

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
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MEETING

IN THE MATTER OF:

MT 617 Corporation,  
t/a Ming's  
617 H Street, NW  
License No. 83415  
Retailer CR  
ANC 2C

Fact Finding  
Hearing  
(Application for  
change of hours)

June 4, 2014

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

PRESENT:

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

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

(10:58 a.m.)

CHAIRPERSON MILLER: Okay. So this is a fact finding hearing with respect to Ming's, located at 617 H Street, Northwest, License Number 83415, ANC 2C. First, I want to have you introduce yourselves for the record, okay?

MR. MARK: Chairperson Miller, my name is Gene Mark and I am counsel to Ming's. To my left is Michelle Tam, the owner of Ming's, and this is the interpreter that she has requested. Ms. Tam wanted the Board to --

CHAIRPERSON MILLER: Wait a second. I have to swear in the interpreter, okay? And what's your name?

INTERPRETER: Robert Lee.

CHAIRPERSON MILLER: Robert Lee, okay. And what language are we interpreting?

INTERPRETER: Mandarin Chinese.

MS. TAM: Sorry. Cantonese, not Mandarin.

1 INTERPRETER: Oh, Cantonese.

2 CHAIRPERSON MILLER: Cantonese?

3 INTERPRETER: Cantonese Chinese.

4 CHAIRPERSON MILLER: Okay. Would  
5 you raise your right hand? Do you solemnly  
6 affirm that you will faithfully and accurately  
7 interpret the proceedings in this matter from  
8 Cantonese into English and from English into  
9 Cantonese to the best of your ability?

10 INTERPRETER: Yes, I do.

11 CHAIRPERSON MILLER: Okay, thank  
12 you. All right. Mr. Mark.

13 MR. MARK: Ms. Miller, Michelle  
14 Tam has asked for interpreter but I do want  
15 the Board to understand that she does  
16 understand English but sometimes if it's a  
17 long question she would prefer to make sure  
18 she understood the question so that's why she  
19 had requested an interpreter.

20 CHAIRPERSON MILLER: Okay. Let me  
21 say this. This is not, you know, an  
22 evidentiary hearing or anything. It's called

1 fact finding because some Board members have  
2 just questions about your application for the  
3 change of hours so that we can understand it  
4 better before we make our decision whether to  
5 reenter or not. That's all this is about so  
6 I don't want you to be too nervous about this  
7 or anything.

8 MS. TAM: Okay. Thank you.

9 CHAIRPERSON MILLER: Okay, all  
10 right.

11 MR. MARK: I have a document that  
12 I would like to give to the Board.

13 CHAIRPERSON MILLER: Okay. And  
14 when I say it's not evidentiary, it's, like,  
15 nobody's testifying under oath except the  
16 interpreter and we're not looking at, quote,  
17 "evidence" or anything. It's more informal.

18 MR. MARK: So what I've put before  
19 you is a document that I hope summarizes the  
20 current hours of operation for Ming's as well  
21 as the proposed hours.

22 With respect to the sale of

1 alcoholic beverages, nothing's going to  
2 change. It's going to remain the same.

3 What my client would like to do,  
4 though, is to extend the hours so that she can  
5 serve food beyond the last call for alcohol.  
6 I hope that this document lays out for you how  
7 she intends to go about doing this.

8 I've spoken to my client a little  
9 bit this morning about this and what she has  
10 decided to do is just, hold on, this is very  
11 important, that these timetables are followed  
12 so that you have sufficient amount of time to  
13 let the customers know when the last call for  
14 alcohol is, give your servers enough time to  
15 clear the tables and then get the people out  
16 the door.

17 So what Ms. Tam has decided to do,  
18 which I have put this little process together  
19 for her and I wanted to make sure that I kept  
20 it very simple. She is going to be using a  
21 gong which is --

22 (Laughter)

1                   MR. MARK: It's funny but it's  
2 simple and it's very easy.

3                   CHAIRPERSON MILLER: Yes, yes.

4                   MR. MARK: I think my client is a  
5 very nice, fairly soft-spoken person so I  
6 think this will work. So when it comes time  
7 for last call for alcohol, she hits the gong,  
8 okay?

9                   She's there every night, the night  
10 shift, and then that allows all the servers  
11 and staff to know that it's the last call for  
12 alcoholic beverages.

13                   And then she hits the gong again,  
14 all right, which notifies the servers that  
15 it's time to clear the tables and you don't  
16 have to hit the gong at 2 o'clock. The doors  
17 close.

18                   But I think this is a good way for  
19 her to manage her staff and also make sure  
20 that the customers realize, you know, there  
21 are timetables that have to be met in order to  
22 comply with the alcoholic beverage

1 regulations.

2 CHAIRPERSON MILLER: How long has  
3 the business been operating?

4 MS. TAM: Four and a half years.

5 CHAIRPERSON MILLER: Okay. So why  
6 do you want to change the hours now?

7 MS. TAM: Because we have a lot of  
8 regular customer. They request we open late.  
9 They work late and they love our foods and we  
10 have a friendly staff, whole staff and nice  
11 restaurant pricing.

12 CHAIRPERSON MILLER: What kind of  
13 food do you serve?

14 MS. TAM: Chinese food.

15 MR. MARK: I have a menu if you  
16 would like to see the menu.

17 CHAIRPERSON MILLER: Okay. All  
18 right, more Board questions? Yes, Mr.  
19 Alberti.

20 MEMBER ALBERTI: All right. Thank  
21 you for coming. I have a number of questions.  
22 So I'm just trying to get a sense of how you

1 operate the restaurant. So how large is this  
2 restaurant? How many people can you seat in  
3 this restaurant?

4 MS. TAM: On the first floor is 70  
5 people.

6 MEMBER ALBERTI: Seventy?

7 MS. TAM: Yes 70, 7-0. And the  
8 second floor, a 69. And on a weekday just we  
9 even don't fill up first floor. But weekend,  
10 yes, we do fill up most 80 percent full or  
11 sometimes --

12 MEMBER ALBERTI: Okay, both  
13 floors, okay.

14 MS. TAM: -- full house. Both  
15 floor, yes.

16 MEMBER ALBERTI: So late-night  
17 dining after 1 o'clock, are you operating both  
18 floors?

19 MS. TAM: You mean for the week or  
20 for the weekend?

21 MEMBER ALBERTI: No. Okay, Monday  
22 through Friday, are you operating both --

1 Monday through Friday or Monday through  
2 Thursday --

3 MS. TAM: Thursday.

4 MEMBER ALBERTI: -- you're only  
5 operating --

6 MS. TAM: First floor.

7 MEMBER ALBERTI: -- the first  
8 floor. Got you. On weekends --

9 MS. TAM: Weekend --

10 MEMBER ALBERTI: -- how late do  
11 you keep the second floor open?

12 MS. TAM: Normally when we fill  
13 the first floor and we open the second floor  
14 and usually the second floor is a little bit  
15 later than the first floor. But just one time  
16 if we fill up and that's it.

17 MEMBER ALBERTI: Why is the second  
18 floor open a little bit later than the first  
19 floor?

20 MS. TAM: Because we've got to  
21 fill the first floor first and the first floor  
22 is full and the customer go to the second

1 floor. When the first floor customers left  
2 and the second floor, the customers still  
3 there. Normally we don't fill up the second  
4 floor first because the food goes to second  
5 floor.

6 MEMBER ALBERTI: Okay. Now, I'm  
7 not really understanding why you close down  
8 the first floor first but that's your  
9 business. I'm not going to argue with it.  
10 That's your decision. I guess what I'm --

11 MR. MARK: If I may interject.

12 MEMBER ALBERTI: Did I  
13 misunderstand?

14 MR. MARK: Yes, I think what  
15 you're saying is they fill the first floor  
16 first and then if more people come in, then  
17 they open up the second.

18 MEMBER ALBERTI: Okay. Now, when  
19 you close, when you're closing down for the  
20 evening, do you close both floors down at the  
21 same time?

22 MS. TAM: Yes. Of course.

1                   MEMBER ALBERTI: My question is  
2 after 1 o'clock on Fridays and Saturdays, how  
3 many people are in there? Is it enough to  
4 fill both floors?

5                   MS. TAM: Usually.

6                   MEMBER ALBERTI: Okay. Both  
7 floors are filled until what time?

8                   MS. TAM: Until usually 3:00 or  
9 4:00, usually 4:00. Most nearby restaurant,  
10 they close in the bar, they close the door and  
11 when the customer get out of the bar or  
12 restaurant it was quarter to 3:00 and they  
13 come looking for the food too.

14                  MEMBER ALBERTI: Okay. So you  
15 really occupy both floors at 2 o'clock in the  
16 morning on a Saturday?

17                  MS. TAM: Mostly. Not all the  
18 time but usually. Depend the weather. I will  
19 summertime we always open at least half of the  
20 second floor. In the wintertime maybe just  
21 the first floor.

22                  MEMBER ALBERTI: Okay. Now, is

1       there a bar on the second floor?

2                   MS. TAM:   The first floor.

3                   MEMBER ALBERTI:  There's only a  
4       bar on the first floor?

5                   MS. TAM:   Correct.

6                   MEMBER ALBERTI:  Okay.  All right,  
7       so there's no bar on the second floor?

8                   MR. MARK:   No.

9                   MS. TAM:   No.

10                  MEMBER ALBERTI:  Is your entire  
11       place covered -- On the second floor, is it  
12       entirely occupied by tables and seating?

13                  MR. MARK:   Yes.

14                  MEMBER ALBERTI:  Or is there some  
15       area, common area where people can congregate?

16                  MR. MARK:   No, it's just tables  
17       and chairs.

18                  MS. TAM:   Yes just table, chair.

19                  MEMBER ALBERTI:  Okay.  It's okay  
20       for you to -- I'm sorry.  Okay.  Do you know  
21       offhand what the percentage of food sales are?  
22       No, actually I have them.  Someone, no,

1 someone -- I don't know. Is this enough for  
2 everybody or there's more copies?

3 (Off the record comment)

4 MEMBER ALBERTI: Okay. I think  
5 they're going to get extra copies for us.  
6 Okay. Then you don't need to answer that. I  
7 have them on record here. Great, thank you.  
8 And I'll share them with the rest of the  
9 Board. I have no further questions right now.  
10 Thank you.

11 MR. MARK: Thank you. Yes, Mr.  
12 Brooks.

13 CHAIRPERSON MILLER: Mr. Brooks.

14 MEMBER BROOKS: Yes thank you,  
15 Madam Chair. Have you ever been cited for  
16 serving after hours?

17 MS. TAM: Maybe do one time. Yes.

18 MEMBER BROOKS: How many times?

19 MS. TAM: One time.

20 MEMBER BROOKS: One time? And  
21 when was that? Do you recall how long ago?

22 MS. TAM: It's July, year 2012.

1 MEMBER BROOKS: '12?

2 MS. TAM: Yes. It was just about  
3 3 o'clock. Anyway, we make mistake. I'm  
4 sorry.

5 MEMBER BROOKS: Made a mistake in  
6 2012. Okay, and nothing in 2014?

7 MS. TAM: 2014 and no for the --  
8 You mean after hour?

9 MEMBER BROOKS: After hours, yes.

10 MS. TAM: The customer, they come  
11 in at 1:45 and the server tell them bar's  
12 closed. And that was the server say the  
13 customer said we will finish by ten minute or  
14 either five minutes.

15 And the server say, come to me and  
16 say that we can make it and then he go over to  
17 the customer, say you can make it because  
18 we're ready to close.

19 And then we say let me pay the  
20 bill first and then we pay the bill. They pay  
21 the bill and the server come to me and say  
22 Michelle, the customer really wants to drink.

1       Either the server will tell him, either you  
2       can finish, we will still take it by 1:58,  
3       1:55. And they said okay. We make it.

4               And then when the server come for  
5       the table, it was about just like 2 o'clock or  
6       3:00. That's every day. That it was a  
7       Thursday and the server come to the table and  
8       say we take the alcohol because you say --  
9       even you don't finish it, we'll still take it.

10              And then when the server take the  
11       alcohol and the ABC supervisor does his  
12       investigation and he comes over and he just  
13       watching and I said they already paid -- no,  
14       I'll take it.

15              And then when they take it to the  
16       bar and they just took a picture the alcohol  
17       is on the bar. They take a picture. It's our  
18       mistake, the servers. I'm so sorry. This  
19       mistake.

20              MEMBER BROOKS: So it happened  
21       twice?

22              MS. TAM: I don't know if this

1 time is count or not.

2 MEMBER BROOKS: Okay, one time in  
3 '12, 2012, and the other that you just  
4 described in 2014?

5 MS. TAM: Yes, then.

6 MEMBER BROOKS: Okay, so two  
7 times.

8 MS. TAM: I just heard that they  
9 say usually they gave for a symbol, they would  
10 give, like at 3 o'clock, they would give at  
11 3:10. But both time, they just, it's even on  
12 time a little bit, a couple of minute early.

13 MEMBER BROOKS: Thank you, Madam  
14 Chair.

15 CHAIRPERSON MILLER: Okay. Mr.  
16 Rodriguez.

17 MEMBER RODRIGUEZ: Ms. Tam, good  
18 morning.

19 MS. TAM: Good morning.

20 MEMBER RODRIGUEZ: I'm very  
21 interested in this gong that you're going to  
22 ring. That's very unusual but very

1 interesting. How big is it?

2 MS. TAM: Well, it's like that.

3 MEMBER RODRIGUEZ: The  
4 neighborhood's not going to hear this gong at  
5 3 --

6 MS. TAM: It's like --

7 MEMBER RODRIGUEZ: Small. So is  
8 this the first time you're going to do this?

9 MS. TAM: Yes.

10 MEMBER RODRIGUEZ: First time?

11 MS. TAM: First time.

12 MEMBER RODRIGUEZ: And will the  
13 customers know what's going on when the gong  
14 rings?

15 MS. TAM: Well, the bar's like a  
16 big loud, like -- Reason we decide this,  
17 because every time we got to talk to the  
18 customer. Last call is there. Even you don't  
19 finish, it's by 1:55 or 2:55 we still will  
20 take your drink. We always talk to all the  
21 customer. Sometimes is busy. Even they don't  
22 listen to you but when the gong is hit and

1 they will pay attention and --

2 MEMBER RODRIGUEZ: So you're  
3 trying to get their attention and they will  
4 know time's up, right?

5 MS. TAM: Yes, yes.

6 MEMBER RODRIGUEZ: Okay. That was  
7 very interesting and I have no more questions.  
8 I was just curious as to, you know, the noise  
9 factor but sounds like a pleasant situation to  
10 me.

11 MR. MARK: I think you do need a  
12 bigger gong.

13 MS. TAM: Honestly sometimes not  
14 that busy. Most every day we're a lot busy.  
15 The customers come late wanting food.

16 MEMBER RODRIGUEZ: Right. Okay,  
17 well, there were a few questions about, you  
18 know, violations in the past and we hope that  
19 that gong is going to remind people, you know,  
20 about the time factor.

21 MS. TAM: Will remind my whole  
22 staff too and remind me too. I got to control

1 very well. My whole staff say you're going to  
2 do the gong works very well.

3 MEMBER RODRIGUEZ: Thank you so  
4 much, Ms. Tam.

5 MS. TAM: You're welcome.

6 MEMBER ALBERTI: Can I just  
7 interject real quick?

8 CHAIRPERSON MILLER: Okay.

9 MEMBER ALBERTI: I just looked at  
10 the menu. It's getting close to noon and I'm  
11 getting hungry.

12 MR. MARK: Sorry we don't have a  
13 video.

14 MEMBER ALBERTI: Oh, please. I'd  
15 be dying over here.

16 CHAIRPERSON MILLER: I have a  
17 question for you though. We can probably look  
18 at, I know we could look in our records but if  
19 you know the answer to this. I see you're  
20 located near some other Asian restaurants. Do  
21 you know, are their hours later than yours or  
22 --

1 MS. TAM: Yes, they are later than  
2 ours.

3 CHAIRPERSON MILLER: They're later  
4 than yours. So I'm looking, like, at  
5 Chinatown Express and Asian Spice and Sushi Go  
6 Round and --.

7 MS. TAM: Jackey Cafe, New Big  
8 Wong Restaurant. That's just next door.

9 CHAIRPERSON MILLER: Okay. So  
10 your knowledge is most of these have later  
11 hours than yours?

12 MS. TAM: Yes, they open until  
13 5:00 and 4:00. Weekday 4:00, weekend 5:00.

14 CHAIRPERSON MILLER: Okay. All  
15 right, we can check that too. Okay, any other  
16 questions?

17 MALE PARTICIPANT: No.

18 CHAIRPERSON MILLER: Okay, thank  
19 you very much. We'll get back to you.

20 MS. TAM: Thank you so very much,  
21 everyone.

22 MEMBER ALBERTI: Thank you.

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CHAIRPERSON MILLER: Okay, have a  
good day.  
MS. TAM: You have wonderful also.  
(Whereupon, the above-entitled  
matter went off the record at 11:15 a.m.)

<p style="text-align: center;"><b>A</b></p> <p><b>a.m</b> 2:2 21:5  <b>ABC</b> 15:11  <b>ability</b> 3:9  <b>above-entitled</b> 21:4  <b>accurately</b> 3:6  <b>affirm</b> 3:6  <b>ago</b> 13:21  <b>Alberti</b> 1:15 7:19  7:20 8:6,12,16,21  9:4,7,10,17 10:6  10:12,18 11:1,6  11:14,22 12:3,6  12:10,14,19 13:4  19:6,9,14 20:22  <b>alcohol</b> 5:5,14 6:7  15:8,11,16  <b>alcoholic</b> 1:2,11,12  5:1 6:12,22  <b>allows</b> 6:10  <b>amount</b> 5:12  <b>ANC</b> 1:8 2:6  <b>answer</b> 13:6 19:19  <b>Anyway</b> 14:3  <b>application</b> 1:7 4:2  <b>area</b> 12:15,15  <b>argue</b> 10:9  <b>Asian</b> 19:20 20:5  <b>asked</b> 3:14  <b>attention</b> 18:1,3</p>	<p><b>Board</b> 1:2,12 2:13  3:15 4:1,12 7:18  13:9  <b>Brooks</b> 1:16 13:12  13:13,14,18,20  14:1,5,9 15:20  16:2,6,13  <b>Building</b> 1:12  <b>business</b> 7:3 10:9  <b>busy</b> 17:21 18:14  18:14</p>	<p><b>coming</b> 7:21  <b>comment</b> 13:3  <b>common</b> 12:15  <b>comply</b> 6:22  <b>congregate</b> 12:15  <b>control</b> 1:2,11,12  18:22  <b>copies</b> 13:2,5  <b>Corporation</b> 1:6  <b>Correct</b> 12:5  <b>counsel</b> 2:10  <b>count</b> 16:1  <b>couple</b> 16:12  <b>course</b> 10:22  <b>covered</b> 12:11  <b>CR</b> 1:8  <b>curious</b> 18:8  <b>current</b> 4:20  <b>customer</b> 7:8 9:22  11:11 14:10,13,17  14:22 17:18,21  <b>customers</b> 5:13  6:20 10:1,2 17:13  18:15</p>	<p><b>either</b> 14:14 15:1,1  <b>English</b> 3:8,8,16  <b>entire</b> 12:10  <b>entirely</b> 12:12  <b>evening</b> 10:20  <b>everybody</b> 13:2  <b>evidence</b> 4:17  <b>evidentiary</b> 3:22  4:14  <b>Express</b> 20:5  <b>extend</b> 5:4  <b>extra</b> 13:5</p>	<p><b>full</b> 8:10,14 9:22  <b>funny</b> 6:1  <b>further</b> 13:9</p>
<p style="text-align: center;"><b>B</b></p> <p><b>back</b> 20:19  <b>bar</b> 11:10,11 12:1,4  12:7 15:16,17  <b>bar's</b> 14:11 17:15  <b>best</b> 3:9  <b>better</b> 4:4  <b>beverage</b> 1:2,11,12  6:22  <b>beverages</b> 5:1 6:12  <b>beyond</b> 5:5  <b>big</b> 17:1,16 20:7  <b>bigger</b> 18:12  <b>bill</b> 14:20,20,21  <b>bit</b> 5:9 9:14,18  16:12</p>	<p style="text-align: center;"><b>C</b></p> <p><b>Cafe</b> 20:7  <b>call</b> 5:5,13 6:7,11  17:18  <b>called</b> 3:22  <b>Cantonese</b> 2:21 3:1  3:2,3,8,9  <b>chair</b> 12:18 13:15  16:14  <b>Chairperson</b> 1:13  1:15 2:3,9,14,18  3:2,4,11,20 4:9,13  6:3 7:2,5,12,17  13:13 16:15 19:8  19:16 20:3,9,14  20:18 21:1  <b>chairs</b> 12:17  <b>change</b> 1:8 4:3 5:2  7:6  <b>check</b> 20:15  <b>Chinatown</b> 20:5  <b>Chinese</b> 2:20 3:3  7:14  <b>cited</b> 13:15  <b>clear</b> 5:15 6:15  <b>client</b> 5:3,8 6:4  <b>close</b> 6:17 10:7,19  10:20 11:10,10  14:18 19:10  <b>closed</b> 14:12  <b>closing</b> 10:19  <b>COLUMBIA</b> 1:1  <b>come</b> 10:16 11:13  14:10,15,21 15:4  15:7 18:15  <b>comes</b> 6:6 15:12</p>	<p style="text-align: center;"><b>D</b></p> <p><b>D.C</b> 1:13  <b>day</b> 15:6 18:14 21:2  <b>decide</b> 17:16  <b>decided</b> 5:10,17  <b>decision</b> 4:4 10:10  <b>Depend</b> 11:18  <b>described</b> 16:4  <b>dining</b> 8:17  <b>DISTRICT</b> 1:1  <b>document</b> 4:11,19  5:6  <b>doing</b> 5:7  <b>DONALD</b> 1:16  <b>door</b> 5:16 11:10  20:8  <b>doors</b> 6:16  <b>drink</b> 14:22 17:20  <b>dying</b> 19:15</p>	<p style="text-align: center;"><b>F</b></p> <p><b>fact</b> 1:6 2:4 4:1  <b>factor</b> 18:9,20  <b>fairly</b> 6:5  <b>faithfully</b> 3:6  <b>fill</b> 8:9,10 9:12,16  9:21 10:3,15 11:4  <b>filled</b> 11:7  <b>finding</b> 1:6 2:4 4:1  <b>finish</b> 14:13 15:2,9  17:19  <b>first</b> 2:6 8:4,9 9:6,7  9:13,15,18,21,21  9:21 10:1,4,8,8,15  10:16 11:21 12:2  12:4 14:20 17:8  17:10,11  <b>five</b> 14:14  <b>floor</b> 8:4,8,9,15 9:6  9:8,11,13,13,14  9:15,18,19,21,21  10:1,1,2,4,5,8,15  11:20,21 12:1,2,4  12:7,11  <b>floors</b> 8:13,18  10:20 11:4,7,15  <b>followed</b> 5:11  <b>food</b> 5:5 7:13,14  10:4 11:13 12:21  18:15  <b>foods</b> 7:9  <b>Four</b> 7:4  <b>Friday</b> 8:22 9:1  <b>Fridays</b> 11:2  <b>friendly</b> 7:10</p>	<p style="text-align: center;"><b>G</b></p> <p><b>Gene</b> 2:10  <b>getting</b> 19:10,11  <b>give</b> 4:12 5:14  16:10,10  <b>go</b> 5:7 9:22 14:16  20:5  <b>goes</b> 10:4  <b>going</b> 5:1,2,20 10:9  13:5 16:21 17:4,8  17:13 18:19 19:1  <b>gong</b> 5:21 6:7,13,16  16:21 17:4,13,22  18:12,19 19:2  <b>good</b> 6:18 16:17,19  21:2  <b>Great</b> 13:7  <b>guess</b> 10:10</p>
		<p style="text-align: center;"><b>E</b></p> <p><b>early</b> 16:12  <b>easy</b> 6:2</p>	<p style="text-align: center;"><b>H</b></p> <p><b>H</b> 1:7 2:5  <b>half</b> 7:4 11:19  <b>hand</b> 3:5  <b>happened</b> 15:20  <b>hear</b> 17:4  <b>heard</b> 16:8  <b>hearing</b> 1:7,12 2:4  3:22  <b>HECTOR</b> 1:16  <b>hit</b> 6:16 17:22  <b>hits</b> 6:7,13  <b>hold</b> 5:10  <b>Honestly</b> 18:13  <b>hope</b> 4:19 5:6 18:18  <b>hour</b> 14:8  <b>hours</b> 1:8 4:3,20,21  5:4 7:6 13:16  14:9 19:21 20:11  <b>house</b> 8:14  <b>hungry</b> 19:11</p>	
			<p style="text-align: center;"><b>I</b></p> <p><b>important</b> 5:11  <b>informal</b> 4:17</p>	

<b>intends</b> 5:7	<b>looked</b> 19:9	<b>minute</b> 14:13 16:12	12:19,20 13:4,6	20:16
<b>interested</b> 16:21	<b>looking</b> 4:16 11:13	<b>minutes</b> 14:14	14:6 15:3 16:2,6	<b>quick</b> 19:7
<b>interesting</b> 17:1	20:4	<b>mistake</b> 14:3,5	16:15 18:6,16	<b>quote</b> 4:16
18:7	<b>lot</b> 7:7 18:14	15:18,19	19:8 20:9,14,15	
<b>interject</b> 10:11	<b>loud</b> 17:16	<b>misunderstand</b>	20:18 21:1	<b>R</b>
19:7	<b>love</b> 7:9	10:13	<b>open</b> 7:8 9:11,13,18	<b>raise</b> 3:5
<b>interpret</b> 3:7		<b>Monday</b> 8:21 9:1,1	10:17 11:19 20:12	<b>ready</b> 14:18
<b>interpreter</b> 2:12,15	<b>M</b>	<b>morning</b> 5:9 11:16	<b>operate</b> 8:1	<b>real</b> 19:7
2:17,20 3:1,3,10	<b>Madam</b> 13:15	16:18,19	<b>operating</b> 7:3 8:17	<b>realize</b> 6:20
3:14,19 4:16	16:13	<b>MT</b> 1:6	8:22 9:5	<b>really</b> 10:7 11:15
<b>interpreting</b> 2:19	<b>MALE</b> 20:17		<b>operation</b> 4:20	14:22
<b>introduce</b> 2:7	<b>manage</b> 6:19	<b>N</b>	<b>order</b> 6:21	<b>Reason</b> 17:16
<b>investigation</b> 15:12	<b>Mandarin</b> 2:20,22	<b>N.W</b> 1:13	<b>owner</b> 2:11	<b>recall</b> 13:21
	<b>Mark</b> 2:9,10 3:12	<b>name</b> 2:10,16		<b>record</b> 2:8 13:3,7
<b>J</b>	3:13 4:11,18 6:1,4	<b>near</b> 19:20	<b>P</b>	21:5
<b>Jackey</b> 20:7	7:15 10:11,14	<b>nearby</b> 11:9	<b>P-R-O-C-E-E-D-...</b>	<b>records</b> 19:18
<b>JAMES</b> 1:17	12:8,13,16 13:11	<b>need</b> 13:6 18:11	2:1	<b>reenter</b> 4:5
<b>July</b> 13:22	18:11 19:12	<b>neighborhood's</b>	<b>paid</b> 15:13	<b>Reeves</b> 1:12
<b>June</b> 1:10	<b>matter</b> 1:5 3:7 21:5	17:4	<b>PARTICIPANT</b>	<b>regular</b> 7:8
	<b>mean</b> 8:19 14:8	<b>nervous</b> 4:6	20:17	<b>regulations</b> 7:1
<b>K</b>	<b>MEETING</b> 1:3	<b>New</b> 20:7	<b>pay</b> 14:19,20,20	<b>remain</b> 5:2
<b>keep</b> 9:11	<b>Member</b> 1:15,16	<b>nice</b> 6:5 7:10	18:1	<b>remind</b> 18:19,21,22
<b>kept</b> 5:19	1:16,17 7:20 8:6	<b>NICK</b> 1:15	<b>people</b> 5:15 8:2,5	<b>request</b> 7:8
<b>kind</b> 7:12	8:12,16,21 9:4,7	<b>night</b> 6:9,9	10:16 11:3 12:15	<b>requested</b> 2:13
<b>know</b> 3:21 5:13	9:10,17 10:6,12	<b>nobody's</b> 4:15	18:19	3:19
6:11,20 12:20	10:18 11:1,6,14	<b>noise</b> 18:8	<b>percent</b> 8:10	<b>respect</b> 2:4 4:22
13:1 15:22 17:13	11:22 12:3,6,10	<b>noon</b> 19:10	<b>percentage</b> 12:21	<b>rest</b> 13:8
18:4,8,18,19	12:14,19 13:4,14	<b>Normally</b> 9:12 10:3	<b>person</b> 6:5	<b>restaurant</b> 7:11 8:1
19:18,19,21	13:18,20 14:1,5,9	<b>Northwest</b> 2:5	<b>picture</b> 15:16,17	8:2,3 11:9,12 20:8
<b>knowledge</b> 20:10	15:20 16:2,6,13	<b>nothing's</b> 5:1	<b>place</b> 12:11	<b>restaurants</b> 19:20
	16:17,20 17:3,7	<b>notifies</b> 6:14	<b>pleasant</b> 18:9	<b>Retailer</b> 1:8
<b>L</b>	17:10,12 18:2,6	<b>number</b> 2:6 7:21	<b>please</b> 19:14	<b>right</b> 3:5,12 4:10
<b>language</b> 2:19	18:16 19:3,6,9,14	<b>NW</b> 1:7	<b>prefer</b> 3:17	6:14 7:18,20 12:6
<b>large</b> 8:1			<b>PRESENT</b> 1:14	13:9 18:4,16
<b>late</b> 7:8,9 9:10	<b>members</b> 4:1	<b>O</b>	<b>presiding</b> 1:13	20:15
18:15	<b>menu</b> 7:15,16	<b>o'clock</b> 6:16 8:17	<b>pricing</b> 7:11	<b>ring</b> 16:22
<b>late-night</b> 8:16	19:10	11:2,15 14:3 15:5	<b>probably</b> 19:17	<b>rings</b> 17:14
<b>Laughter</b> 5:22	<b>met</b> 1:12 6:21	16:10	<b>proceedings</b> 3:7	<b>Robert</b> 2:17,18
<b>lays</b> 5:6	<b>Michelle</b> 2:11 3:13	<b>oath</b> 4:15	<b>process</b> 5:18	<b>Rodriguez</b> 1:16
<b>Lee</b> 2:17,18	14:22	<b>occupied</b> 12:12	<b>proposed</b> 4:21	16:16,17,20 17:3
<b>left</b> 2:11 10:1	<b>Miller</b> 1:13,15 2:3	<b>occupy</b> 11:15	<b>put</b> 4:18 5:18	17:7,10,12 18:2,6
<b>License</b> 1:7 2:6	2:9,14,18 3:2,4,11	<b>offhand</b> 12:21		18:16 19:3
<b>listen</b> 17:22	3:13,20 4:9,13 6:3	<b>Oh</b> 3:1 19:14	<b>Q</b>	<b>Room</b> 1:12
<b>little</b> 5:8,18 9:14,18	7:2,5,12,17 13:13	<b>okay</b> 2:3,8,16,19	<b>quarter</b> 11:12	<b>Round</b> 20:6
16:12	16:15 19:8,16	3:4,11,20 4:8,9,13	<b>question</b> 3:17,18	<b>Ruthanne</b> 1:13,15
<b>located</b> 2:5 19:20	20:3,9,14,18 21:1	6:8 7:5,17 8:12,13	11:1 19:17	
<b>long</b> 3:17 7:2 13:21	<b>Ming's</b> 1:6 2:5,10	8:21 10:6,18 11:6	<b>questions</b> 4:2 7:18	<b>S</b>
<b>look</b> 19:17,18	2:12 4:20	11:14,22 12:6,19	7:21 13:9 18:7,17	<b>sale</b> 4:22

sales 12:21	12:12,16	11:9,18 16:9	<b>10:58</b> 2:2
<b>Saturday</b> 11:16	<b>take</b> 15:2,8,9,10,14		<b>11:15</b> 21:5
<b>Saturdays</b> 11:2	15:15,17 17:20	<b>V</b>	<b>12</b> 14:1 16:3
<b>saying</b> 10:15	<b>talk</b> 17:17,20	<b>video</b> 19:13	<b>14th</b> 1:12
<b>seat</b> 8:2	<b>Tam</b> 2:11,13,21	<b>violations</b> 18:18	<b>2</b>
<b>seating</b> 12:12	3:14 4:8 5:17 7:4		2 6:16 11:15 15:5
<b>second</b> 2:15 8:8	7:7,14 8:4,7,14,19	<b>W</b>	<b>2:55</b> 17:19
9:11,13,14,17,22	9:3,6,9,12,20	<b>Wait</b> 2:14	<b>2000</b> 1:12
10:2,3,4,17 11:20	10:22 11:5,8,17	<b>want</b> 2:6 3:14 4:6	<b>2012</b> 13:22 14:6
12:1,7,11	12:2,5,9,18 13:17	7:6	16:3
<b>see</b> 7:16 19:19	13:19,22 14:2,7	<b>wanted</b> 2:13 5:19	<b>2014</b> 1:10 14:6,7
<b>sense</b> 7:22	14:10 15:22 16:5	<b>wanting</b> 18:15	16:4
<b>serve</b> 5:5 7:13	16:8,17,19 17:2,6	<b>wants</b> 14:22	<b>2C</b> 1:8 2:6
<b>server</b> 14:11,12,15	17:9,11,15 18:5	<b>Washington</b> 1:13	
14:21 15:1,4,7,10	18:13,21 19:4,5	<b>watching</b> 15:13	<b>3</b>
<b>servers</b> 5:14 6:10	20:1,7,12,20 21:3	<b>way</b> 6:18	<b>3</b> 14:3 16:10 17:5
6:14 15:18	<b>tell</b> 14:11 15:1	<b>we'll</b> 15:9 20:19	<b>3:00</b> 11:8,12 15:6
<b>serving</b> 13:16	<b>ten</b> 14:13	<b>we're</b> 4:16 14:18	<b>3:10</b> 16:11
<b>Seventy</b> 8:6	<b>testifying</b> 4:15	18:14	<b>4</b>
<b>share</b> 13:8	<b>thank</b> 3:11 4:8 7:20	<b>we've</b> 9:20	4 1:10
<b>shift</b> 6:10	13:7,10,11,14	<b>weather</b> 11:18	<b>4:00</b> 11:9,9 20:13
<b>SHORT</b> 1:17	16:13 19:3 20:18	<b>week</b> 8:19	20:13
<b>simple</b> 5:20 6:2	20:20,22	<b>weekday</b> 8:8 20:13	<b>5</b>
<b>situation</b> 18:9	<b>think</b> 6:4,6,18	<b>weekend</b> 8:9,20 9:9	5:00 20:13,13
<b>Small</b> 17:7	10:14 13:4 18:11	20:13	<b>6</b>
<b>soft-spoken</b> 6:5	<b>Thursday</b> 9:2,3	<b>weekends</b> 9:8	617 1:6,7 2:5
<b>solemnly</b> 3:5	15:7	<b>welcome</b> 19:5	69 8:8
<b>sorry</b> 2:21 12:20	<b>time</b> 5:12,14 6:6,15	<b>went</b> 21:5	<b>7</b>
14:4 15:18 19:12	9:15 10:21 11:7	<b>wintertime</b> 11:20	7-0 8:7
<b>sounds</b> 18:9	11:18 13:17,19,20	<b>wonderful</b> 21:3	70 8:4,7
<b>Spice</b> 20:5	16:1,2,11,12 17:8	<b>Wong</b> 20:8	<b>8</b>
<b>spoken</b> 5:8	17:10,11,17 18:20	<b>work</b> 6:6 7:9	80 8:10
<b>staff</b> 6:11,19 7:10	<b>time's</b> 18:4	<b>works</b> 19:2	83415 1:7 2:6
7:10 18:22 19:1	<b>times</b> 13:18 16:7		
<b>Street</b> 1:7,13 2:5	<b>timetables</b> 5:11	<b>X</b>	
<b>sufficient</b> 5:12	6:21	<b>Y</b>	
<b>summarizes</b> 4:19	<b>trying</b> 7:22 18:3	<b>year</b> 13:22	
<b>summertime</b> 11:19	<b>twice</b> 15:21	<b>years</b> 7:4	
<b>supervisor</b> 15:11	<b>two</b> 16:6		
<b>sure</b> 3:17 5:19 6:19	<b>U</b>	<b>Z</b>	
<b>Sushi</b> 20:5	<b>understand</b> 3:15	<b>0</b>	
<b>swear</b> 2:15	3:16 4:3	<b>1</b>	
<b>symbol</b> 16:9	<b>understanding</b>	1 8:17 11:2	
<b>T</b>	10:7	<b>1:45</b> 14:11	
<b>t/a</b> 1:6	<b>understood</b> 3:18	<b>1:55</b> 15:3 17:19	
<b>table</b> 12:18 15:5,7	<b>unusual</b> 16:22	<b>1:58</b> 15:2	
<b>tables</b> 5:15 6:15	<b>usually</b> 9:14 11:5,8		