

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

IN THE MATTER OF:

Pasha International, Inc.
t/a Pizza No. 17
1523 17th Street, NW
Retailer CR - ANC-2B
License No. 72743
Case #15-CMP-00213

Fact-
Finding
Hearing

(Request for Hearing
Regarding Cease & Desist
Order No. 2015-284)

June 24, 2015

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

PRESENT:

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

ALSO PRESENT:

JASON PERU, ABRA Investigator

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

2 11:07 a.m.

3 CHAIRPERSON MILLER: All right. Which
4 brings us to, I believe, our last case of the
5 morning, which is a Fact-Finding Hearing, Case
6 No. 15-CMP-00213, Pasha International, Inc. t/a
7 Pizza No. 17 located at 1523 17th Street, N.W.,
8 License No. 72743, in ANC-2B.

9 Okay. Let's start with introductions
10 on the right.

11 MR. KERTMEN: My name is Bugra last
12 name is Kertmen.

13 CHAIRPERSON MILLER: Okay. Could you
14 spell your name?

15 MR. KERTMEN: B, as in boy, U, as in
16 umbrella, G, as in goat, R-A, as in apple.

17 CHAIRPERSON MILLER: And you are?

18 MR. KERTMEN: I am the manager of the
19 Pizza No. 17.

20 CHAIRPERSON MILLER: You are the -- I
21 think I need you to speak up a little louder.

22 MR. KERTMEN: Manager.

1 CHAIRPERSON MILLER: Manager?

2 MR. KERTMEN: Manager.

3 CHAIRPERSON MILLER: Of Pizza 17?

4 MR. KERTMEN: Yes. I'm managing the
5 store at the moment.

6 CHAIRPERSON MILLER: Okay. And you
7 are?

8 MR. YAZDANI: Payam Yazdani. I'm the
9 owner.

10 MEMBER SILVERSTEIN: Please speak into
11 the microphone that we can hear you.

12 MR. YAZDANI: I'm Payam Yazdani, the
13 owner of the pizzeria.

14 CHAIRPERSON MILLER: Okay. And I'm
15 sorry, you are Mr. Yazdani?

16 MR. YAZDANI: Yes, ma'am.

17 CHAIRPERSON MILLER: And how do you --
18 how would you identify yourself?

19 MR. YAZDANI: I am owner.

20 CHAIRPERSON MILLER: Of the -- with
21 respect to this case, Pizza 17?

22 MR. YAZDANI: I'm the president of the

1 company.

2 CHAIRPERSON MILLER: Okay.

3 MR. YAZDANI: The owner.

4 CHAIRPERSON MILLER: You're the owner?
5 Are you the owner?

6 MR. YAZDANI: Yes.

7 CHAIRPERSON MILLER: Okay. Mr. Peru?

8 INVESTIGATOR PERU: Investigator Jason
9 Peru with ABRA.

10 CHAIRPERSON MILLER: Okay. So we are
11 here, I believe, as somewhat a result of a cease
12 and desist order that was issued against the
13 owners of Pizza 17. And we got a letter from Mr.
14 Yazdani asking, you know, for this hearing to be
15 heard or whatever. And I think it makes sense if
16 we start with Mr. Peru, who did the
17 investigation, to unearth some things in this
18 case, you know, related to ownership, etcetera
19 that we need to discuss at the hearing and get
20 straightened out.

21 So I think it would be a good idea to
22 start with Mr. Peru. If that's all right with

1 you, Mr. Peru?

2 INVESTIGATOR PERU: Yes, no, that's
3 fine.

4 CHAIRPERSON MILLER: Okay. Good.

5 INVESTIGATOR PERU: I'll just go, I
6 guess, in my report and what I did that day.

7 CHAIRPERSON MILLER: Wait. Excuse me.
8 I'm sorry. You do have a copy of Mr. Peru's
9 report, correct? His investigative report?

10 MR. YAZDANI: Yes.

11 CHAIRPERSON MILLER: Okay. All right.

12 INVESTIGATOR PERU: It was on
13 Thursday, April 9th. I went there. I was doing
14 ROIs on inspections on 17th Street and Pizza No.
15 17 was in my group of ROIs to what they did.

16 So I entered the establishment. There
17 was a male employee working in the establishment.
18 I identified myself to him, asked like I always
19 do for the ABC Manager or the owner.

20 That person then grabbed Mr. Kertmen.
21 Mr. Kertmen came out of the back and identified
22 himself to me as the owner of the establishment.

1 And he said that he had purchased the corporate
2 name and the trade name from the previous owner,
3 Mr. Yazdani.

4 He asked -- you know, I asked him if
5 the license and everything was transferred,
6 everything was done through ABRA. He was not
7 aware of that, didn't know about the process. He
8 said he would have to contact Mr. Yazdani, which
9 he did. He contacted him via telephone and
10 requested that I speak with him on the phone. So
11 I talked with Mr. Yazdani via the telephone.

12 He said that he was the previous
13 owner. He said that he sold the business to Mr.
14 Kertmen. I explained to him the procedures that
15 he had to go through with ABRA in transferring
16 the license and ownership if, in fact, he did
17 sell the business.

18 He said that he had not done that with
19 ABRA. I also, you know, mentioned to him that
20 being that Mr. Kertmen was not the owner and that
21 there was no ABC Manager there, that there was an
22 additional violation of not having a licensed

1 person on premises.

2 And then I also, you know, reiterated
3 that to Mr. Kertmen in reference to the
4 procedures for obtaining a 90-day license for an
5 ABC Manager, because Mr. Kertmen presented an
6 employee Certificate for Alcohol Awareness, but
7 it was not an ABC Manager license.

8 I explained to him that wasn't a
9 license. And Mr. Kertmen had very little
10 knowledge of where things were in the
11 establishment, invoices, you know, the C of O was
12 never located while I was there doing my
13 inspection.

14 So it was clear that Mr. Kertmen had
15 just taken over the business, but really was kind
16 of figuring things out still.

17 And so when I -- on Friday the 10th, I
18 checked -- I pulled the ABRA records to see, you
19 know, what ABRA was showing ownership, any
20 transfers had taken place and everything that I
21 found on file was still showing Mr. Yazdani as
22 the owner.

1 And I also checked with the Licensing
2 Division and confirmed that, at that point, as of
3 April 10th, there was no ownership paperwork filed
4 as a change.

5 So I was able to -- you know, I have
6 copies in the report that I have of the
7 application and the renewal application showing
8 that Mr. Yazdani was still the actual owner,
9 according to ABRA records. That's all I have.

10 CHAIRPERSON MILLER: Okay. Thank you.
11 Any questions right now for Mr. Peru? We might
12 as well turn to Mr. Yazdani and Mr. --

13 MEMBER SILVERSTEIN: So, yes, I do.

14 CHAIRPERSON MILLER: Yes, okay.

15 MEMBER SILVERSTEIN: Mr. Peru,
16 according then to your records, Mr. Yazdani is
17 still with this Agency the legal owner and
18 operator of this establishment?

19 INVESTIGATOR PERU: Yes, sir. As to
20 my last checkup on this, which was in April,
21 April 10th, he was the legal owner on record. I'm
22 not aware of any transfer that was made since

1 then.

2 MEMBER SILVERSTEIN: And when you went
3 in there on April 9th, regardless of what you were
4 told, was there an ABC Manager on duty?

5 INVESTIGATOR PERU: No. No, sir. No,
6 sir. No, there was no ABC Manager present.

7 MEMBER SILVERSTEIN: But Mr. Kertmen
8 said to you, it is your testimony, that he was
9 the owner or was in the process of buying or
10 something?

11 INVESTIGATOR PERU: No. It was he was
12 the owner and had purchased. Not in the process,
13 had done it, yes.

14 MEMBER SILVERSTEIN: Okay. Very well.
15 No further questions.

16 CHAIRPERSON MILLER: Okay. Others
17 right now? All right. Which of -- whoever would
18 like to speak first?

19 MR. YAZDANI: I think that the
20 Investigator was absolutely right in everything.

21 MEMBER SILVERSTEIN: Please, speak up.
22 I have a hearing impairment and I would ask that

1 you speak up.

2 MR. YAZDANI: I believe that the
3 Investigator was absolutely right in everything
4 that he had said.

5 Mr. Kertmen and I had made a verbal
6 agreement to purchase the business. He came on
7 as a manager for me, at that time, to be able to
8 see the business and see if he was going to move
9 on and purchase the business from me.

10 We are still in that process right
11 now. I am the owner. I have been the owner the
12 whole time.

13 MEMBER SILVERSTEIN: Has there been a
14 Bill of Sale? Is there any paperwork? Is there
15 -- you are the owner. You do not dispute the ABC
16 documentation that you are the owner?

17 MR. YAZDANI: I am the owner, sir.

18 MEMBER SILVERSTEIN: And, Mr. Kertmen,
19 could you explain the misrepresentation here?

20 MR. KERTMEN: I think that it's only
21 about some miscommunication. It's -- this might
22 go about my English, too, on process. It's not

1 really that good.

2 CHAIRPERSON MILLER: What is --

3 MR. KERTMEN: So when I --

4 CHAIRPERSON MILLER: -- excuse me.

5 What is your language, your first language?

6 MR. KERTMEN: The first language is
7 Turkish.

8 CHAIRPERSON MILLER: Turkish.

9 MR. KERTMEN: Yes.

10 CHAIRPERSON MILLER: Okay.

11 MR. KERTMEN: So when the -- Mr. --

12 I'm sorry, when he came to the store, when we
13 were talking, when I say I purchased it, this
14 mean like I am thinking to like purchase this.
15 So I didn't want to get into details, so when he
16 was asking me the question, I was talk -- I was
17 thinking like we are having a conversation. So I
18 wasn't like aware of like he is like following
19 the legal procedure. So that's why I said I
20 purchased it, but it was my idea to purchase
21 this, so I didn't want to get into detail, but we
22 talk with him and try to explain to him. So I

1 was -- that is what I was thinking.

2 Later on we saw the report and that
3 was basically the legal portion, basically it's
4 still his business. All the name, like all the
5 license on his name. I am only at the moment
6 like managing the place, basically, to see if I
7 really want to purchase it or not how the
8 business run. That was my job there.

9 So when the gentleman showed at the
10 business, so it was I think the first April 9th
11 and when I get to the store, I started from April
12 1st to see how it is going, started managing it,
13 so that I wasn't aware of so many things when he
14 was asking me. So I couldn't really help him so
15 much.

16 And basically, the gentleman, the male
17 employee there who has the certificate thought
18 that was the license. And he explained to me
19 that is not the license, he needs to take that
20 certificate to come here and apply for it. And
21 basically, we told him now he has already his
22 license also, so it's all good.

1 MEMBER SILVERSTEIN: Have you applied
2 for it?

3 MR. KERTMEN: Me?

4 MEMBER SILVERSTEIN: Yes, for the ABC
5 Manager's License?

6 MR. KERTMEN: I haven't applied yet.

7 MEMBER SILVERSTEIN: You have not
8 applied for that yet?

9 MR. KERTMEN: Not yet.

10 MEMBER SILVERSTEIN: Okay.

11 MR. YAZDANI: May I?

12 MEMBER SILVERSTEIN: Mr. Yazdani?

13 MR. YAZDANI: I have -- currently I
14 have two other ABC managers that are working over
15 there.

16 MEMBER SILVERSTEIN: And you are
17 working there as well?

18 MR. YAZDANI: Yes. So it's --

19 MEMBER SILVERSTEIN: So you are
20 covered?

21 MR. YAZDANI: -- one manager --

22 MEMBER SILVERSTEIN: You say that you

1 would be covered all the time if you had --

2 MR. YAZDANI: Yes, sir.

3 MEMBER SILVERSTEIN: Mr. Peru?

4 INVESTIGATOR PERU: Yes?

5 MEMBER SILVERSTEIN: Do you have any
6 response to this?

7 MEMBER ALBERTI: Do we know when this
8 was issued?

9 INVESTIGATOR PERU: All I know is what
10 I was told that day and what I observed, you
11 know.

12 MEMBER SILVERSTEIN: Very well.

13 INVESTIGATOR PERU: And it seems clear
14 to me that -- you know, and that's why I did the
15 courtesy of verifying on the phone with Mr.
16 Yazdani and confirming, you know, what Mr.
17 Kertmen is saying. So if there was a
18 miscommunication between myself and Mr. Kertmen,
19 Mr. Yazdani cleared that up to me on the phone
20 that business was now being -- was not owned by
21 Mr. Kertmen.

22 So I -- Mr. -- I haven't been back to

1 the establishment since. You know, that's
2 obviously -- I will go back and ensure that there
3 is an ABC manager working during the hours that
4 they are open. But at the time that I was there,
5 all the information that was related to me, it
6 was clear on who had taken over ownership, who
7 was running the establishment and what direction
8 that it was going.

9 And this was April. So this is May,
10 June, this is two months ago. So, you know,
11 since then whether there has been -- on their
12 business end, there have been breaks. You know,
13 they haven't done anything. No transfers have
14 been put into play, you know. That's -- the
15 information that I provided, I think, is
16 accurate.

17 MEMBER SILVERSTEIN: Okay. I have no
18 further questions. If anyone wants to follow-up?

19 CHAIRPERSON MILLER: Mr. Short?

20 MEMBER SHORT: Yes. This is to the
21 owner.

22 MR. YAZDANI: Yes, sir.

1 MEMBER SHORT: Once the cease and
2 desist order was handed to you, did that signal
3 to you that you needed to come to this office and
4 get your business straightened out with the city?

5 MR. YAZDANI: Yes, sir.

6 MEMBER SHORT: Did you do that?

7 MR. YAZDANI: I sent a letter in to
8 have this meeting, to have this hearing.

9 MEMBER SHORT: How long have you been
10 in business? I mean, how long have you been in
11 business? I mean, this business or any other
12 business.

13 MR. YAZDANI: Going on about 10 years
14 now, sir.

15 MEMBER SHORT: How many businesses in
16 Washington, D.C.?

17 MR. YAZDANI: This is the second one.

18 MEMBER SHORT: Second one. And do you
19 own that first business also?

20 MR. YAZDANI: Yes, sir.

21 MEMBER SHORT: Did you have to get the
22 proper licenses and go through to own the

1 business?

2 MR. YAZDANI: Yes, sir, I did.

3 MEMBER SHORT: So did you know you had
4 to do the same thing with this business?

5 MR. YAZDANI: Yes, sir.

6 MEMBER SHORT: Did you do that?

7 MR. YAZDANI: I have not sold this
8 business yet. I guarantee that when there is a
9 Bill of Sale and there is a transfer of money,
10 all those steps will be gone through, but
11 currently those things haven't happened.

12 MEMBER SHORT: So you have no Bill of
13 Sale for this business?

14 MR. KERTMEN: Yes, so basically we --
15 I'm sorry, if I may. So basically we come to
16 talk to you before. He is my friend also very
17 much.

18 MEMBER SHORT: Okay.

19 MR. KERTMEN: We know each other. And
20 I used to also work like as his manager before
21 this place like become Pizza No. 17. It used to
22 be called Pasha Bistro and we used to work

1 together in that time, too, also so we kind of
2 partnership there, too.

3 So when we talk to him, we basically
4 make some kind of deal between us. I was going
5 to come into the place and check a couple of
6 months. Maybe I don't -- like September if I
7 decided to buy it and we -- from then we are
8 going to go from there, sir. So transferring the
9 license and everything, Bill of Sale and
10 everything, but basically now we haven't done
11 anything yet.

12 So basically it still is his place.
13 I'm just there to just check the business how it
14 goes to see. And I'm sorry about the, you know,
15 miscommunication between --

16 MEMBER SHORT: Okay. Now that you
17 know all of these things and now that you know
18 you have to get things approved, when do you plan
19 on filing for an appropriate license?

20 MR. KERTMEN: In like September I am
21 thinking if I decided to buy the current like
22 business. In September probably I going to be

1 sitting and applying for everything.

2 MEMBER SHORT: So currently you don't
3 have a license?

4 MR. KERTMEN: No.

5 MEMBER SHORT: Okay. So you have a
6 cease and desist still in place now?

7 MR. KERTMEN: I'm sorry, what was
8 that, sir?

9 MR. YAZDANI: Yes.

10 MEMBER SHORT: The order.

11 MR. YAZDANI: We are here to discuss
12 the cease and desist.

13 CHAIRPERSON MILLER: Yes.

14 MEMBER SHORT: But you say you are
15 waiting until September. This is July.

16 MEMBER SILVERSTEIN: Let me clear it.

17 MEMBER ALBERTI: May I?

18 CHAIRPERSON MILLER: Yes. I think a
19 lot of --

20 MEMBER SHORT: Because I'm confused.

21 CHAIRPERSON MILLER: Okay.

22 MEMBER ALBERTI: Mr. Short, Mr. Short,

1 Mr. Kertmen says that today that he does -- that
2 he is thinking of owning the business. So as of
3 today, there has been no sale of the business.

4 MEMBER SHORT: Okay.

5 MEMBER ALBERTI: Mr. Kertmen doesn't
6 have a manager's license. That is probably not
7 helpful to them, but that's their decision. But
8 right now, there is no -- their statement is that
9 there is no -- has been no sale of the business.

10 MEMBER SILVERSTEIN: Also he doesn't
11 need a license.

12 MEMBER ALBERTI: So the license
13 remains, if that's true, then the license remains
14 with Mr. Yazdani. Okay?

15 MEMBER SHORT: Well, right now they
16 are not selling any alcohol.

17 MEMBER ALBERTI: Well, because of the
18 cease and desist they are not and they have asked
19 us to lift the cease and desist.

20 MEMBER SHORT: Okay.

21 MEMBER ALBERTI: Because Mr. Yazdani
22 is telling us today that he still owns and

1 manages the restaurant.

2 MEMBER SHORT: Okay. Good. So the
3 last question that I actually was asking is
4 someone said in September they may come down and
5 apply for it.

6 MEMBER ALBERTI: Right.

7 MEMBER SHORT: Okay. All right.

8 MEMBER ALBERTI: Right. Okay.

9 MEMBER SILVERSTEIN: If he wants to
10 buy the place.

11 MEMBER SHORT: Right.

12 MEMBER ALBERTI: All right.

13 MEMBER SHORT: So the cease and desist
14 until somebody comes down and applies --

15 MEMBER ALBERTI: No.

16 MEMBER SILVERSTEIN: No.

17 CHAIRPERSON MILLER: No.

18 MEMBER ALBERTI: If we determine that
19 Mr. Yazdani has not sold the business and is
20 still operating and managing it, then they would
21 be allowed to open. But that's what we are here
22 to determine today.

1 MEMBER SHORT: Okay. All right.

2 MEMBER ALBERTI: Okay?

3 MEMBER SHORT: That's a little
4 clearer. Thank you.

5 CHAIRPERSON MILLER: Mr. Silverstein?

6 MEMBER SILVERSTEIN: Okay. Mr.
7 Yazdani, the cease and desist order was issued,
8 my understanding, because there was some question
9 as to whether you were the true and actual owner
10 and whether this place had been sold.

11 You are representing to us that you
12 are the true and actual owner at this time of
13 Pizza No. 17, that you are operating it and that
14 the idea that you are not the true and actual
15 owner was in error?

16 MR. YAZDANI: Yes.

17 MEMBER SILVERSTEIN: Is that your
18 representation?

19 MR. YAZDANI: Yes. I am the owner.

20 MEMBER SILVERSTEIN: That you are
21 saying you have never sold the place?

22 MR. YAZDANI: I have not sold it.

1 MEMBER SILVERSTEIN: That no money has
2 changed hands?

3 MR. YAZDANI: No, sir.

4 MEMBER SILVERSTEIN: That there was no
5 contract signed although the two of you as
6 business partners and friends have discussed the
7 possibility?

8 MR. YAZDANI: Yes, sir.

9 MR. KERTMEN: Actually that might be
10 my mistake when the gentleman came to the store,
11 because I was talking like having a conversation,
12 sir, and I said I purchased it.

13 MEMBER SILVERSTEIN: And if any
14 purchase or sale were --

15 MR. KERTMEN: No.

16 MEMBER SILVERSTEIN: -- to take place,
17 it would be in the future?

18 MR. KERTMEN: Yes. Yes, yes, exactly.

19 MR. YAZDANI: Yes, sir.

20 MR. KERTMEN: Sorry about the
21 confusion.

22 MEMBER SILVERSTEIN: Okay.

1 MEMBER SHORT: I'm just --

2 MEMBER SILVERSTEIN: It's quite

3 confusing.

4 MR. KERTMEN: Yes.

5 MEMBER SHORT: So right now, you are

6 the legal owner and you are the person who wants

7 to buy it.

8 MR. KERTMEN: Yes, yes.

9 MEMBER SHORT: Who told the

10 Investigator he was the owner?

11 MR. KERTMEN: Yes, correct. That was

12 my mistake.

13 MEMBER SILVERSTEIN: Okay.

14 CHAIRPERSON MILLER: Others?

15 MEMBER ALBERTI: Madam Chair?

16 CHAIRPERSON MILLER: Mr. Alberti?

17 MEMBER ALBERTI: Okay. So actually

18 I'm going to not make any assumptions. I mean,

19 you have made your statement. I want to get some

20 facts out before I make my decision, Mr.

21 Silverstein.

22 Mr. Yazdani, do you still hold the

1 lease to this property?

2 MR. YAZDANI: Yes.

3 MEMBER ALBERTI: Is this property
4 leased by you or do you own this property?

5 MR. YAZDANI: It's leased by me.

6 MEMBER ALBERTI: It's leased by you.

7 Okay. So who is the -- can you give us a name of
8 the person with whom you have the lease and
9 contact information?

10 MR. YAZDANI: Sure.

11 MEMBER ALBERTI: The landlord?

12 MR. YAZDANI: Sure.

13 MEMBER ALBERTI: Can you give that to
14 us?

15 MR. YAZDANI: Yes.

16 MEMBER ALBERTI: Do you know it now?

17 MR. YAZDANI: I have a copy of the
18 lease with me.

19 MEMBER ALBERTI: Okay. Great. So can
20 we get a copy of that lease, please?

21 MR. YAZDANI: Sure.

22 MEMBER ALBERTI: All right. So we can

1 follow-up to make sure that the lease is still
2 current.

3 MR. YAZDANI: There is also an
4 addendum to the lease that is going to go with
5 that also.

6 MEMBER ALBERTI: Okay. I'm not really
7 so concerned about the terms. Yes, let's see the
8 lease. I mean, what I'm interested in is -- we
9 will have someone follow-up to see that the lease
10 is still current.

11 MR. YAZDANI: Okay.

12 MEMBER ALBERTI: And that will confirm
13 that you still are, you know -- all right. So
14 who owns -- and you are telling us that you still
15 own is it Pasha International?

16 MR. YAZDANI: The company, yes, sir.

17 MEMBER ALBERTI: All right. Who else
18 is a member of that company?

19 MR. YAZDANI: Just myself.

20 MEMBER ALBERTI: Just yourself. Okay.
21 And have you sold that company recently to --

22 MR. YAZDANI: No, sir.

1 MEMBER ALBERTI: -- anybody? Okay.
2 Great. So it's your statement today that you
3 still operate this, manage and operate this
4 establishment. Is that correct?

5 MR. YAZDANI: Yes, sir.

6 MEMBER ALBERTI: All right. So I
7 would assume that you are managing the proceeds
8 from this establishment. Is that correct?

9 MR. YAZDANI: Yes, sir.

10 MEMBER ALBERTI: All right. Do you
11 have any proof that you are still -- that the
12 proceeds from this operation are still going into
13 accounts that you or your company owns?

14 MR. YAZDANI: I don't have that with
15 me, sir.

16 MEMBER ALBERTI: Can you provide that?
17 I mean, you can redact -- you could redact
18 figures. I'm not interested in amounts, but I'm
19 interested in some evidence that the money,
20 proceeds, daily proceeds, weekly proceeds,
21 whatever or however you manage those are going to
22 your company Pasha International or to you.

1 MR. YAZDANI: Would you like a bank
2 statement?

3 MEMBER ALBERTI: That would be great.
4 That would be great --

5 MR. YAZDANI: Okay.

6 MEMBER ALBERTI: -- to show that. All
7 right. And then we can clear -- then there will
8 be no doubt and we can clear this matter up
9 completely.

10 MR. YAZDANI: Okay.

11 MEMBER ALBERTI: That's what I would
12 like to see. Okay?

13 MR. YAZDANI: Sure.

14 MEMBER ALBERTI: Okay. Great. Thank
15 you. I have no further questions. Thank you.

16 CHAIRPERSON MILLER: Okay. Others?
17 Just to be clear, Mr. Alberti, is it your
18 position that before lifting the cease and desist
19 you would like to see the bank statements?

20 MEMBER ALBERTI: Yes. And have
21 someone follow-up on the lease. Because as it
22 stands now --

1 CHAIRPERSON MILLER: What does that
2 mean?

3 MEMBER ALBERTI: -- you know, as it
4 stands now, we have only Mr. Yazdani's word and
5 Mr. Kertmen's word that, you know, Mr. Yazdani
6 still owns and manages it, but, you know, Mr.
7 Peru was -- Investigator Peru was told something
8 different. So I need to confirm where the truth
9 lies. And that would be helpful.

10 I mean, I don't necessarily -- I'm not
11 saying I doubt them, but we are here at this
12 point and I think since we have conflicting
13 stories, it's best that we get documentation. So
14 I think some recent bank accounts showing that
15 the money, proceeds from the business are going
16 into Mr. Yazdani's account or his company's
17 account. And we will follow-up with the landlord
18 to make sure that the current -- the lease is
19 still current with Mr. Yazdani.

20 CHAIRPERSON MILLER: How do you mean
21 by that, we will follow-up?

22 MEMBER SILVERSTEIN: When you say we--

1 MEMBER ALBERTI: Oh, this Agency will
2 follow-up.

3 CHAIRPERSON MILLER: Who? Our
4 Investigator?

5 MEMBER ALBERTI: We will ask -- I will
6 ask Mr. Moosally to send an Investigator to speak
7 to the landlord.

8 CHAIRPERSON MILLER: Oh.

9 MEMBER ALBERTI: Is that
10 understandable?

11 MEMBER SHORT: Madam Chair?

12 CHAIRPERSON MILLER: Yes?

13 MEMBER SHORT: I think what Mr.
14 Alberti is saying is we trust them, but we want
15 to verify it.

16 CHAIRPERSON MILLER: I understand.

17 MEMBER ALBERTI: Yes.

18 CHAIRPERSON MILLER: I understand
19 that.

20 MEMBER ALBERTI: Yes.

21 MEMBER SILVERSTEIN: I would ask the
22 Agency to do it and that would be fair.

1 CHAIRPERSON MILLER: I think Mr. Peru
2 probably could do it.

3 MEMBER SILVERSTEIN: And I would ask
4 that --

5 CHAIRPERSON MILLER: Is that right,
6 Mr. Peru?

7 INVESTIGATOR PERU: Yes, ma'am.

8 CHAIRPERSON MILLER: Okay. I just
9 want to figure, you know, if they really should
10 be operating, you know, then I would like to
11 facilitate that this go as quickly as possible,
12 you know. And if the facts prove it otherwise,
13 then you won't, you know.

14 Okay. So how quickly? And I think
15 that we also would like to, you know, protect the
16 confidentiality of your bank account and however
17 that can be done. So is that something that can
18 be done pretty quickly? Like today? Could you
19 send in --

20 MR. YAZDANI: I think so.

21 CHAIRPERSON MILLER: -- your bank
22 account to -- all right. That will go to Ms.

1 Jenkins, I believe.

2 MEMBER ALBERTI: Yes. I mean, on his
3 bank account he can --

4 CHAIRPERSON MILLER: Okay.

5 MEMBER ALBERTI: -- redact balances.
6 He can redact numbers. I just need an account
7 holder. I just need to know who the account
8 holder is and I need to see deposits that reflect
9 that would be consistent with monies from this
10 business going into that account.

11 CHAIRPERSON MILLER: Okay.

12 MEMBER SHORT: Ownership.

13 MEMBER SILVERSTEIN: Right. Pardon?

14 MEMBER SHORT: The sooner he does
15 that, the sooner he can open, right?

16 CHAIRPERSON MILLER: Yes.

17 MEMBER ALBERTI: Right.

18 CHAIRPERSON MILLER: Exactly.

19 MEMBER ALBERTI: Right.

20 CHAIRPERSON MILLER: So if you have
21 any questions about that, you can ask Ms.
22 Jenkins. All right. We will expect that as soon

1 as you can give it to us.

2 MEMBER SILVERSTEIN: What is the
3 enacting clause here so to speak for the removal
4 of the cease and desist?

5 CHAIRPERSON MILLER: Lifting it.

6 MEMBER SILVERSTEIN: For the lifting
7 of it. Is it that the Agency receives these to
8 the satisfaction? Is it two weeks? Well, how do
9 we --

10 MEMBER ALBERTI: We make the decision.
11 The Board --

12 MEMBER SILVERSTEIN: So do we make the
13 decision on July 8th or do we make the decision by
14 polling when we see these things?

15 MEMBER ALBERTI: Can we discuss that
16 in our business meeting, Mr. Silverstein? But as
17 always, it's the decision of the Board.

18 MEMBER SILVERSTEIN: Of course.

19 MR. YAZDANI: And we will move as
20 expeditiously as possible.

21 CHAIRPERSON MILLER: Yes. We are not
22 going to wait two weeks. I don't think if we

1 have information, I don't think so.

2 MEMBER SHORT: If we get the correct
3 information.

4 CHAIRPERSON MILLER: Yes, yes.

5 MR. YAZDANI: Very well.

6 MEMBER SHORT: Verification.

7 CHAIRPERSON MILLER: We will act
8 pretty expeditiously.

9 MEMBER SHORT: Verification. We want
10 everything on it.

11 CHAIRPERSON MILLER: So Mr. Peru, you
12 will be able to verify?

13 INVESTIGATOR PERU: Definitely. I
14 just have a question, because I haven't seen it.
15 In fact, I wasn't aware of the cease and desist
16 until yesterday as well. Was that served
17 electronically or at the location?

18 CHAIRPERSON MILLER: I assume --

19 INVESTIGATOR PERU: I was just curious
20 who received it and who signed for it.

21 MEMBER ALBERTI: It was just served --
22 I was just told it was served electronically.

1 INVESTIGATOR PERU: It was? Okay.

2 Okay.

3 CHAIRPERSON MILLER: Oh.

4 INVESTIGATOR PERU: Okay. I was just
5 curious when the Investigator went out who they
6 spoke to and contacted in reference to serving
7 it, if it was done in person.

8 CHAIRPERSON MILLER: Right.

9 INVESTIGATOR PERU: But
10 electronically, okay.

11 MEMBER ALBERTI: It was served, I
12 believe, June 3rd.

13 INVESTIGATOR PERU: Okay. Okay.

14 CHAIRPERSON MILLER: Mr. Peru, do you
15 have any idea when you might be able to verify
16 the lease?

17 INVESTIGATOR PERU: As soon as we
18 leave here.

19 CHAIRPERSON MILLER: Okay. Good. All
20 right.

21 MEMBER ALBERTI: I was confident that
22 that would be your answer.

1 CHAIRPERSON MILLER: Well, maybe
2 everything can be done today for all we know. So
3 okay, so those are the two things.

4 MR. YAZDANI: I just need to bring a
5 balance of my bank account?

6 CHAIRPERSON MILLER: I think what --
7 this is what I want to make sure that you
8 understand, so and that you are talking to
9 somebody, because if you do the wrong thing, that
10 you could correct it quickly.

11 I don't know if it's a balance. I
12 think Mr. Alberti wants some kind of a way to
13 look at this account and say okay, I can tell
14 that you are putting money from the business into
15 your account. Right? He is not here, but that's
16 -- so whatever shows that should serve the
17 purpose.

18 MEMBER SHORT: If I could help out?

19 CHAIRPERSON MILLER: Yes.

20 MEMBER SHORT: What Mr. Alberti, I
21 think, was saying is that he wants to see
22 deposits of receipts of the business into the

1 owner's bank account.

2 CHAIRPERSON MILLER: Right.

3 MEMBER SHORT: Consistent with an
4 owner and not someone else.

5 CHAIRPERSON MILLER: So we could tell
6 that you are the owner putting the money in.

7 MEMBER ALBERTI: And -- well, because
8 if we have any questions, we will follow-up with
9 Mr. Yazdani as quickly as possible. So as soon
10 as he gets those in, we will look at them.
11 Somebody will look at them and we will follow-up
12 with Mr. Yazdani. This may be an ongoing
13 conversation, but hopefully he understands where
14 I'm going with this.

15 MR. YAZDANI: You want proof that --

16 MEMBER ALBERTI: I mean, if he has any
17 questions he can ask them now.

18 CHAIRPERSON MILLER: Or you can
19 follow-up with Ms. Jenkins when you submit them.
20 Make sure -- you can follow-up with Ms. Jenkins
21 to see when you submit them, you know, you can
22 double check if that's what the Board has in

1 mind.

2 MEMBER ALBERTI: And --

3 CHAIRPERSON MILLER: Then we will be
4 able to --

5 MEMBER ALBERTI: -- as always our OAG
6 staff is there to serve and will be as helpful --
7 will be very helpful to the licensee in this
8 matter, I'm sure.

9 CHAIRPERSON MILLER: So --

10 MEMBER SILVERSTEIN: They are
11 professional. They are well-versed. They are
12 excellent. Our entire staff is. Please,
13 cooperate with them.

14 CHAIRPERSON MILLER: So --

15 MEMBER SILVERSTEIN: And be up front.

16 CHAIRPERSON MILLER: Okay. So is that
17 clear to you?

18 MR. YAZDANI: Um-hum.

19 CHAIRPERSON MILLER: Okay. If this
20 all pans out as you say, you know, if it's
21 supported by this documentation, then the Board
22 will take the action to lift the cease and

1 desist, so that's what we will be waiting for.

2 MR. YAZDANI: Excellent.

3 CHAIRPERSON MILLER: Okay. All right.
4 Anything else?

5 Oh, I would say this. I do have one
6 question though. Mr. Kertmen, if you are
7 thinking of taking over the business, why aren't
8 you getting a manager's license or anything so
9 you can run the business?

10 MEMBER ALBERTI: He doesn't need one.

11 CHAIRPERSON MILLER: He doesn't need
12 one as an owner.

13 MEMBER ALBERTI: No.

14 CHAIRPERSON MILLER: No. But to --

15 MR. KERTMEN: But I knew that.

16 CHAIRPERSON MILLER: Okay. You don't
17 need one to get experience in the restaurant is
18 what you are saying?

19 MEMBER ALBERTI: No. He can work in
20 the restaurant.

21 CHAIRPERSON MILLER: He can't do
22 exactly the same thing.

1 MEMBER ALBERTI: He can work in the
2 restaurant. He just can't be the --

3 CHAIRPERSON MILLER: Alcohol person.

4 MEMBER ALBERTI: -- person responsible
5 for the serve --

6 CHAIRPERSON MILLER: Right. All
7 right.

8 MEMBER ALBERTI: He can't serve as ABC
9 Manager. I mean, it's his choice.

10 CHAIRPERSON MILLER: Okay. It is your
11 choice. Okay. Never mind. Good luck with your
12 documentation.

13 MR. KERTMEN: I'll be getting just in
14 case.

15 CHAIRPERSON MILLER: And if and when
16 you do decide to sell, keep in mind that you need
17 to do paperwork here with respect to transferring
18 before --

19 MR. YAZDANI: Yes.

20 CHAIRPERSON MILLER: Okay.

21 MEMBER ALBERTI: May I just say, Mr.
22 Kertmen, I think what the message is is that it

1 would be advisable for you to get a manager's
2 license.

3 MR. KERTMEN: Yes, sure.

4 MEMBER ALBERTI: Not only -- I mean,
5 once you own the business, you won't need one,
6 but it would be helpful for you to understand
7 what managers that you hire have learned.

8 MR. KERTMEN: Exactly, yes.

9 MEMBER ALBERTI: And to understand
10 better what the requirements are of your
11 business. So that's just a piece of advice that
12 we recommend that you look into that.

13 MR. KERTMEN: Thank you.

14 MEMBER ALBERTI: Thank you.

15 CHAIRPERSON MILLER: Okay.

16 MEMBER SHORT: I guess we need to go
17 on the record also if he is contemplating buying
18 the business in September, as he said, and the
19 owner is not there, even if the cease and desist
20 is lifted, there has got to be a manager there.

21 MEMBER ALBERTI: Oh, yes.

22 MEMBER SHORT: So he just can't assume

1 that in September after he buys it, then he
2 doesn't have to have an ABC Manager. I think
3 that started the whole problem when our
4 Investigator went out and did not find an ABC
5 Manager and could not find the owner.

6 Well, an owner who said he was the
7 owner who wasn't the owner.

8 CHAIRPERSON MILLER: The owner doesn't
9 have to have the manager there though.

10 MEMBER SHORT: Well, the owner wasn't
11 there that day.

12 CHAIRPERSON MILLER: But if you are an
13 actual owner --

14 MEMBER SILVERSTEIN: In the present
15 tense.

16 MEMBER SHORT: That's what caused us
17 to be here today. Thank you.

18 CHAIRPERSON MILLER: I think we are
19 finished. Thank you very much. Also, we will
20 wait to hear back from you, Mr. Peru, also.

21 INVESTIGATOR PERU: Yes, ma'am.

22 CHAIRPERSON MILLER: Thank you.

1 Appreciate it.

2 MEMBER SILVERSTEIN: Thank you, Mr.

3 Peru.

4 CHAIRPERSON MILLER: All right. I
5 think that completes the --

6 MR. YAZDANI: Thank you so much.

7 CHAIRPERSON MILLER: -- hearings for
8 this morning's calendar. All right. Then we are
9 adjourned until our 1:30 hearing.

10 (Whereupon, the Fact-Finding Hearing
11 in the above-entitled matter was concluded at
12 11:38 a.m.)

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