

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

IN THE MATTER OF:

Garay Corporation
t/a Corina's Restaurant
831 Kennedy Street, NW
Retailer CR - ANC-4D
License No. 79873
Case #13-CMP-00476

Show Cause
Hearing

(Failed to File Quarterly
Statements-1st Quarter 2013,
Failed to Maintain Books and
Records)

July 23, 2014

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
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

ALSO PRESENT:

AMY SCHMIDT, OAG
ERIN MATHIESON, ABRA Investigator

T-A-B-L-E O-F C-O-N-T-E-N-T-S

Opening Statement by Government. 4

WITNESS:

Monica Clark 6

Investigator Erin Mathieson. 9

EXHIBITS:

IDENTIFIED RECEIVED

Government

2 - Garbage Pail Photo	12	34
3 - Garbage Pail Photo	12	34
4 - Undated Guest Checks	14	34
5 - Undated Guest Checks	14	34

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

2 (11:10 a.m.)

3 CHAIRPERSON MILLER: Okay. The
4 Board is back on the record calling Case No.
5 13-CMP-00476, Corina's Restaurant located at
6 831 Kennedy Street, N.W., License No. 79873,
7 in ANC-4D. This is a Show Cause Hearing.

8 Would the parties introduce
9 themselves for the record?

10 MS. SCHMIDT: Good morning. Amy
11 Schmidt, Assistant Attorney General on behalf
12 of the District of Columbia.

13 CHAIRPERSON MILLER: Ms. Schmidt,
14 do you know if the licensee is here?

15 MS. SCHMIDT: I have not seen the
16 licensee. I know that the interpreter is
17 here.

18 CHAIRPERSON MILLER: Yes, this
19 case was continued so that the licensee could
20 have an interpreter. The Board hasn't
21 received any phone calls or anything? Okay.

22 All right. Then the licensee not

1 being here, Ms. Schmidt, are you prepared to
2 go forward with your case?

3 MS. SCHMIDT: Yes, I am.

4 CHAIRPERSON MILLER: Okay.

5 MS. SCHMIDT: This is a case
6 where --

7 CHAIRPERSON MILLER: I just want
8 to put on the record that it is 11:12 and the
9 case was called for 11:00 a.m. Okay. All
10 right. And that we did convene once before
11 and determined to continue the case to provide
12 an interpreter, which has been provided, but
13 unfortunately, the licensee is not here.

14 So I guess you can start and maybe
15 she will show up, but it's time to start.

16 MS. SCHMIDT: Just a two sentence
17 opening statement.

18 CHAIRPERSON MILLER: Okay.

19 MS. SCHMIDT: There are two
20 charges in this case. The first case is that
21 she failed to file a quarterly statement by
22 the deadline of August 1, 2013, even though

1 she did subsequently file a quarterly
2 statement in September of 2013.

3 And the second is that on or about
4 August 20, 2013, Investigator Mathieson went
5 to the establishment to check applicant's
6 books and records and everything was totally
7 unorganized and there will be testimony to
8 that effect. And this microphone is very
9 reverberating today.

10 CHAIRPERSON MILLER: Oh, okay.

11 MS. SCHMIDT: Okay. All right.

12 CHAIRPERSON MILLER: Is that okay
13 with the court reporter? Can you hear all
14 right? Okay.

15 MS. SCHMIDT: Okay. The District
16 calls Analyst Monica Clark.

17 CHAIRPERSON MILLER: Good morning.
18 Whereupon,

19 MONICA CLARK
20 was called as a witness by Counsel for the
21 Government, and having been first duly sworn,
22 assumed the witness stand and was examined and

1 testified as follows:

2 MS. CLARK: I do.

3 CHAIRPERSON MILLER: Thank you.

4 DIRECT EXAMINATION

5 MS. SCHMIDT: Good morning. Could
6 you please state your name for the record?

7 MS. CLARK: Monica Clark.

8 MS. SCHMIDT: And by whom are you
9 employed?

10 MS. CLARK: I am employed with the
11 Alcoholic Beverage Regulation Administration.

12 MS. SCHMIDT: And what are your
13 duties there with regard to quarterly
14 statements?

15 MS. CLARK: Well, I receive,
16 record and analyze quarterly statements
17 received from licensees.

18 MS. SCHMIDT: And are you familiar
19 with the establishment known as Corina's
20 Restaurant? I'm sorry, Garay Corporation t/a
21 Corina's Restaurant located at 831 Kennedy
22 Street, N.W.?

1 MS. CLARK: I am.

2 MS. SCHMIDT: And did you review
3 the quarterly statements from the period of
4 January to March 2013?

5 MS. CLARK: Yes, I did.

6 MS. SCHMIDT: And how did -- what
7 period of content did you review?

8 MS. CLARK: The establishment had
9 not filed the quarterly statement by the
10 deadline of April 30, 2013.

11 MS. SCHMIDT: And what steps did
12 you take to determine that?

13 MS. CLARK: Well, first of all, I
14 go through all records that have been
15 received, both electronically, by fax and by
16 mail to determine whether or not anything has
17 been received and nothing in any of those
18 venues had -- showed any indication that
19 Corina's had submitted a quarterly statement.

20 MS. SCHMIDT: And did they
21 eventually send in a quarterly statement for
22 that period of time?

1 MS. CLARK: Yes, they did.

2 MS. SCHMIDT: And when was that
3 sent in?

4 MS. CLARK: That -- the quarterly
5 statement was received September 14, 2013.

6 MS. SCHMIDT: And what was the
7 deadline for that quarterly statement?

8 MS. CLARK: The deadline would
9 have been April 30, 2013.

10 MS. SCHMIDT: April 30th, so that
11 was four months late?

12 MS. CLARK: Yes.

13 MS. SCHMIDT: No further questions
14 of this witness.

15 CHAIRPERSON MILLER: Okay. Are
16 there any Board questions? No. Thank you
17 very much for your excellent testimony.

18 MS. CLARK: Thank you.

19 MS. SCHMIDT: The District calls
20 Investigator Erin Mathieson.

21 Whereupon,

22 INVESTIGATOR ERIN MATHIESON

1 was called as a witness by Counsel for the
2 Government, and having been first duly sworn,
3 assumed the witness stand and was examined and
4 testified as follows:

5 INVESTIGATOR MATHIESON: I do.

6 CHAIRPERSON MILLER: Okay. Thank
7 you.

8 DIRECT EXAMINATION

9 MS. SCHMIDT: Investigator
10 Mathieson, would you please state your name
11 and occupation for the record?

12 INVESTIGATOR MATHIESON: Sure.
13 Erin Mathieson, last name M-A-T-H-I-E-S-O-N.
14 I'm an Investigator with the Alcoholic
15 Beverage Regulation Administration.

16 MS. SCHMIDT: And as part of your
17 duties, were you at Corina's Restaurant
18 located at 831 Kennedy Street, N.W., in the
19 District on May 1, 2013?

20 INVESTIGATOR MATHIESON: Not on
21 May 1st, no.

22 MS. SCHMIDT: I'm sorry. I'm

1 sorry. I apologize.

2 I'm sorry, August 28, 2013.

3 INVESTIGATOR MATHIESON: Yes.

4 MS. SCHMIDT: And, approximately,
5 what time were you there?

6 INVESTIGATOR MATHIESON:

7 Approximately, 7:19 p.m.

8 MS. SCHMIDT: And what did you do
9 when you got there?

10 INVESTIGATOR MATHIESON: At the
11 time, I identified myself as an ABRA
12 Investigator and asked to speak with the ABC
13 manager or owner. And I was met by the owner,
14 Corina Garay. I then proceeded to conduct a
15 regulatory inspection and books and records
16 check.

17 MS. SCHMIDT: And what does that
18 consist of?

19 INVESTIGATOR MATHIESON: It
20 consists of validating and substantiating that
21 three years of invoices for alcoholic beverage
22 purchases are on the premises, in addition to

1 books and records, which include sales data,
2 guest checks and so forth.

3 MS. SCHMIDT: And is there any
4 language barrier between you and Ms. Garay?

5 INVESTIGATOR MATHIESON: Yes. Ms.
6 Garay, as I identified myself and asked for
7 the three years of invoices and books and
8 records, she picked up the phone and made a
9 phone call and then handed me the telephone.

10 On the other end of the phone, the
11 caller identified herself as Sylvia Garay, who
12 is the daughter of the owner, Corina Garay,
13 and also an ABC manager.

14 I asked Ms. Sylvia Garay if she
15 would like to me call the language line for
16 translation and she stated that no, she was
17 fine doing the translation for herself for her
18 mother.

19 MS. SCHMIDT: And so during the
20 investigation, what did you find there?

21 INVESTIGATOR MATHIESON: When
22 asked to see the three years of invoices and

1 books and records, Corina Garay, the owner,
2 took out two garbage pails and then took out
3 a few pieces of paper and essentially said the
4 invoices are in the garbage pails.

5 MS. SCHMIDT: And may I approach
6 the witness?

7 CHAIRPERSON MILLER: Sure.

8 MS. SCHMIDT: I am now handing you
9 what is marked as Government's Exhibit 2 and
10 3.

11 (Whereupon, the above-referred to
12 document was marked as Government
13 Exhibit 2 and 3 for
14 identification.)

15 MS. SCHMIDT: First of all, did
16 you take those pictures?

17 INVESTIGATOR MATHIESON: Yes.

18 MS. SCHMIDT: And did you take
19 those -- when did you take those pictures?

20 INVESTIGATOR MATHIESON: On my
21 visit on June 28th.

22 MS. SCHMIDT: August 28th or June

1 28th?

2 INVESTIGATOR MATHIESON: Oh, I'm
3 sorry, August 28th.

4 MS. SCHMIDT: Okay.

5 INVESTIGATOR MATHIESON: Yes.

6 MS. SCHMIDT: And do those
7 pictures accurately reflect what you saw that
8 evening?

9 INVESTIGATOR MATHIESON: Yes.

10 MS. SCHMIDT: And what do those
11 pictures show?

12 INVESTIGATOR MATHIESON: These are
13 the two garbage pails that when I asked for
14 the invoices and the books and records, these
15 are the two garbage pails that Ms. Corina
16 Garay showed me.

17 MS. SCHMIDT: Thank you. For the
18 Board's record, these are the two listed as
19 part of your file. They are attached here.

20 CHAIRPERSON MILLER: They are
21 attached to what?

22 MS. SCHMIDT: They are attached to

1 the report. The investigative report.

2 CHAIRPERSON MILLER: Investigative
3 report, okay.

4 MS. SCHMIDT: Was there any sort
5 of order in those garbage pails?

6 INVESTIGATOR MATHIESON: No. I
7 did dig through the pails attempting to
8 substantiate invoices for three years and I
9 was unable to do so. I found a few invoices.
10 I believe it was from cash-and-carry, however,
11 it was not in any kind of order and did not
12 span over a three year period.

13 Additionally, there were some
14 guest checks that were included in those
15 pails, however, there were no dates on the
16 guest checks, so I was unable to substantiate
17 what year they may have been for.

18 MS. SCHMIDT: I'm now showing what
19 is marked as Exhibits 4 and 5.

20 (Whereupon, the above-referred to
21 documents were marked as
22 Government Exhibit No. 4 and 5 for

1 identification.)

2 MS. SCHMIDT: Did you take these
3 pictures?

4 INVESTIGATOR MATHIESON: Yes.

5 MS. SCHMIDT: And what are these
6 pictures of?

7 INVESTIGATOR MATHIESON: Those are
8 photographs of some of the guest checks that
9 were in the garbage pails and they show that
10 there is no date on them.

11 MS. SCHMIDT: And did Ms. Sylvia
12 Garay make any comments about this to you?

13 INVESTIGATOR MATHIESON: Yes. I
14 advised Ms. Sylvia Garay via telephone when I
15 was speaking with her, there were not three
16 years of invoices and the guest checks were
17 not dated and there were not three years of
18 records.

19 Ms. Sylvia Garay stated that the
20 establishment had previously been cited for
21 the same violation and had appeared before the
22 ABC Board recently for that matter. I then

1 advised Ms. Sylvia Garay that if they appeared
2 before the Board and had previously been
3 cited, then they should have rectified the
4 problem and had the three years on premises.

5 MS. SCHMIDT: No further
6 questions, at this time.

7 CHAIRPERSON MILLER: Okay. Board
8 questions? Mr. Short?

9 MEMBER SHORT: Yes. Good morning,
10 Investigator.

11 INVESTIGATOR MATHIESON: Good
12 morning.

13 MEMBER SHORT: These pictures are
14 quite telling. And you said the receipts had
15 no dates on them?

16 INVESTIGATOR MATHIESON: Correct.

17 MEMBER SHORT: And that's not a
18 great business practice, I would imagine.

19 INVESTIGATOR MATHIESON: Yes, it
20 was impossible for me to say what they were
21 for or when they were from.

22 MEMBER SHORT: And for the record,

1 they had been cited for the same issues
2 previously?

3 INVESTIGATOR MATHIESON: Yes,
4 according to the ABC manager and daughter of
5 the owner, Sylvia Garay, they had been cited
6 and appeared before the Board for the same
7 matter.

8 MEMBER SHORT: I do thank you.
9 That's all I have, Madam Chair.

10 CHAIRPERSON MILLER: Mr.
11 Rodriguez?

12 MEMBER RODRIGUEZ: I'm looking at
13 the sales report before me, at the sales for
14 Corina's. And I notice a descending quantity
15 of sales. It appears that, you know, in terms
16 of sales that it has really gone down from
17 2011 on every quarter on down from 2011, 2012,
18 2013. And I see a descending amount of sales.
19 So what's that say here?

20 CHAIRPERSON MILLER: Does she have
21 -- do you have a copy of --

22 INVESTIGATOR MATHIESON: Yes.

1 That report was actually prepared by the
2 Analyst, Monica Clark, so I -- this is the
3 first time I have ever seen it. And I can
4 speculate what this is, but I don't know.

5 MEMBER RODRIGUEZ: Right. So my
6 question is do you -- were you able to
7 determine if there was a lot of food being
8 sold there while you were there? Customers?

9 INVESTIGATOR MATHIESON: At the
10 time of my visit, I know -- I believe I recall
11 seeing people with alcoholic beverages. I
12 don't recall if people were eating food.
13 However, I was in the kitchen area when I --
14 the pails were in the kitchen area and I was
15 in the kitchen area and I didn't see any one
16 cooking food. But I can't say specifically
17 whether food was being sold that night or not.

18 MEMBER RODRIGUEZ: Right.

19 MS. SCHMIDT: Excuse me, someone
20 is here from Corina's.

21 MEMBER RODRIGUEZ: Oh, some one is
22 here. Okay. Okay.

1 CHAIRPERSON MILLER: Okay. Let's
2 backup. Okay. Can you -- that you, Ms.
3 Schmidt.

4 Sir, can you introduce yourself
5 for the record?

6 MR. GARONA: My name is Eddie
7 Garona. I'm here on behalf of the Garay
8 Corporation as manager.

9 CHAIRPERSON MILLER: Okay. So
10 this is a Show Cause Hearing and it was
11 continued in order to provide an interpreter
12 for --

13 MR. GARONA: Corina?

14 CHAIRPERSON MILLER: -- right,
15 Corina. So she is not here. It doesn't sound
16 like you need an interpreter, do you?

17 MR. GARONA: No, no.

18 CHAIRPERSON MILLER: Are you
19 authorized in some way to represent her?

20 MR. GARONA: Yes.

21 CHAIRPERSON MILLER: How?

22 MR. GARONA: I am the manager of

1 the location, so I'm not sure if that empowers
2 me to make decisions.

3 CHAIRPERSON MILLER: It doesn't
4 empower you to make decisions or necessarily
5 represent her.

6 MR. GARONA: Could this possibly
7 be rescheduled?

8 CHAIRPERSON MILLER: No. This is
9 the second time it has been rescheduled.

10 MR. GARONA: Yes.

11 CHAIRPERSON MILLER: We didn't
12 receive any request that it be rescheduled.
13 You can be here for the hearing. I'm just not
14 sure about what your role can be. I think at
15 most, we could take testimony if you have
16 something to say. But right now, we are in
17 the Government's case. They have the burden
18 of proof. And do you have a copy of the
19 charges there?

20 MR. GARONA: No.

21 MEMBER SHORT: Madam Chair?

22 CHAIRPERSON MILLER: Yes? Mr.

1 Short?

2 MEMBER SHORT: I have a question.
3 Don't we normally require if someone is not
4 the owner, that they have something written?

5 CHAIRPERSON MILLER: Right. He
6 can't -- maybe we could pause and break on
7 this for a minute. He can't represent her.
8 And he can't bind her. And I was just
9 wondering whether he could -- if he has
10 anything to say on the matter.

11 MEMBER SHORT: I think that could
12 cause some problems down the road, because she
13 can come in later and say he doesn't represent
14 me.

15 CHAIRPERSON MILLER: Right. He
16 doesn't represent her.

17 MEMBER SHORT: How can we make a
18 decision based on his testimony and give her
19 a fair trial or a fair proceeding? This is
20 the question I have.

21 Do we know why she is not here?

22 CHAIRPERSON MILLER: Yes, that's a

1 good question. Do you know why she is not
2 here?

3 MR. GARONA: No, she just wasn't
4 feeling well, so she wasn't able to make it.

5 MEMBER SILVERSTEIN: I'm sorry?

6 MR. GARONA: She was not feeling
7 well, so she wasn't able to make it.

8 CHAIRPERSON MILLER: Does she have
9 a fax machine? Email to authorize you?
10 Because you really -- the point is you are not
11 authorized to bind her.

12 MEMBER SILVERSTEIN: Can you call
13 her and --

14 MR. GARONA: I can maybe call her
15 and get a fax.

16 MEMBER SILVERSTEIN: All right.

17 MEMBER SHORT: Madam Chair?

18 CHAIRPERSON MILLER: All right.

19 We have conferred with legal counsel and you
20 don't have any authorization to participate in
21 the trial, in this hearing. We don't really--
22 you know, you have nothing in writing.

1 So what I would ask you to do then
2 is you can -- it's already proceeding in what
3 we call ex parte with the Government proving
4 their case. If you want to take a seat in the
5 audience you can listen, you know, that's
6 where we are at.

7 MR. GARONA: Okay.

8 CHAIRPERSON MILLER: All right.
9 So I think we were in the middle of Board
10 questions to Ms. Mathieson about her visit to
11 the establishment and an examination of their
12 receipts and records. Mr. Short?

13 MEMBER SHORT: Ms. Mathieson,
14 again, after just hearing the question from
15 one of the other Board Members representing
16 the analysis, basically, that had no
17 reflection on what you actually saw when you
18 were there?

19 INVESTIGATOR MATHIESON: No.

20 MEMBER SHORT: The receipts with
21 no dates on them is no way to keep records.
22 And I don't see how anybody could keep records

1 with no dates on them. Receipts in a bucket
2 on the floor of a kitchen. I really think
3 that that's an affront to the way business is
4 conducted in Washington, D.C. and it's unfair
5 to the citizens not to be able to know how
6 much revenue is coming in, so the city can tax
7 them properly. That's what I wanted on the
8 record, Madam Chair.

9 CHAIRPERSON MILLER: Okay.

10 Others?

11 MEMBER RODRIGUEZ: Madam Chair, I
12 am sorry that the owner could not be here to
13 answer the questions and we made it very
14 clear. Mr. Garona came to assist, but,
15 obviously, the law does not allow him to
16 testify because there is no written permission
17 from the owner and so, unfortunately, Mr.
18 Garona cannot testify today as much as he
19 wanted to. So I'm sorry about that and to
20 hear that.

21 I did notice that the food sales,
22 one of the questions that I am concerned about

1 is that the food sales have been going down
2 from 2011 to 2012.

3 CHAIRPERSON MILLER: Can I
4 interrupt you for a minute?

5 MEMBER RODRIGUEZ: Yes, ma'am.

6 CHAIRPERSON MILLER: Because some
7 Board Members are referring to a food sales
8 charge and it's not in the record. And I
9 think it wasn't introduced by --

10 MS. SCHMIDT: It's not part of the
11 charges.

12 CHAIRPERSON MILLER: -- as part of
13 their case.

14 MEMBER RODRIGUEZ: Okay.

15 CHAIRPERSON MILLER: So I caution
16 if we are going to use that, we need to at
17 least establish what it is. Is it an ABRA
18 record you are referring to? Do you know?
19 Somebody has compiled a --

20 MEMBER SHORT: I think there was
21 testimony that in the analysis, this is the
22 analysis, outside analysis, that wasn't

1 business itself that did those records. That
2 was an analysis.

3 CHAIRPERSON MILLER: Corina's.

4 MEMBER SHORT: Yes.

5 CHAIRPERSON MILLER: This chart.
6 It looks like an ABRA record, but we haven't
7 really established that.

8 MEMBER RODRIGUEZ: Well, anyway,
9 we are not in --

10 CHAIRPERSON MILLER: And you
11 haven't seen this? Is that correct?

12 INVESTIGATOR MATHIESON: Yes, this
13 is the first time I have seen it. I have
14 never seen it before.

15 CHAIRPERSON MILLER: Okay.

16 INVESTIGATOR MATHIESON: I did not
17 prepare it.

18 MEMBER RODRIGUEZ: Yes, it was
19 just an observation, which I would have liked
20 to have asked the owner about. Maybe you are
21 not the person to ask.

22 INVESTIGATOR MATHIESON: Yes,

1 absolutely.

2 MEMBER RODRIGUEZ: The correct
3 person to ask that about.

4 INVESTIGATOR MATHIESON: I can
5 infer from here that --

6 MEMBER RODRIGUEZ: Yes.

7 INVESTIGATOR MATHIESON: -- I
8 agree with what you are saying. It appears as
9 though food sales have gone down, but I don't
10 know what figures were used to arrive at these
11 numbers.

12 MEMBER RODRIGUEZ: Okay.

13 INVESTIGATOR MATHIESON: I can't
14 speak to that.

15 MEMBER RODRIGUEZ: I have no more
16 questions, at this time, Madam Chair.

17 CHAIRPERSON MILLER: Okay. Thank
18 you. Ms. Mathieson, did you ask Mr. Garay if
19 she had any training from ABRA on books and
20 records keeping? I mean, records and -- yes,
21 records keeping? Books and records keeping?

22 INVESTIGATOR MATHIESON: No, I did

1 not.

2 CHAIRPERSON MILLER: Or tell her
3 that that was available?

4 INVESTIGATOR MATHIESON: No, I
5 don't believe so.

6 CHAIRPERSON MILLER: Okay. And
7 had you inspected her books and records
8 before?

9 INVESTIGATOR MATHIESON: No, not
10 previously.

11 CHAIRPERSON MILLER: Okay. And
12 did she give any indication as to why she
13 chose this system or whether she had any
14 knowledge at all as to what was required of
15 her?

16 INVESTIGATOR MATHIESON: When I
17 spoke to the daughter, Sylvia Garay, and she
18 had advised me that they had been before the
19 Board before for a books and records
20 violation, I believe the conversation just
21 essentially was I said then, you know, at some
22 point were you advised of the procedures? She

1 said she was aware that she was supposed to
2 maintain the three years.

3 And from there I just simply
4 advised her that, you know, if you were aware
5 of the law, then you need to come into
6 compliance and fix the problem. I am not
7 clear when that hearing was in relation to my
8 visit. I'm not certain. But she seemed to be
9 aware of what the regulation was.

10 CHAIRPERSON MILLER: Okay. All
11 right. Okay. Any other questions?

12 MEMBER SHORT: Yes.

13 CHAIRPERSON MILLER: Yes, Mr.
14 Short?

15 MEMBER SHORT: One last
16 observation I would like to make and this is
17 in the investigative history for this
18 licensee. This is the fifth time since 2010
19 the same violation. It seems like they have
20 not taken the steps to get their books
21 together since 2010.

22 And again, this is the fifth time

1 that this Board has had to deal with this
2 situation with the same licensee. I would
3 just like that to be on the record.

4 CHAIRPERSON MILLER: Okay. So the
5 investigative history is a part of the record
6 and it is attached to the case report. Okay.
7 Others? Mr. Rodriguez?

8 MEMBER RODRIGUEZ: Yes. My
9 question is have you discussed with the owners
10 seeing, you know, some of the consistencies,
11 about getting help for preparing the reports
12 or technical assistance if she has problems
13 with the reports?

14 INVESTIGATOR MATHIESON: No. I
15 believe this quarterly report was filed, but
16 I simply just advised her of the regulations.
17 More so the daughter who is doing the
18 translation and simply advised her what the
19 regulation was, which she said she was aware
20 of, and then I advised her to get her records
21 to the premises, so that they are in
22 compliance with the laws.

1 We didn't go into -- I wasn't --
2 I'm not even certain what our available
3 training is, like the dates of it and so
4 forth. She didn't ask and I didn't advise.

5 MEMBER RODRIGUEZ: Because that is
6 a concern. The reports have been missed so
7 many times that --

8 INVESTIGATOR MATHIESON: Yes.

9 MEMBER RODRIGUEZ: -- some how
10 something is wrong here that somebody needs,
11 first, to understand that they have to be
12 submitted on time. And secondly, is there a
13 problem with how do you prepare the reports?
14 Is there some technical -- that's something
15 that is --

16 INVESTIGATOR MATHIESON: Correct.

17 MEMBER RODRIGUEZ: -- a concern.

18 INVESTIGATOR MATHIESON: I believe
19 I assumed and perhaps I was incorrect, but I
20 assumed that because she had been at an ABC
21 Board hearing recently, that that information
22 would have been provided to her. I don't know

1 if it was or was not, but because she had
2 recently been here and she said she was aware
3 of the law, I just kind of assumed she then
4 knew and would subsequently fix the problem.

5 MEMBER RODRIGUEZ: All right.
6 Okay. Thank you.

7 INVESTIGATOR MATHIESON: Sure.

8 CHAIRPERSON MILLER: Okay. I have
9 to look at this investigative report more
10 carefully, but as far as recently goes, I
11 don't recall that, you know, she was here for
12 that. Because as we see the situation in this
13 case, you are right, that normally at the end
14 of the hearing I would tell her that she needs
15 to -- she should probably take advantage of
16 consulting, at least, with ABRA as to what is
17 required and what she should be doing.

18 This is so, you know, contrary to
19 really what is required. So yes, so I'm not
20 sure about that. Okay. But I would say to
21 the gentleman who is here --

22 MEMBER RODRIGUEZ: Mr. Garona.

1 CHAIRPERSON MILLER: -- Mr.
2 Garona, to bring that back to her that she can
3 get help, you know, advice as to what she
4 should be doing. Yes, Ms. Clark can do it.
5 Maybe she has already done that, because it
6 can get pretty expensive to keep violating the
7 ABC Laws.

8 So okay, others? All right. Any
9 questions on Board questions?

10 MS. SCHMIDT: No, but I would like
11 to move into evidence the exhibits --

12 CHAIRPERSON MILLER: Okay.

13 MS. SCHMIDT: -- numbered 2, 3, 4
14 and 5 into the record, just to be safe.

15 CHAIRPERSON MILLER: Right. I was
16 going to say the Exhibits 2, 3, 4 and 5 that
17 are attached to the investigative record?

18 MS. SCHMIDT: They are part of the
19 record.

20 CHAIRPERSON MILLER: Which are a
21 part of the record?

22 MS. SCHMIDT: Currently part of

1 the record.

2 CHAIRPERSON MILLER: Okay.

3 MS. SCHMIDT: That's right.

4 CHAIRPERSON MILLER: Yes, they are
5 definitely in the record.

6 (Whereupon, the above-referred to
7 documents were received into
8 evidence as Government Exhibit No.
9 2, 3, 4 and 5.)

10 MS. SCHMIDT: Thank you.

11 CHAIRPERSON MILLER: Okay. All
12 right. Thank you. Any other witnesses?

13 MS. SCHMIDT: No other witnesses.

14 CHAIRPERSON MILLER: Okay.

15 Closing?

16 MS. SCHMIDT: We will just rest on
17 the testimony.

18 CHAIRPERSON MILLER: Okay. Bear
19 with me one second. Okay. We are going to
20 close the record in this case. I assume you
21 don't want to file proposed findings of facts
22 and conclusions of law, do you?

1 MS. SCHMIDT: No.

2 CHAIRPERSON MILLER: Okay. All
3 right. So the Board will issue a written
4 order on this case within 90 days. And I'm
5 going to take the vote for deliberation in
6 closed session.

7 As Chairperson of the Alcoholic
8 Beverage Control Board for the District of
9 Columbia and in accordance with Section 405 of
10 the Open Meetings Amendment Act of 2010, I
11 move that the ABC Board hold a closed meeting
12 for the purpose of seeking legal advice from
13 our counsel on Case No. 13-CMP-00476, Corina's
14 Restaurant, and per Section 405(b)(4) of the
15 Open Meetings Amendment Act of 2010, and
16 deliberating upon this case for the reasons
17 cited in Section 405(b)(13) of the Open
18 Meetings Amendment Act of 2010.

19 Is there a second?

20 MEMBER RODRIGUEZ: Second it.

21 CHAIRPERSON MILLER: Mr. Rodriguez
22 has seconded the motion. I'll now take a roll

1 call vote on the motion now that it has been
2 seconded.

3 Mr. Brooks?

4 MEMBER BROOKS: I agree.

5 CHAIRPERSON MILLER: Mr.
6 Rodriguez?

7 MEMBER RODRIGUEZ: I agree.

8 CHAIRPERSON MILLER: Ms. Miller
9 agrees.

10 Mr. Silverstein?

11 MEMBER SILVERSTEIN: I agree.

12 CHAIRPERSON MILLER: Mr. Short?

13 MEMBER SHORT: I agree.

14 CHAIRPERSON MILLER: It appears
15 that the motion has passed by a 5-0-0 vote.

16 I hereby give notice that the ABC
17 Board will hold a closed meeting on this case
18 today, pursuant to the Open Meetings
19 Amendment Act of 2010 and issue an order
20 within 90 days.

21 Okay. Thank you very much. We
22 will close this case.

1 MR. GARONA: Thank you.

2 CHAIRPERSON MILLER: Is there an
3 interpreter here?

4 INTERPRETER: I am.

5 CHAIRPERSON MILLER: Oh, I just
6 want to thank you for coming down. I
7 apologize for the mix-up. We expected that
8 party to come and they didn't show.

9 INTERPRETER: Yes, ma'am. You're
10 welcome.

11 CHAIRPERSON MILLER: Okay. Thank
12 you.

13 INTERPRETER: Have a good day.

14 CHAIRPERSON MILLER: I think
15 that's it for today. I mean, for this
16 morning. Okay. I think that concludes the
17 hearings for this morning and the Board will
18 recess until the afternoon proceedings, which
19 I believe will begin at 1:30 p.m., the
20 hearings. Thank you.

21 (Whereupon, the Show Cause Hearing
22 in the above-entitled matter was concluded at

1 11:39 a.m.)

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<p style="text-align: center;">A</p> <p>a.m 3:2 4:9 38:1 ABC 10:12 11:13 15:22 17:4 31:20 33:7 35:11 36:16 able 18:6 22:4,7 24:5 above-entitled 37:22 above-referred 12:11 14:20 34:6 ABRA 1:21 10:11 25:17 26:6 27:19 32:16 absolutely 27:1 accurately 13:7 Act 35:10,15,18 36:19 addition 10:22 Additionally 14:13 Administration 6:11 9:15 advantage 32:15 advice 33:3 35:12 advise 31:4 advised 15:14 16:1 28:18,22 29:4 30:16,18,20 affront 24:3 afternoon 37:18 agree 27:8 36:4,7 36:11,13 agrees 36:9 alcoholic 1:2,13,13 6:11 9:14 10:21 18:11 35:7 allow 24:15 Amendment 35:10 35:15,18 36:19 amount 17:18 Amy 1:21 3:10 analysis 23:16 25:21,22,22 26:2 Analyst 5:16 18:2 analyze 6:16 ANC-4D 1:7 3:7 answer 24:13 anybody 23:22 anyway 26:8</p>	<p>apologize 10:1 37:7 appeared 15:21 16:1 17:6 appears 17:15 27:8 36:14 applicant's 5:5 approach 12:5 approximately 10:4,7 April 7:10 8:9,10 area 18:13,14,15 arrive 27:10 asked 10:12 11:6 11:14,22 13:13 26:20 assist 24:14 assistance 30:12 Assistant 3:11 assume 34:20 assumed 5:22 9:3 31:19,20 32:3 attached 13:19,21 13:22 30:6 33:17 attempting 14:7 Attorney 3:11 audience 23:5 August 4:22 5:4 10:2 12:22 13:3 authorization 22:20 authorize 22:9 authorized 19:19 22:11 available 28:3 31:2 aware 29:1,4,9 30:19 32:2</p> <hr/> <p style="text-align: center;">B</p> <p>back 3:4 33:2 backup 19:2 barrier 11:4 based 21:18 basically 23:16 Bear 34:18 behalf 3:11 19:7 believe 14:10 18:10 28:5,20 30:15 31:18 37:19 beverage 1:2,13,13</p>	<p>6:11 9:15 10:21 35:8 beverages 18:11 bind 21:8 22:11 Board 1:2,13 3:4 3:20 8:16 15:22 16:2,7 17:6 23:9 23:15 25:7 28:19 30:1 31:21 33:9 35:3,8,11 36:17 37:17 Board's 13:18 books 1:10 5:6 10:15 11:1,7 12:1 13:14 27:19,21 28:7,19 29:20 break 21:6 bring 33:2 Brooks 1:17 36:3,4 bucket 24:1 Building 1:14 burden 20:17 business 16:18 24:3 26:1</p> <hr/> <p style="text-align: center;">C</p> <p>C-O-N-T-E-N-T-S 2:1 call 11:9,15 22:12 22:14 23:3 36:1 called 4:9 5:20 9:1 caller 11:11 calling 3:4 calls 3:21 5:16 8:19 carefully 32:10 case 1:8 3:4,19 4:2 4:5,9,11,20,20 20:17 23:4 25:13 30:6 32:13 34:20 35:4,13,16 36:17 36:22 cash-and-carry 14:10 cause 1:6 3:7 19:10 21:12 37:21 caution 25:15 certain 29:8 31:2 Chair 17:9 20:21 22:17 24:8,11</p>	<p>27:16 Chairperson 1:15 1:17 3:3,13,18 4:4 4:7,18 5:10,12,17 6:3 8:15 9:6 12:7 13:20 14:2 16:7 17:10,20 19:1,9 19:14,18,21 20:3 20:8,11,22 21:5 21:15,22 22:8,18 23:8 24:9 25:3,6 25:12,15 26:3,5 26:10,15 27:17 28:2,6,11 29:10 29:13 30:4 32:8 33:1,12,15,20 34:2,4,11,14,18 35:2,7,21 36:5,8 36:12,14 37:2,5 37:11,14 charge 25:8 charges 4:20 20:19 25:11 chart 26:5 check 5:5 10:16 checks 2:9,9 11:2 14:14,16 15:8,16 chose 28:13 cited 15:20 16:3 17:1,5 35:17 citizens 24:5 city 24:6 Clark 2:4 5:16,19 6:2,7,7,10,15 7:1 7:5,8,13 8:1,4,8 8:12,18 18:2 33:4 clear 24:14 29:7 close 34:20 36:22 closed 35:6,11 36:17 Closing 34:15 Columbia 1:1 3:12 35:9 come 21:13 29:5 37:8 coming 24:6 37:6 comments 15:12 compiled 25:19 compliance 29:6</p>	<p>30:22 concern 31:6,17 concerned 24:22 concluded 37:22 concludes 37:16 conclusions 34:22 conduct 10:14 conducted 24:4 conferred 22:19 consist 10:18 consistencies 30:10 consists 10:20 consulting 32:16 content 7:7 continue 4:11 continued 3:19 19:11 contrary 32:18 Control 1:2,13,13 35:8 convene 4:10 conversation 28:20 cooking 18:16 copy 17:21 20:18 Corina 10:14 11:12 12:1 13:15 19:13 19:15 Corina's 1:6 3:5 6:19,21 7:19 9:17 17:14 18:20 26:3 35:13 Corporation 1:5 6:20 19:8 correct 16:16 26:11 27:2 31:16 counsel 5:20 9:1 22:19 35:13 court 5:13 CR 1:7 Currently 33:22 Customers 18:8</p> <hr/> <p style="text-align: center;">D</p> <p>D.C 1:14 24:4 data 11:1 date 15:10 dated 15:17 dates 14:15 16:15 23:21 24:1 31:3</p>
--	---	---	--	--

daughter 11:12
17:4 28:17 30:17
day 37:13
days 35:4 36:20
deadline 4:22 7:10
8:7,8
deal 30:1
decision 21:18
decisions 20:2,4
definitely 34:5
deliberating 35:16
deliberation 35:5
descending 17:14
17:18
determine 7:12,16
18:7
determined 4:11
dig 14:7
DIRECT 6:4 9:8
discussed 30:9
District 1:1 3:12
5:15 8:19 9:19
35:8
document 12:12
documents 14:21
34:7
doing 11:17 30:17
32:17 33:4
DONALD 1:17
duly 5:21 9:2
duties 6:13 9:17

E

eating 18:12
Eddie 19:6
effect 5:8
electronically 7:15
Email 22:9
employed 6:9,10
empower 20:4
empowers 20:1
Erin 1:21 2:5 8:20
8:22 9:13
essentially 12:3
28:21
establish 25:17
established 26:7
establishment 5:5
6:19 7:8 15:20

23:11
evening 13:8
eventually 7:21
evidence 33:11
34:8
ex 23:3
examination 6:4
9:8 23:11
examined 5:22 9:3
excellent 8:17
Excuse 18:19
Exhibit 12:9,13
14:22 34:8
exhibits 2:6 14:19
33:11,16
expected 37:7
expensive 33:6

F

facts 34:21
failed 1:9,10 4:21
fair 21:19,19
familiar 6:18
far 32:10
fax 7:15 22:9,15
feeling 22:4,6
fifth 29:18,22
figures 27:10
file 1:9 4:21 5:1
13:19 34:21
filed 7:9 30:15
find 11:20
findings 34:21
fine 11:17
first 4:20 5:21 7:13
9:2 12:15 18:3
26:13 31:11
fix 29:6 32:4
floor 24:2
follows 6:1 9:4
food 18:7,12,16,17
24:21 25:1,7 27:9
forth 11:2 31:4
forward 4:2
found 14:9
four 8:11
further 8:13 16:5

G

Garay 1:5 6:20

10:14 11:4,6,11
11:12,14 12:1
13:16 15:12,14,19
16:1 17:5 19:7
27:18 28:17
garbage 2:8,8 12:2
12:4 13:13,15
14:5 15:9
Garona 19:6,7,13
19:17,20,22 20:6
20:10,20 22:3,6
22:14 23:7 24:14
24:18 32:22 33:2
37:1
General 3:11
gentleman 32:21
getting 30:11
give 21:18 28:12
36:16
go 4:2 7:14 31:1
goes 32:10
going 25:1,16 33:16
34:19 35:5
good 3:10 5:17 6:5
16:9,11 22:1
37:13
Government 2:2,7
5:21 9:2 12:12
14:22 23:3 34:8
Government's 12:9
20:17
great 16:18
guess 4:14
guest 2:9,9 11:2
14:14,16 15:8,16

H

handed 11:9
handing 12:8
hear 5:13 24:20
hearing 1:6,14 3:7
19:10 20:13 22:21
23:14 29:7 31:21
32:14 37:21
hearings 37:17,20
HECTOR 1:18
help 30:11 33:3
history 29:17 30:5
hold 35:11 36:17

I

identification
12:14 15:1
identified 2:6 10:11
11:6,11
imagine 16:18
impossible 16:20
include 11:1
included 14:14
incorrect 31:19
indication 7:18
28:12
infer 27:5
information 31:21
inspected 28:7
inspection 10:15
interpreter 3:16,20
4:12 19:11,16
37:3,4,9,13
interrupt 25:4
introduce 3:8 19:4
introduced 25:9
investigation 11:20
investigative 14:1,2
29:17 30:5 32:9
33:17
Investigator 1:21
2:5 5:4 8:20,22
9:5,9,12,14,20
10:3,6,10,12,19
11:5,21 12:17,20
13:2,5,9,12 14:6
15:4,7,13 16:10
16:11,16,19 17:3
17:22 18:9 23:19
26:12,16,22 27:4
27:7,13,22 28:4,9
28:16 30:14 31:8
31:16,18 32:7
invoices 10:21 11:7
11:22 12:4 13:14
14:8,9 15:16
issue 35:3 36:19
issues 17:1

J

JAMES 1:19
January 7:4
July 1:12

June 12:21,22

K

keep 23:21,22 33:6
keeping 27:20,21
27:21
Kennedy 1:6 3:6
6:21 9:18
kind 14:11 32:3
kitchen 18:13,14
18:15 24:2
knew 32:4
know 3:14,16 17:15
18:4,10 21:21
22:1,22 23:5 24:5
25:18 27:10 28:21
29:4 30:10 31:22
32:11,18 33:3
knowledge 28:14
known 6:19

L

language 11:4,15
late 8:11
law 24:15 29:5 32:3
34:22
laws 30:22 33:7
legal 22:19 35:12
Let's 19:1
License 1:7 3:6
licensee 3:14,16,19
3:22 4:13 29:18
30:2
licensees 6:17
liked 26:19
line 11:15
listed 13:18
listen 23:5
located 3:5 6:21
9:18
location 20:1
look 32:9
looking 17:12
looks 26:6
lot 18:7

M

M-A-T-H-I-E-S-...
9:13
ma'am 25:5 37:9

machine 22:9
Madam 17:9 20:21
 22:17 24:8,11
 27:16
mail 7:16
maintain 1:10 29:2
manager 10:13
 11:13 17:4 19:8
 19:22
March 7:4
marked 12:9,12
 14:19,21
Mathieson 1:21 2:5
 5:4 8:20,22 9:5,10
 9:12,13,20 10:3,6
 10:10,19 11:5,21
 12:17,20 13:2,5,9
 13:12 14:6 15:4,7
 15:13 16:11,16,19
 17:3,22 18:9
 23:10,13,19 26:12
 26:16,22 27:4,7
 27:13,18,22 28:4
 28:9,16 30:14
 31:8,16,18 32:7
matter 1:4 15:22
 17:7 21:10 37:22
mean 27:20 37:15
meeting 1:3 35:11
 36:17
Meetings 35:10,15
 35:18 36:18
Member 1:17,18,18
 1:19 16:9,13,17
 16:22 17:8,12
 18:5,18,21 20:21
 21:2,11,17 22:5
 22:12,16,17 23:13
 23:20 24:11 25:5
 25:14,20 26:4,8
 26:18 27:2,6,12
 27:15 29:12,15
 30:8 31:5,9,17
 32:5,22 35:20
 36:4,7,11,13
Members 23:15
 25:7
met 1:13 10:13
microphone 5:8

middle 23:9
MIKE 1:18
Miller 1:15,17 3:3
 3:13,18 4:4,7,18
 5:10,12,17 6:3
 8:15 9:6 12:7
 13:20 14:2 16:7
 17:10,20 19:1,9
 19:14,18,21 20:3
 20:8,11,22 21:5
 21:15,22 22:8,18
 23:8 24:9 25:3,6
 25:12,15 26:3,5
 26:10,15 27:17
 28:2,6,11 29:10
 29:13 30:4 32:8
 33:1,12,15,20
 34:2,4,11,14,18
 35:2,21 36:5,8,8
 36:12,14 37:2,5
 37:11,14
minute 21:7 25:4
missed 31:6
mix-up 37:7
Monica 2:4 5:16,19
 6:7 18:2
months 8:11
morning 3:10 5:17
 6:5 16:9,12 37:16
 37:17
mother 11:18
motion 35:22 36:1
 36:15
move 33:11 35:11

N

N.W 1:14 3:6 6:22
 9:18
name 6:6 9:10,13
 19:6
necessarily 20:4
need 19:16 25:16
 29:5
needs 31:10 32:14
never 26:14
night 18:17
normally 21:3
 32:13
notice 17:14 24:21

36:16
numbered 33:13
numbers 27:11
NW 1:6

O

O-F 2:1
OAG 1:21
observation 26:19
 29:16
obviously 24:15
occupation 9:11
Oh 5:10 13:2 18:21
 37:5
okay 3:3,21 4:4,9
 4:18 5:10,11,12
 5:14,15 8:15 9:6
 13:4 14:3 16:7
 18:22,22 19:1,2,9
 23:7 24:9 25:14
 26:15 27:12,17
 28:6,11 29:10,11
 30:4,6 32:6,8,20
 33:8,12 34:2,11
 34:14,18,19 35:2
 36:21 37:11,16
once 4:10
Open 35:10,15,17
 36:18
opening 2:2 4:17
order 14:5,11
 19:11 35:4 36:19
outside 25:22
owner 10:13,13
 11:12 12:1 17:5
 21:4 24:12,17
 26:20
owners 30:9

P

P-R-O-C-E-E-D-...
 3:1
p.m 10:7 37:19
Pail 2:8,8
pails 12:2,4 13:13
 13:15 14:5,7,15
 15:9 18:14
paper 12:3
part 9:16 13:19
 25:10,12 30:5

33:18,21,22
parte 23:3
participate 22:20
parties 3:8
party 37:8
passed 36:15
pause 21:6
people 18:11,12
period 7:3,7,22
 14:12
permission 24:16
person 26:21 27:3
phone 3:21 11:8,9
 11:10
Photo 2:8,8
photographs 15:8
picked 11:8
pictures 12:16,19
 13:7,11 15:3,6
 16:13
pieces 12:3
please 6:6 9:10
point 22:10 28:22
possibly 20:6
practice 16:18
premises 10:22
 16:4 30:21
prepare 26:17
 31:13
prepared 4:1 18:1
preparing 30:11
PRESENT 1:16,20
presiding 1:15
pretty 33:6
previously 15:20
 16:2 17:2 28:10
probably 32:15
problem 16:4 29:6
 31:13 32:4
problems 21:12
 30:12
procedures 28:22
proceeded 10:14
proceeding 21:19
 23:2
proceedings 37:18
proof 20:18
properly 24:7
proposed 34:21

provide 4:11 19:11
provided 4:12
 31:22
proving 23:3
purchases 10:22
purpose 35:12
pursuant 36:18
put 4:8

Q

quantity 17:14
quarter 1:9 17:17
quarterly 1:9 4:21
 5:1 6:13,16 7:3,9
 7:19,21 8:4,7
 30:15
question 18:6 21:2
 21:20 22:1 23:14
 30:9
questions 8:13,16
 16:6,8 23:10
 24:13,22 27:16
 29:11 33:9,9
quite 16:14

R

really 17:16 22:10
 22:21 24:2 26:7
 32:19
reasons 35:16
recall 18:10,12
 32:11
receipts 16:14
 23:12,20 24:1
receive 6:15 20:12
received 2:6 3:21
 6:17 7:15,17 8:5
 34:7
recess 37:18
record 3:4,9 4:8 6:6
 6:16 9:11 13:18
 16:22 19:5 24:8
 25:8,18 26:6 30:3
 30:5 33:14,17,19
 33:21 34:1,5,20
records 1:10 5:6
 7:14 10:15 11:1,8
 12:1 13:14 15:18
 23:12,21,22 26:1
 27:20,20,21,21

28:7,19 30:20
rectified 16:3
Reeves 1:14
referring 25:7,18
reflect 13:7
reflection 23:17
regard 6:13
regulation 6:11
 9:15 29:9 30:19
regulations 30:16
regulatory 10:15
relation 29:7
report 14:1,1,3
 17:13 18:1 30:6
 30:15 32:9
reporter 5:13
reports 30:11,13
 31:6,13
represent 19:19
 20:5 21:7,13,16
representing 23:15
request 20:12
require 21:3
required 28:14
 32:17,19
rescheduled 20:7,9
 20:12
rest 34:16
Restaurant 1:6 3:5
 6:20,21 9:17
 35:14
Retailer 1:7
revenue 24:6
reverberating 5:9
review 7:2,7
right 3:22 4:10
 5:11,14 18:5,18
 19:14 20:16 21:5
 21:15 22:16,18
 23:8 29:11 32:5
 32:13 33:8,15
 34:3,12 35:3
road 21:12
Rodriguez 1:18
 17:11,12 18:5,18
 18:21 24:11 25:5
 25:14 26:8,18
 27:2,6,12,15 30:7
 30:8 31:5,9,17

32:5,22 35:20,21
 36:6,7
role 20:14
roll 35:22
Room 1:14
Ruthanne 1:15,17

S

safe 33:14
sales 11:1 17:13,13
 17:15,16,18 24:21
 25:1,7 27:9
saw 13:7 23:17
saying 27:8
Schmidt 1:21 3:10
 3:11,13,15 4:1,3,5
 4:16,19 5:11,15
 6:5,8,12,18 7:2,6
 7:11,20 8:2,6,10
 8:13,19 9:9,16,22
 10:4,8,17 11:3,19
 12:5,8,15,18,22
 13:4,6,10,17,22
 14:4,18 15:2,5,11
 16:5 18:19 19:3
 25:10 33:10,13,18
 33:22 34:3,10,13
 34:16 35:1
seat 23:4
second 5:3 20:9
 34:19 35:19,20
seconded 35:22
 36:2
secondly 31:12
Section 35:9,14,17
see 11:22 17:18
 18:15 23:22 32:12
seeing 18:11 30:10
seeking 35:12
seen 3:15 18:3
 26:11,13,14
send 7:21
sent 8:3
sentence 4:16
September 5:2 8:5
session 35:6
Short 1:19 16:8,9
 16:13,17,22 17:8
 20:21 21:1,2,11

21:17 22:17 23:12
 23:13,20 25:20
 26:4 29:12,14,15
 36:12,13
show 1:6 3:7 4:15
 13:11 15:9 19:10
 37:8,21
showed 7:18 13:16
showing 14:18
Silverstein 1:18
 22:5,12,16 36:10
 36:11
simply 29:3 30:16
 30:18
Sir 19:4
situation 30:2
 32:12
sold 18:8,17
somebody 25:19
 31:10
sorry 6:20 9:22
 10:1,2 13:3 22:5
 24:12,19
sort 14:4
sound 19:15
span 14:12
speak 10:12 27:14
speaking 15:15
specifically 18:16
speculate 18:4
spoke 28:17
stand 5:22 9:3
start 4:14,15
state 6:6 9:10
stated 11:16 15:19
statement 2:2 4:17
 4:21 5:2 7:9,19,21
 8:5,7
statements 6:14,16
 7:3
Statements-1st 1:9
steps 7:11 29:20
Street 1:6,14 3:6
 6:22 9:18
submitted 7:19
 31:12
subsequently 5:1
 32:4
substantiate 14:8

14:16
substantiating
 10:20
Suite 1:14
supposed 29:1
sure 9:12 12:7 20:1
 20:14 32:7,20
sworn 5:21 9:2
Sylvia 11:11,14
 15:11,14,19 16:1
 17:5 28:17
system 28:13

T

T-A-B-L-E 2:1
t/a 1:6 6:20
take 7:12 12:16,18
 12:19 15:2 20:15
 23:4 32:15 35:5
 35:22
taken 29:20
tax 24:6
technical 30:12
 31:14
telephone 11:9
 15:14
tell 28:2 32:14
telling 16:14
terms 17:15
testified 6:1 9:4
testify 24:16,18
testimony 5:7 8:17
 20:15 21:18 25:21
 34:17
thank 6:3 8:16,18
 9:6 13:17 17:8
 27:17 32:6 34:10
 34:12 36:21 37:1
 37:6,11,20
think 20:14 21:11
 23:9 24:2 25:9,20
 37:14,16
three 10:21 11:7,22
 14:8,12 15:15,17
 16:4 29:2
time 4:15 7:22 10:5
 10:11 16:6 18:3
 18:10 20:9 26:13
 27:16 29:18,22

31:12
times 31:7
today 5:9 24:18
 36:18 37:15
totally 5:6
training 27:19 31:3
translation 11:16
 11:17 30:18
trial 21:19 22:21
two 4:16,19 12:2
 13:13,15,18

U

unable 14:9,16
Undated 2:9,9
understand 31:11
unfair 24:4
unfortunately 4:13
 24:17
unorganized 5:7
use 25:16

V

validating 10:20
venues 7:18
violating 33:6
violation 15:21
 28:20 29:19
visit 12:21 18:10
 23:10 29:8
vote 35:5 36:1,15

W

want 4:7 23:4
 34:21 37:6
wanted 24:7,19
Washington 1:14
 24:4
wasn't 22:3,4,7
 25:9,22 31:1
way 19:19 23:21
 24:3
welcome 37:10
went 5:4
witness 2:4 5:20,22
 8:14 9:1,3 12:6
witnesses 34:12,13
wondering 21:9
writing 22:22
written 21:4 24:16

35:3	33:13,16 34:9			
wrong 31:10	30 7:10 8:9			
<hr/> X <hr/>	30th 8:10			
	34 2:8,8,9,9			
<hr/> Y <hr/>	<hr/> 4 <hr/>			
year 14:12,17	4 2:2,9 14:19,22			
years 10:21 11:7,22	33:13,16 34:9			
14:8 15:16,17	400S 1:14			
16:4 29:2	405 35:9			
<hr/> Z <hr/>	405(b)(13) 35:17			
	405(b)(4) 35:14			
<hr/> 0 <hr/>	<hr/> 5 <hr/>			
	5 2:9 14:19,22			
<hr/> 1 <hr/>	33:14,16 34:9			
1 4:22 9:19	5-0-0 36:15			
1:30 37:19	<hr/> 6 <hr/>			
11:00 4:9	6 2:4			
11:10 3:2	<hr/> 7 <hr/>			
11:12 4:8	7:19 10:7			
11:39 38:1	79873 1:7 3:6			
12 2:8,8	<hr/> 8 <hr/>			
13-CMP-00476 1:8	831 1:6 3:6 6:21			
3:5 35:13	9:18			
14 2:9,9 8:5	<hr/> 9 <hr/>			
14th 1:14	9 2:5			
1st 9:21	90 35:4 36:20			
<hr/> 2 <hr/>				
2 2:8 12:9,13 33:13				
33:16 34:9				
20 5:4				
2000 1:14				
20009 1:15				
2010 29:18,21				
35:10,15,18 36:19				
2011 17:17,17 25:2				
2012 17:17 25:2				
2013 1:9 4:22 5:2,4				
7:4,10 8:5,9 9:19				
10:2 17:18				
2014 1:12				
23 1:12				
28 10:2				
28th 12:21,22 13:1				
13:3				
<hr/> 3 <hr/>				
3 2:8 12:10,13				