

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

IN THE MATTER OF:

Big Chair Cafe, LLC	
t/a Big Chair Coffee & Grill	Fact-
2122 Martin Luther King, Jr.	Finding
Avenue, SE	Hearing
Retailer CR - ANC-8A	
License No. 85903	
Case #15-CMP-00005	

(Purchased Alcohol from an Off-Premise Retailer, Failed to Maintain Books and Records, Failed to Have Warning Sign Posted)

May 6, 2015

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
 NICK ALBERTI, Member
 DONALD BROOKS, Member
 MIKE SILVERSTEIN, Member
 HECTOR RODRIGUEZ, Member
 JAMES SHORT, Member

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

2 1:49 p.m.

3 CHAIRPERSON MILLER: Okay. Good
4 afternoon. I'm going to be calling Case No. 15-
5 CMP-00005, Big Chair Coffee & Grill located at
6 2122 Martin Luther King, Jr. Avenue, S.E. Yes,
7 you can come forward. License No. 85903, in ANC-
8 8A.

9 So there is a little -- there is a
10 microphone on your table. Is it green? Is the
11 light green?

12 MS. YIMENU: Yes.

13 MR. YIMENU: Yes, it's on.

14 CHAIRPERSON MILLER: Okay. Good. If
15 you can identify yourselves for the record and
16 also sign-in, so that we get your name spelled
17 right.

18 MS. YIMENU: Ayehubizu Yimenu. I'm
19 the owner.

20 CHAIRPERSON MILLER: That's your name?

21 MS. YIMENU: Yes.

22 CHAIRPERSON MILLER: Okay. Do you

1 want to spell the last name?

2 MS. YIMENU: Yes. Y-I-M-E-N-U.

3 CHAIRPERSON MILLER: Okay.

4 MS. YIMENU: And my first name is A-Y-
5 E-H-U-B-I-Z-U.

6 CHAIRPERSON MILLER: Okay. And are
7 you the owner of the --

8 MS. YIMENU: Yes.

9 CHAIRPERSON MILLER: You're the owner.

10 MS. YIMENU: That's what I said.

11 CHAIRPERSON MILLER: Okay. And sir?

12 MR. YIMENU: My name is Bantamlak
13 Yimenu. I am the manager of the business.

14 CHAIRPERSON MILLER: Are you a co-
15 owner or are you what? Are you an owner as well?

16 MR. YIMENU: No. She is my sister,
17 but I manage the place.

18 CHAIRPERSON MILLER: You are here just
19 for support?

20 MEMBER RODRIGUEZ: He said he's the
21 manager.

22 CHAIRPERSON MILLER: Oh, the manager.

1 MS. YIMENU: Yes.

2 MR. YIMENU: Yes.

3 CHAIRPERSON MILLER: Okay. Good. All
4 right. Did you get a notice to come to this
5 Fact-Finding? That what we call it, it's a Fact-
6 Finding Hearing. So you got a letter from the
7 Agency?

8 MR. YIMENU: Yes.

9 CHAIRPERSON MILLER: Okay. So it's
10 not a hearing where there is evidence taken or
11 testimony or cross-examination, it's not that
12 kind of a hearing. It's a gathering of facts
13 conversation. We have some questions and so
14 that's what you are here for.

15 I don't know what your notice exactly
16 said, but there seems to be a question about
17 where you are purchasing your alcohol.

18 MR. YIMENU: Yes, it's like this,
19 ma'am. We knew that -- who reported us to this
20 and the same person also reported to you, Health
21 Department, because he was employee there and he
22 started working for about two or three months

1 here and we found out that he was a bad person.
2 He was doing some kinds of dirty things, so I had
3 to fire him.

4 So when we fired him, he started, you
5 know, like I think he reported this and we know
6 that our response is always D.C. He is very
7 slow. You know, the alcohol and beer and wine
8 sale is so slow, it's just like mostly depending
9 on food sales and sodas.

10 My sister she doesn't even know how to
11 pour alcohol. She just depend on the employees.
12 And I have -- didn't sell any of it, but we
13 always depend on that.

14 So this guy, he just like wanted to
15 run the place and like he goes outside, people --
16 call on people come on here and always seeing
17 people. I said got to stop that. He wouldn't
18 stop. And he also call upon his own friends and
19 start greet them and just want to charge them
20 like the wine he sells them like lots of drinks.

21 And so I said he got to stop and he is
22 -- just like we was seeing the future what was

1 going to happen to this place. And he just like
2 say that word and he left. People from Health
3 Department came in and it was reported that we
4 have so many rodents in the place. They found
5 out nothing, because we do the cleaning every
6 month. We have a person who comes there and
7 cleans and takes and clean up and spray things
8 and all that. We always do that.

9 But it's unfortunate this person, he
10 did that. And he also mentioned there in the
11 letter, I read it, he said we are pouring alcohol
12 from one bottle to the other.

13 CHAIRPERSON MILLER: Yes.

14 MR. YIMENU: No, we don't do that way.
15 I mean, you know, this is a much different. When
16 we buy the alcohol, it's cheaper and, you know,
17 it's not like have watered beer, you know. We
18 don't do that kind of thing. I mean, we don't
19 even know it's free. He was so angry because we
20 fire him and that's what he did.

21 And of course I apologize. I admit
22 that it was told got alcohol from wholesaler. I

1 sometimes go to Costco to buy some alcohol. I
2 admit that. We appreciate that and we never do
3 that again. We ask you mercy.

4 CHAIRPERSON MILLER: So you don't do
5 that now?

6 MS. YIMENU: No.

7 CHAIRPERSON MILLER: Where do you buy
8 your alcohol now?

9 MR. YIMENU: Now we buy from
10 wholesaler.

11 MS. YIMENU: Wholesaler.

12 CHAIRPERSON MILLER: From the
13 wholesaler?

14 MR. YIMENU: Yes.

15 MS. YIMENU: Yes.

16 CHAIRPERSON MILLER: Since -- which
17 wholesaler?

18 MR. YIMENU: The one at V Street and
19 by Bladensburg Avenue on northeast.

20 CHAIRPERSON MILLER: V Street and
21 what?

22 MR. YIMENU: V and Bladensburg Avenue.

1 CHAIRPERSON MILLER: Brentwood?

2 MR. YIMENU: Bladensburg. By the bus
3 depot, you know, city bus depot in front of it.

4 CHAIRPERSON MILLER: So when did you
5 start purchasing from the wholesaler?

6 MR. YIMENU: When we had license, we
7 used to buy from there. And then just like it
8 became very, very, really slow and pretty much we
9 don't sell that much alcohol. And sometimes when
10 we get like down in the alcohol, you know, most
11 of the shelf -- if you see, it's just like mostly
12 like we don't have all the bottles.

13 And everything was like slow moving.
14 Someone comes in and asks for something and then
15 we don't have that. Then to say no, I just went
16 up there and just purchase wine for when they
17 come in and just like trying to survive. Right
18 now, we just made a huge renovation and we are
19 going to reopen it on the 9th of this month. A
20 very big change and hopefully our sales will go.

21 That area is not yet up come. We are
22 only two response. One is the next to us --

1 MS. YIMENU: Union Tower.

2 MR. YIMENU: -- Union Tower and us.
3 They are -- they have good sale. We don't. So
4 we're trying.

5 CHAIRPERSON MILLER: And your bad
6 employee, you said you had a bad employee.

7 MS. YIMENU: Yes.

8 CHAIRPERSON MILLER: Was he -- did you
9 say he was the one that was purchasing from
10 Costco or no?

11 MR. YIMENU: I was the one.

12 CHAIRPERSON MILLER: You were the one.

13 MR. YIMENU: Yes.

14 CHAIRPERSON MILLER: Okay.

15 MR. YIMENU: And the things that he
16 said about us like pouring one alcohol into --

17 CHAIRPERSON MILLER: Oh, about
18 pouring.

19 MR. YIMENU: -- the other --

20 CHAIRPERSON MILLER: You didn't do
21 that.

22 MR. YIMENU: It was just like --

1 MS. YIMENU: Never.

2 CHAIRPERSON MILLER: Okay.

3 MR. YIMENU: Never, not at all, no.

4 CHAIRPERSON MILLER: Okay.

5 MR. YIMENU: And we always check IDs
6 and personally I'm here or she is there all the
7 time. And we never had such kind of thing like
8 selling alcohol for minors and for that, no.

9 CHAIRPERSON MILLER: Okay. Well, do
10 other Board Members have questions? Mr. Short?

11 MEMBER SHORT: Good afternoon.

12 MR. YIMENU: Good afternoon.

13 MEMBER SHORT: How long have you been
14 there in business? How long have you been there
15 in business?

16 MR. YIMENU: In the restaurant? Well,
17 we opened it in 2010. And when we opened, it was
18 a coffee shop.

19 MEMBER SHORT: Okay.

20 MR. YIMENU: So we thought after a
21 year, we asked for us to have a license to sell
22 alcohol and we got the permit after, I think, in

1 the middle of 2011.

2 MEMBER SHORT: Okay. That's good. I
3 understand.

4 MR. YIMENU: Yes, yes.

5 MEMBER SHORT: In 2010 you opened. In
6 2011 you got your ABC License?

7 MR. YIMENU: 2011, in the middle of
8 2011, yes.

9 MEMBER SHORT: Okay.

10 MR. YIMENU: Yes.

11 MEMBER SHORT: How long had that bad
12 person worked for you? How many years were they
13 employed there?

14 MR. YIMENU: That bad person?

15 MEMBER SHORT: Bad person.

16 MR. YIMENU: That person that reported
17 us and they say we --

18 MEMBER SHORT: Yes.

19 MR. YIMENU: -- two months or three
20 months he working for us.

21 MEMBER SHORT: Only two months?

22 MR. YIMENU: Two months, yes.

1 MS. YIMENU: Yes.

2 MEMBER SHORT: Okay. And you said--

3 MR. YIMENU: He worked in there and it
4 was always that he said that it was like that we
5 were like having a lot of people to work for us
6 and so we give him a chance to work. But then he
7 turns out to be bad. And it's like well, I
8 understand, it's not like here, not at all.
9 Everybody must be the same.

10 MEMBER SHORT: Okay. Well, that's
11 good. Okay. I need to ask you another question.

12 MR. YIMENU: Yes.

13 MEMBER SHORT: Why do you think it was
14 necessary for any establishment in business that
15 sells alcohol to keep receipts? Receipts. Why
16 do you think it is important to have books and
17 records?

18 MR. YIMENU: I didn't understand that
19 question.

20 MS. YIMENU: What he say --

21 MEMBER SHORT: Why is it a requirement
22 to have books and records of your sales?

1 MR. YIMENU: The requirements?

2 MEMBER SHORT: Why is that requirement
3 necessary?

4 MR. YIMENU: The alcohol receipt?
5 Because we started as a coffee shop and we could
6 not survive selling coffee and breakfast, that's
7 it.

8 MEMBER SHORT: Okay. Do you have all
9 your receipts for coffee that you sell? Do you
10 have all your -- do you keep the receipts from
11 your sales for coffee and other things?

12 MR. YIMENU: Yes.

13 MEMBER SHORT: You do, but you don't
14 keep them for alcohol? You don't keep any
15 receipts for the alcohol?

16 MR. YIMENU: We keep, but
17 unfortunately the receipt that I have was when
18 the burglar came in and took our -- flushed
19 things out. It was just like putting it
20 underneath the cash register where -- put in
21 between the cash and this space, so that it could
22 be very easy for me if someone asked me that --

1 MEMBER SHORT: Okay. That's good.

2 MR. YIMENU: -- what was taken.

3 MEMBER SHORT: But now you have been
4 in business since 2010. Do you have receipts?
5 Were you keeping receipts from 2010 until now?
6 Were you keeping receipts at all?

7 MR. YIMENU: Yes.

8 MEMBER SHORT: Last year?

9 MR. YIMENU: Yes. At one time, I
10 think it was between 2012 and 2013, end of 2013.

11 MEMBER SHORT: Okay. Now, when the
12 Investigator came out, when the Investigator came
13 to see you, what receipts were you able to show
14 the Investigator who asked you for your books and
15 records and receipts.

16 MR. YIMENU: Yes. I was not there.
17 She was there, but she didn't know the receipt
18 that I kept. And she call me on the phone and I
19 said well, right now I don't have the receipt,
20 but all I have to say is we can find them and
21 give it to him. But unfortunately, we didn't
22 have that at that time. That's why I'm saying I

1 admit it and I ask your mercy.

2 MEMBER SHORT: Okay. Now --

3 MR. YIMENU: I say --

4 MEMBER SHORT: -- you did say just now
5 that you are buying your alcohol now from a
6 retailer, correct?

7 MR. YIMENU: Right now, yes.

8 MEMBER SHORT: Do you have the
9 receipts from that purchase?

10 MR. YIMENU: Yes, yes.

11 MS. YIMENU: Yes.

12 MEMBER SHORT: Can you make those
13 available to this Board?

14 MR. YIMENU: Right now?

15 MEMBER SHORT: No. Do you have them
16 with you?

17 MS. YIMENU: One.

18 MR. YIMENU: Yes, I have we have one
19 with us now.

20 MS. YIMENU: I think I have one.

21 MR. YIMENU: Yes.

22 MS. YIMENU: This one. This is the

1 one.

2 CHAIRPERSON MILLER: Is that your only
3 copy?

4 MR. YIMENU: That's the only copy.

5 MS. YIMENU: I just come.

6 CHAIRPERSON MILLER: That's all right.
7 So she is going to make a copy.

8 MR. YIMENU: Okay.

9 MS. YIMENU: Okay, yes.

10 CHAIRPERSON MILLER: Both of these.

11 MS. YIMENU: I have another, but I
12 didn't bring.

13 CHAIRPERSON MILLER: Okay.

14 MS. YIMENU: I thought that there was
15 not necessary, so I just brought that one.

16 MEMBER SHORT: Okay. This date is --

17 CHAIRPERSON MILLER: That's okay.

18 MEMBER SHORT: -- March 18, 2015.

19 MR. YIMENU: Yes.

20 MS. YIMENU: Yes.

21 MEMBER SHORT: So this is the very
22 first time you have done this?

1 MS. YIMENU: No.

2 MR. YIMENU: No, before that we had
3 some, but I didn't have the records.

4 MEMBER SHORT: Okay. Can I ask you,
5 and I think this would be helpful to the Board,
6 if you could through our legal staff provide us
7 with all that you have like this? This is from
8 Washington Wholesale. Now, all your alcohol
9 should come from a retailer if you can buy it
10 during certain hours. If you can't buy when they
11 are open, then you can purchase from --

12 MR. YIMENU: Maybe, sir, I might be
13 able to go back to them and if they could give me
14 a copy of that receipt.

15 MEMBER SHORT: That would help.

16 CHAIRPERSON MILLER: Yes.

17 MR. YIMENU: I'll try that, because
18 right now, you know, I could not find out. I
19 have -- and then I was also buying at the one at
20 Cherry Court, is another one, also. So I have --

21 CHAIRPERSON MILLER: Another what?

22 MR. YIMENU: It's the same wholesaler.

1 CHAIRPERSON MILLER: Oh, wholesaler,
2 okay.

3 MR. YIMENU: Yes, so I used to also to
4 buy from them.

5 MEMBER SHORT: Okay. Well, I have one
6 last question for you and then I will -- I don't
7 want to be holding too much of your time. What
8 have you learned out of this experience? You
9 have been in business since 2010 and you are here
10 today for a Fact-Finding. Why do you think you
11 here today? What is the reason for your being
12 here today?

13 MR. YIMENU: Well, the reason is, you
14 know --

15 MEMBER SHORT: What responsibility do
16 you have for being -- you two being here today?
17 Not the bad person. What responsibility do you
18 have as a business person for being here today?

19 MR. YIMENU: As far as I'm concerned,
20 we learn that we need to check the background of
21 the person that I employ there.

22 MEMBER SHORT: No, we're not talking

1 about that person. You purchased alcohol, not
2 the bad person. What have you learned about
3 buying alcohol from places that you aren't
4 supposed to buy from?

5 MR. YIMENU: Well, I learn that I have
6 to purchase alcohol only to those places which
7 are allowed to sell for restaurants and other
8 businesses, like the Washington Wholesaler and
9 the other one, not anywhere else.

10 MEMBER SHORT: Okay. Thank you.
11 That's all I have, Madam Chair. Thank you very
12 much.

13 MR. YIMENU: Thank you.

14 CHAIRPERSON MILLER: Okay. Mr.
15 Alberti?

16 MEMBER ALBERTI: Good afternoon.

17 MR. YIMENU: Good afternoon.

18 MEMBER ALBERTI: Okay. Let's start
19 with the invoices for the alcohol that you have
20 bought for the last three years. Do you
21 understand when I say invoices for alcohol that
22 you purchased?

1 MR. YIMENU: Yes.

2 MEMBER ALBERTI: Do you know what I'm
3 talking about?

4 MS. YIMENU: Yes.

5 MEMBER ALBERTI: Okay. Do you have
6 those anywhere? Do you have the invoices for the
7 alcohol you have purchased for the last three
8 years?

9 MR. YIMENU: Probably I might not have
10 them all, but I have some I can produce it. Like
11 I say to him, I would have to go back to the
12 Washington Wholesaler and ask them for a copy of
13 that and then I'll bring it back.

14 MEMBER ALBERTI: Okay. You said
15 earlier something about a burglar. Did someone
16 break in or something? Did you report that to
17 the police?

18 MR. YIMENU: They tried and then he
19 took some of the stuff and --

20 MEMBER ALBERTI: Did you report that
21 to the police?

22 MR. YIMENU: Well, the police came in

1 and they took all kinds of things.

2 MEMBER ALBERTI: Okay. So you have a
3 police report for that?

4 MR. YIMENU: Yes.

5 MEMBER ALBERTI: Okay. Currently, who
6 do you have -- what wholesalers do you have
7 accounts with? Currently, right now, today.

8 MR. YIMENU: The Washington -- what's
9 the name, Washington Wholesaler.

10 MEMBER ALBERTI: Anybody else?

11 MR. YIMENU: Well, the one I forgot
12 the name, but the one at, you know, southeast,
13 that one is a different name.

14 MEMBER ALBERTI: What did you buy from
15 them?

16 MR. YIMENU: Well, you know, when we
17 go there, this have a certain alcohol. The other
18 one carry different kinds of alcohol.

19 MEMBER ALBERTI: Right.

20 MR. YIMENU: I don't know. Like now
21 like if you ask for beer --

22 MEMBER ALBERTI: Okay. Did you buy --

1 MR. YIMENU: -- they have --

2 MEMBER ALBERTI: Did you buy --

3 MR. YIMENU: -- you find it there.

4 MEMBER ALBERTI: Did you buy -- from
5 the Washington Wholesalers, did you buy spirits?

6 By that I mean like, you know --

7 MR. YIMENU: Alcohol.

8 MEMBER ALBERTI: -- gin, alcohol, yes,
9 vodka, that kind of thing?

10 MR. YIMENU: Yes.

11 MEMBER ALBERTI: Did you buy that?

12 MR. YIMENU: Yes.

13 MEMBER ALBERTI: You bought that from
14 Washington Wholesaler?

15 MR. YIMENU: Yes, we buy.

16 MEMBER ALBERTI: All right. Have you
17 ever bought beer from Washington Wholesalers?

18 MR. YIMENU: Beer?

19 MEMBER ALBERTI: Yes. Did you ever
20 buy beer from Washington Wholesalers?

21 MS. YIMENU: No.

22 MR. YIMENU: No. I bought beer on the

1 other.

2 MEMBER ALBERTI: From the other
3 people?

4 MR. YIMENU: Yes.

5 MEMBER ALBERTI: When is the last time
6 you bought beer from the other people?

7 MR. YIMENU: I don't remember.

8 MEMBER ALBERTI: Is there anyone else
9 that you have an account from -- with? Any other
10 wholesalers?

11 MR. YIMENU: Well, for different --
12 not alcohol, but for food I go --

13 MEMBER ALBERTI: No, for alcohol.

14 MR. YIMENU: For alcohol, I don't
15 have.

16 MEMBER ALBERTI: No. Okay. Just
17 those two, Washington Wholesalers and this place
18 at V and Brentwood?

19 MR. YIMENU: Yes.

20 MEMBER ALBERTI: All right. Have you
21 bought alcohol from any other wholesalers,
22 besides those two?

1 MR. YIMENU: Well, I admitted that I
2 sometimes went out and bought from Costco.

3 MEMBER ALBERTI: You bought it from
4 Costco?

5 MR. YIMENU: Yes.

6 MEMBER ALBERTI: When did you buy from
7 Costco?

8 MR. YIMENU: Why?

9 MEMBER ALBERTI: When?

10 MR. YIMENU: About like six months or
11 four months, something like that.

12 MEMBER ALBERTI: Would you have
13 receipts? Would you have the receipts from
14 Costco as part of those invoices that you said
15 you had?

16 MR. YIMENU: Yes, I might find one.

17 MEMBER ALBERTI: You might find one?

18 MR. YIMENU: Yes. I didn't bring it
19 today, but --

20 MEMBER ALBERTI: But you can't produce
21 all of them? You don't have all of the receipts
22 from your purchases?

1 MR. YIMENU: But like I said, you
2 know, my alcohol purchase is so low because --

3 MEMBER ALBERTI: All right.

4 MR. YIMENU: -- we are not selling too
5 much.

6 MEMBER ALBERTI: All right. Would it
7 surprise you if back before March of -- when did
8 you establish an account with Washington
9 Wholesalers? When did you establish that account
10 with Washington Wholesalers?

11 MR. YIMENU: Back in 2011.

12 MEMBER ALBERTI: And when did you
13 establish an account with the V and Brentwood
14 wholesalers?

15 MR. YIMENU: About the same time.

16 MEMBER ALBERTI: About the same time.
17 Would it surprise you that Washington Wholesalers
18 says they don't have an account with you?

19 MR. YIMENU: It would.

20 MEMBER ALBERTI: Well, they do now.
21 I mean, you purchased in March, but prior to
22 March, prior to earlier this year, last year

1 through 2014, would it surprise you that
2 Washington Wholesalers reported to us that they
3 don't have an account with you?

4 MR. YIMENU: It would be surprising to
5 me, because I know that I have an account with
6 them. And when I went there last when I buy
7 this, they said you have an account with us, but
8 since you didn't buy for a long time, we have to
9 reestablish it and then they said --

10 MEMBER ALBERTI: Oh, okay. So the --

11 MR. YIMENU: -- print it out and they
12 give it to me.

13 MEMBER ALBERTI: Okay. So the account
14 lapsed. Your account lapsed and then it stopped
15 existing because you didn't buy from them for a
16 long time. What's a long time? When is the --
17 before this March, what was the last time you
18 bought from Washington Wholesalers?

19 MR. YIMENU: It was I would say I was
20 telling you about one thing also like in the
21 middle of 2012 and end of 2013, we became --

22 MS. YIMENU: I was --

1 MR. YIMENU: -- management for one
2 person.

3 MEMBER ALBERTI: You did what?

4 MR. YIMENU: Management, to manage for
5 us, for the person and so he was doing all the
6 purchase and the sales and all that. But again,
7 we have to get rid of him.

8 MEMBER ALBERTI: Fine. So when is the
9 last time your company purchased alcohol from
10 Washington Wholesalers?

11 MR. YIMENU: Maybe a year, year and a
12 half.

13 MEMBER ALBERTI: A year and a half
14 ago. Do you have those receipts?

15 MR. YIMENU: Like I said, I don't have
16 it now, but I'll go back.

17 MEMBER ALBERTI: Can you produce them?

18 MR. YIMENU: I'll have to check.

19 MEMBER ALBERTI: I know you don't have
20 them with you. Do you have them some place?

21 MR. YIMENU: I could not find it, sir.

22 MEMBER ALBERTI: Okay. The V and

1 Brentwood wholesalers, when is the last time you
2 purchased something from them?

3 MR. YIMENU: Probably about the same
4 time.

5 MEMBER ALBERTI: About the same time
6 back in 2013 possibly? Is that what you are
7 telling me? Is that correct?

8 MR. YIMENU: Yes.

9 MEMBER ALBERTI: So from 2013 through
10 -- some time in 2013 through all the way through
11 to the end of 2014, you were purchasing alcohol
12 at Costco. Is that correct?

13 MR. YIMENU: For purchase and Costco
14 is just like counter. It's just like I said,
15 when we get slow times like over there, because
16 like I said sales --

17 MEMBER ALBERTI: Speak up, I can't
18 hear you.

19 MR. YIMENU: The sale of alcohol in
20 the restaurant is so low --

21 MEMBER ALBERTI: Did you buy any
22 alcohol in the middle of 2013 through the end of

1 2014, did you buy any alcohol?

2 MR. YIMENU: I did.

3 MEMBER ALBERTI: And where did you buy
4 it?

5 MR. YIMENU: I tell you Costco. I go
6 to Costco.

7 MEMBER ALBERTI: Okay. So you were
8 buying all your alcohol from Costco. Great. All
9 right. I just want to know.

10 MR. YIMENU: I said.

11 MEMBER ALBERTI: I'm just trying to
12 find out.

13 MR. YIMENU: Yes, sir.

14 MEMBER ALBERTI: All right. I have no
15 further questions. Thank you.

16 CHAIRPERSON MILLER: Okay. Mr. Short?

17 MEMBER SHORT: Can you remember the
18 brands of alcohol you bought from Costco?

19 MR. YIMENU: The brand?

20 MEMBER SHORT: Yes.

21 MR. YIMENU: Yes. It's like tequila
22 and some of them are Ciroc and Petron.

1 MEMBER SHORT: Okay. And they sell
2 Petron at Costco? Petron, they sell Petron?

3 MR. YIMENU: Yes.

4 MEMBER SHORT: I know they do. Okay.
5 Good. All right. I'll just say this. Any other
6 receipts that you have, I would like to ask, as a
7 Board Member, that you provide them to our legal
8 section. Any receipts you can find over the
9 years that you purchased alcohol from a
10 wholesaler or from Costco or wherever. Just any
11 receipts you can find to provide for us to this
12 Board, it would help me, as a Board Member,
13 tremendously to know how much alcohol you
14 purchased.

15 MR. YIMENU: I will.

16 MEMBER SHORT: And where you purchased
17 from. Can you do that?

18 MR. YIMENU: Well, I will search and
19 find out.

20 MEMBER SHORT: Can I ask you this?
21 Would it take you a week to do that? One week or
22 two weeks?

1 MR. YIMENU: If you give me that.

2 MEMBER SHORT: Well, one week or two
3 weeks?

4 MR. YIMENU: Two weeks.

5 MEMBER SHORT: Two weeks?

6 MR. YIMENU: Yes.

7 MEMBER SHORT: And you're going to
8 provide this Board with some information of those
9 receipts?

10 MS. YIMENU: Yes.

11 MEMBER SHORT: Thank you very much for
12 providing that on the record.

13 CHAIRPERSON MILLER: Okay. Anything
14 else?

15 MEMBER ALBERTI: Yes, a question. So
16 you gave us here a receipt. Who is this from?

17 CHAIRPERSON MILLER: I didn't get
18 that.

19 MEMBER ALBERTI: Who is this from?
20 You gave us a Washington Wholesalers and then you
21 gave us a receipt. Who is the receipt from?

22 MR. YIMENU: That's their receipt.

1 MEMBER ALBERTI: Whose receipt?

2 MR. YIMENU: That was them.

3 MEMBER ALBERTI: Okay. I mean, I have
4 to ask, because it doesn't have the company name
5 on it.

6 MS. YIMENU: Yes, that's true.

7 MR. YIMENU: Well, this is what they
8 give us. They attached it and give it to me.

9 MEMBER ALBERTI: Because -- all right.
10 And part of the reason, one of my Board Members
11 pointed this out, it says "Please note:
12 Washington Wholesalers' reps are not permitted to
13 accept cash for payment of invoices." And then
14 we have a receipt for cash it looks like. Well,
15 it doesn't really say what it's for.

16 MEMBER SHORT: It does say cash on
17 there.

18 MEMBER ALBERTI: Well, it doesn't say
19 cash. I'm not sure.

20 MS. YIMENU: It looks like it, yes.

21 MEMBER ALBERTI: It says from --

22 MS. YIMENU: Cash.

1 MEMBER ALBERTI: Yes. And it says
2 cash. So I was just confused. We will double
3 check this with Washington Wholesalers. We will
4 have an Investigator double check that with
5 Washington Wholesalers to clear that up.

6 MR. YIMENU: Okay.

7 MEMBER ALBERTI: Thank you.

8 CHAIRPERSON MILLER: Okay. Anything
9 else?

10 MEMBER SHORT: No.

11 MEMBER ALBERTI: No.

12 CHAIRPERSON MILLER: Okay. Do you
13 have any questions for us? Okay.

14 MEMBER ALBERTI: I would like to make
15 a recommendation, if I may?

16 CHAIRPERSON MILLER: All right.

17 MEMBER ALBERTI: I would like to
18 recommend that we send this case over to the OAG
19 for Show Cause procedures on the charges listed
20 in the investigative report.

21 CHAIRPERSON MILLER: Any comments?

22 MEMBER SHORT: I concur with that.

1 CHAIRPERSON MILLER: Well, I'm
2 wondering if it's going to go to OAG, then we
3 don't need to review all the documents that Mr.
4 Short requested.

5 MEMBER ALBERTI: Well, you know, I
6 think we -- you know, those are -- I -- yes, I
7 do. I would like them to come into this Agency.
8 And we have asked for them and I think they
9 should come into this Agency.

10 MEMBER SHORT: Yes, he agreed to do
11 that.

12 CHAIRPERSON MILLER: Well, I thought
13 we were -- I thought we might take it under
14 advisement.

15 MEMBER SHORT: And also, we might want
16 to, for the record, let him know who he should
17 turn those documents over to.

18 MEMBER ALBERTI: Yes.

19 MEMBER SHORT: Our counsel isn't here.
20 Either Janea or -- the Investigator.

21 MEMBER ALBERTI: Well, no, he can't --
22 Investigator Vick, he is not here. So you can

1 hand over the documents. You can contact our
2 General Counsel, Ms. Jenkins.

3 MR. YIMENU: Yes.

4 MEMBER ALBERTI: And you can arrange
5 to deliver the -- through her, you can deliver
6 the documents that you promised.

7 MR. YIMENU: Okay.

8 MEMBER ALBERTI: When do you think you
9 can have them to us?

10 MR. YIMENU: Well, I said within two
11 weeks I'll be able to.

12 MEMBER ALBERTI: Great, great. We
13 will let Ms. Jenkins know. She is not here
14 today. We will let her know to expect those.
15 But I still have my recommendation out there.

16 CHAIRPERSON MILLER: Okay. Others
17 have a comment on the recommendation?

18 MEMBER RODRIGUEZ: I'll second that.

19 CHAIRPERSON MILLER: Okay. Okay.

20 MEMBER RODRIGUEZ: Madam Chair?

21 CHAIRPERSON MILLER: Yes?

22 MEMBER RODRIGUEZ: I would like to

1 just receive the documents that Board Member
2 Short requested before we take any further action
3 with the OAG.

4 CHAIRPERSON MILLER: Yes.

5 MEMBER RODRIGUEZ: I would like this
6 Board to just review those documents and not --
7 before it goes to the OAG, that's my
8 recommendation.

9 CHAIRPERSON MILLER: All right. I
10 mean, that's what some of my concern is it seemed
11 like if it was going to OAG, then it would be in
12 their hands.

13 MEMBER RODRIGUEZ: Yes.

14 CHAIRPERSON MILLER: Maybe upon review
15 of the documents, I'm not sure what we will
16 decide.

17 MEMBER SHORT: For the record, Madam
18 Chair, he has guaranteed to have those to us by
19 the 20th, that will be May the 20th.

20 CHAIRPERSON MILLER: Okay.

21 MEMBER SHORT: That will be two weeks.

22 CHAIRPERSON MILLER: Okay.

1 MEMBER ALBERTI: I would argue that we
2 have sufficient evidence. We have this report
3 here.

4 CHAIRPERSON MILLER: Yes.

5 MEMBER ALBERTI: And the Investigator
6 has done a thorough job of contacting the
7 wholesalers. And so I would suggest that we have
8 enough evidence to send this to the OAG.

9 MEMBER RODRIGUEZ: Madam Chair?

10 CHAIRPERSON MILLER: Yes?

11 MEMBER RODRIGUEZ: As we deliberate
12 here, I think that this Board should first review
13 any information that they are willing to share
14 with us.

15 CHAIRPERSON MILLER: Yes.

16 MEMBER RODRIGUEZ: And give them that
17 opportunity before it goes to the OAG.

18 CHAIRPERSON MILLER: Yes.

19 MEMBER RODRIGUEZ: If it needs to go
20 to the OAG.

21 CHAIRPERSON MILLER: Yes. I would
22 tend to agree with you. Do you have another

1 comment?

2 MEMBER ALBERTI: Can we take a vote?

3 CHAIRPERSON MILLER: Yes. I just want
4 to see if there are other comments before we take
5 a vote.

6 MEMBER ALBERTI: Oh.

7 CHAIRPERSON MILLER: Any other
8 comments? Yes, Mr. Silverstein?

9 MEMBER SILVERSTEIN: Referring the
10 matter to the Office of the Attorney General is
11 not a finding of anything other than that there
12 is enough evidence to move the case forward to
13 see if there is, in fact, wrongdoing. You may
14 say probable cause, but it's not even probable
15 cause.

16 CHAIRPERSON MILLER: Yes.

17 MEMBER SILVERSTEIN: It's just that
18 there is enough here that we should move forward
19 to determine the facts. I believe that that is--
20 that we have met that bar, which is much lower
21 than an indictment or something of that sort.

22 CHAIRPERSON MILLER: I understand

1 that. It just seems that if we do that, then we
2 -- I didn't think that we should necessarily be
3 taking in the documents, that they would go to
4 OAG. Okay. Any other comments? All right.

5 Mr. Alberti has a motion then to send
6 the case to OAG and receive the documents. And
7 it has been seconded by Mr. Brooks.

8 All those in favor say aye.

9 MEMBER ALBERTI: Aye.

10 MEMBER BROOKS: Aye.

11 MEMBER SILVERSTEIN: Aye.

12 MEMBER SHORT: Aye.

13 CHAIRPERSON MILLER: All those
14 opposed? Opposed.

15 MEMBER RODRIGUEZ: Abstain.

16 CHAIRPERSON MILLER: You're
17 abstaining? Okay. Then the vote is 4-1-1 to
18 send to OAG and have documents sent to the Board.
19 Miller opposed and Rodriguez abstaining.

20 Okay. So what this means is that,
21 basically, the Board has decided after hearing
22 the facts as you presented them and the facts

1 that are in the report, that there is cause to
2 believe that you may have violated the
3 regulation, which says that you need to purchase
4 from a wholesaler and not from a retailer.

5 And so for that reason, the majority
6 of the Board has decided that we will send that
7 to OAG, which is our Attorney General's Office
8 and they will then decide whether they want to
9 take action against you with respect to that
10 charge.

11 In the meantime, you have agreed to
12 submit documents to the Board relative -- which
13 relate to this question, showing whether, you
14 know, it may be that, you know, you may have done
15 that, but the Office of Attorney General may or
16 may not decide whether or not to charge you.

17 So but the Board wants to just, I
18 think, assess whatever the other facts there are
19 in this case, which we would show with more
20 documents, whether your documents show you bought
21 from wholesalers, whether they show you bought
22 from Costco during -- I mean, it isn't even clear

1 exactly what period of time, you know, you
2 actually did this and how much you did.

3 It just seems that you did. It seems
4 like there is reason to believe that you did buy
5 some alcohol from Costco.

6 So okay. Then I think there was one
7 other. Is that the only charge that, Mr.
8 Alberti, you were recommending?

9 MEMBER ALBERTI: The charge is listed
10 in the investigative report.

11 CHAIRPERSON MILLER: Yes.

12 MEMBER ALBERTI: 15-CMP-00005. There
13 are several charges listed there.

14 CHAIRPERSON MILLER: There is failure
15 to maintain books and records and failure to have
16 warning signs posted. Was your motion for all of
17 them?

18 MEMBER ALBERTI: There -- should I
19 read the charges --

20 CHAIRPERSON MILLER: Am I wrong?

21 MEMBER ALBERTI: -- listed here?

22 CHAIRPERSON MILLER: Where are you?

1 Listed where?

2 MEMBER ALBERTI: Posting the warning
3 signs, retailer's books and records, retention of
4 books and records, etcetera. We have an
5 investigative report.

6 CHAIRPERSON MILLER: Okay.

7 MEMBER ALBERTI: I think we should
8 send them the investigative report.

9 CHAIRPERSON MILLER: Okay.

10 MEMBER ALBERTI: Over as is and the
11 OAG can then assess and discern what charges to
12 bring.

13 CHAIRPERSON MILLER: I just want to be
14 clear that everyone who voted for that voted for
15 all of it, that we know on the record what is
16 going to OAG. Is that everything on the
17 Investigator's report?

18 MEMBER ALBERTI: Yes.

19 CHAIRPERSON MILLER: Okay. And
20 everybody voted of that.

21 MEMBER SHORT: Yes.

22 CHAIRPERSON MILLER: And is fine with

1 that.

2 MEMBER BROOKS: Correct, yes.

3 MEMBER SILVERSTEIN: Yes.

4 CHAIRPERSON MILLER: Okay. And you
5 have a copy of the Investigator's report?

6 MS. YIMENU: Yes.

7 CHAIRPERSON MILLER: Okay. Okay. So
8 that's what we are referring to. Okay. So I
9 think that's it for this case. Thank you very
10 much.

11 If you have questions, you can contact
12 our General Counsel, Martha Jenkins.

13 MR. YIMENU: So we will be back here
14 on May 20th? Is that what it is?

15 CHAIRPERSON MILLER: No. I believe
16 that --

17 MEMBER SHORT: That's when he is going
18 to bring the receipts.

19 MEMBER ALBERTI: So I think you said
20 you were going to bring receipts for --

21 MR. YIMENU: Yes.

22 MEMBER ALBERTI: -- whatever receipts

1 you have for the --

2 MR. YIMENU: I will have and give it
3 to you.

4 MEMBER ALBERTI: -- purchase of
5 alcohol.

6 MR. YIMENU: Yes.

7 MEMBER ALBERTI: You said that you
8 would produce those and deliver those to Ms.
9 Jenkins by May 20th.

10 MR. YIMENU: Okay.

11 CHAIRPERSON MILLER: So we won't have
12 another hearing is what I'm saying. If you --
13 you just give her the documents.

14 MR. YIMENU: Okay.

15 MEMBER ALBERTI: And you may be
16 contacted by the OAG's Office.

17 MR. YIMENU: Okay. All right. Thank
18 you.

19 CHAIRPERSON MILLER: Okay. Thank you.

20 MEMBER RODRIGUEZ: Wish you well.

21 MR. YIMENU: Thank you.

22 MS. YIMENU: Thank you very much.

1 MEMBER RODRIGUEZ: Yes, ma'am.

2 CHAIRPERSON MILLER: Okay. That
3 concludes our Fact-Finding Hearing.

4 We have a Protest Hearing scheduled at
5 2:30. I don't know if anybody is here. All
6 right. We will start at 2:30 on the dot.

7 (Whereupon, the Fact-Finding Hearing
8 in the above-entitled matter was concluded at
9 2:25 p.m.)

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16
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19
20
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A	<p>arrange 35:4 asked 10:21 13:22 14:14 34:8 asks 8:14 assess 40:18 42:11 attached 32:8 Attorney 38:10 40:7,15 available 15:13 Avenue 1:7 2:6 7:19,22 aye 39:8,9,10,11,12 Ayehubizu 2:18</p>	<p>businesses 19:8 buy 6:16 7:1,7,9 8:7 17:9,10 18:4 19:4 21:14,22 22:2,4,5,11 22:15,20 24:6 26:6,8 26:15 28:21 29:1,3 41:4 buying 15:5 17:19 19:3 29:8</p>	<p>coffee 1:6 2:5 10:18 13:5,6,9,11 COLUMBIA 1:1 come 2:7 4:4 5:16 8:17 8:21 16:5 17:9 34:7,9 comes 6:6 8:14 comment 35:17 38:1 comments 33:21 38:4,8 39:4 company 27:9 32:4 concern 36:10 concerned 18:19 concluded 45:8 concludes 45:3 concur 33:22 confused 33:2 contact 35:1 43:11 contacted 44:16 contacting 37:6 Control 1:2,14,15 conversation 4:13 copy 16:3,4,7 17:14 20:12 43:5 correct 15:6 28:7,12 43:2 Costco 7:1 9:10 24:2,4 24:7,14 28:12,13 29:5 29:6,8,18 30:2,10 40:22 41:5 counsel 34:19 35:2 43:12 counter 28:14 course 6:21 Court 17:20 CR 1:8 cross-examination 4:11 Currently 21:5,7</p>
B	<p>back 17:13 20:11,13 25:7,11 27:16 28:6 43:13 background 18:20 bad 5:1 9:5,6 11:11,14 11:15 12:7 18:17 19:2 Bantamlak 3:12 bar 38:20 basically 39:21 beer 5:7 6:17 21:21 22:17,18,20,22 23:6 believe 38:19 40:2 41:4 43:15 Beverage 1:2,14,15 big 1:6,6 2:5 8:20 Bladensburg 7:19,22 8:2 Board 1:2,14 10:10 15:13 17:5 30:7,12,12 31:8 32:10 36:1,6 37:12 39:18,21 40:6 40:12,17 books 1:11 12:16,22 14:14 41:15 42:3,4 bottle 6:12 bottles 8:12 bought 19:20 22:13,17 22:22 23:6,21 24:2,3 26:18 29:18 40:20,21 brand 29:19 brands 29:18 break 20:16 breakfast 13:6 Brentwood 8:1 23:18 25:13 28:1 bring 16:12 20:13 24:18 42:12 43:18,20 Brooks 1:19 39:7,10 43:2 brought 16:15 Building 1:15 burglar 13:18 20:15 bus 8:2,3 business 3:13 10:14,15 12:14 14:4 18:9,18</p>	C	<p>Cafe 1:6 call 4:5 5:16,18 14:18 calling 2:4 carry 21:18 case 1:9 2:4 33:18 38:12 39:6 40:19 43:9 cash 13:20,21 32:13,14 32:16,19,22 33:2 cause 33:19 38:14,15 40:1 certain 17:10 21:17 Chair 1:6,6 2:5 19:11 35:20 36:18 37:9 Chairperson 1:16,18 2:3,14,20,22 3:3,6,9 3:11,14,18,22 4:3,9 6:13 7:4,7,12,16,20 8:1,4 9:5,8,12,14,17 9:20 10:2,4,9 16:2,6 16:10,13,17 17:16,21 18:1 19:14 29:16 31:13,17 33:8,12,16 33:21 34:1,12 35:16 35:19,21 36:4,9,14,20 36:22 37:4,10,15,18 37:21 38:3,7,16,22 39:13,16 41:11,14,20 41:22 42:6,9,13,19,22 43:4,7,15 44:11,19 45:2 chance 12:6 change 8:20 charge 5:19 40:10,16 41:7,9 charges 33:19 41:13,19 42:11 cheaper 6:16 check 10:5 18:20 27:18 33:3,4 Cherry 17:20 Ciroc 29:22 city 8:3 clean 6:7 cleaning 6:5 cleans 6:7 clear 33:5 40:22 42:14 CMP-00005 2:5</p>
A-Y 3:4 ABC 11:6 able 14:13 17:13 35:11 above-entitled 45:8 Abstain 39:15 abstaining 39:17,19 accept 32:13 account 23:9 25:8,9,13 25:18 26:3,5,7,13,14 accounts 21:7 action 36:2 40:9 admit 6:21 7:2 15:1 admitted 24:1 advisement 34:14 afternoon 2:4 10:11,12 19:16,17 Agency 4:7 34:7,9 ago 27:14 agree 37:22 agreed 34:10 40:11 Alberti 1:19 19:15,16 19:18 20:2,5,14,20 21:2,5,10,14,19,22 22:2,4,8,11,13,16,19 23:2,5,8,13,16,20 24:3,6,9,12,17,20 25:3,6,12,16,20 26:10 26:13 27:3,8,13,17,19 27:22 28:5,9,17,21 29:3,7,11,14 31:15,19 32:1,3,9,18,21 33:1,7 33:11,14,17 34:5,18 34:21 35:4,8,12 37:1 37:5 38:2,6 39:5,9 41:8,9,12,18,21 42:2 42:7,10,18 43:19,22 44:4,7,15 alcohol 1:10 4:17 5:7 5:11 6:11,16,22 7:1,8 8:9,10 9:16 10:8,22 12:15 13:4,14,15 15:5 17:8 19:1,3,6,19,21 20:7 21:17,18 22:7,8 23:12,13,14,21 25:2 27:9 28:11,19,22 29:1 29:8,18 30:9,13 41:5 44:5 Alcoholic 1:2,14,15 allowed 19:7 ANC 2:7 ANC-8A 1:8 angry 6:19 anybody 21:10 45:5 apologize 6:21 appreciate 7:2 area 8:21 argue 37:1	D	<p>D.C 1:16 5:6 date 16:16 decide 36:16 40:8,16 decided 39:21 40:6 deliberate 37:11 deliver 35:5,5 44:8 Department 4:21 6:3 depend 5:11,13 depending 5:8 depot 8:3,3 determine 38:19 different 6:15 21:13,18 23:11 dirty 5:2 discern 42:11 DISTRICT 1:1 documents 34:3,17 35:1,6 36:1,6,15 39:3</p>	

39:6,18 40:12,20,20
44:13
doing 5:2 27:5
DONALD 1:19
dot 45:6
double 33:2,4
drinks 5:20

E

E-H-U-B-I-Z-U 3:5
earlier 20:15 25:22
easy 13:22
Either 34:20
employ 18:21
employed 11:13
employee 4:21 9:6,6
employees 5:11
establish 25:8,9,13
establishment 12:14
etcetera 42:4
everybody 12:9 42:20
evidence 4:10 37:2,8
38:12
exactly 4:15 41:1
existing 26:15
expect 35:14
experience 18:8

F

fact 1:6 4:5 38:13
Fact-Finding 4:5 18:10
45:3,7
facts 4:12 38:19 39:22
39:22 40:18
Failed 1:10,11
failure 41:14,15
far 18:19
favor 39:8
find 14:20 17:18 22:3
24:16,17 27:21 29:12
30:8,11,19
finding 1:7 4:6 38:11
fine 27:8 42:22
fire 5:3 6:20
fired 5:4
first 3:4 16:22 37:12
flushed 13:18
food 5:9 23:12
forgot 21:11
forward 2:7 38:12,18
found 5:1 6:4
four 24:11
free 6:19
friends 5:18
front 8:3
further 29:15 36:2
future 5:22

G

gathering 4:12
General 35:2 38:10
40:15 43:12
General's 40:7
gin 22:8
give 12:6 14:21 17:13
26:12 31:1 32:8,8
37:16 44:2,13
go 7:1 8:20 17:13 20:11
21:17 23:12 27:16
29:5 34:2 37:19 39:3
goes 5:15 36:7 37:17
going 2:4 6:1 8:19 16:7
31:7 34:2 36:11 42:16
43:17,20
good 2:3,14 4:3 9:3
10:11,12 11:2 12:11
14:1 19:16,17 30:5
great 29:8 35:12,12
green 2:10,11
greet 5:19
Grill 1:6 2:5
guaranteed 36:18
guy 5:14

H

half 27:12,13
hand 35:1
hands 36:12
happen 6:1
Health 4:20 6:2
hear 28:18
hearing 1:7,15 4:6,10
4:12 39:21 44:12 45:3
45:4,7
HECTOR 1:20
help 17:15 30:12
helpful 17:5
holding 18:7
hopefully 8:20
hours 17:10
huge 8:18

I

identify 2:15
IDs 10:5
important 12:16
indictment 38:21
information 31:8 37:13
investigative 33:20
41:10 42:5,8
Investigator 14:12,12
14:14 33:4 34:20,22
37:5
Investigator's 42:17
43:5
invoices 19:19,21 20:6

24:14 32:13

J

JAMES 1:21
Janea 34:20
Jenkins 35:2,13 43:12
44:9
job 37:6
Jr 1:7 2:6

K

keep 12:15 13:10,14,14
13:16
keeping 14:5,6
kept 14:18
kind 4:12 6:18 10:7
22:9
kinds 5:2 21:1,18
King 1:7 2:6
knew 4:19
know 4:15 5:5,5,7,10
6:15,16,17,19 8:3,10
14:17 17:18 18:14
20:2 21:12,16,20 22:6
25:2 26:5 27:19 29:9
30:4,13 34:5,6,16
35:13,14 40:14,14
41:1 42:15 45:5

L

lapsed 26:14,14
learn 18:20 19:5
learned 18:8 19:2
left 6:2
legal 17:6 30:7
Let's 19:18
letter 4:6 6:11
license 1:8 2:7 8:6
10:21 11:6
light 2:11
listed 33:19 41:9,13,21
42:1
little 2:9
LLC 1:6
located 2:5
long 10:13,14 11:11
26:8,16,16
looks 32:14,20
lot 12:5
lots 5:20
low 25:2 28:20
lower 38:20
Luther 1:7 2:6

M

ma'am 4:19 45:1
Madam 19:11 35:20
36:17 37:9

maintain 1:11 41:15
majority 40:5
manage 3:17 27:4
management 27:1,4
manager 3:13,21,22
March 16:18 25:7,21,22
26:17
Martha 43:12
Martin 1:7 2:6
matter 1:5 38:10 45:8
mean 6:15,18 22:6
25:21 32:3 36:10
40:22
means 39:20
MEETING 1:3
Member 1:19,19,20,20
1:21 3:20 10:11,13,19
11:2,5,9,11,15,18,21
12:2,10,13,21 13:2,8
13:13 14:1,3,8,11
15:2,4,8,12,15 16:16
16:18,21 17:4,15 18:5
18:15,22 19:10,16,18
20:2,5,14,20 21:2,5
21:10,14,19,22 22:2,4
22:8,11,13,16,19 23:2
23:5,8,13,16,20 24:3
24:6,9,12,17,20 25:3
25:6,12,16,20 26:10
26:13 27:3,8,13,17,19
27:22 28:5,9,17,21
29:3,7,11,14,17,20
30:1,4,7,12,16,20
31:2,5,7,11,15,19
32:1,3,9,16,18,21
33:1,7,10,11,14,17,22
34:5,10,15,18,19,21
35:4,8,12,18,20,22
36:1,5,13,17,21 37:1
37:5,9,11,16,19 38:2
38:6,9,17 39:9,10,11
39:12,15 41:9,12,18
41:21 42:2,7,10,18,21
43:2,3,17,19,22 44:4
44:7,15,20 45:1
Members 10:10 32:10
mentioned 6:10
mercy 7:3 15:1
met 1:15 38:20
microphone 2:10
middle 11:1,7 26:21
28:22
MIKE 1:20
Miller 1:16,18 2:3,14,20
2:22 3:3,6,9,11,14,18
3:22 4:3,9 6:13 7:4,7
7:12,16,20 8:1,4 9:5,8
9:12,14,17,20 10:2,4

10:9 16:2,6,10,13,17
 17:16,21 18:1 19:14
 29:16 31:13,17 33:8
 33:12,16,21 34:1,12
 35:16,19,21 36:4,9,14
 36:20,22 37:4,10,15
 37:18,21 38:3,7,16,22
 39:13,16,19 41:11,14
 41:20,22 42:6,9,13,19
 42:22 43:4,7,15 44:11
 44:19 45:2
minors 10:8
month 6:6 8:19
months 4:22 11:19,20
 11:21,22 24:10,11
motion 39:5 41:16
move 38:12,18
moving 8:13

N

N.W 1:15
name 2:16,20 3:1,4,12
 21:9,12,13 32:4
necessarily 39:2
necessary 12:14 13:3
 16:15
need 12:11 18:20 34:3
 40:3
needs 37:19
never 7:2 10:1,3,7
NICK 1:19
northeast 7:19
note 32:11
notice 4:4,15

O

OAG 33:18 34:2 36:3,7
 36:11 37:8,17,20 39:4
 39:6,18 40:7 42:11,16
OAG's 44:16
Office 38:10 40:7,15
 44:16
Oh 3:22 9:17 18:1 26:10
 38:6
okay 2:3,14,22 3:3,6,11
 4:3,9 9:14 10:2,4,9,19
 11:2,9 12:2,10,11
 13:8 14:1,11 15:2
 16:8,9,13,16,17 17:4
 18:2,5 19:10,14,18
 20:5,14 21:2,5,22
 23:16 26:10,13 27:22
 29:7,16 30:1,4 31:13
 32:3 33:6,8,12,13
 35:7,16,19,19 36:20
 36:22 39:4,17,20 41:6
 42:6,9,19 43:4,7,7,8
 44:10,14,17,19 45:2

open 17:11
opened 10:17,17 11:5
opportunity 37:17
opposed 39:14,14,19
outside 5:15
owner 2:19 3:7,9,15,15

P

P-R-O-C-E-E-D-I-N-G-S
 2:1
p.m 2:2 45:9
part 24:14 32:10
payment 32:13
people 5:15,16,17 6:2
 12:5 23:3,6
period 41:1
permit 10:22
permitted 32:12
person 4:20 5:1 6:6,9
 11:12,14,15,16 18:17
 18:18,21 19:1,2 27:2
 27:5

personally 10:6
Petron 29:22 30:2,2,2
phone 14:18
place 3:17 5:15 6:1,4
 23:17 27:20
places 19:3,6
Please 32:11
pointed 32:11
police 20:17,21,22 21:3
possibly 28:6
posted 1:12 41:16
Posting 42:2
pour 5:11
pouring 6:11 9:16,18
Premise 1:10
PRESENT 1:17
presented 39:22
presiding 1:16
pretty 8:8
print 26:11
prior 25:21,22
probable 38:14,14
Probably 20:9 28:3
procedures 33:19
produce 20:10 24:20
 27:17 44:8
promised 35:6
Protest 45:4
provide 17:6 30:7,11
 31:8
providing 31:12
purchase 8:16 15:9
 17:11 19:6 25:2 27:6
 28:13 40:3 44:4
purchased 1:10 19:1,22
 20:7 25:21 27:9 28:2

30:9,14,16
purchases 24:22
purchasing 4:17 8:5
 9:9 28:11
put 13:20
putting 13:19

Q

question 4:16 12:11,19
 18:6 31:15 40:13
questions 4:13 10:10
 29:15 33:13 43:11

R

read 6:11 41:19
really 8:8 32:15
reason 18:11,13 32:10
 40:5 41:4
receipt 13:4,17 14:17
 14:19 17:14 31:16,21
 31:21,22 32:1,14
receipts 12:15,15 13:9
 13:10,15 14:4,5,6,13
 14:15 15:9 24:13,13
 24:21 27:14 30:6,8,11
 31:9 43:18,20,22
receive 36:1 39:6
recommend 33:18
recommendation 33:15
 35:15,17 36:8
recommending 41:8
record 2:15 31:12 34:16
 36:17 42:15
records 1:11 12:17,22
 14:15 17:3 41:15 42:3
 42:4
reestablish 26:9
Reeves 1:15
referring 38:9 43:8
register 13:20
regulation 40:3
relate 40:13
relative 40:12
remember 23:7 29:17
renovation 8:18
reopen 8:19
report 20:16,20 21:3
 33:20 37:2 40:1 41:10
 42:5,8,17 43:5
reported 4:19,20 5:5
 6:3 11:16 26:2
reps 32:12
requested 34:4 36:2
requirement 12:21 13:2
requirements 13:1
respect 40:9
response 5:6 8:22
responsibility 18:15,17

restaurant 10:16 28:20
restaurants 19:7
retailer 1:8,10 15:6 17:9
 40:4
retailer's 42:3
retention 42:3
review 34:3 36:6,14
 37:12
rid 27:7
right 2:17 4:4 8:17
 14:19 15:7,14 16:6
 17:18 21:7,19 22:16
 23:20 25:3,6 29:9,14
 30:5 32:9 33:16 36:9
 39:4 44:17 45:6
rodents 6:4
Rodriguez 1:20 3:20
 35:18,20,22 36:5,13
 37:9,11,16,19 39:15
 39:19 44:20 45:1
Room 1:15
run 5:15
Ruthanne 1:16,18

S

S.E 2:6
sale 5:8 9:3 28:19
sales 5:9 8:20 12:22
 13:11 27:6 28:16
saying 14:22 44:12
says 25:18 32:11,21
 33:1 40:3
scheduled 45:4
SE 1:7
search 30:18
second 35:18
seconded 39:7
section 30:8
see 8:11 14:13 38:4,13
seeing 5:16,22
sell 5:12 8:9 10:21 13:9
 19:7 30:1,2
selling 10:8 13:6 25:4
sells 5:20 12:15
send 33:18 37:8 39:5
 39:18 40:6 42:8
sent 39:18
share 37:13
shelf 8:11
shop 10:18 13:5
Short 1:21 10:10,11,13
 10:19 11:2,5,9,11,15
 11:18,21 12:2,10,13
 12:21 13:2,8,13 14:1
 14:3,8,11 15:2,4,8,12
 15:15 16:16,18,21
 17:4,15 18:5,15,22
 19:10 29:16,17,20

30:1,4,16,20 31:2,5,7
 31:11 32:16 33:10,22
 34:4,10,15,19 36:2,17
 36:21 39:12 42:21
 43:17
show 14:13 33:19 40:19
 40:20,21
showing 40:13
Sign 1:11
sign-in 2:16
signs 41:16 42:3
Silverstein 1:20 38:8,9
 38:17 39:11 43:3
sir 3:11 17:12 27:21
 29:13
sister 3:16 5:10
six 24:10
slow 5:7,8 8:8,13 28:15
sodas 5:9
sort 38:21
southeast 21:12
space 13:21
Speak 28:17
spell 3:1
spelled 2:16
spirits 22:5
spray 6:7
staff 17:6
start 5:19 8:5 19:18
 45:6
started 4:22 5:4 13:5
stop 5:17,18,21
stopped 26:14
Street 1:15 7:18,20
stuff 20:19
submit 40:12
sufficient 37:2
suggest 37:7
Suite 1:16
support 3:19
supposed 19:4
sure 32:19 36:15
surprise 25:7,17 26:1
surprising 26:4
survive 8:17 13:6

T

t/a 1:6
table 2:10
take 30:21 34:13 36:2
 38:2,4 40:9
taken 4:10 14:2
takes 6:7
talking 18:22 20:3
tell 29:5
telling 26:20 28:7
tend 37:22
tequila 29:21

testimony 4:11
Thank 19:10,11,13
 29:15 31:11 33:7 43:9
 44:17,19,21,22
thing 6:18 10:7 22:9
 26:20
things 5:2 6:7 9:15
 13:11,19 21:1
think 5:5 10:22 12:13
 12:16 14:10 15:20
 17:5 18:10 34:6,8
 35:8 37:12 39:2 40:18
 41:6 42:7 43:9,19
thorough 37:6
thought 10:20 16:14
 34:12,13
three 4:22 11:19 19:20
 20:7
time 10:7 14:9,22 16:22
 18:7 23:5 25:15,16
 26:8,16,16,17 27:9
 28:1,4,5,10 41:1
times 28:15
today 18:10,11,12,16
 18:18 21:7 24:19
 35:14
told 6:22
Tower 9:1,2
tremendously 30:13
tried 20:18
true 32:6
try 17:17
trying 8:17 9:4 29:11
turn 34:17
turns 12:7
two 4:22 8:22 11:19,21
 11:22 18:16 23:17,22
 30:22 31:2,4,5 35:10
 36:21

U

underneath 13:20
understand 11:3 12:8
 12:18 19:21 38:22
unfortunate 6:9
unfortunately 13:17
 14:21
Union 9:1,2

V

V 7:18,20,22 23:18
 25:13 27:22
Vick 34:22
violated 40:2
vodka 22:9
vote 38:2,5 39:17
voted 42:14,14,20

W

want 3:1 5:19 18:7 29:9
 34:15 38:3 40:8 42:13
wanted 5:14
wants 40:17
warning 1:11 41:16
 42:2
Washington 1:16 17:8
 19:8 20:12 21:8,9
 22:5,14,17,20 23:17
 25:8,10,17 26:2,18
 27:10 31:20 32:12
 33:3,5
watered 6:17
way 6:14 28:10
we're 9:4 18:22
week 30:21,21 31:2
weeks 30:22 31:3,4,5
 35:11 36:21
went 8:15 24:2 26:6
Wholesale 17:8
wholesaler 6:22 7:10
 7:11,13,17 8:5 17:22
 18:1 19:8 20:12 21:9
 22:14 30:10 40:4
wholesalers 21:6 22:5
 22:17,20 23:10,17,21
 25:9,10,14,17 26:2,18
 27:10 28:1 31:20
 32:12 33:3,5 37:7
 40:21
willing 37:13
wine 5:7,20 8:16
Wish 44:20
wondering 34:2
word 6:2
work 12:5,6
worked 11:12 12:3
working 4:22 11:20
wouldn't 5:17
wrong 41:20
wrongdoing 38:13

X

Y

Y-I-M-E-N-U 3:2
year 10:21 14:8 25:22
 25:22 27:11,11,13
years 11:12 19:20 20:8
 30:9
Yimenu 2:12,13,18,18
 2:21 3:2,4,8,10,12,13
 3:16 4:1,2,8,18 6:14
 7:6,9,11,14,15,18,22
 8:2,6 9:1,2,7,11,13,15
 9:19,22 10:1,3,5,12
 10:16,20 11:4,7,10,14

11:16,19,22 12:1,3,12
 12:18,20 13:1,4,12,16
 14:2,7,9,16 15:3,7,10
 15:11,14,17,18,20,21
 15:22 16:4,5,8,9,11
 16:14,19,20 17:1,2,12
 17:17,22 18:3,13,19
 19:5,13,17 20:1,4,9
 20:18,22 21:4,8,11,16
 21:20 22:1,3,7,10,12
 22:15,18,21,22 23:4,7
 23:11,14,19 24:1,5,8
 24:10,16,18 25:1,4,11
 25:15,19 26:4,11,19
 26:22 27:1,4,11,15,18
 27:21 28:3,8,13,19
 29:2,5,10,13,19,21
 30:3,15,18 31:1,4,6
 31:10,22 32:2,6,7,20
 32:22 33:6 35:3,7,10
 43:6,13,21 44:2,6,10
 44:14,17,21,22

Z

0

1

1:49 2:2
14th 1:15
15 2:4
15-CMP-00005 1:9
 41:12
18 16:18

2

2:25 45:9
2:30 45:5,6
2000 1:15
20009 1:16
2010 10:17 11:5 14:4,5
 18:9
2011 11:1,6,7,8 25:11
2012 14:10 26:21
2013 14:10,10 26:21
 28:6,9,10,22
2014 26:1 28:11 29:1
2015 1:13 16:18
20th 36:19,19 43:14
 44:9
2122 1:7 2:6

3

4

4-1-1 39:17
400S 1:16

5
6
6 1:13
7
8
85903 1:8 2:7 8A 2:8
9