

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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IN THE MATTER OF: :

:

Lin's Entertainment, LLC :

t/a Columbia Wine & Liquors :Show Cause

1151 Bladensburg Road, NE :Hearing

Retailer CR :(Status)

License No. 60113 :

Case No. 11-CMP-00344 :

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May 15, 2013

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

PRESENT

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

MICHAEL SILVERSTEIN, Member

ALSO PRESENT:

MICHAEL STERN, OAG

EARL JONES, ABRA

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

(10:27 a.m.)

CHAIRPERSON MILLER: Okay the next case on the calender is Case Number 11-CMP-00344, Columbia Wine and Liquors located at 1151 Bladensburg Road, Northeast. License Number 60113 in ANC 5D.

This is a Show Cause Hearing. Would the parties introduce themselves for the record please?

MR. STERN: Yes, Michael Stern representing the District of Columbia.

MR. LIN: My name is Peter Lin, I represent Columbia Wine and Liquors. My mom is the owner of the store, her name is Yu Yun Chen.

CHAIRPERSON MILLER: Okay. Did you sign in? Mr. Stern, are there any preliminary matters in this case?

MR. STERN: There are none.

CHAIRPERSON MILLER: Okay. As I said, this is a Show Cause hearing. Have you

1 attended a Show Cause hearing before?

2 (Inaudible response)

3 CHAIRPERSON MILLER: All right. I  
4 just wanted to let you know what the procedure  
5 is. This case involves a charge of selling  
6 go-cups and the Government has the burden of  
7 proof to prove the case.

8 And the Government will go first  
9 in presenting their case. Mr. Stern will  
10 probably make an opening statement and then  
11 he'll put on, probably, a witness and the  
12 witness will be sworn in.

13 We take sworn testimony under  
14 oath. And put any documents or other evidence  
15 into the record.

16 You'll have a chance to ask  
17 questions or cross examine his witnesses and  
18 the Board will ask questions as well. And  
19 then it will be your turn.

20 You can put on a case being your  
21 mom can testify or any other witness. And  
22 same rules apply. Mr. Stern then can ask

1 questions based on the testimony.

2 MR. LIN: Okay.

3 CHAIRPERSON MILLER: And the Board  
4 can as well. And then you can put in any  
5 evidence you have. Then there will be closing  
6 arguments where you some up what you showed to  
7 the Board, what evidence you put in. And  
8 that's basically how the case goes.

9 MR. LIN: Okay.

10 CHAIRPERSON MILLER: If you have  
11 any questions you can feel free to ask me as  
12 we go along.

13 MR. LIN: Okay.

14 CHAIRPERSON MILLER: Okay. all  
15 right, Mr. Stern.

16 MR. STERN: Yes. The Government  
17 will make an opening statement. The statement  
18 being that the Government expects that its  
19 evidence will prove that on August 4th, 2011  
20 at approximately 1:30 p.m. an investigator of  
21 the Alcohol Beverage Regulation Administration  
22 entered Columbia Wine and Liquors in an

1       undercover capacity.

2                       That he went to the front register  
3       and ordered a 375 milliliter bottle of Remy  
4       Martin Cognac and asked for cups to go with  
5       it.

6                       That the person at the front  
7       register put the 375 milliliter Remy Martin  
8       Cognac along with a sandwich bag of ice and  
9       two loose Styrofoam cups into a black bag and  
10      the investigator paid for it and left the  
11      establishment.

12                      The Government's evidence will  
13      also include a photo of the evidence which was  
14      taken from the establishment.

15                      CHAIRPERSON MILLER:   Okay, thank  
16      you.

17                      MR. STERN:   Thank you.

18                      CHAIRPERSON MILLER:   Are you ready  
19      to call your first witness?

20                      MR. STERN:   Yes.

21                      CHAIRPERSON MILLER:   Okay.   Good  
22      morning.

1 MR. JONES: Good morning.

2 CHAIRPERSON MILLER: Do you swear  
3 to tell the truth, the whole truth and nothing  
4 but the truth?

5 MR. JONES: Yes.

6 CHAIRPERSON MILLER: Okay, thank  
7 you.

8 DIRECT EXAMINATION

9 MR. STERN: Good morning, could  
10 you give us your name and spell your last name  
11 for the record please?

12 MR. JONES: Earl Jones, J-O-N-E-S.

13 MR. STERN: Okay. And Mr. Jones,  
14 are you employed?

15 MR. JONES: Yes, sir.

16 MR. STERN: And how are you  
17 employed?

18 MR. JONES: I'm employed with the  
19 Alcoholic Beverage Regulation Administration.

20 MR. STERN: In what capacity?

21 MR. JONES: As an Investigator.

22 MR. STERN: And were you employed

1 in that capacity on August 4th, 2011?

2 MR. JONES: Yes, sir.

3 MR. STERN: And on that day, at  
4 approximately 1:30 p.m., did you become  
5 familiar with an establishment that trades by  
6 the name of Columbia Wine and Liquors?

7 MR. JONES: Yes, I did.

8 MR. STERN: And how is it that you  
9 became familiar?

10 MR. JONES: While working my day  
11 shift duties I have a certain day that is  
12 assigned, which is on Thursdays, every other  
13 Thursday, to conduct undercover assignments  
14 for single sale initiatives in the District of  
15 Columbia.

16 And on my list of establishments  
17 for that Thursday was Columbia Wine and  
18 Liquors located at 1151 Bladensburg Road,  
19 Northeast.

20 MR. STERN: Okay. And did you go  
21 to that location?

22 MR. JONES: Yes, I did, sir.

1                   MR. STERN:   And what happened when  
2                   you got to that location?

3                   MR. JONES:   I entered the  
4                   establishment --

5                   MR. STERN:   Now did you have a  
6                   badge or were you in uniform in some matter?

7                   MR. JONES:   No, sir.   I was  
8                   dressed in jeans and a baseball cap.

9                   MR. STERN:   Was that  
10                  intentionally?

11                  MR. JONES:   Yes, sir.

12                  MR. STERN:   Because?

13                  MR. JONES:   I was in a undercover  
14                  capacity.

15                  MR. STERN:   Okay.   So what  
16                  happened when you went inside?

17                  MR. JONES:   At that point I  
18                  entered the establishment and I went directly  
19                  to the front counter, ordered a bottle of Remy  
20                  Martin and asked for ice and a cup.

21                  MR. STERN:   Okay.   And who did you  
22                  speak to?   If not by name what was their

1 position?

2 MR. JONES: They were, I don't  
3 know what the specific position was, I mean  
4 they were working the cash register so they  
5 were behind the plastic partition.

6 MR. STERN: Okay. And what did  
7 that person do when you asked for it?

8 MR. JONES: They retrieved the  
9 Remy Martin from behind them. They gave me a  
10 sandwich bag of ice and two cups.

11 MR. STERN: Okay, could you  
12 describe the cups for me?

13 MR. JONES: They were Styrofoam  
14 cups I believe. Again, this was almost two  
15 years ago, so.

16 MR. STERN: Were the cups, when  
17 they gave it to you, were they packaged  
18 together or individually?

19 MR. JONES: They were together but  
20 they weren't packaged I believe.

21 MR. STERN: Okay, so there were  
22 two individual cups?

1 MR. JONES: Yes, sir.

2 MR. STERN: And what did you do  
3 after you received that, did you pay for those  
4 items?

5 MR. JONES: Yes, I rendered  
6 payment for the beverage and the cups and the  
7 ice. And then I exited the establishment.

8 MR. STERN: Okay. Now did you do  
9 a report in this matter?

10 MR. JONES: Yes, sir.

11 MR. STERN: Okay, I want to show  
12 you what will be eventually Government's  
13 Exhibit Number 1. It is part of the Board's  
14 files.

15 (Whereupon, the document referred  
16 to was marked as Government's Exhibit Number  
17 1 for identification.)

18 MEMBER SILVERSTEIN: Thank you.

19 MR. STERN: I'm going to ask if  
20 you could please tell me --

21 CHAIRPERSON MILLER: Excuse me,  
22 Mr. Stern, does the Licensee have a copy of

1 that report?

2 MR. STERN: I will give him one.

3 CHAIRPERSON MILLER: Okay.

4 MR. JONES: This is the actual  
5 report that I did on this investigation.

6 MR. STERN: Is that signed by you?

7 MR. JONES: Yes it is, sir.

8 MR. STERN: I see there that there  
9 is a picture attached to the report, could you  
10 tell me how that picture came to be?

11 MR. JONES: Whenever we conduct  
12 the undercover assignment and we actually  
13 collect evidence --

14 CHAIRPERSON MILLER: Wait, I'm  
15 going to stop because I think you should have  
16 the report while you're asking the question.

17 MR. STERN: I'm going to need to.

18 CHAIRPERSON MILLER: So do you  
19 need to have a copy?

20 (Off record comments)

21 MR. STERN: He does have a copy  
22 but unfortunately there's no picture with it.

1 So I'm going to show him the picture.

2 CHAIRPERSON MILLER: Okay, we have  
3 an extra one.

4 MR. STERN: Oh, you have another  
5 one. Now I'm sorry, you were saying --

6 CHAIRPERSON MILLER: Thank you.

7 MR. STERN: -- how the picture  
8 came to be?

9 MR. JONES: Whenever I conduct, or  
10 us as Investigators with ABRA conduct  
11 undercover assignments concerning single  
12 sale/go-cup initiatives, we go in, in an  
13 undercover capacity. Again in jeans or  
14 whatever the case may be.

15 And once we are able to get a  
16 sale, we bring the evidence back to the  
17 office. To the ABRA Office.

18 Once we bring it back to the ABRA  
19 Office it is tagged, meaning as an exhibit.  
20 It is put into an evidence lockup here at the  
21 office and pictures are taken. And that is  
22 the picture that you see.

1 MR. STERN: Okay. Is this a fair  
2 and accurate reflection of how the cups and  
3 Remy Martin and bag of ice looked on the day  
4 that you took that picture?

5 MR. JONES: That is exactly what  
6 was given to me along with the plastic black  
7 bag.

8 MR. STERN: We would move into  
9 evidence the report including the attachment  
10 as Exhibit Number 1, which is the picture.

11 CHAIRPERSON MILLER: So you're  
12 asking to move into evidence the investigative  
13 report that's already in our record with the  
14 photo?

15 MR. STERN: Yes.

16 CHAIRPERSON MILLER: Okay. Are  
17 there any objections? Okay, and not hearing  
18 any, it's already apart of the administrative  
19 record anyway. Government's Exhibit Number 1  
20 is accepted into evidence.

21 (Whereupon, the document  
22 previously marked as Government's Exhibit

1 Number 1 for identification was received into  
2 evidence.)

3 MR. STERN: And just to be clear,  
4 you weren't sold three cups were you?

5 MR. JONES: No, sir. It was the  
6 two cups, the ones that you see in the  
7 picture.

8 MR. STERN: And also just to be  
9 clear, the cups were not packaged together  
10 were they?

11 MR. JONES: No, sir.

12 MR. STERN: Can you tell me  
13 something, you mentioned before single sale  
14 initiative and then you called it single sale  
15 go cup initiative. Are they the same thing?

16 MR. JONES: They are the same  
17 thing. What has happened recently is that we  
18 have, over the last, I would say probably  
19 year, we have been able to get most of the AND  
20 stores kind of in compliance with reference to  
21 this.

22 This is what we've been trying to

1 do for a long time at this point is get them  
2 to the point where they are not selling the  
3 single beers or the single malts.

4 And so the other thing is that  
5 we're trying do is to get them educated as  
6 well as in compliance with not selling the  
7 cups that are to go with this alcohol that is  
8 being sold. So it is in fact the same.

9 MR. STERN: No further questions.

10 CHAIRPERSON MILLER: Okay. Mr.  
11 Lin, do you have any questions for Mr. Jones  
12 based on his testimony?

13 MR. LIN: No.

14 CHAIRPERSON MILLER: Okay. Board  
15 members? Mr. Alberti.

16 MEMBER ALBERTI: Mr. Jones, I know  
17 you don't have the ice in evidence today, but  
18 do you remember how large a bag of ice it was?

19 MR. JONES: It was a sandwich bag.  
20 It was, I can't tell you the dimensions of a  
21 sandwich bag, but it was a small sandwich bag  
22 full of ice.

1                   MEMBER ALBERTI:   Enough to fill  
2   both cups or one cup or?

3                   MR. JONES:    It was enough to fill  
4   both cups.

5                   MEMBER ALBERTI:   More than that?

6                   MR. JONES:    No.

7                   MEMBER ALBERTI:   Okay, thank you.

8                   CHAIRPERSON MILLER:   Mr. Jones,  
9   when you do these regulatory checks, do you,  
10   for this particular type of situation for the  
11   go-cups or the single sales, do you do a  
12   certain number in the morning or afternoon?

13                  MR. JONES:    Normally what we try  
14   to do is we try to do anywhere from maybe  
15   seven to ten establishments.   And we do them  
16   anytime from when they open to when our shift  
17   is over.

18                  And again, it only happens when  
19   we're on our day shift.   So it could happen  
20   anytime from, if they open at 8:30, 9 o'clock,  
21   whatever the case maybe, until we get off at  
22   4:00 or 5 o'clock.

1                   CHAIRPERSON MILLER: So do you do  
2 all of them and then come back to the office?  
3 You don't come back to the office after each -  
4 -

5                   MR. JONES: No. We designate a  
6 list of establishments prior to leaving the  
7 office.

8                   We do each and every one of them  
9 and then once we're done we come back to the  
10 office to compile the evidence, if anything  
11 has been gathered, and do paperwork.

12                  CHAIRPERSON MILLER: So how do you  
13 separate the evidence from each place to make  
14 sure that you know that the particular liquor  
15 or cups are from a certain establishment?

16                  MR. JONES: Well normally what I  
17 do is, once I get back into my vehicle,  
18 normally what I do is I'll take a piece of  
19 paper and I'll mark on the paper what the  
20 establishment was and then I'll stick it in  
21 the bag. So that way I can kind ascertain  
22 which one is which.

1                    Luckily I've really haven't had to  
2                    do that as of late because we've gotten a lot  
3                    of the establishments in compliance. So if I  
4                    go out, nine times out of ten I won't get  
5                    anything at this point or I may get one out of  
6                    eight or nine establishments.

7                    CHAIRPERSON MILLER: Okay. And  
8                    how are you getting the establishments into  
9                    compliance?

10                   MR. JONES: I think because we've  
11                   been doing this for so long. Now we can go  
12                   into establishments and you can ask for a  
13                   single beer, or whatever the case may be, and  
14                   they'll tell you right off the top, hey, we  
15                   can't do that, we don't do that.

16                   You can go to Maryland, whatever  
17                   the case may be, but a lot of them know at  
18                   this point that that's something they can't  
19                   do.

20                   CHAIRPERSON MILLER: Okay. And  
21                   this was a couple years old, so you're saying  
22                   the last two years there's been a change?

1 MR. JONES: Yes.

2 CHAIRPERSON MILLER: Okay, thank  
3 you. Any other questions? All right, do you  
4 have any other questions, Mr. Lin, or, Mr.  
5 Stern, based on Board questions?

6 MR. LIN: No.

7 CHAIRPERSON MILLER: Okay. Any  
8 other --

9 MR. STERN: Nothing further for  
10 me.

11 CHAIRPERSON MILLER: Thank you,  
12 Mr. Jones, then.

13 MR. JONES: Thank you.

14 CHAIRPERSON MILLER: Any other  
15 witnesses?

16 MR. STERN: No, the District will  
17 rest.

18 CHAIRPERSON MILLER: Okay. So Mr.  
19 Lin, you saw what Mr. Stern did? If you want  
20 you can make an opening statement, which is an  
21 argument about what you're going to show. You  
22 don't have to.

1                   And then you can put on witness  
2                   that you'd like for your case if you want to  
3                   do that.

4                   MR. LIN:    Oh, wow.    The witness  
5                   will probably be me.

6                   CHAIRPERSON MILLER:    The witness  
7                   it will be you?

8                   MR. LIN:    Yes, it will be me.

9                   CHAIRPERSON MILLER:    Okay, so I'm  
10                  going to swear you in.    Okay.

11                  MR. LIN:    Oh, basically --

12                  CHAIRPERSON MILLER:    Wait, no I  
13                  need to swear you in.    Because I think that  
14                  your argument may flow into your testimony,  
15                  so.    You don't have to, do you swear to tell  
16                  the truth, the whole truth and nothing but the  
17                  truth?

18                  MR. LIN:    Yes.

19                  CHAIRPERSON MILLER:    Okay.    If  
20                  you're more comfortable there you can stay  
21                  there otherwise you can go to the witness --

22                  MR. LIN:    Okay, I'll stay here.

1                   CHAIRPERSON MILLER: And you can  
2 sit down, okay.

3                   MR. LIN: Well that day we had  
4 actually three events happen with the to go-  
5 cup. First event was a agent came in and  
6 bought liquor, some kind of liquor, this is  
7 long time ago so I can't remember and bought  
8 a cup.

9                   So the agent came, they came and  
10 actually talked to me and my sister and said  
11 hey, you're not supposed to sell this. Which  
12 we did not know at that time. We were like  
13 okay, we never have received a letter or  
14 anything that informed us that we can't sell  
15 cups.

16                   He said you could sell cups, it  
17 has to be two, three, four and packaged.  
18 Basically in pair we could sell. So he  
19 explained to us everything.

20                   And then I'm not sure how long, a  
21 week later, maybe a week later maybe it's this  
22 event happens. Second time happened, probably

1       it's this one right here. I'm not if it's  
2       this one.

3                   But we got, came in here we  
4       explained to the agent saying that the first  
5       agent explained to us that we still could sell  
6       it but we cannot sell it in singles. So  
7       that's understandable.

8                   And then he said, oh, you cannot  
9       sell cups at all. Okay, we can't sell the cup  
10      at all, then we just completely stopped  
11      selling it.

12                  Since then from now we have not  
13      sell a single cup every. Even double cup,  
14      triple cup. I keep hearing my other store,  
15      other neighbors they keep selling cups and  
16      customer come in here and he say, oh, I'm  
17      going down the street because they sell cup.

18                  So I say, okay, whatever I don't  
19      want to get in trouble anymore. And after  
20      that, I guess, the warning came, not warning  
21      the fine came. It was a surprise, I was like,  
22      oh, where's this fine came from.

1                   And they explained to me it was  
2                   the cup, we sell cup. And now we're on this  
3                   point now. So that's all I could say.

4                   If there's a, I explained to the  
5                   person who came, signed, asked, give me the  
6                   fine, I said, if ABC has changed the laws you  
7                   have to give us, send a letter or let us know.

8                   Or each agent need to know what to  
9                   say because one says you could sell cup,  
10                  another say you can't sell cup at all. So  
11                  which is it? And then we don't know what to  
12                  do.

13                  (Off record comment)

14                  CHAIRPERSON MILLER: If she wants  
15                  to testify I have to put her under oath.

16                  MR. LIN: Okay.

17                  CHAIRPERSON MILLER: She can't  
18                  really coach you.

19                  MR. LIN: Basically when they  
20                  came, each agent came and actually explained  
21                  to me why you can't sell cup or why you could  
22                  sell cup into different form.

1 I actually came to the ABC Board  
2 tried to speak one with the manager in there,  
3 so I spoken to them saying that look, you know  
4 this problem with the cup thing, you have two  
5 different agent telling me different stories.  
6 So I'm not sure which going on.

7 So the story, miscommunication,  
8 that what's I can say. That's all.

9 CHAIRPERSON MILLER: Okay. All  
10 right, thanks. Mr. Stern, do you --

11 MR. STERN: Yes, I have a couple  
12 of questions. The agent that first came to  
13 speak to you wasn't the agent that just  
14 testified was it?

15 MR. LIN: No.

16 MR. STERN: He came --

17 (off record comment)

18 CHAIRPERSON MILLER: No, I'm sorry  
19 --

20 MR. STERN: He came the day after,  
21 the agent that came to speak to you was the  
22 day after this agent had come into the store?

1                   MR. LIN: I think. It's the day  
2 after or the next week. But the problem is  
3 that, actually the fine came in longer than --

4                   MR. STERN: Okay, the question  
5 was, did he come the day after that he came to  
6 the store?

7                   MR. LIN: No. The first agent  
8 actually present us the same day. Basically  
9 he confront us the same day saying, hey, you  
10 know we are ABC Board --

11                   MR. STERN: Okay.

12                   MR. LIN: -- you have sold this,  
13 sold this go-cup --

14                   MR. STERN: And when he came in  
15 there and confronted you, you showed him your  
16 voluntary agreement, didn't you?

17                   MR. LIN: No, I didn't show him  
18 this.

19                   MR. STERN: Okay, did you --

20                   MR. LIN: Because at that time --

21                   MR. STERN: Do you remember  
22 speaking to me right outside here?

1 MR. LIN: Yes.

2 MR. STERN: Did you explain to me  
3 that your voluntary agreement allows you to  
4 sell cups?

5 MR. LIN: Yes, this is when we --

6 CHAIRPERSON MILLER: Mr. Stern,  
7 you're going beyond the scope of his testimony  
8 aren't you?

9 MR. STERN: Well it's a question  
10 of wether he was allowed to sell cups or not.

11 CHAIRPERSON MILLER: Okay.

12 MR. STERN: I'm sorry, I don't see  
13 how it's --

14 CHAIRPERSON MILLER: Okay, I  
15 wasn't sure where you were going. You're  
16 asking whether he knew because of the  
17 voluntary agreement that he couldn't sell?

18 MR. STERN: Yes.

19 CHAIRPERSON MILLER: Okay.

20 MR. STERN: Do you remember you  
21 told me the voluntary agreement told you you  
22 were allowed to sell cups?

1 MR. LIN: Yes, this is where I --

2 MR. STERN: Do you have a copy of  
3 that with you?

4 MR. LIN: Yes.

5 MR. STERN: May I see it?

6 MR. LIN: Yes, here you go.

7 MR. STERN: Okay. Now the copy of  
8 that agreement in fact does allow you to sell  
9 cups, doesn't it?

10 MR. LIN: It's in the first  
11 sentence right there. Two --

12 MR. STERN: And it says --

13 MR. LIN: Prepacked two to go-  
14 cups.

15 MR. STERN: The Applicant may sell  
16 disposable cups to customers provided such  
17 cups are prepackaged from two to six cups, is  
18 that correct?

19 MR. LIN: Yes.

20 MR. STERN: That's what the  
21 voluntary agreement allows.

22 MR. LIN: Yes.

1 MR. STERN: And that's why the  
2 investigator told you you were allowed to sell  
3 cups, isn't it?

4 MR. LIN: Which I never present  
5 that to them. When I was telling, I never say  
6 I presented --

7 MR. STERN: Okay, but you would be  
8 allowed, the point is, if he had told you you  
9 were allowed to sell cups you would be allowed  
10 to sell two to six cups as long as they were  
11 prepacked, right?

12 MR. LIN: No, this is funny. They  
13 just say I could sell two or more cups. And  
14 I say, so if I take these cups and put it  
15 inside those sandwich bag, the ice bag.

16 MR. STERN: So you're saying you  
17 were not on notice that you were not allowed  
18 to sell go-cups?

19 MR. LIN: No.

20 MR. STERN: Okay.

21 MR. LIN: Actually we only pay,  
22 this was presented to me, like three month

1 ago.

2 MR. STERN: Okay, this voluntary  
3 agreement, if I may, was entered in 2009, is  
4 that correct?

5 MR. LIN: Yes.

6 MR. STERN: And does Section 5(A)  
7 say, Applicant shall not sell, give, offer,  
8 expose for sale or deliver go-cups as defined  
9 as a drinking utensil provided at no charge or  
10 a nominal charge to a customer for purposes of  
11 consuming alcohol off premises of an  
12 establishment. Does it say that?

13 MR. LIN: Yes, it do.

14 MR. STERN: And so you knew that  
15 as early as 2009, right?

16 MR. LIN: Well I did not know  
17 that.

18 MR. STERN: Only because you  
19 didn't read it then?

20 MR. LIN: No, because see the  
21 signature is only my mom and my sister's.

22 MR. STERN: Okay, but a manager of

1 the establishment knew that in 2009?

2 MR. LIN: But this was signed  
3 because of, sign off because of the trash  
4 being from the front because when they --

5 MR. STERN: So you never intended  
6 to follow those rules?

7 MR. LIN: Yes, they followed these  
8 rules. But let me ask you a question then, we  
9 had to go there, when we went outside when I  
10 explained it to you, you told me it had  
11 nothing to do with this. This doesn't matter.

12 MR. STERN: I don't know what you  
13 mean.

14 MR. LIN: Am I right?

15 MR. STERN: You don't ask me  
16 questions.

17 CHAIRPERSON MILLER: Okay, all  
18 right, this has gone on a little, are we  
19 finished with our line of questioning?

20 MR. STERN: Yes, that's all the  
21 questions I have.

22 MEMBER ALBERTI: Mr. Stern, would

1       you like to take --

2                   MR. LIN:  He told me it didn't  
3       matter.

4                   MR. STERN:  What's that?

5                   MEMBER ALBERTI:  Would you like us  
6       to take administrative note of that voluntary  
7       agreement?

8                   MR. STERN:  Yes, I was going to.

9                   MEMBER ALBERTI:  Okay.

10                  MR. STERN:  The voluntary  
11       agreement is in the records of ABRA and I  
12       would ask the Board to take judicial notice or  
13       administrative notice, excuse me, of that  
14       agreement.

15                  CHAIRPERSON MILLER:  Okay.

16                  MEMBER ALBERTI:  Sorry to get  
17       ahead of you.

18                  MR. STERN:  That's okay.

19                  CHAIRPERSON MILLER:  Just for  
20       clarification, Mr. Lin, Columbia Wine and  
21       Liquors was not charged with violating the  
22       voluntary agreement.

1                   But Mr. Stern is just saying that  
2                   the voluntary agreement is a part of the  
3                   administrative record and asked that the Board  
4                   would take note of that which the Board will  
5                   do. But not for a charge with respect to  
6                   violating the voluntary agreement.

7                   MR. LIN: Okay.

8                   CHAIRPERSON MILLER: Okay. All  
9                   right, where were we? Mr. Stern, you were  
10                  questioning, are there any other questions?

11                  MR. STERN: Nothing.

12                  CHAIRPERSON MILLER: Are there  
13                  Board questions? Okay, so I'm not sure, Mr.  
14                  Lin. I think you said two different  
15                  investigators gave you different messages  
16                  about selling cups?

17                  MR. LIN: Yes.

18                  CHAIRPERSON MILLER: So could you  
19                  clarify which two and about when you got that  
20                  notice?

21                  MR. LIN: Well I'm not, I can't,  
22                  you know, it's a very long. I'm not sure is

1       it him, I'm pretty sure that the third person  
2       who came by to give me the fine was the guy,  
3       was --

4                   CHAIRPERSON MILLER:   Mr. Jones?

5                   MR. LIN:   Yes, I'm pretty sure.

6       I'm not 100 percent sure, but I think it is  
7       him.  But it's a long time, I forgot who the  
8       agent name, everything.

9                   We thought was like, when the  
10       first warning, when the first person tell us  
11       we thought everything was done for.  And then  
12       the fine came the third time, that was a  
13       surprise to us.

14                   We didn't thought that we were  
15       going to get a fine.  And that's when we  
16       stopped selling cup for almost three, I think  
17       three, four month probably we never sell one.

18                   And then came in and say, oh, we  
19       need you to sign this, this is for you to, a  
20       fine for a to go-cup and we were just  
21       surprised.  It was like, oh, so we did got  
22       fine.  So we was --

1                   CHAIRPERSON MILLER: And did you  
2 understand what you were signing?

3                   MR. LIN: Actually we didn't sign  
4 it because we didn't know, well you're not  
5 suppose to sign something when you're like,  
6 oh, when we have been told on something a  
7 different story. So we didn't want to sign  
8 it.

9                   You know, I don't want to get  
10 fined for no reason. I thought everything was  
11 resolved with the agent, you know. But  
12 currently it was not so that's why we're here  
13 today. So we never signed it.

14                  CHAIRPERSON MILLER: So you're,  
15 could you say again why you're here today?

16                  MR. LIN: For the to go-cup.

17                  CHAIRPERSON MILLER: No, I mean  
18 because you requested a hearing?

19                  MR. LIN: Actually the ABC came by  
20 asked us to sign a paper, we want to go in and  
21 talk about this. You know that this is what's  
22 going one between two agents giving us two

1 stories.

2 If anything, if we had to pay the  
3 fine, you know, it's something else. But I  
4 want to argue about it's something I didn't  
5 want to pay but if the story turned out to be  
6 the ABC is right and everything, okay, we pay  
7 whatever.

8 But this is something I want you  
9 to know, hey, --

10 CHAIRPERSON MILLER: Okay. So --

11 MR. LIN: -- you cannot present  
12 the liquor as different story and still not  
13 let us keep going. I think the agent told me  
14 there is normally an investigator comes out  
15 once a month. But he came out twice a month,  
16 that was for something else.

17 CHAIRPERSON MILLER: Okay, well  
18 let me ask you. It sounds like your point is  
19 that, your defense is you didn't know that you  
20 couldn't sell the cups --

21 MR. LIN: Well we were confused.  
22 My defense basically is confused. We didn't

1 know first, then we know. And then we got  
2 another story.

3 So it's called, it's just confused  
4 like what, well should sell this, should we  
5 not. So we just completely stop selling it.  
6 That's it.

7 CHAIRPERSON MILLER: Okay. And I  
8 just want to make sure I understand your  
9 response to, Mr. Stern presented the voluntary  
10 agreement for the purpose of, I believe,  
11 showing that there was a paragraph in there  
12 that said you couldn't sell the cups in a  
13 certain way or put you on notice in that  
14 document.

15 MR. LIN: Oh, um --

16 CHAIRPERSON MILLER: Your response  
17 was, you didn't pay attention to that  
18 provision or?

19 MR. LIN: Well me, actually she  
20 told me, she gave me the papers, said hey  
21 Pete, I just remembered something.

22 There is something in there saying

1 that to go cup, but you need to go in to the  
2 ABC Board. That's when I went to the manager,  
3 speak to the manager of the ABC and showed  
4 them this.

5 Which I, we couldn't speak anymore  
6 because I was just a manger of the store.  
7 They need to speak to the owner. And I  
8 explained to them, say look, if I stop selling  
9 the other place has to stop selling cups too  
10 of that's the case.

11 And I did explain to him that two  
12 agent came in, you know, the same story that  
13 I told you earlier.

14 CHAIRPERSON MILLER: Okay. So  
15 after you spoke to someone where though, did  
16 you understand and then stopped selling?

17 MR. LIN: Oh, no, I've been  
18 stopped selling. This is like last year I  
19 think. It was just last year.

20 I've been stopped selling these  
21 since the incident, I guess the third one that  
22 came in with the fine we just completely

1 stopped selling. We just don't want anyone  
2 get --

3 (Off record comment)

4 MR. LIN: Yes, two year.

5 CHAIRPERSON MILLER: Okay. Okay,  
6 any other questions?

7 MEMBER ALBERTI: Yes, I do.

8 CHAIRPERSON MILLER: Okay, Mr.  
9 Alberti.

10 MEMBER ALBERTI: I'm total  
11 confused. Let's start, August 4th this report  
12 says was when the investigator came in and  
13 bought the cognac and the cups, all right?

14 MR. LIN: Yes.

15 MEMBER ALBERTI: Do you agree with  
16 that?

17 MR. LIN: I'm not sure, because I  
18 can't remember.

19 MEMBER ALBERTI: Let's start with  
20 that date.

21 MR. LIN: Okay.

22 MEMBER ALBERTI: On that date,

1 let's assume that that's the date the  
2 investigator came in and bought the alcohol  
3 and the cups. Did he speak to you about  
4 selling cups that day?

5 MR. LIN: I think so because --

6 MEMBER ALBERTI: Yes or no. What  
7 was, I'm sorry.

8 MR. LIN: I said I think so, I'm  
9 not sure. I explained it to her earlier ago,  
10 I'm not sure it's this agent right here.

11 MEMBER ALBERTI: No, no, I don't  
12 care who it was. Whoever it was, did they  
13 come in, did they speak to you that day?

14 MR. LIN: Yes. They came in,  
15 confront us saying that hey, we from the ABC  
16 Board, you have violate some kind of to go-  
17 cup. And then we let them in, talk to them  
18 for a minute and explained to them actually.

19 MEMBER ALBERTI: Okay. And then -  
20 -

21 MR. LIN: And if you talking about  
22 the second --

1 MEMBER ALBERTI: No, no. All  
2 right, so then that person left?

3 MR. LIN: Yes.

4 MEMBER ALBERTI: All right. Then  
5 when did the next person come in?  
6 Approximately the next investigator.

7 Because you told me three  
8 investigators, so the second investigator came  
9 in approximately when? How many days after?

10 MR. LIN: Second one --

11 (Off record comments)

12 MR. LIN: -- one week or one week  
13 later.

14 (Off record comments)

15 MEMBER ALBERTI: Wait, wait, wait.

16 CHAIRPERSON MILLER: I don't think  
17 we can --

18 MEMBER ALBERTI: I need your  
19 answer not your mothers since I'm questioning  
20 you.

21 CHAIRPERSON MILLER: All right,  
22 can I say something, Mr. Lin?

1 MR. LIN: I say three day then.

2 CHAIRPERSON MILLER: This is a  
3 formal hearing with testimony under oath.  
4 That's why we can't have your mom speaking.

5 She may not understand what I'm  
6 saying, so can you tell her that she can't be  
7 coaching her because this is --

8 MR. LIN: Oh, no, I'm not coaching  
9 her I'm asking her impression. I was asking  
10 what her --

11 MEMBER ALBERTI: So your response  
12 is three days afterwards, approximately?

13 MR. LIN: That's just a, because I  
14 said a week --

15 MEMBER ALBERTI: Well let's go  
16 this way. Was it a month?

17 MR. LIN: No.

18 MEMBER ALBERTI: Two weeks?

19 MR. LIN: Maybe, let's just say a  
20 week.

21 (off record comments)

22 MEMBER ALBERTI: Ma'am, please.

1 No.

2 MR. LIN: Let's say a week.

3 MEMBER ALBERTI: Okay, let's say  
4 approximately a week.

5 MR. LIN: Yes.

6 MEMBER ALBERTI: Did that person  
7 give you a citation? What was the purpose of  
8 the visit?

9 MR. LIN: Actually the second one  
10 was actually the same thing. It was the  
11 purchase.

12 MEMBER ALBERTI: Oh, the second  
13 one came in the same day, later that day?

14 MR. LIN: The second one came in,  
15 no the first one was the purchase with the one  
16 cup.

17 MEMBER ALBERTI: Okay.

18 MR. LIN: That agent actually  
19 explained to us --

20 MEMBER ALBERTI: Okay, all right.  
21 So the second person came in about a week  
22 later you told me, is that correct?

1 MR. LIN: I think it's a week ago.

2 MEMBER ALBERTI: Okay. And do you  
3 remember the purpose of their visit?

4 MR. LIN: It was a purchase. I  
5 had three visits.

6 MEMBER ALBERTI: So the second  
7 time someone came in and purchased again?

8 MR. LIN: Purchased again, I guess  
9 it's this one with the Remy Martin one --

10 MEMBER ALBERTI: Whoa, wait. Just  
11 answer my question. So you had one visit,  
12 investigator came in and purchased and talked  
13 to you about go cups?

14 MR. LIN: Yes.

15 MEMBER ALBERTI: About a week  
16 later another investigator came in and did  
17 another purchase?

18 MR. LIN: Yes.

19 MEMBER ALBERTI: And what did they  
20 tell you at that time?

21 MR. LIN: Well the go-cup and then  
22 the second one told me that you could not sell

1 cup at all.

2 MEMBER ALBERTI: Okay. And had  
3 you sold him a cup that day?

4 MR. LIN: After that we just  
5 stopped selling the cups.

6 MEMBER ALBERTI: No, no, the  
7 second time on the second visit?

8 MR. LIN: Yes, we sell the cup.

9 MEMBER ALBERTI: Okay.

10 MR. LIN: Yes, that's when the  
11 first one told us that we could sell two --

12 MEMBER ALBERTI: So then the third  
13 one came in, when?

14 MR. LIN: The other one actually,  
15 I can't remember, maybe --

16 (Off record comments)

17 MR. LIN: The third one came in, I  
18 guess a week or two weeks or probably I'm not  
19 sure. Let's say next month.

20 MEMBER ALBERTI: Okay.

21 MR. LIN: Okay, let's say next  
22 month.

1                   MEMBER ALBERTI:   And what was the  
2                   purpose of the visit?

3                   MR. LIN:   Giving us the fine.

4                   MEMBER ALBERTI:   Okay.   And did  
5                   they talk to you --

6                   MR. LIN:   Have us to sign  
7                   something.

8                   MEMBER ALBERTI:   And did they talk  
9                   to you about selling cups?

10                  MR. LIN:   I actually explained to  
11                  them, we kind of got into a little bit of an  
12                  argument because I didn't want to sign the  
13                  paper, because we was disagreeing.

14                  MEMBER ALBERTI:   Okay.

15                  MR. LIN:   I would say, this was  
16                  not, I thought everything was good.

17                  MEMBER ALBERTI:   I understand you.

18                  MR. LIN:   You know, I thought  
19                  everything was good.   You know, everything was  
20                  good, I didn't want to sign something and then  
21                  I say later on, I say I will agree on  
22                  something.

1 I did that one time. I was asked  
2 to signed something I didn't do wrong and then  
3 I learned from mistake. I should not ever  
4 sign something when I think I was not doing  
5 anything wrong.

6 MEMBER ALBERTI: Okay, thank you.

7 MR. LIN: So that's it.

8 MEMBER ALBERTI: I have no further  
9 questions, thank you.

10 CHAIRPERSON MILLER: Okay, any  
11 other questions? Mr. Stern, any questions  
12 based on Board questions?

13 MR. STERN: No.

14 CHAIRPERSON MILLER: Okay.

15 MR. STERN: But the District, well

16 --

17 CHAIRPERSON MILLER: Do you rest  
18 your case, are you finished presenting your  
19 case? You'll have a chance to do a closing  
20 arguments summing up your arguments, but do  
21 you have any other sworn testimony?

22 MR. LIN: Nothing more to say,

1 that's it.

2 CHAIRPERSON MILLER: Okay.

3 MR. STERN: The District would  
4 like to call a rebuttal witness, Mr. Jones.

5 MR. STERN: Good afternoon again,  
6 Mr. Jones.

7 MR. JONES: Good afternoon, sir.

8 MR. STERN: I'm going to ask you  
9 only about the sequence of events.

10 MR. JONES: Sure.

11 MR. STERN: Because there seems to  
12 be some confusion. You state in your report  
13 you came, you went to the establishment on  
14 August 4th, 2011, is that correct?

15 MR. JONES: Yes, sir.

16 MR. STERN: Did you speak to  
17 anyone at the establishment about a violation  
18 on that day?

19 MR. JONES: When we conduct  
20 undercover, well I'll say no. No.

21 MR. STERN: No. And why is it  
22 that you didn't speak to them?

1 MR. JONES: Because when we  
2 conduct undercover assignments that's the  
3 purpose in being undercover is to conduct the  
4 assignment and leave.

5 So we don't speak to, once we get  
6 a violation or if there is a violation that is  
7 found, we leave the establishment. We don't  
8 notify the management at that time.

9 MR. STERN: When was the next time  
10 the establishment was contacted by anyone from  
11 ABRA?

12 MR. JONES: The establishment was  
13 contacted the very next day on August 5th by  
14 an ABRA Investigator who's no longer here.

15 MR. STERN: Okay. And why, what  
16 was the purpose of that contact?

17 MR. JONES: The purpose in that  
18 contact was to make notification to management  
19 to let them know that a violation was found  
20 the previous day.

21 MR. STERN: Is that the normal  
22 procedure after there's been a violation?

1 MR. JONES: That's the normal  
2 procedures, either to visit the establishment  
3 with another investigator, therefore not to  
4 blow the cover of the investigator who  
5 conducted the, and did the initiative, yes.

6 MR. STERN: At that time, was a  
7 citation or a violation issued?

8 MR. JONES: No.

9 MR. STERN: Okay. However the  
10 purpose, just to recap, the purpose was to  
11 notify them that there had been a violation,  
12 is that right?

13 MR. JONES: Yes, sir.

14 MR. STERN: Did there come another  
15 time after that when the establishment was  
16 contacted by anyone from ABRA?

17 MR. JONES: Yes, it was. I don't  
18 have the report in front of me, but I believe  
19 it may have been a couple of weeks after that.

20 MR. STERN: Okay.

21 MR. JONES: I don't have --

22 MR. STERN: If I told you the

1 report said August 18th, would that refresh  
2 you're recollection?

3 MR. JONES: Yes, sir.

4 MR. STERN: Okay. And what was  
5 the purpose of that?

6 MR. JONES: That was the day that  
7 I, myself, went back to serve the citation.

8 MR. STERN: Thank you, that's all  
9 I have.

10 CHAIRPERSON MILLER: Okay. Mr.  
11 Lin, do you have any questions based on that  
12 limited testimony?

13 MR. LIN: No.

14 CHAIRPERSON MILLER: Okay. Any  
15 Board members have questions? Okay, thank you  
16 Mr. Jones.

17 MR. JONES: Thank you.

18 MR. STERN: Now the Government  
19 would rest again.

20 CHAIRPERSON MILLER: Okay, so  
21 think we're ready for -- Is there any other  
22 evidence?

1                   MR. STERN: Yes, the Government  
2 would assert that we have proven all of the  
3 elements of the case by clear and convincing  
4 evidence. If I may just briefly review the  
5 evidence.

6                   The purpose of voluntary agreement  
7 was to show that in 2009 the establishment  
8 knew they could not sell individual cups to  
9 anyone. They had to be prepackaged, in other  
10 words manufacturer packaged cups, for them to  
11 sell them.

12                   That's not what happened here. It  
13 is a red herring for the Respondent to come in  
14 and say, oh, but the second investigator told  
15 me that it was okay to sell cups.

16                   Because that was after the  
17 violation. They already knew at that point  
18 that they were not allowed to sell go-cups and  
19 they already had sold go-cups.

20                   There is not, this was not  
21 something where he said, it's okay to sell go-  
22 cups and then the next day they cited them for

1 selling go-cups. This was something where  
2 they, indeed they were cited the day after,  
3 but the violation occurred before he ever  
4 spoke to anybody from ABRA.

5 Not only that, even if the  
6 voluntary agreement said otherwise, which I'm  
7 sure the Board would never approve, but even  
8 if the voluntary agreement said otherwise,  
9 voluntary agreement can't allow them to break  
10 the law.

11 The law requires that they not  
12 sell go-cups. He is on notice of that even if  
13 there had never been a voluntary agreement,  
14 he's on constructive notice or the  
15 establishment is on constructive notice that  
16 they're not allowed to sell go-cups.

17 These are excuses put forward by  
18 an establishment that doesn't want to face  
19 responsibly for what they did. They're trying  
20 to get around the law.

21 In this case, we believe the  
22 Government has proven all the elements of the

1 case and that the establishment should be held  
2 responsible. We're asking for a fine of \$500  
3 and one day suspension to be served because of  
4 this.

5 I should note that while this is  
6 the first secondary violation, the  
7 establishment has three times been referred  
8 for sale of alcohol to minors. All of which  
9 resulted in fines.

10 So this establishment does not  
11 come in with clean hands as though they have  
12 never done anything wrong, they didn't  
13 understand they had to look at the law and  
14 follow the law. Thank you.

15 CHAIRPERSON MILLER: Okay. Mr.  
16 Lin, do you have any final argument?

17 MR. LIN: Nothing to say. Just  
18 whatever I said to you today. I just wanted  
19 you guys to know this.

20 CHAIRPERSON MILLER: Okay. So at  
21 this point then I'm going to close the record.  
22 Everyone's put in the evidence and testimony.

1                   Last thing I want to ask is if  
2 parties want to file written proposed findings  
3 of facts and conclusions of law or waive their  
4 right to do so?

5                   MR. STERN: We waive.

6                   CHAIRPERSON MILLER: You  
7 understand the question, Mr. Lin?

8                   MR. LIN: I don't know.

9                   CHAIRPERSON MILLER: Parties have  
10 the right, after the transcript becomes  
11 available in a couple weeks, to submit a  
12 written document setting forth proposed  
13 findings of facts and conclusions of law that  
14 you would want the Board to consider for your  
15 case based on today's hearing.

16                   MR. LIN: Based on today?

17                   CHAIRPERSON MILLER: You would  
18 drawn facts from it and arguments based on the  
19 law. Otherwise the Board will just, by  
20 itself, look at the evidence in the record and  
21 make a conclusion.

22                   MR. LIN: Let me explain to her.

1 (Off record comment)

2 MR. LIN: We waive.

3 CHAIRPERSON MILLER: Okay, most  
4 people do waive that. All right.

5 MEMBER ALBERTI: Madam Chair?

6 CHAIRPERSON MILLER: Yes.

7 MEMBER ALBERTI: Before we close,  
8 I'd like to ask Mr. Lin a question. Mr. Lin?

9 MR. LIN: Yes.

10 MEMBER ALBERTI: Mr. Lim, I notice  
11 that you've been interpreting for your mother.  
12 Does she understand these proceedings without  
13 interpretation?

14 MR. LIN: Well yes she do  
15 understand it, I --

16 MEMBER ALBERTI: But does she  
17 understand what we're saying?

18 MR. LIN: What?

19 MEMBER ALBERTI: Does she  
20 understand what we're saying?

21 MR. LIN: Some, not exactly all.  
22 Yes.

1                   MEMBER ALBERTI:    Would you ask  
2                   your mother for us, Mr. Stern, tell me if  
3                   you're uncomfortable with this.    But I'd like  
4                   to find out whether Ms. Lin is comfortable  
5                   with the proceedings as they have been  
6                   conducted since she does not fully, she has  
7                   limited understanding of English is what I'm  
8                   understand, is that correct, Mr. Lin?

9                   MR. STERN:    Yes.

10                  MR. LIN:    Yes, sir.

11                  MR. STERN:    I guess my response  
12                  is, not that I mind if the Board knows, I  
13                  don't understand its relevance just like  
14                  anyone who could be represented by another  
15                  person, she was represented by someone who  
16                  understands, so it isn't as though this  
17                  happened in absentia, so to speak.

18                  She was able to speak and  
19                  understand through her son, who has  
20                  represented that he's representing the  
21                  establishment in this preceding.

22                  So I don't have a problem with the

1 Board finding out how much she understood, but  
2 I don't really see that it's determinative of  
3 much.

4 MEMBER ALBERTI: Well I'm not sure  
5 that was fully cleared up at the beginning of  
6 the hearing.

7 CHAIRPERSON MILLER: I was clear.

8 MEMBER ALBERTI: Because he I mean  
9 he was representing her. But he's not a legal  
10 representative, he's also a witness, which  
11 sort of complicates things to this hearing.

12 MR. STERN: Yes.

13 MEMBER ALBERTI: It seems that we  
14 need to have some comfort here that the  
15 licensee, whose license this is, is  
16 comfortable with these proceedings.

17 MR. STERN: I think that a more  
18 appropriate question is whether she was  
19 comfortable --

20 (Crosstalk)

21 MEMBER ALBERTI: There was really  
22 interpretation going on during this preceding.

1 MR. STERN: No, I agree with that.  
2 But I guess my believe is the more relevant  
3 question, is whether she's comfortable with  
4 him representing the establishment rather than  
5 she's comfortable having heard and understood  
6 every word in the case.

7 MEMBER ALBERTI: Very good. So,  
8 Mr. Lin, is your mother comfortable with you  
9 having represented your representation of her  
10 today?

11 MR. LIN: Yes. I came in the  
12 first time --

13 MEMBER ALBERTI: No, no. Would  
14 you ask her please.

15 MR. LIN: Oh.

16 (Off record comments)

17 MR. LIN: She said she had no  
18 problem for me to --

19 MEMBER ALBERTI: Okay, thank you.

20 CHAIRPERSON MILLER: I just want  
21 to state for the record that it is my  
22 understand in these proceedings if someone is

1 designated the representative and the client,  
2 whoever that is, if that license says yes,  
3 that you're representing her, then that's it.

4 I mean she can ask for an  
5 interpreter, we don't necessarily need and  
6 interpreter if you are designated  
7 representative. Whether you're an attorney or  
8 not, you don't have to be an attorney in these  
9 proceedings.

10 MEMBER ALBERTI: So that's good to  
11 know.

12 CHAIRPERSON MILLER: So that's why  
13 I was comfortable from the start once that was  
14 made clear on the record.

15 MEMBER ALBERTI: Do we have a  
16 letter of appearance?

17 MR. STERN: I'm sorry, I did not  
18 hear --

19 MEMBER ALBERTI: Do we have a  
20 letter of appearance, do we need a letter of  
21 appearance? I mean, this gets confusing to me  
22 because --

1 MR. STERN: I understand the  
2 confusion, I assume the Board --

3 CHAIRPERSON MILLER: Okay.

4 MR. STERN: -- be represented by  
5 relatives, people be represented by relatives  
6 all the time.

7 MEMBER ALBERTI: That's absolutely  
8 true, but usually, but we always, it's been  
9 our practice in the past to clear up the fact,  
10 if we have a language difficulty that all the  
11 parties understand at the preceding.

12 MR. STERN: Right, no, and I think  
13 that's a --

14 MEMBER ALBERTI: And how the  
15 interpretation is going to be done if at all.  
16 I just, I wasn't clear.

17 CHAIRPERSON MILLER: What are you  
18 suggesting?

19 MEMBER ALBERTI: There was  
20 communications at that table, I wasn't sure  
21 what was happening with the Client. I will  
22 let that rest. Thank you.

1 CHAIRPERSON MILLER: Okay, I  
2 understand, I don't hear that the Licensee is  
3 making an objection on this issue?

4 MR. LIN: What?

5 CHAIRPERSON MILLER: You're not  
6 making an objection to how this proceeded with  
7 you representing your mom in this case?

8 MR. LIN: I asked her everything.  
9 Basically she saying that if they have, if we  
10 did wrong why won't they just tell us  
11 straight. I think it was not, why the agent  
12 didn't just fine us there and then.

13 But as I already explained to her  
14 that it's always a process for them to come  
15 in. But we didn't know like certain, we only  
16 know, you know, I explained what happened, the  
17 event, all right.

18 What the agent was saying up  
19 there, there was a process going through.  
20 That either wait for a day to come in, you  
21 know, just to give you the fine. And that's  
22 all I was talking to her, telling her,

1 explaining what they were saying up there.

2 CHAIRPERSON MILLER: Okay.

3 MR. LIN: Yes. We just wanted to,  
4 came in here today just let you know what was  
5 going on. Now you say she didn't know  
6 English, this was presented by my sister and  
7 her. So I didn't know nothing about you  
8 before like three months ago.

9 CHAIRPERSON MILLER: Okay.

10 MR. LIN: Something like that.

11 CHAIRPERSON MILLER: I've already  
12 closed the record, so everything that you're  
13 saying now is not really, we did hear you  
14 before though say these same things. I think  
15 you're --

16 MR. LIN: I know.

17 CHAIRPERSON MILLER: Okay.

18 MR. LIN: It's just that, I just  
19 wanted you guys to know that's it, what's  
20 going on.

21 CHAIRPERSON MILLER: Okay.

22 MR. LIN: If the fine is fine and

1       \$500, I guess we have all these problems  
2       before.

3                   CHAIRPERSON MILLER:   Okay, so what  
4       the Board is going to do now is, the hearing  
5       is over and we're going to consider this in  
6       closed session and issue and order within 90  
7       days, a written order.

8                   MR. LIN:   Okay.

9                   CHAIRPERSON MILLER:   Okay.   I'll  
10      be reading instructions on closing the  
11      hearing, the enclosed hearing for that  
12      purpose.   But you will also have a chance to  
13      appeal, if you wanted to, the motion.

14                   Okay, and I would say also, I  
15      think that it's a good idea that if you do  
16      have any questions in the future about what  
17      you can do and what you can't do, to contact  
18      the office and I'm sure somebody will give you  
19      direction.

20                   MR. LIN:   They're never on the  
21      rolls.

22                   CHAIRPERSON MILLER:   Right.

1 MR. LIN: I have been helping her  
2 deal with this. That's why everything, that's  
3 why I'm here anyway because I'm taking over  
4 pretty soon.

5 CHAIRPERSON MILLER: Okay, all  
6 right. Well thank you. So that concludes  
7 this hearing then?

8 MR. LIN: Yes.

9 CHAIRPERSON MILLER: All right.  
10 As Chairperson of the Alcoholic Beverage  
11 Control Board for the District of Columbia and  
12 in accordance with Section 405 of the Open  
13 Meetings Amendment Act of 2010, I move that  
14 the ABC Board hold a closed meeting for the  
15 purpose of seeking legal advise from our  
16 Counsel on Case Number 11-CMP-00344, per  
17 Section 405(b)(4) of the Open Meetings  
18 Amendment Act of 2010 and deliberating upon  
19 this case for the reason cited in Section  
20 405(b)(13) of the Open Meetings Amendment Act  
21 of 2010. Is there a second?

22 MEMBER BROOKS: Second.

1 CHAIRPERSON MILLER: Mr. Brooks  
2 has seconded the motion and I'll take a roll  
3 call vote on the motion now that its been  
4 seconded. Mr. Brooks?

5 MEMBER BROOKS: I agree.

6 CHAIRPERSON MILLER: Mr. Alberti?

7 MEMBER ALBERTI: I agree.

8 CHAIRPERSON MILLER: Ms. Miller, I  
9 agree. Mr. Silverstein?

10 MEMBER SILVERSTEIN: I agree.

11 CHAIRPERSON MILLER: Motion  
12 passes, 4, 0, 0. I hereby give notice that  
13 the ABC Board will hold a closed meeting in  
14 the ABC Board conference room later today or  
15 on the following Wednesday pursuant to the  
16 Open Meetings Amendment Act of 2010 and issue  
17 and order within 90 days.

18 (Whereupon, the hearing in the  
19 above-mentioned matter was adjourned at 11:20  
20 a.m.)

21  
22

<b>A</b>	<b>Alberti</b> 1:17 15:15 15:16 16:1,5,7 30:22 31:5,9,16 38:7,9,10,15,19 38:22 39:6,11,19 40:1,4,15,18 41:11,15,18,22 42:3,6,12,17,20 43:2,6,10,15,19 44:2,6,9,12,20 45:1,4,8,14,17 46:6,8 55:5,7,10 55:16,19 56:1 57:4,8,13,21 58:7 58:13,19 59:10,15 59:19 60:7,14,19 65:6,7 <b>alcohol</b> 4:21 15:7 29:11 39:2 53:8 <b>Alcoholic</b> 1:2,12,13 6:19 64:10 <b>allow</b> 27:8 52:9 <b>allowed</b> 26:10,22 28:2,8,9,9,17 51:18 52:16 <b>allows</b> 26:3 27:21 <b>Amendment</b> 64:13 64:18,20 65:16 <b>ANC</b> 2:7 <b>answer</b> 40:19 43:11 <b>anybody</b> 52:4 <b>anymore</b> 22:19 37:5 <b>anytime</b> 16:16,20 <b>anyway</b> 13:19 64:3 <b>apart</b> 13:18 <b>appeal</b> 63:13 <b>appearance</b> 59:16 59:20,21 <b>Applicant</b> 27:15 29:7 <b>apply</b> 3:22 <b>appropriate</b> 57:18 <b>approve</b> 52:7 <b>approximately</b> 4:20 7:4 40:6,9 41:12 42:4	<b>argue</b> 35:4 <b>argument</b> 19:21 20:14 45:12 53:16 <b>arguments</b> 4:6 46:20,20 54:18 <b>ascertain</b> 17:21 <b>asked</b> 5:4 8:20 9:7 23:5 32:3 34:20 46:1 61:8 <b>asking</b> 11:16 13:12 26:16 41:9,9 53:2 <b>assert</b> 51:2 <b>assigned</b> 7:12 <b>assignment</b> 11:12 48:4 <b>assignments</b> 7:13 12:11 48:2 <b>assume</b> 39:1 60:2 <b>attached</b> 11:9 <b>attachment</b> 13:9 <b>attended</b> 3:1 <b>attention</b> 36:17 <b>attorney</b> 59:7,8 <b>August</b> 4:19 7:1 38:11 47:14 48:13 50:1 <b>available</b> 54:11 <b>a.m</b> 2:2 65:20	<b>believe</b> 9:14,20 36:10 49:18 52:21 58:2 <b>beverage</b> 1:2,12,13 4:21 6:19 10:6 64:10 <b>beyond</b> 26:7 <b>bit</b> 45:11 <b>black</b> 5:9 13:6 <b>Bladensburg</b> 1:8 2:6 7:18 <b>blow</b> 49:4 <b>Board</b> 1:2,13 3:18 4:3,7 15:14 19:5 24:1 25:10 31:12 32:3,4,13 37:2 39:16 46:12 50:15 52:7 54:14,19 56:12 57:1 60:2 63:4 64:11,14 65:13,14 <b>Board's</b> 10:13 <b>bottle</b> 5:3 8:19 <b>bought</b> 21:6,7 38:13 39:2 <b>break</b> 52:9 <b>briefly</b> 51:4 <b>bring</b> 12:16,18 <b>Brooks</b> 1:17 64:22 65:1,4,5 <b>Building</b> 1:13 <b>burden</b> 3:6	58:6 61:7 64:16 64:19 <b>cash</b> 9:4 <b>Cause</b> 1:7 2:8,22 3:1 <b>ceratin</b> 36:13 <b>certain</b> 7:11 16:12 17:15 61:15 <b>Chair</b> 55:5 <b>Chairman</b> 1:14 <b>Chairperson</b> 1:16 2:3,17,21 3:3 4:3 4:10,14 5:15,18 5:21 6:2,6 10:21 11:3,14,18 12:2,6 13:11,16 15:10,14 16:8 17:1,12 18:7 18:20 19:2,7,11 19:14,18 20:6,9 20:12,19 21:1 23:14,17 24:9,18 26:6,11,14,19 30:17 31:15,19 32:8,12,18 33:4 34:1,14,17 35:10 35:17 36:7,16 37:14 38:5,8 40:16,21 41:2 46:10,14,17 47:2 50:10,14,20 53:15 53:20 54:6,9,17 55:3,6 57:7 58:20 59:12 60:3,17 61:1,5 62:2,9,11 62:17,21 63:3,9 63:22 64:5,9,10 65:1,6,8,11 <b>chance</b> 3:16 46:19 63:12 <b>change</b> 18:22 <b>changed</b> 23:6 <b>charge</b> 3:5 29:9,10 32:5 <b>charged</b> 31:21 <b>checks</b> 16:9 <b>Chen</b> 2:16 <b>citation</b> 42:7 49:7
	<b>alcohol</b> 4:21 15:7 29:11 39:2 53:8 <b>Alcoholic</b> 1:2,12,13 6:19 64:10 <b>allow</b> 27:8 52:9 <b>allowed</b> 26:10,22 28:2,8,9,9,17 51:18 52:16 <b>allows</b> 26:3 27:21 <b>Amendment</b> 64:13 64:18,20 65:16 <b>ANC</b> 2:7 <b>answer</b> 40:19 43:11 <b>anybody</b> 52:4 <b>anymore</b> 22:19 37:5 <b>anytime</b> 16:16,20 <b>anyway</b> 13:19 64:3 <b>apart</b> 13:18 <b>appeal</b> 63:13 <b>appearance</b> 59:16 59:20,21 <b>Applicant</b> 27:15 29:7 <b>apply</b> 3:22 <b>appropriate</b> 57:18 <b>approve</b> 52:7 <b>approximately</b> 4:20 7:4 40:6,9 41:12 42:4	<b>argue</b> 35:4 <b>argument</b> 19:21 20:14 45:12 53:16 <b>arguments</b> 4:6 46:20,20 54:18 <b>ascertain</b> 17:21 <b>asked</b> 5:4 8:20 9:7 23:5 32:3 34:20 46:1 61:8 <b>asking</b> 11:16 13:12 26:16 41:9,9 53:2 <b>assert</b> 51:2 <b>assigned</b> 7:12 <b>assignment</b> 11:12 48:4 <b>assignments</b> 7:13 12:11 48:2 <b>assume</b> 39:1 60:2 <b>attached</b> 11:9 <b>attachment</b> 13:9 <b>attended</b> 3:1 <b>attention</b> 36:17 <b>attorney</b> 59:7,8 <b>August</b> 4:19 7:1 38:11 47:14 48:13 50:1 <b>available</b> 54:11 <b>a.m</b> 2:2 65:20	<b>believe</b> 9:14,20 36:10 49:18 52:21 58:2 <b>beverage</b> 1:2,12,13 4:21 6:19 10:6 64:10 <b>beyond</b> 26:7 <b>bit</b> 45:11 <b>black</b> 5:9 13:6 <b>Bladensburg</b> 1:8 2:6 7:18 <b>blow</b> 49:4 <b>Board</b> 1:2,13 3:18 4:3,7 15:14 19:5 24:1 25:10 31:12 32:3,4,13 37:2 39:16 46:12 50:15 52:7 54:14,19 56:12 57:1 60:2 63:4 64:11,14 65:13,14 <b>Board's</b> 10:13 <b>bottle</b> 5:3 8:19 <b>bought</b> 21:6,7 38:13 39:2 <b>break</b> 52:9 <b>briefly</b> 51:4 <b>bring</b> 12:16,18 <b>Brooks</b> 1:17 64:22 65:1,4,5 <b>Building</b> 1:13 <b>burden</b> 3:6	58:6 61:7 64:16 64:19 <b>cash</b> 9:4 <b>Cause</b> 1:7 2:8,22 3:1 <b>ceratin</b> 36:13 <b>certain</b> 7:11 16:12 17:15 61:15 <b>Chair</b> 55:5 <b>Chairman</b> 1:14 <b>Chairperson</b> 1:16 2:3,17,21 3:3 4:3 4:10,14 5:15,18 5:21 6:2,6 10:21 11:3,14,18 12:2,6 13:11,16 15:10,14 16:8 17:1,12 18:7 18:20 19:2,7,11 19:14,18 20:6,9 20:12,19 21:1 23:14,17 24:9,18 26:6,11,14,19 30:17 31:15,19 32:8,12,18 33:4 34:1,14,17 35:10 35:17 36:7,16 37:14 38:5,8 40:16,21 41:2 46:10,14,17 47:2 50:10,14,20 53:15 53:20 54:6,9,17 55:3,6 57:7 58:20 59:12 60:3,17 61:1,5 62:2,9,11 62:17,21 63:3,9 63:22 64:5,9,10 65:1,6,8,11 <b>chance</b> 3:16 46:19 63:12 <b>change</b> 18:22 <b>changed</b> 23:6 <b>charge</b> 3:5 29:9,10 32:5 <b>charged</b> 31:21 <b>checks</b> 16:9 <b>Chen</b> 2:16 <b>citation</b> 42:7 49:7
	<b>alcohol</b> 4:21 15:7 29:11 39:2 53:8 <b>Alcoholic</b> 1:2,12,13 6:19 64:10 <b>allow</b> 27:8 52:9 <b>allowed</b> 26:10,22 28:2,8,9,9,17 51:18 52:16 <b>allows</b> 26:3 27:21 <b>Amendment</b> 64:13 64:18,20 65:16 <b>ANC</b> 2:7 <b>answer</b> 40:19 43:11 <b>anybody</b> 52:4 <b>anymore</b> 22:19 37:5 <b>anytime</b> 16:16,20 <b>anyway</b> 13:19 64:3 <b>apart</b> 13:18 <b>appeal</b> 63:13 <b>appearance</b> 59:16 59:20,21 <b>Applicant</b> 27:15 29:7 <b>apply</b> 3:22 <b>appropriate</b> 57:18 <b>approve</b> 52:7 <b>approximately</b> 4:20 7:4 40:6,9 41:12 42:4	<b>argue</b> 35:4 <b>argument</b> 19:21 20:14 45:12 53:16 <b>arguments</b> 4:6 46:20,20 54:18 <b>ascertain</b> 17:21 <b>asked</b> 5:4 8:20 9:7 23:5 32:3 34:20 46:1 61:8 <b>asking</b> 11:16 13:12 26:16 41:9,9 53:2 <b>assert</b> 51:2 <b>assigned</b> 7:12 <b>assignment</b> 11:12 48:4 <b>assignments</b> 7:13 12:11 48:2 <b>assume</b> 39:1 60:2 <b>attached</b> 11:9 <b>attachment</b> 13:9 <b>attended</b> 3:1 <b>attention</b> 36:17 <b>attorney</b> 59:7,8 <b>August</b> 4:19 7:1 38:11 47:14 48:13 50:1 <b>available</b> 54:11 <b>a.m</b> 2:2 65:20	<b>believe</b> 9:14,20 36:10 49:18 52:21 58:2 <b>beverage</b> 1:2,12,13 4:21 6:19 10:6 64:10 <b>beyond</b> 26:7 <b>bit</b> 45:11 <b>black</b> 5:9 13:6 <b>Bladensburg</b> 1:8 2:6 7:18 <b>blow</b> 49:4 <b>Board</b> 1:2,13 3:18 4:3,7 15:14 19:5 24:1 25:10 31:12 32:3,4,13 37:2 39:16 46:12 50:15 52:7 54:14,19 56:12 57:1 60:2 63:4 64:11,14 65:13,14 <b>Board's</b> 10:13 <b>bottle</b> 5:3 8:19 <b>bought</b> 21:6,7 38:13 39:2 <b>break</b> 52:9 <b>briefly</b> 51:4 <b>bring</b> 12:16,18 <b>Brooks</b> 1:17 64:22 65:1,4,5 <b>Building</b> 1:13 <b>burden</b> 3:6	58:6 61:7 64:16 64:19 <b>cash</b> 9:4 <b>Cause</b> 1:7 2:8,22 3:1 <b>ceratin</b> 36:13 <b>certain</b> 7:11 16:12 17:15 61:15 <b>Chair</b> 55:5 <b>Chairman</b> 1:14 <b>Chairperson</b> 1:16 2:3,17,21 3:3 4:3 4:10,14 5:15,18 5:21 6:2,6 10:21 11:3,14,18 12:2,6 13:11,16 15:10,14 16:8 17:1,12 18:7 18:20 19:2,7,11 19:14,18 20:6,9 20:12,19 21:1 23:14,17 24:9,18 26:6,11,14,19 30:17 31:15,19 32:8,12,18 33:4 34:1,14,17 35:10 35:17 36:7,16 37:14 38:5,8 40:16,21 41:2 46:10,14,17 47:2 50:10,14,20 53:15 53:20 54:6,9,17 55:3,6 57:7 58:20 59:12 60:3,17 61:1,5 62:2,9,11 62:17,21 63:3,9 63:22 64:5,9,10 65:1,6,8,11 <b>chance</b> 3:16 46:19 63:12 <b>change</b> 18:22 <b>changed</b> 23:6 <b>charge</b> 3:5 29:9,10 32:5 <b>charged</b> 31:21 <b>checks</b> 16:9 <b>Chen</b> 2:16 <b>citation</b> 42:7 49:7
	<b>alcohol</b> 4:21 15:7 29:11 39:2 53:8 <b>Alcoholic</b> 1:2,12,13 6:19 64:10 <b>allow</b> 27:8 52:9 <b>allowed</b> 26:10,22 28:2,8,9,9,17 51:18 52:16 <b>allows</b> 26:3 27:21 <b>Amendment</b> 64:13 64:18,20 65:16 <b>ANC</b> 2:7 <b>answer</b> 40:19 43:11 <b>anybody</b> 52:4 <b>anymore</b> 22:19 37:5 <b>anytime</b> 16:16,20 <b>anyway</b> 13:19 64:3 <b>apart</b> 13:18 <b>appeal</b> 63:13 <b>appearance</b> 59:16 59:20,21 <b>Applicant</b> 27:15 29:7 <b>apply</b> 3:22 <b>appropriate</b> 57:18 <b>approve</b> 52:7 <b>approximately</b> 4:20 7:4 40:6,9 41:12 42:4	<b>argue</b> 35:4 <b>argument</b> 19:21 20:14 45:12 53:16 <b>arguments</b> 4:6 46:20,20 54:18 <b>ascertain</b> 17:21 <b>asked</b> 5:4 8:20 9:7 23:5 32:3 34:20 46:1 61:8 <b>asking</b> 11:16 13:12 26:16 41:9,9 53:2 <b>assert</b> 51:2 <b>assigned</b> 7:12 <b>assignment</b> 11:12 48:4 <b>assignments</b> 7:13 12:11 48:2 <b>assume</b> 39:1 60:2 <b>attached</b> 11:9 <b>attachment</b> 13:9 <b>attended</b> 3:1 <b>attention</b> 36:17 <b>attorney</b> 59:7,8 <b>August</b> 4:19 7:1 38:11 47:14 48:13 50:1 <b>available</b> 54:11 <b>a.m</b> 2:2 65:20	<b>believe</b> 9:14,20 36:10 49:18 52:21 58:2 <b>beverage</b> 1:2,12,13 4:21 6:19 10:6 64:10 <b>beyond</b> 26:7 <b>bit</b> 45:11 <b>black</b> 5:9 13:6 <b>Bladensburg</b> 1:8 2:6 7:18 <b>blow</b> 49:4 <b>Board</b> 1:2,13 3:18 4:3,7 15:14 19:5 24:1 25:10 31:12 32:3,4,13 37:2 39:16 46:12 50:15 52:7 54:14,19 56:12 57:1 60:2 63:4 64:11,14 65:13,14 <b>Board's</b> 10:13 <b>bottle</b> 5:3 8:19 <b>bought</b> 21:6,7 38:13 39:2 <b>break</b> 52:9 <b>briefly</b> 51:4 <b>bring</b> 12:16,18 <b>Brooks</b> 1:17 64:22 65:1,4,5 <b>Building</b> 1:13 <b>burden</b> 3:6	58:6 61:7 64:16 64:19 <b>cash</b> 9:4 <b>Cause</b> 1:7 2:8,22 3:1 <b>ceratin</b> 36:13 <b>certain</b> 7:11 16:12 17:15 61:15 <b>Chair</b> 55:5 <b>Chairman</b> 1:14 <b>Chairperson</b> 1:16 2:3,17,21 3:3 4:3 4:10,14 5:15,18 5:21 6:2,6 10:21 11:3,14,18 12:2,6 13:11,16 15:10,14 16:8 17:1,12 18:7 18:20 19:2,7,11 19:14,18 20:6,9 20:12,19 21:1 23:14,17 24:9,18 26:6,11,14,19 30:17 31:15,19 32:8,12,18 33:4 34:1,14,17 35:10 35:17 36:7,16 37:14 38:5,8 40:16,21 41:2 46:10,14,17 47:2 50:10,14,20 53:15 53:20 54:6,9,17 55:3,6 57:7 58:20 59:12 60:3,17 61:1,5 62:2,9,11 62:17,21 63:3,9 63:22 64:5,9,10 65:1,6,8,11 <b>chance</b> 3:16 46:19 63:12 <b>change</b> 18:22 <b>changed</b> 23:6 <b>charge</b> 3:5 29:9,10 32:5 <b>charged</b> 31:21 <b>checks</b> 16:9 <b>Chen</b> 2:16 <b>citation</b> 42:7 49:7

50:7 <b>cited</b> 51:22 52:2 64:19 <b>clarification</b> 31:20 <b>clarify</b> 32:19 <b>clean</b> 53:11 <b>clear</b> 14:3,9 51:3 57:7 59:14 60:9 60:16 <b>cleared</b> 57:5 <b>client</b> 59:1 60:21 <b>close</b> 53:21 55:7 <b>closed</b> 62:12 63:6 64:14 65:13 <b>closing</b> 4:5 46:19 63:10 <b>coach</b> 23:18 <b>coaching</b> 41:7,8 <b>cognac</b> 5:4,8 38:13 <b>collect</b> 11:13 <b>Columbia</b> 1:1,7 2:5 2:12,14 4:22 7:6 7:15,17 31:20 64:11 <b>come</b> 17:2,3,9 22:16 24:22 25:5 39:13 40:5 49:14 51:13 53:11 61:14 61:20 <b>comes</b> 35:14 <b>comfort</b> 57:14 <b>comfortable</b> 20:20 56:4 57:16,19 58:3,5,8 59:13 <b>comment</b> 23:13 24:17 38:3 55:1 <b>comments</b> 11:20 40:11,14 41:21 44:16 58:16 <b>communications</b> 60:20 <b>compile</b> 17:10 <b>completely</b> 22:10 36:5 37:22 <b>compliance</b> 14:20 15:6 18:3,9 <b>complicates</b> 57:11	<b>concerning</b> 12:11 <b>concludes</b> 64:6 <b>conclusion</b> 54:21 <b>conclusions</b> 54:3 54:13 <b>conduct</b> 7:13 11:11 12:9,10 47:19 48:2,3 <b>conducted</b> 49:5 56:6 <b>conference</b> 65:14 <b>confront</b> 25:9 39:15 <b>confronted</b> 25:15 <b>confused</b> 35:21,22 36:3 38:11 <b>confusing</b> 59:21 <b>confusion</b> 47:12 60:2 <b>consider</b> 54:14 63:5 <b>constructive</b> 52:14 52:15 <b>consuming</b> 29:11 <b>contact</b> 48:16,18 63:17 <b>contacted</b> 48:10,13 49:16 <b>Control</b> 1:2,12,13 64:11 <b>convincing</b> 51:3 <b>copy</b> 10:22 11:19 11:21 27:2,7 <b>correct</b> 27:18 29:4 42:22 47:14 56:8 <b>Counsel</b> 64:16 <b>counter</b> 8:19 <b>couple</b> 18:21 24:11 49:19 54:11 <b>cover</b> 49:4 <b>CR</b> 1:8 <b>cross</b> 3:17 <b>Crosstalk</b> 57:20 <b>cup</b> 8:20 14:15 16:2 21:5,8 22:9,13,13 22:14,17 23:2,2,9 23:10,21,22 24:4	33:16 37:1 39:17 42:16 44:1,3,8 <b>cups</b> 5:4,9 9:10,12 9:14,16,22 10:6 13:2 14:4,6,9 15:7 16:2,4 17:15 21:15,16 22:9,15 26:4,10,22 27:9 27:14,16,17,17 28:3,9,10,13,14 32:16 35:20 36:12 37:9 38:13 39:3,4 43:13 44:5 45:9 51:8,10,15,22 <b>currently</b> 34:12 <b>customer</b> 22:16 29:10 <b>customers</b> 27:16	<b>directly</b> 8:18 <b>disagreeing</b> 45:13 <b>disposable</b> 27:16 <b>District</b> 1:1 2:12 7:14 19:16 46:15 47:3 64:11 <b>document</b> 10:15 13:21 36:14 54:12 <b>documents</b> 3:14 <b>doing</b> 18:11 46:4 <b>DONALD</b> 1:17 <b>double</b> 22:13 <b>drawn</b> 54:18 <b>dressed</b> 8:8 <b>drinking</b> 29:9 <b>duties</b> 7:11 <b>D.C</b> 1:14	<b>eventually</b> 10:12 <b>Everyone's</b> 53:22 <b>evidence</b> 3:14 4:5,7 4:19 5:12,13 11:13 12:16,20 13:9,12,20 14:2 15:17 17:10,13 50:22 51:4,5 53:22 54:20 <b>exactly</b> 13:5 55:21 <b>EXAMINATION</b> 6:8 <b>examine</b> 3:17 <b>excuse</b> 10:21 31:13 <b>excuses</b> 52:17 <b>exhibit</b> 10:13,16 12:19 13:10,19,22 <b>exited</b> 10:7 <b>expects</b> 4:18 <b>explain</b> 26:2 37:11 54:22 <b>explained</b> 21:19 22:4,5 23:1,4,20 30:10 37:8 39:9 39:18 42:19 45:10 61:13,16 <b>explaining</b> 62:1 <b>expose</b> 29:8 <b>extra</b> 12:3
		<b>D</b>	<b>E</b>	<b>F</b>
		<b>date</b> 38:20,22 39:1 <b>day</b> 7:3,10,11 13:3 16:19 21:3 24:20 24:22 25:1,5,8,9 39:4,13 41:1 42:13,13 44:3 47:18 48:13,20 50:6 51:22 52:2 53:3 61:20 <b>days</b> 40:9 41:12 63:7 65:17 <b>deal</b> 64:2 <b>defense</b> 35:19,22 <b>defined</b> 29:8 <b>deliberating</b> 64:18 <b>deliver</b> 29:8 <b>describe</b> 9:12 <b>designate</b> 17:5 <b>designated</b> 59:1,6 <b>determinative</b> 57:2 <b>different</b> 23:22 24:5,5 32:14,15 34:7 35:12 <b>difficulty</b> 60:10 <b>dimensions</b> 15:20 <b>DIRECT</b> 6:8 <b>direction</b> 63:19	<b>Earl</b> 1:22 6:12 <b>earlier</b> 37:13 39:9 <b>early</b> 29:15 <b>educated</b> 15:5 <b>eight</b> 18:6 <b>either</b> 49:2 61:20 <b>elements</b> 51:3 52:22 <b>employed</b> 6:14,17 6:18,22 <b>enclosed</b> 63:11 <b>English</b> 56:7 62:6 <b>entered</b> 4:22 8:3,18 29:3 <b>Entertainment</b> 1:6 <b>establishment</b> 5:11 5:14 7:5 8:4,18 10:7 17:15,20 29:12 30:1 47:13 47:17 48:7,10,12 49:2,15 51:7 52:15,18 53:1,7 53:10 56:21 58:4 <b>establishments</b> 7:16 16:15 17:6 18:3,6,8,12 <b>event</b> 21:5,22 61:17 <b>events</b> 21:4 47:9	<b>face</b> 52:18 <b>fact</b> 15:8 27:8 60:9 <b>facts</b> 54:3,13,18 <b>fair</b> 13:1 <b>familiar</b> 7:5,9 <b>feel</b> 4:11 <b>file</b> 54:2 <b>files</b> 10:14 <b>fill</b> 16:1,3 <b>final</b> 53:16 <b>find</b> 56:4 <b>finding</b> 57:1 <b>findings</b> 54:2,13 <b>fine</b> 22:21,22 23:6 25:3 33:2,12,15 33:20,22 35:3

37:22 45:3 53:2 61:12,21 62:22,22 <b>fined</b> 34:10 <b>fines</b> 53:9 <b>finished</b> 30:19 46:18 <b>first</b> 3:8 5:19 21:5 22:4 24:12 25:7 27:10 33:10,10 36:1 42:15 44:11 53:6 58:12 <b>flow</b> 20:14 <b>follow</b> 30:6 53:14 <b>followed</b> 30:7 <b>following</b> 65:15 <b>forgot</b> 33:7 <b>form</b> 23:22 <b>formal</b> 41:3 <b>forth</b> 54:12 <b>forward</b> 52:17 <b>found</b> 48:7,19 <b>four</b> 21:17 33:17 <b>free</b> 4:11 <b>front</b> 5:2,6 8:19 30:4 49:18 <b>full</b> 15:22 <b>fully</b> 56:6 57:5 <b>funny</b> 28:12 <b>further</b> 15:9 19:9 46:8 <b>future</b> 63:16	51:21 <b>goes</b> 4:8 <b>going</b> 10:19 11:15 11:17 12:1 19:21 20:10 22:17 24:6 26:7,15 31:8 33:15 34:22 35:13 47:8 53:21 57:22 60:15 61:19 62:5 62:20 63:4,5 <b>good</b> 5:21 6:1,9 45:16,19,20 47:5 47:7 58:7 59:10 63:15 <b>gotten</b> 18:2 <b>Government</b> 3:6,8 4:16,18 50:18 51:1 52:22 <b>Government's</b> 5:12 10:12,16 13:19,22 <b>go-cup</b> 25:13 33:20 34:16 43:21 <b>go-cups</b> 3:6 16:11 28:18 29:8 51:18 51:19 52:1,12,16 <b>guess</b> 22:20 37:21 43:8 44:18 56:11 58:2 63:1 <b>guy</b> 33:2 <b>guys</b> 53:19 62:19	63:4,11,11 64:7 65:18 <b>held</b> 53:1 <b>helping</b> 64:1 <b>herring</b> 51:13 <b>hey</b> 18:14 21:11 25:9 35:9 36:20 39:15 <b>he'll</b> 3:11 <b>hold</b> 64:14 65:13	51:14 <b>investigators</b> 12:10 32:15 40:8 <b>involves</b> 3:5 <b>issue</b> 61:3 63:6 65:16 <b>issued</b> 49:7 <b>items</b> 10:4	<b>L</b> <b>language</b> 60:10 <b>large</b> 15:18 <b>late</b> 18:2 <b>law</b> 52:10,11,20 53:13,14 54:3,13 54:19 <b>laws</b> 23:6 <b>learned</b> 46:3 <b>leave</b> 48:4,7 <b>leaving</b> 17:6 <b>left</b> 5:10 40:2 <b>legal</b> 57:9 64:15 <b>letter</b> 21:13 23:7 59:16,20,20 <b>let's</b> 38:11,19 39:1 41:15,19 42:2,3 44:19,21 <b>license</b> 1:9 2:6 57:15 59:2 <b>licensee</b> 10:22 57:15 61:2 <b>Lim</b> 55:10 <b>limited</b> 50:12 56:7 <b>Lin</b> 2:13,13 4:2,9 4:13 15:11,13 19:4,6,19 20:4,8 20:11,18,22 21:3 23:16,19 24:15 25:1,7,12,17,20 26:1,5 27:1,4,6,10 27:13,19,22 28:4 28:12,19,21 29:5 29:13,16,20 30:2 30:7,14 31:2,20 32:7,14,17,21 33:5 34:3,16,19 35:11,21 36:15,19 37:17 38:4,14,17 38:21 39:5,8,14 39:21 40:3,10,12 40:22 41:1,8,13 41:17,19 42:2,5,9 42:14,18 43:1,4,8 43:14,18,21 44:4 44:8,10,14,17,21 45:3,6,10,15,18
<b>G</b> <b>gathered</b> 17:11 <b>getting</b> 18:8 <b>give</b> 6:10 11:2 23:5 23:7 29:7 33:2 42:7 61:21 63:18 65:12 <b>given</b> 13:6 <b>giving</b> 34:22 45:3 <b>go</b> 3:8 4:12 5:4 7:20 12:12 14:15 15:7 18:4,11,16 20:21 21:4 27:6,13 30:9 34:20 37:1,1 39:16 41:15 43:13	<b>H</b> <b>hands</b> 53:11 <b>happen</b> 16:19 21:4 <b>happened</b> 8:1,16 14:17 21:22 51:12 56:17 61:16 <b>happening</b> 60:21 <b>happens</b> 16:18 21:22 <b>hear</b> 59:18 61:2 62:13 <b>heard</b> 58:5 <b>hearing</b> 1:8,13 2:8 2:22 3:1 13:17 22:14 34:18 41:3 54:15 57:6,11	<b>I</b> <b>ice</b> 5:8 8:20 9:10 10:7 13:3 15:17 15:18,22 28:15 <b>idea</b> 63:15 <b>identification</b> 10:17 14:1 <b>impression</b> 41:9 <b>Inaudible</b> 3:2 <b>incident</b> 37:21 <b>include</b> 5:13 <b>including</b> 13:9 <b>individual</b> 9:22 51:8 <b>individually</b> 9:18 <b>informed</b> 21:14 <b>initiative</b> 14:14,15 49:5 <b>initiatives</b> 7:14 12:12 <b>inside</b> 8:16 28:15 <b>instructions</b> 63:10 <b>intended</b> 30:5 <b>intentionally</b> 8:10 <b>interpretation</b> 55:13 57:22 60:15 <b>interpreter</b> 59:5,6 <b>interpreting</b> 55:11 <b>introduce</b> 2:9 <b>investigation</b> 11:5 <b>investigative</b> 13:12 <b>investigator</b> 4:20 5:10 6:21 28:2 35:14 38:12 39:2 40:6,8 43:12,16 48:14 49:3,4	<b>J</b> <b>jeans</b> 8:8 12:13 <b>Jones</b> 1:22 6:1,5,12 6:12,13,15,18,21 7:2,7,10,22 8:3,7 8:11,13,17 9:2,8 9:13,19 10:1,5,10 11:4,7,11 12:9 13:5 14:5,11,16 15:11,16,19 16:3 16:6,8,13 17:5,16 18:10 19:1,12,13 33:4 47:4,6,7,10 47:15,19 48:1,12 48:17 49:1,8,13 49:17,21 50:3,6 50:16,17 <b>judicial</b> 31:12 <b>J-O-N-E-S</b> 6:12	<b>K</b> <b>keep</b> 22:14,15 35:13 <b>kind</b> 14:20 17:21 21:6 39:16 45:11 <b>knew</b> 26:16 29:14 30:1 51:8,17 <b>know</b> 3:4 9:3 15:16 17:14 18:17 21:12 23:7,8,11 24:3 25:10 29:16 30:12 32:22 34:4,9,11 34:21 35:3,9,19 36:1,1 37:12 45:18,19 48:19 53:19 54:8 59:11 61:15,16,16,21 62:4,5,7,16,19 <b>knows</b> 56:12

46:7,22 50:11,13 53:16,17 54:7,8 54:16,22 55:2,8,8 55:9,14,18,21 56:4,8,10 58:8,11 58:15,17 61:4,8 62:3,10,16,18,22 63:8,20 64:1,8 <b>line</b> 30:19 <b>Lin's</b> 1:6 <b>liquor</b> 17:14 21:6,6 35:12 <b>Liquors</b> 1:7 2:5,14 4:22 7:6,18 31:21 <b>list</b> 7:16 17:6 <b>little</b> 30:18 45:11 <b>LLC</b> 1:6 <b>located</b> 2:5 7:18 <b>location</b> 7:21 8:2 <b>lockup</b> 12:20 <b>long</b> 15:1 18:11 21:7,20 28:10 32:22 33:7 <b>longer</b> 25:3 48:14 <b>look</b> 24:3 37:8 53:13 54:20 <b>looked</b> 13:3 <b>loose</b> 5:9 <b>lot</b> 18:2,17 <b>Luckily</b> 18:1	<b>Maryland</b> 18:16 <b>matter</b> 1:5 8:6 10:9 30:11 31:3 65:19 <b>matters</b> 2:19 <b>Ma'am</b> 41:22 <b>mean</b> 9:3 30:13 34:17 57:8 59:4 59:21 <b>meaning</b> 12:19 <b>meeting</b> 1:3 64:14 65:13 <b>Meetings</b> 64:13,17 64:20 65:16 <b>Member</b> 1:17,17 1:18 10:18 15:16 16:1,5,7 30:22 31:5,9,16 38:7,10 38:15,19,22 39:6 39:11,19 40:1,4 40:15,18 41:11,15 41:18,22 42:3,6 42:12,17,20 43:2 43:6,10,15,19 44:2,6,9,12,20 45:1,4,8,14,17 46:6,8 55:5,7,10 55:16,19 56:1 57:4,8,13,21 58:7 58:13,19 59:10,15 59:19 60:7,14,19 64:22 65:5,7,10 <b>members</b> 15:15 50:15 <b>mentioned</b> 14:13 <b>messages</b> 32:15 <b>met</b> 1:13 <b>Michael</b> 1:18,20 2:11 <b>Miller</b> 1:14,16 2:3 2:17,21 3:3 4:3,10 4:14 5:15,18,21 6:2,6 10:21 11:3 11:14,18 12:2,6 13:11,16 15:10,14 16:8 17:1,12 18:7 18:20 19:2,7,11 19:14,18 20:6,9	20:12,19 21:1 23:14,17 24:9,18 26:6,11,14,19 30:17 31:15,19 32:8,12,18 33:4 34:1,14,17 35:10 35:17 36:7,16 37:14 38:5,8 40:16,21 41:2 46:10,14,17 47:2 50:10,14,20 53:15 53:20 54:6,9,17 55:3,6 57:7 58:20 59:12 60:3,17 61:1,5 62:2,9,11 62:17,21 63:3,9 63:22 64:5,9 65:1 65:6,8,8,11 <b>milliliter</b> 5:3,7 <b>mind</b> 56:12 <b>minors</b> 53:8 <b>minute</b> 39:18 <b>miscommunicati...</b> 24:7 <b>mistake</b> 46:3 <b>mom</b> 2:14 3:21 29:21 41:4 61:7 <b>month</b> 28:22 33:17 35:15,15 41:16 44:19,22 <b>months</b> 62:8 <b>morning</b> 5:22 6:1,9 16:12 <b>mother</b> 55:11 56:2 58:8 <b>mothers</b> 40:19 <b>motion</b> 63:13 65:2 65:3,11 <b>move</b> 13:8,12 64:13	20:13 23:8 33:19 37:1,7 40:18 57:14 59:5,20 <b>neighbors</b> 22:15 <b>never</b> 21:13 28:4,5 30:5 33:17 34:13 52:7,13 53:12 63:20 <b>NICK</b> 1:17 <b>nine</b> 18:4,6 <b>nominal</b> 29:10 <b>normal</b> 48:21 49:1 <b>normally</b> 16:13 17:16,18 35:14 <b>Northeast</b> 2:6 7:19 <b>note</b> 31:6 32:4 53:5 <b>notice</b> 28:17 31:12 31:13 32:20 36:13 52:12,14,15 55:10 65:12 <b>notification</b> 48:18 <b>notify</b> 48:8 49:11 <b>number</b> 2:4,7 10:13,16 13:10,19 14:1 16:12 64:16 <b>N.W</b> 1:14	10:8,11 11:3 12:2 13:1,16,17 15:10 15:14 16:7 18:7 18:20 19:2,7,18 20:9,10,19,22 21:2,13 22:9,18 23:16 24:9 25:4 25:11,19 26:11,14 26:19 27:7 28:7 28:20 29:2,22 30:17 31:9,15,18 32:7,8,13 35:6,10 35:17 36:7 37:14 38:5,5,8,21 39:19 42:3,17,20 43:2 44:2,9,20,21 45:4 45:14 46:6,10,14 47:2 48:15 49:9 49:20 50:4,10,14 50:15,20 51:15,21 53:15,20 55:3 58:19 60:3 61:1 62:2,9,17,21 63:3 63:8,9,14 64:5 <b>old</b> 18:21 <b>once</b> 12:15,18 17:9 17:17 35:15 48:5 59:13 <b>ones</b> 14:6 <b>open</b> 16:16,20 64:12,17,20 65:16 <b>opening</b> 3:10 4:17 19:20 <b>order</b> 63:6,7 65:17 <b>ordered</b> 5:3 8:19 <b>outside</b> 25:22 30:9 <b>owner</b> 2:15 37:7 <b>o'clock</b> 16:20,22
<hr/> <b>M</b> <hr/> <b>Madam</b> 55:5 <b>making</b> 61:3,6 <b>malts</b> 15:3 <b>management</b> 48:8 48:18 <b>manager</b> 24:2 29:22 37:2,3 <b>manger</b> 37:6 <b>manufacturer</b> 51:10 <b>mark</b> 17:19 <b>marked</b> 10:16 13:22 <b>Martin</b> 5:4,7 8:20 9:9 13:3 43:9	<hr/> <b>N</b> <hr/> <b>name</b> 2:13,15 6:10 6:10 7:6 8:22 33:8 <b>NE</b> 1:8 <b>necessarily</b> 59:5 <b>need</b> 11:17,19	<hr/> <b>O</b> <hr/> <b>OAG</b> 1:20 <b>oath</b> 3:14 23:15 41:3 <b>objection</b> 61:3,6 <b>objections</b> 13:17 <b>occurred</b> 52:3 <b>offer</b> 29:7 <b>office</b> 12:17,17,19 12:21 17:2,3,7,10 63:18 <b>oh</b> 12:4 20:4,11 22:8,16,22 33:18 33:21 34:6 36:15 37:17 41:8 42:12 51:14 58:15 <b>okay</b> 2:3,17,21 4:2 4:9,13,14 5:15,21 6:6,13 7:20 8:15 8:21 9:6,11,21	<hr/> <b>P</b> <hr/> <b>packaged</b> 9:17,20 14:9 21:17 51:10 <b>paid</b> 5:10 <b>pair</b> 21:18 <b>paper</b> 17:19,19 34:20 45:13 <b>papers</b> 36:20	

**paperwork** 17:11  
**paragraph** 36:11  
**part** 10:13 32:2  
**particular** 16:10  
 17:14  
**parties** 2:9 54:2,9  
 60:11  
**partition** 9:5  
**passes** 65:12  
**pay** 10:3 28:21 35:2  
 35:5,6 36:17  
**payment** 10:6  
**people** 55:4 60:5  
**percent** 33:6  
**person** 5:6 9:7 23:5  
 33:1,10 40:2,5  
 42:6,21 56:15  
**Pete** 36:21  
**Peter** 2:13  
**photo** 5:13 13:14  
**picture** 11:9,10,22  
 12:1,7,22 13:4,10  
 14:7  
**pictures** 12:21  
**piece** 17:18  
**place** 17:13 37:9  
**plastic** 9:5 13:6  
**please** 2:10 6:11  
 10:20 41:22 58:14  
**point** 8:17 15:1,2  
 18:5,18 23:3 28:8  
 35:18 51:17 53:21  
**position** 9:1,3  
**practice** 60:9  
**preceding** 56:21  
 57:22 60:11  
**preliminary** 2:19  
**premises** 29:11  
**prepackaged** 27:17  
 51:9  
**prepacked** 27:13  
 28:11  
**present** 1:15,19  
 25:8 28:4 35:11  
**presented** 28:6,22  
 36:9 62:6  
**presenting** 3:9

46:18  
**presiding** 1:14  
**pretty** 33:1,5 64:4  
**previous** 48:20  
**previously** 13:22  
**prior** 17:6  
**probably** 3:10,11  
 14:18 20:5 21:22  
 33:17 44:18  
**problem** 24:4 25:2  
 56:22 58:18  
**problems** 63:1  
**procedure** 3:4  
 48:22  
**procedures** 49:2  
**proceeded** 61:6  
**proceedings** 55:12  
 56:5 57:16 58:22  
 59:9  
**process** 61:14,19  
**proof** 3:7  
**proposed** 54:2,12  
**prove** 3:7 4:19  
**proven** 51:2 52:22  
**provided** 27:16  
 29:9  
**provision** 36:18  
**purchase** 42:11,15  
 43:4,17  
**purchased** 43:7,8  
 43:12  
**purpose** 36:10 42:7  
 43:3 45:2 48:3,16  
 48:17 49:10,10  
 50:5 51:6 63:12  
 64:15  
**purposes** 29:10  
**pursuant** 65:15  
**put** 3:11,14,20 4:4  
 4:7 5:7 12:20  
 20:1 23:15 28:14  
 36:13 52:17 53:22  
**P-R-O-C-E-E-D-...**  
 2:1  
**p.m** 4:20 7:4

---

**Q**


---

**question** 11:16  
 25:4 26:9 30:8  
 43:11 54:7 55:8  
 57:18 58:3  
**questioning** 30:19  
 32:10 40:19  
**questions** 3:17,18  
 4:1,11 15:9,11  
 19:3,4,5 24:12  
 30:16,21 32:10,13  
 38:6 46:9,11,11  
 46:12 50:11,15  
 63:16

---

**R**


---

**read** 29:19  
**reading** 63:10  
**ready** 5:18 50:21  
**really** 18:1 23:18  
 57:2,21 62:13  
**reason** 34:10 64:19  
**rebuttal** 47:4  
**recap** 49:10  
**received** 10:3 14:1  
 21:13  
**recollection** 50:2  
**record** 2:10 3:15  
 6:11 11:20 13:13  
 13:19 23:13 24:17  
 32:3 38:3 40:11  
 40:14 41:21 44:16  
 53:21 54:20 55:1  
 58:16,21 59:14  
 62:12  
**records** 31:11  
**red** 51:13  
**Reeves** 1:13  
**reference** 14:20  
**referred** 10:15 53:7  
**reflection** 13:2  
**refresh** 50:1  
**register** 5:2,7 9:4  
**Regulation** 4:21  
 6:19  
**regulatory** 16:9  
**relatives** 60:5,5  
**relevance** 56:13

**relevant** 58:2  
**remember** 15:18  
 21:7 25:21 26:20  
 38:18 43:3 44:15  
**remembered** 36:21  
**Remy** 5:3,7 8:19  
 9:9 13:3 43:9  
**rendered** 10:5  
**report** 10:9 11:1,5  
 11:9,16 13:9,13  
 38:11 47:12 49:18  
 50:1  
**represent** 2:14  
**representation**  
 58:9  
**representative**  
 57:10 59:1,7  
**represented** 56:14  
 56:15,20 58:9  
 60:4,5  
**representing** 2:12  
 56:20 57:9 58:4  
 59:3 61:7  
**requested** 34:18  
**requires** 52:11  
**resolved** 34:11  
**respect** 32:5  
**Respondent** 51:13  
**response** 3:2 36:9  
 36:16 41:11 56:11  
**responsible** 53:2  
**responsibly** 52:19  
**rest** 19:17 46:17  
 50:19 60:22  
**resulted** 53:9  
**Retailer** 1:8  
**retrieved** 9:8  
**review** 51:4  
**right** 3:3 4:15  
 18:14 19:3 22:1  
 24:10 25:22 27:11  
 28:11 29:15 30:14  
 30:18 32:9 35:6  
 38:13 39:10 40:2  
 40:4,21 42:20  
 49:12 54:4,10  
 55:4 60:12 61:17

63:22 64:6,9  
**Road** 1:8 2:6 7:18  
**roll** 65:2  
**rolls** 63:21  
**room** 1:13 65:14  
**rules** 3:22 30:6,8  
**Ruthanne** 1:14,16

---

**S**


---

**sale** 7:14 12:16  
 14:13,14 29:8  
 53:8  
**sales** 16:11  
**sale/go-cup** 12:12  
**sandwich** 5:8 9:10  
 15:19,21,21 28:15  
**saw** 19:19  
**saying** 12:5 18:21  
 22:4 24:3 25:9  
 28:16 32:1 36:22  
 39:15 41:6 55:17  
 55:20 61:9,18  
 62:1,13  
**says** 23:9 27:12  
 38:12 59:2  
**scope** 26:7  
**second** 21:22 39:22  
 40:8,10 42:9,12  
 42:14,21 43:6,22  
 44:7,7 51:14  
 64:21,22  
**secondary** 53:6  
**seconded** 65:2,4  
**Section** 29:6 64:12  
 64:17,19  
**see** 11:8 12:22 14:6  
 26:12 27:5 29:20  
 57:2  
**seeking** 64:15  
**sell** 21:11,14,16,18  
 22:5,6,9,9,13,17  
 23:2,9,10,21,22  
 26:4,10,17,22  
 27:8,15 28:2,9,10  
 28:13,18 29:7  
 33:17 35:20 36:4  
 36:12 43:22 44:8

44:11 51:8,11,15 51:18,21 52:12,16 <b>selling</b> 3:5 15:2,6 22:11,15 32:16 33:16 36:5 37:8,9 37:16,18,20 38:1 39:4 44:5 45:9 52:1 <b>send</b> 23:7 <b>sentence</b> 27:11 <b>separate</b> 17:13 <b>sequence</b> 47:9 <b>serve</b> 50:7 <b>served</b> 53:3 <b>session</b> 63:6 <b>setting</b> 54:12 <b>seven</b> 16:15 <b>shift</b> 7:11 16:16,19 <b>show</b> 1:7 2:8,22 3:1 10:11 12:1 19:21 25:17 51:7 <b>showed</b> 4:6 25:15 37:3 <b>showing</b> 36:11 <b>sign</b> 2:18 30:3 33:19 34:3,5,7,20 45:6,12,20 46:4 <b>signature</b> 29:21 <b>signed</b> 11:6 23:5 30:2 34:13 46:2 <b>signing</b> 34:2 <b>Silverstein</b> 1:18 10:18 65:9,10 <b>single</b> 7:14 12:11 14:13,14 15:3,3 16:11 18:13 22:13 <b>singles</b> 22:6 <b>sir</b> 6:15 7:2,22 8:7 8:11 10:1,10 11:7 14:5,11 47:7,15 49:13 50:3 56:10 <b>sister</b> 21:10 62:6 <b>sister's</b> 29:21 <b>sit</b> 21:2 <b>situation</b> 16:10 <b>six</b> 27:17 28:10 <b>small</b> 15:21	<b>sold</b> 14:4 15:8 25:12,13 44:3 51:19 <b>somebody</b> 63:18 <b>son</b> 56:19 <b>soon</b> 64:4 <b>sorry</b> 12:5 24:18 26:12 31:16 39:7 59:17 <b>sort</b> 57:11 <b>sounds</b> 35:18 <b>speak</b> 8:22 24:2,13 24:21 37:3,5,7 39:3,13 47:16,22 48:5 56:17,18 <b>speaking</b> 25:22 41:4 <b>specific</b> 9:3 <b>spell</b> 6:10 <b>spoke</b> 37:15 52:4 <b>spoken</b> 24:3 <b>start</b> 38:11,19 59:13 <b>state</b> 47:12 58:21 <b>statement</b> 3:10 4:17,17 19:20 <b>Status</b> 1:8 <b>stay</b> 20:20,22 <b>Stern</b> 1:20 2:11,11 2:18,20 3:9,22 4:15,16 5:17,20 6:9,13,16,20,22 7:3,8,20 8:1,5,9 8:12,15,21 9:6,11 9:16,21 10:2,8,11 10:19,22 11:2,6,8 11:17,21 12:4,7 13:1,8,15 14:3,8 14:12 15:9 19:5,9 19:16,19 24:10,11 24:16,20 25:4,11 25:14,19,21 26:2 26:6,9,12,18,20 27:2,5,7,12,15,20 28:1,7,16,20 29:2 29:6,14,18,22 30:5,12,15,20,22	31:4,8,10,18 32:1 32:9,11 36:9 46:11,13,15 47:3 47:5,8,11,16,21 48:9,15,21 49:6,9 49:14,20,22 50:4 50:8,18 51:1 54:5 56:2,9,11 57:12 57:17 58:1 59:17 60:1,4,12 <b>stick</b> 17:20 <b>stop</b> 11:15 36:5 37:8,9 <b>stopped</b> 22:10 33:16 37:16,18,20 38:1 44:5 <b>store</b> 2:15 22:14 24:22 25:6 37:6 <b>stores</b> 14:20 <b>stories</b> 24:5 35:1 <b>story</b> 24:7 34:7 35:5,12 36:2 37:12 <b>straight</b> 61:11 <b>street</b> 1:14 22:17 <b>Styrofoam</b> 5:9 9:13 <b>submit</b> 54:11 <b>suggesting</b> 60:18 <b>summing</b> 46:20 <b>suppose</b> 34:5 <b>supposed</b> 21:11 <b>sure</b> 17:14 21:20 24:6 26:15 32:13 32:22 33:1,5,6 36:8 38:17 39:9 39:10 44:19 47:10 52:7 57:4 60:20 63:18 <b>surprise</b> 22:21 33:13 <b>surprised</b> 33:21 <b>suspension</b> 53:3 <b>swear</b> 6:2 20:10,13 20:15 <b>sworn</b> 3:12,13 46:21	<b>T</b>	<b>table</b> 60:20 <b>tagged</b> 12:19 <b>take</b> 3:13 17:18 28:14 31:1,6,12 32:4 65:2 <b>taken</b> 5:14 12:21 <b>talk</b> 34:21 39:17 45:5,8 <b>talked</b> 21:10 43:12 <b>talking</b> 39:21 61:22 <b>tell</b> 6:3 10:20 11:10 14:12 15:20 18:14 20:15 33:10 41:6 43:20 56:2 61:10 <b>telling</b> 24:5 28:5 61:22 <b>ten</b> 16:15 18:4 <b>testified</b> 24:14 <b>testify</b> 3:21 23:15 <b>testimony</b> 3:13 4:1 15:12 20:14 26:7 41:3 46:21 50:12 53:22 <b>thank</b> 5:15,17 6:6 10:18 12:6 16:7 19:2,11,13 46:6,9 50:8,15,17 53:14 58:19 60:22 64:6 <b>thanks</b> 24:10 <b>thing</b> 14:15,17 15:4 24:4 42:10 54:1 <b>things</b> 57:11 62:14 <b>think</b> 11:15 18:10 20:13 25:1 32:14 33:6,16 35:13 37:19 39:5,8 40:16 43:1 46:4 50:21 57:17 60:12 61:11 62:14 63:15 <b>third</b> 33:1,12 37:21 44:12,17 <b>thought</b> 33:9,11,14 34:10 45:16,18 <b>three</b> 14:4 21:4,17 28:22 33:16,17 40:7 41:1,12 43:5	53:7 62:8 <b>Thursday</b> 7:13,17 <b>Thursdays</b> 7:12 <b>time</b> 15:1 21:7,12 21:22 25:20 33:7 33:12 43:7,20 44:7 46:1 48:8,9 49:6,15 58:12 60:6 <b>times</b> 18:4 53:7 <b>today</b> 15:17 34:13 34:15 53:18 54:16 58:10 62:4 65:14 <b>today's</b> 54:15 <b>told</b> 26:21,21 28:2 28:8 30:10 31:2 34:6 35:13 36:20 37:13 40:7 42:22 43:22 44:11 49:22 51:14 <b>top</b> 18:14 <b>total</b> 38:10 <b>trades</b> 7:5 <b>transcript</b> 54:10 <b>trash</b> 30:3 <b>tried</b> 24:2 <b>triple</b> 22:14 <b>trouble</b> 22:19 <b>true</b> 60:8 <b>truth</b> 6:3,3,4 20:16 20:16,17 <b>try</b> 16:13,14 <b>trying</b> 14:22 15:5 52:19 <b>turn</b> 3:19 <b>turned</b> 35:5 <b>twice</b> 35:15 <b>two</b> 5:9 9:10,14,22 14:6 18:22 21:17 24:4 27:11,13,17 28:10,13 32:14,19 34:22,22 37:11 38:4 41:18 44:11 44:18 <b>type</b> 16:10 <b>t/a</b> 1:7
---	--	--	----------	---	---

<b>U</b>	<b>wait</b> 11:14 20:12 40:15,15,15 43:10 61:20	<b>words</b> 51:10	<b>3</b>
<b>um</b> 36:15	<b>waive</b> 54:3,5 55:2,4	<b>working</b> 7:10 9:4	<b>375</b> 5:3,7
<b>uncomfortable</b> 56:3	<b>want</b> 10:11 19:19 20:2 22:19 34:7,9 34:20 35:4,5,8 36:8 38:1 45:12 45:20 52:18 54:1 54:2,14 58:20	<b>wow</b> 20:4	<b>4</b>
<b>undercover</b> 5:1 7:13 8:13 11:12 12:11,13 47:20 48:2,3	<b>wanted</b> 3:4 53:18 62:3,19 63:13	<b>written</b> 54:2,12 63:7	<b>4</b> 65:12
<b>understand</b> 34:2 36:8 37:16 41:5 45:17 53:13 54:7 55:12,15,17,20 56:8,13,19 58:22 60:1,11 61:2	<b>wants</b> 23:14	<b>wrong</b> 46:2,5 53:12 61:10	<b>4th</b> 4:19 7:1 38:11 47:14
<b>understandable</b> 22:7	<b>warning</b> 22:20,20 33:10	<b>Y</b>	<b>4:00</b> 16:22
<b>understanding</b> 56:7	<b>Washington</b> 1:14	<b>year</b> 14:19 37:18 37:19 38:4	<b>405</b> 64:12
<b>understands</b> 56:16	<b>wasn't</b> 24:13 26:15 60:16,20	<b>years</b> 9:15 18:21,22	<b>405(b)(13)</b> 64:20
<b>understood</b> 57:1 58:5	<b>way</b> 17:21 36:13 41:16	<b>Yu</b> 2:15	<b>405(b)(4)</b> 64:17
<b>unfortunately</b> 11:22	<b>Wednesday</b> 65:15	<b>Yun</b> 2:15	<b>5</b>
<b>uniform</b> 8:6	<b>week</b> 21:21,21 25:2 40:12,12 41:14,20 42:2,4,21 43:1,15 44:18	<b>P</b>	<b>5</b> 16:22
<b>usually</b> 60:8	<b>weeks</b> 41:18 44:18 49:19 54:11	<b>p</b> 1:5,10	<b>5D</b> 2:7
<b>utensil</b> 29:9	<b>went</b> 5:2 8:16,18 30:9 37:2 47:13 50:7	<b>\$</b>	<b>5th</b> 48:13
<b>V</b>	<b>weren't</b> 9:20 14:4	<b>\$500</b> 53:2 63:1	<b>5(A)</b> 29:6
<b>vehicle</b> 17:17	<b>wether</b> 26:10	<b>0</b>	<b>6</b>
<b>violate</b> 39:16	<b>we're</b> 15:5 16:19 17:9 23:2 34:12 50:21 53:2 55:17 55:20 63:5	<b>0</b> 65:12,12	<b>60113</b> 1:9 2:7
<b>violating</b> 31:21 32:6	<b>we've</b> 14:22 18:2 18:10	<b>00344</b> 2:5	<b>8</b>
<b>violation</b> 47:17 48:6,6,19,22 49:7 49:11 51:17 52:3 53:6	<b>Whoa</b> 43:10	<b>1</b>	<b>8:30</b> 16:20
<b>visit</b> 42:8 43:3,11 44:7 45:2 49:2	<b>Wine</b> 1:7 2:5,14 4:22 7:6,17 31:20	<b>1</b> 10:13,17 13:10,19 14:1	<b>9</b>
<b>visits</b> 43:5	<b>witness</b> 3:11,12,21 5:19 20:1,4,6,21 47:4 57:10	<b>1:30</b> 4:20 7:4	<b>9</b> 16:20
<b>voluntary</b> 25:16 26:3,17,21 27:21 29:2 31:6,10,22 32:2,6 36:9 51:6 52:6,8,9,13	<b>witnesses</b> 3:17 19:15	<b>10:27</b> 2:2	<b>90</b> 63:6 65:17
<b>vote</b> 65:3	<b>word</b> 58:6	<b>100</b> 33:6	
<b>W</b>		<b>11-CMP</b> 2:4	
		<b>11-CMP-00344</b> 1:9 64:16	
		<b>11:20</b> 65:19	
		<b>1151</b> 1:8 2:6 7:18	
		<b>14th</b> 1:13	
		<b>15</b> 1:11	
		<b>18th</b> 50:1	
		<b>2</b>	
		<b>2000</b> 1:13	
		<b>2009</b> 29:3,15 30:1 51:7	
		<b>2010</b> 64:13,18,21 65:16	
		<b>2011</b> 4:19 7:1 47:14	
		<b>2013</b> 1:11	