11 It is long past the time where the entire
12 responsibility for prevention of the sale and
13 consumption of alcohol by minors falls on the
14 store owner. These kids that go out and
15 intentionally break the law, they have some
16 responsibility also.

17 I recognize the Board doesn't have
18 jurisdiction over that. That's for another
19 day. But I think it's certainly something to
20 keep in mind in looking at the facts of this
21 case and looking at the Government proving its
22 burden that in this particular case this

1 gentleman sold to someone underage on a fake
2 Rhode Island driver's license that you haven't
3 seen and we don't know the identity of the
4 person who purchased. We all have
5 responsibilities. And in coming before you,
6 the Government has a responsibility to produce
7 the evidence.

8 Now, I'm not going to testify, but
9 I will tell the Board that it is unfortunate
10 that the ID wasn't produced, because I've seen
11 it and the lawyer for the Government has seen
12 it, but you don't have it before you today.
13 And one has to question -- and there's always
14 a presumption when a party has access to
15 evidence and they don't produce it that
16 there's a reason that it hasn't been produced.
17 And we would say in this case that the Board
18 should make an inference that it doesn't prove
19 what the Government asserts that it proves,
20 because if it did, it would be in front of
21 you. But it's not.

22 Mr. Chatwel, as I said before, has

1 owned this store 16 years. He's been in the
2 business for 24 years. We're not going to
3 dispute that he would benefit from some
4 additional training. We're not going to
5 dispute that he would benefit from some
6 additional tools. This alleged incident
7 happened merely a month after the other one.
8 There was testimony, un-rebutted, and also
9 from Detective Carter that they've been in to
10 do a number of compliance checks. Yet with
11 all these compliance checks, in 16 years
12 there's 3 violations.

13 So we would submit to you that the
14 Government has not proven its case and that
15 the Board should dismiss the charges.

16 However, I'm going to request that you do,
17 under the circumstances, order additional
18 training, because that seems only reasonable.

19 We all need to do a better job in terms of
20 education of our licensees, rather than
21 bringing them before you and punishing them
22 for alleged violations. Thank you very much.

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

6 MS. GEPHARDT: I'm sorry?

7 CHAIRPERSON MILLER: Would you
8 like to file proposed findings of fact and
9 conclusions of law?

10 MS. GEPHARDT: The Government
11 would waive that.

12 MR. KLINE: The Licensee will
13 waive also.

14 CHAIRPERSON MILLER: Okay. And I
15 don't know if the Board is prepared to issue
16 an order at this time, but I did mention that
17 the dates for the training are coming right
18 up, so I wouldn't wait for a Board order. I
19 think it would be a good idea to get that
20 training, as you say, Mr. Kline, no matter
21 what. So I'm going to close this case now.

22 Okay. As Chairperson of the

1 Alcoholic Beverage Control Board for the
2 District of Columbia and in accordance with
3 Section 405 of the Open Meetings Amendment Act
4 of 2010, I move that the ABC Board hold a
5 closed meeting for the purpose of seeking
6 legal advice from our counsel on Case No. 11-
7 251-00174, Pan Mar Liquors, per Section
8 405(b)(4) of the Open Meetings Amendment Act
9 of 2010 and deliberating upon Case No. 11-251-
10 00174, Pan Mar Liquors, for the reasons cited
11 in Section 405(b)(13) of the Open Meetings
12 Amendment Act of 2010.

13 Is there a second?

14 MEMBER BROOKS: Second.

15 CHAIRPERSON MILLER: I'll now take
16 a roll call vote on the motion before us now
17 that it's been seconded.

18 Mr. Nophlin?

19 MEMBER NOPHLIN: I agree.

20 CHAIRPERSON MILLER: Mr. Brooks?

21 MEMBER BROOKS: I agree.

22 CHAIRPERSON MILLER: Mr. Alberti?

1 MEMBER ALBERTI: I agree.

2 CHAIRPERSON MILLER: Ms. Miller
3 agrees.

4 Mr. Silverstein?

5 MEMBER SILVERSTEIN: I agree.

6 CHAIRPERSON MILLER: Ms. Mobley?

7 MEMBER MOBLEY: I agree.

8 CHAIRPERSON MILLER: Mr. Jones?

9 MEMBER JONES: I agree.

10 CHAIRPERSON MILLER: And then the
11 vote is 7-0-0. The motion's passed.

12 I hereby give notice that the ABC
13 Board will hold a closed meeting in the ABC
14 Board conference room today pursuant to the
15 Open Meetings Amendment Act of 2010 and issue
16 an order within 90 days.

17 Okay. Thank you very much.

18 MR. KLINE: Thank you.

19 MS. GEPHARDT: Thank you.

20 (Whereupon, the hearing was
21 concluded at 3:31 p.m.)

22

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