

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

IN THE MATTER OF:

Mandarin Palace, Inc.
t/a Tian Tian Fang
5540 Connecticut Ave., NW
Retailer CR - ANC-3G
License No. 12671
Case #14-CMP-00090

Show
Cause
Hearing

(Failed to Maintain Books
and Records)

September 24, 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
NICK ALBERTI, Member
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

ALSO PRESENT:

MICHAEL STERN, OAG

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

Opening Statement by Government. 7
 Closing Statement by Government. 151
 Closing Statement by Licensee. 154

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
Dorshae Demby	9	18	27	28
Ted Liu	31	40		85/111

Rebuttal Witness:

Craig Stewart	122	143
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EXHIBITS	IDENTIFIED	RECEIVED
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GOVERNMENT

1 - Investigative Report	14	30
2A - Alcohol Invoice Pic	131	143
2B - Alcohol Invoice Pic	131	143

LICENSEE

1 - Invoices & Receipts	117	117
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P-R-O-C-E-E-D-I-N-G-S

(10:27 a.m.)

CHAIRPERSON MILLER: Okay. The case that is scheduled for 11:00 is 14-CMP-00090, Tian Tian Fang. No? Okay. So the Board will recess and come back at 11:00.

(Whereupon, the above-entitled matter went off the record at 10:27 a.m. and resumed at 11:16 a.m.)

CHAIRPERSON MILLER: Okay. Good morning. The Board is back on the record for Case No. 14-CMP-00090, Tian Tian Fang located at 5540 Connecticut Avenue, N.W., License No. 12671, in ANC-3G.

Okay. So if you could start with introducing yourselves for the record?

MR. LIU: My name is Ted Liu.

CHAIRPERSON MILLER: Okay.

MR. LIU: Vice President of Mandarin Palace, Inc.

CHAIRPERSON MILLER: And what's your position with the establishment?

1 MR. LIU: Vice President.

2 CHAIRPERSON MILLER: What are you?

3 MR. LIU: Vice President.

4 CHAIRPERSON MILLER: Vice
5 President?

6 MR. LIU: Yes.

7 CHAIRPERSON MILLER: Okay.

8 MR. STERN: Michael Stern
9 representing the District of Columbia.

10 CHAIRPERSON MILLER: Okay. So
11 this is a Show Cause Hearing. I just want to
12 ask first if there are any preliminary
13 matters?

14 MR. STERN: There are none.

15 CHAIRPERSON MILLER: Okay. Then
16 we will proceed with the hearing.

17 Are you familiar with the
18 hearings, sir, before ABC Board?

19 MR. LIU: No.

20 CHAIRPERSON MILLER: Okay. I just
21 want to tell you generally that Mr. Stern,
22 representing the Government, has the burden of

1 proof. There are charges that were brought
2 against you that you have notice of that are
3 at issue in this case.

4 And it's like a fairly legal
5 proceeding. A little less formal than Courts,
6 but it's Administrative Law.

7 He has the opportunity to make an
8 opening statement first, in which he will
9 describe the case and the charges and what he
10 intends to show.

11 MR. LIU: He will make a
12 statement?

13 CHAIRPERSON MILLER: He will do
14 that. You will have an option to say the same
15 thing, say what your case is about, but you
16 don't have to, that's not required.

17 MR. LIU: Okay.

18 CHAIRPERSON MILLER: And then he
19 will put on any witness for his case that he
20 so chooses. You can ask questions, the Board
21 can ask questions.

22 You can then testify about your

1 case or put on a witness or documents to make
2 your case and then he can do a closing and the
3 same thing if you choose.

4 I'm going to put you under oath.
5 Are you going to testify?

6 MR. LIU: Yes, ma'am.

7 CHAIRPERSON MILLER: Okay. I'm
8 just going to put you under oath in the event
9 that you start speaking substantively about
10 your case.

11 Whereupon,

12 TED LIU
13 was called as a witness for the Licensee, and
14 having been first duly sworn, assumed the
15 witness stand and was examined and testified
16 as follows:

17 MR. LIU: Yes, I do.

18 CHAIRPERSON MILLER: Okay. And
19 any witness that Mr. Stern puts on will also
20 be under oath.

21 Okay. So if you have any
22 questions, feel free to ask me.

1 MR. LIU: No.

2 CHAIRPERSON MILLER: Okay. All
3 right. Mr. Stern?

4 MR. STERN: Yes. The Government's
5 evidence today will be that on Wednesday,
6 March 5th, Investigators from the Alcoholic
7 Beverage Regulation Administration went to
8 Tian Tian Fang to conduct a regulatory
9 inspection.

10 When they got there, they spoke to
11 Mr. Liu, Vice President, and asked to see the
12 alcoholic beverage purchase invoices for 2012.
13 There was only one alcoholic purchase invoice
14 on-site for the entire 2012. There were only
15 nine invoices covering the span of three years
16 going back from the date of the inspection.

17 None of those invoices had the
18 required importation permits. They spoke to
19 Mr. Liu and Mr. Liu told the investigators
20 that the -- as well as the importation permits
21 and the invoices for alcoholic beverages,
22 there were no customer receipts on-site

1 either.

2 Mr. Liu in speaking to the
3 Investigators told the Investigators that the
4 records had been taken off-site by his wife.
5 That will be the Government's evidence. At
6 the conclusion of the case, we will ask the
7 Board to find the respondent responsible for
8 failing to keep records for a period of three
9 years and fine the respondent \$2,000 for the
10 primary violation.

11 CHAIRPERSON MILLER: Okay. And I
12 think before you say anything, I don't know if
13 you are going to, everything that he just said
14 isn't in evidence yet. He is going to have
15 his witnesses actually put that in evidence.

16 MR. LIU: All right.

17 CHAIRPERSON MILLER: That was just
18 his overview of what he is going to show. So
19 you don't have to respond to everything right
20 now, only if you want to give an overview,
21 because you will have an opportunity to
22 respond after his witnesses.

1 MR. LIU: Okay. I --

2 CHAIRPERSON MILLER: If you want--

3 MR. LIU: -- will say my view
4 after he is done.

5 CHAIRPERSON MILLER: Yes, that's
6 perfectly acceptable. Okay. Do you want to
7 call your first -- how many witnesses do you
8 have?

9 MR. STERN: Just the one, I
10 believe.

11 CHAIRPERSON MILLER: Okay. Good
12 morning.

13 INVESTIGATOR DEMBY: Good morning.
14 Whereupon,

15 INVESTIGATOR DORSHAE DEMBY
16 was called as a witness by counsel for the
17 Government, and having been first duly sworn,
18 assumed the witness stand and was examined and
19 testified as follows:

20 INVESTIGATOR DEMBY: I do.

21 CHAIRPERSON MILLER: Okay.

22 DIRECT EXAMINATION

1 MR. STERN: Good morning,
2 Investigator. Can you give us your name,
3 spelling your last name for the court
4 reporter, please?

5 INVESTIGATOR DEMBY: Investigator
6 Dorshae Demby. Last name is spelled D, as in
7 David, E, as in Edward, M, as in Mary, B, as
8 in boy, Y.

9 MR. STERN: And, Investigator
10 Demby, are you employed?

11 INVESTIGATOR DEMBY: Yes, sir.

12 MR. STERN: How are you employed?

13 INVESTIGATOR DEMBY: As an
14 Investigator with the Alcoholic Beverage
15 Regulation Administration.

16 MR. STERN: And were you so
17 employed on March 5, 2014 at approximately
18 9:35?

19 INVESTIGATOR DEMBY: Yes, sir, I
20 was.

21 MR. STERN: And on that date at
22 about that time, did you become familiar with

1 an establishment known to you by the trade
2 name Tian Tian Fang?

3 INVESTIGATOR DEMBY: Yes, sir, I
4 did.

5 MR. STERN: Okay. Could you tell
6 me how you -- what actually brought you to
7 Tian Tian Fang?

8 INVESTIGATOR DEMBY: On March 5,
9 2014, myself along with Supervisory
10 Investigator Craig Stewart and Investigator
11 Shawn Townsend visited the establishment known
12 as Tian Tian Fang to conduct a regulatory
13 inspection.

14 MR. STERN: Okay. In the course
15 of that regulatory inspection, did you speak
16 to anybody at Tian Tian Fang?

17 INVESTIGATOR DEMBY: Yes, sir, we
18 did.

19 MR. STERN: Who did you speak to?

20 INVESTIGATOR DEMBY: Mr. Ted Liu.

21 MR. STERN: All right. Did he
22 identify himself as being involved with the

1 establishment?

2 INVESTIGATOR DEMBY: He identified
3 himself as the owner of the establishment.

4 MR. STERN: Okay. How did the
5 regulatory inspection proceed?

6 INVESTIGATOR DEMBY: Well, first
7 we arrived and we identified ourselves as ABRA
8 Investigators, asked to speak with an owner or
9 ABC Manager to which Mr. Liu identified
10 himself as the owner. He produced his
11 driver's license to confirm his identity, at
12 which time we told him that we were going to
13 be performing a regulatory inspection.

14 We checked his alcohol license,
15 his C of O and eventually we got to the point
16 of checking his books and records.

17 MR. STERN: Okay. And how did the
18 checking of the books and records proceed?

19 INVESTIGATOR DEMBY: Well, we
20 asked Mr. Liu to produce his alcohol invoices
21 for a period of three years. He was unable to
22 do such and he stated that his wife had took

1 them off-site to their home. He had one
2 alcohol invoice and a total of nine invoices
3 covering a span of three years.

4 Of those nine, there were invoices
5 that required importation permits as the
6 alcohol was purchased outside of the District
7 of Columbia, which he failed to have.

8 MR. STERN: Okay. So when you say
9 he had one, do you recall what that one was
10 related to?

11 INVESTIGATOR DEMBY: No, I do not,
12 sir.

13 MR. STERN: Did you do a report on
14 this case?

15 INVESTIGATOR DEMBY: Yes, sir, I
16 did.

17 MR. STERN: Can you -- I'm going
18 to show you what will be marked as Government
19 G-1. And can you identify what that document
20 is?

21 INVESTIGATOR DEMBY: This is the
22 investigative case report that I completed

1 with regards to Tian Tian Fang.

2 (Whereupon, the above-referred to
3 document was marked as Government
4 Exhibit No. 1 for identification.)

5 MR. STERN: Okay. And does that
6 refresh --

7 CHAIRPERSON MILLER: Mr. Stern?

8 MR. STERN: -- your recollection?

9 CHAIRPERSON MILLER: Excuse me,
10 Mr. Stern, does Mr. Liu have a copy of that?

11 MR. STERN: I just handed it to
12 him, yes.

13 CHAIRPERSON MILLER: Okay. For
14 the record then, Mr. Liu was handed a copy of
15 that report --

16 MR. STERN: Yes.

17 CHAIRPERSON MILLER: -- by Mr.
18 Stern. Thank you.

19 MR. STERN: Yes. I'm sorry, does
20 that refresh your recollection regarding what
21 those invoices that he did have referred to?

22 INVESTIGATOR DEMBY: Yes, sir.

1 MR. STERN: Okay. And what was
2 that?

3 INVESTIGATOR DEMBY: He had one
4 alcoholic beverage purchase invoice. I don't
5 know from which distributor. And he had a
6 total of nine invoices. And when I'm speaking
7 of those nine, I'm talking about things other
8 than just alcohol.

9 He had a total of nine invoices,
10 but I was only interested in the alcohol
11 invoices, to which he had one.

12 MR. STERN: Okay. Just so that we
13 are accurate, the details portion, did you
14 write about that in the details portion of
15 your report?

16 INVESTIGATOR DEMBY: Yes, sir, I
17 did.

18 MR. STERN: Okay. And there does
19 it indicate the alcohol beverage purchase,
20 what year that one was?

21 INVESTIGATOR DEMBY: Yes, sir, it
22 was from 2012.

1 MR. STERN: Okay. Does it also
2 indicate how many invoices you had going back
3 three years?

4 INVESTIGATOR DEMBY: Yes, sir.
5 There was a total of nine.

6 MR. STERN: Okay. So one was from
7 2012 and eight were from either 2013 or 2011?

8 INVESTIGATOR DEMBY: That's
9 correct.

10 MR. STERN: Okay. Now, I believe
11 you testified that there were no importation
12 permits attached?

13 INVESTIGATOR DEMBY: No, sir.

14 MR. STERN: Okay. And why is it
15 that you requested the information going back
16 three years?

17 INVESTIGATOR DEMBY: Because as a
18 Class CR retailer, he is required to keep his
19 alcohol invoices along with guest checks and
20 receipts for three years on-site.

21 MR. STERN: Okay. Did he have
22 guest checks?

1 INVESTIGATOR DEMBY: No, sir, he
2 did not.

3 MR. STERN: Okay. And in speaking
4 with Mr. Liu, did he tell you why he did not
5 have guest checks?

6 INVESTIGATOR DEMBY: Yes, sir, he
7 did.

8 MR. STERN: What did he say?

9 INVESTIGATOR DEMBY: He simply
10 stated that they did not retain them.

11 MR. STERN: Okay. Did he say why
12 he didn't have the purchase invoices?

13 INVESTIGATOR DEMBY: Yes, sir, he
14 said his wife took them off-site to his house.

15 MR. STERN: Okay. Did all these
16 things occur in the District of Columbia?

17 INVESTIGATOR DEMBY: Yes, sir,
18 they did.

19 MR. STERN: Thank you.

20 INVESTIGATOR DEMBY: Thank you.

21 MR. STERN: I have no more
22 questions.

1 CHAIRPERSON MILLER: Mr. Liu, you
2 can ask questions about his testimony, if you
3 want to ask.

4 MR. LIU: I'm not good at this.

5 CHAIRPERSON MILLER: You know,
6 it's not required, but if you have a question
7 you want to pose to him, you can.

8 MR. LIU: That's okay.

9 CHAIRPERSON MILLER: Okay. The
10 Board --

11 MR. LIU: I didn't have a -- God
12 knows I don't know how to ask questions.
13 Maybe I can ask.

14 CROSS-EXAMINATION

15 MR. LIU: Importation receipt, you
16 say I don't have any or you say I don't have
17 any, you don't see any?

18 INVESTIGATOR DEMBY: On the
19 evening of March 5th, sir, you did not.

20 MR. LIU: Any receipts, right?

21 INVESTIGATOR DEMBY: No, sir.

22 MR. LIU: Okay.

1 INVESTIGATOR DEMBY: You did not
2 have any importation permits.

3 MR. LIU: All right. Can I ask a
4 question later? I mean, maybe?

5 CHAIRPERSON MILLER: Okay. So the
6 way it works is you can ask questions about
7 what he testified to now. If you need a
8 minute to think more, you can. Otherwise,
9 then the Board will ask questions.

10 MR. LIU: Okay.

11 CHAIRPERSON MILLER: And then you
12 are allowed to ask follow-up questions on the
13 Board's questions.

14 MR. LIU: Okay. All right. Okay.
15 And you ask for guest receipt or you ask for
16 books and records, your supervisor?

17 INVESTIGATOR DEMBY: I'm sorry,
18 sir?

19 MR. LIU: At the time, did you ask
20 for book receipts -- no, guest receipts or
21 books and records?

22 INVESTIGATOR DEMBY: We asked you

1 for all of the above, sir.

2 MR. LIU: All the books and
3 records. They ask for receipt? They ask for
4 books and records, correct?

5 INVESTIGATOR DEMBY: Yes. Say
6 that again, sir.

7 MR. LIU: You asked for books and
8 records for last three years?

9 INVESTIGATOR DEMBY: We asked you
10 for alcohol invoices and guest checks and
11 receipts for the last three years, sir.

12 MR. LIU: Okay. All right. Okay.
13 That's it.

14 CHAIRPERSON MILLER: That's it?
15 Okay. I just want to ask you to repeat that
16 slowly again, what you asked for, and then
17 I'll go to other Board questions.

18 INVESTIGATOR DEMBY: The alcohol--

19 CHAIRPERSON MILLER: You asked for
20 alcohol receipts?

21 INVESTIGATOR DEMBY: Alcohol
22 invoices.

1 CHAIRPERSON MILLER: Alcohol
2 invoices. Okay.

3 INVESTIGATOR DEMBY: Guest checks.

4 CHAIRPERSON MILLER: Yes.

5 INVESTIGATOR DEMBY: And all
6 receipts.

7 CHAIRPERSON MILLER: Okay. I just
8 want to clarify a little more, then I'll pass.
9 But I think you said that his response to some
10 of these were that they were with his wife in
11 her -- in their home?

12 INVESTIGATOR DEMBY: With relation
13 to the alcohol invoices.

14 CHAIRPERSON MILLER: That was the
15 alcohol invoices?

16 INVESTIGATOR DEMBY: Yes, ma'am.

17 CHAIRPERSON MILLER: And the
18 others he didn't retain. Which did he say he
19 didn't retain?

20 INVESTIGATOR DEMBY: The guest
21 checks and receipts.

22 CHAIRPERSON MILLER: Okay. Did

1 you ask him to produce at a later time the
2 alcohol invoices that he said were kept in the
3 home?

4 INVESTIGATOR DEMBY: No, ma'am, I
5 did not.

6 CHAIRPERSON MILLER: Okay. Okay.
7 Other Board questions? Mr. Alberti?

8 MEMBER ALBERTI: Mr. Short.

9 CHAIRPERSON MILLER: Oh, Mr.
10 Short?

11 MEMBER ALBERTI: Mr. Short.

12 CHAIRPERSON MILLER: Okay.

13 MEMBER SHORT: Good morning.

14 INVESTIGATOR DEMBY: Good morning,
15 sir.

16 MEMBER SHORT: How long has this
17 establishment been in business?

18 INVESTIGATOR DEMBY: I'm unaware,
19 sir.

20 MEMBER SHORT: Okay. But this is
21 the very first time that you have been there
22 to check their books and records?

1 INVESTIGATOR DEMBY: Yes, sir,
2 that was the first time.

3 MEMBER SHORT: Thank you. That's
4 all I have.

5 CHAIRPERSON MILLER: Yes, Mr.
6 Alberti?

7 MEMBER ALBERTI: Investigator
8 Demby, thank you for your report. One thing
9 that is missing though, and I'm just curious,
10 you don't say in your report why you chose to
11 look for importation permits. Do you remember
12 why that was important and why you looked for
13 importation permits?

14 INVESTIGATOR DEMBY: Yes, sir. On
15 a regulatory inspection, there is a section
16 called "Import Permits," so I asked him did he
17 order any alcohol outside the District of
18 Columbia. And in reviewing his invoices that
19 he did have spanning three years for purchases
20 made outside of the District of Columbia,
21 there is a requirement to have importation
22 permit attached. That was the reason why we

1 were unable --

2 MEMBER ALBERTI: Okay. To
3 summarize, you observed on his invoices that
4 some of the alcohol was purchased outside of
5 the District of Columbia?

6 INVESTIGATOR DEMBY: Yes, sir.

7 MEMBER ALBERTI: Okay. And so
8 therefore he was required to have importation
9 permits?

10 INVESTIGATOR DEMBY: Yes, sir.

11 MEMBER ALBERTI: Is that correct?

12 Thank you.

13 INVESTIGATOR DEMBY: No problem.

14 CHAIRPERSON MILLER: Others? So
15 he only had one alcohol invoice?

16 INVESTIGATOR DEMBY: For 2012,
17 ma'am.

18 CHAIRPERSON MILLER: For 2012.
19 Oh, did you find others for another year?

20 INVESTIGATOR DEMBY: I'm sorry,
21 ma'am?

22 CHAIRPERSON MILLER: Were there

1 other years you looked at?

2 INVESTIGATOR DEMBY: '13 and '14.

3 CHAIRPERSON MILLER: There weren't
4 any?

5 INVESTIGATOR DEMBY: I asked him
6 for three years.

7 CHAIRPERSON MILLER: Right.

8 INVESTIGATOR DEMBY: And he had
9 one for all of 2012.

10 CHAIRPERSON MILLER: And none for
11 '13 and '14?

12 INVESTIGATOR DEMBY: No, no, no.
13 He had some for -- the other eight were
14 comprised of '13 and '14. And one for all of
15 2012.

16 CHAIRPERSON MILLER: Oh, okay. So
17 the other eight were alcohol invoices?

18 INVESTIGATOR DEMBY: Yes, alcohol
19 invoices as well as just invoices for
20 restaurant-related items.

21 CHAIRPERSON MILLER: What do you
22 mean? Like what kind of related items?

1 INVESTIGATOR DEMBY: Food.

2 CHAIRPERSON MILLER: Like food?
3 Okay.

4 INVESTIGATOR DEMBY: Napkins,
5 things of that nature.

6 CHAIRPERSON MILLER: So the
7 information about purchasing outside the
8 District of Columbia, was that on the one
9 alcohol invoice for 2012 or was it on several
10 of them?

11 INVESTIGATOR DEMBY: I believe it
12 was on several of them.

13 CHAIRPERSON MILLER: Okay.

14 INVESTIGATOR DEMBY: It wasn't on
15 the 2012.

16 CHAIRPERSON MILLER: And can you
17 tell me why you didn't follow-up or he didn't
18 have a chance to produce the alcohol invoices
19 that he said were kept at home?

20 INVESTIGATOR DEMBY: No, ma'am, I
21 cannot. No, I cannot.

22 CHAIRPERSON MILLER: Okay. Okay.

1 Okay. And I assume there hasn't been a
2 follow-up to the incident, to the examination
3 of the records that day?

4 INVESTIGATOR DEMBY: No, ma'am,
5 there has not.

6 CHAIRPERSON MILLER: Okay. All
7 right. Anything else? All right. Are there
8 questions on Board questions? Mr. Stern?

9 MR. STERN: I would just -- yes.

10 REDIRECT EXAMINATION

11 MR. STERN: Is it usual for you to
12 ask for both guest checks and alcohol purchase
13 invoices?

14 INVESTIGATOR DEMBY: Yes, sir.
15 Yes, sir, it is.

16 MR. STERN: What procedure calls
17 for that?

18 INVESTIGATOR DEMBY: I'm sorry?

19 MR. STERN: Is that in some sort
20 of procedure?

21 INVESTIGATOR DEMBY: It's based on
22 our regulatory inspection, which is the form

1 we complete when we visit the establishments.
2 There is a section along the right side on the
3 check boxes that ask about import permits and
4 the options. We ask the establishments if
5 they purchased from outside of the District.
6 In reviewing their invoices if we see
7 something from outside of the District, then
8 we look for the required importation permits.

9 MR. STERN: Okay. And did you go
10 through the entire regulatory inspection?

11 INVESTIGATOR DEMBY: Yes, sir, I
12 did.

13 MR. STERN: Thank you.

14 MR. LIU: Can I ask a question?

15 CHAIRPERSON MILLER: Yes. Are you
16 done, Mr. Stern?

17 MR. STERN: Yes.

18 CHAIRPERSON MILLER: Okay. Go
19 ahead.

20 RECROSS-EXAMINATION

21 MR. LIU: Can I ask you were you
22 in training, at that time?

1 INVESTIGATOR DEMBY: Yes, sir, I
2 was.

3 MR. LIU: Okay. So you had a
4 supervisor, you had three people that went.
5 One supervisor, the other Inspector and you
6 were training at that time, correct?

7 INVESTIGATOR DEMBY: No, sir,
8 that's not correct.

9 MR. LIU: All right. You had a
10 supervisor?

11 INVESTIGATOR DEMBY: You said
12 inspector. ABRA doesn't employ inspectors.

13 MR. LIU: Well --

14 INVESTIGATOR DEMBY: There was
15 another Investigator in charge.

16 MR. LIU: Okay. Okay. I'm sorry.
17 Okay. All right. Okay. Thank you.

18 CHAIRPERSON MILLER: Okay. Thank
19 you very much.

20 INVESTIGATOR DEMBY: Thank you.

21 MR. STERN: The Government would
22 move Exhibit G-1 into evidence, which is the

1 report that the -- was identified by the
2 Investigator.

3 CHAIRPERSON MILLER: Is that the
4 case report?

5 MR. STERN: Yes.

6 CHAIRPERSON MILLER: Okay. You
7 have a copy of that, Mr. Liu?

8 MR. LIU: Yes, I have that. This
9 right here?

10 MR. STERN: Yes, that's it.

11 CHAIRPERSON MILLER: Right. Okay.
12 All right. The case report is admitted as
13 Government Exhibit 1.

14 (Whereupon, the above-referred to
15 document was received as
16 Government Exhibit No. 1 into
17 evidence.)

18 MR. STERN: With that, the
19 Government would submit its case.

20 CHAIRPERSON MILLER: Okay. Mr.
21 Liu, are you going to testify?

22 MR. LIU: Yes.

1 CHAIRPERSON MILLER: Okay.

2 MR. LIU: Should I go there?

3 CHAIRPERSON MILLER: Yes. Go over
4 there, please. I have already sworn you in.
5 So actually, you can -- well, you can sit or
6 stand, however you feel comfortable as long as
7 we get your voice picked up.

8 MR. LIU: Can I go through what
9 happened that day, exactly what happened that
10 day?

11 CHAIRPERSON MILLER: Sure. It's
12 your time, yes.

13 MR. LIU: All right.

14 DIRECT EXAMINATION

15 MR. LIU: On that day, March 14,
16 around 9:00, we close around 9:35 or 9:40. We
17 close around 10:00. Basically, we pretty much
18 closed, you know, 9:30.

19 And three people came in. One say
20 he is with Alcohol Beverage and want to do
21 inspection, which has happened every month,
22 month and half. They come about 9:00, 9:30.

1 I given all the paper, normally it
2 is right. I give the invoices.

3 MEMBER JONES: Speak up a little.

4 MR. LIU: Huh?

5 CHAIRPERSON MILLER: Yes.

6 MEMBER SILVERSTEIN: Please speak
7 up a little louder.

8 MR. LIU: Okay. So normally like
9 I give all the information. You know, they
10 ask who I am. I give driver's license. I,
11 you know, give my alcohol license. I give my
12 -- all the papers. They look at them.

13 And they introduced themselves as
14 who they are. I can't remember their name,
15 but they say this is a training. You know, we
16 will be training this person, you know, to be
17 Investigator. I said fine.

18 So they went to my liquor invoice
19 and they find out that the guy asked me says
20 how come you only have one for 2012 when you
21 have all the beer and wine, you know? Are you
22 buying from some warehouse? I say no. I say

1 I have no business. Okay. And I don't sell
2 out liquors, because I don't -- we open up --
3 the restaurant open in August 2010. Okay?

4 At that time, I bought about
5 \$2,000 or \$3,000 worth of liquor, not beer and
6 wine, to stock my liquor. When I opened, I
7 find out that in the area, they don't drink
8 liquor. They drink, you know, beer and wine
9 because it's a Chinese restaurant. You know,
10 I can show you we sell \$300 liquor a month,
11 okay? Maybe 10 glass a month.

12 I explained to the supervisor, we
13 don't sell a lot, you know. I have all this
14 left over from my initial purchase. Why do I
15 need to buy more? He say well, how can you
16 have a restaurant have only one invoice? I
17 say, you know, what do you want me to do? I
18 don't sell. I can't buy it.

19 And at that time, he gets very
20 rude. You know, he say well, I don't believe
21 you. And he said where is your book and
22 records? He didn't say guest receipts. He

1 say where is your book and record?

2 Then he turn around, turned to the
3 trainer and say no, I'm going to teach you how
4 to do an investigation on this. And I said,
5 okay, you're training this person, you know,
6 but give me a break, you know. And so I said
7 what do you want? He said I need all your
8 book and records.

9 I said all my book and records?
10 That's a lot of stuff, okay. Are you going to
11 go through this? Yes, I need all of it. I
12 said okay, I got all of it. I got my
13 checkbook is always in the restaurant. I had
14 my sales tax return, okay, which tells what
15 the sales is.

16 I got my purchase of -- I got the
17 tax return and I got -- I don't have all the
18 invoice, you know, all the guest receipts
19 because my wife took home to post it. Okay,
20 right? Can I bring back tomorrow? He said
21 no, you are in violation. I'm going to write
22 you up.

1 Okay. So I say okay, I said I
2 don't -- one of them say -- I say, you know,
3 I bring back tomorrow. You know, and they say
4 no. Okay. So they went through my liquor
5 invoice and they see in 2011 I purchased two--
6 purchased out-of-state wine in Virginia. It's
7 a single malt liquor from Virginia. You know,
8 I thought it was special, but it didn't sell.
9 I still have five bottles in the restaurant.
10 Okay.

11 And why? It's a Russian wine,
12 because they promote it, you know, they say
13 it's a Russian wine. So we say who knows, new
14 restaurant, you know, we say we try and
15 promote our Russian wine. It didn't sell.

16 I have invitation for all -- both
17 of them, but I missing one, because Russian
18 wine -- they trying to sell me the second
19 liquor, you know, they deliver it and I say
20 I'm not selling it, so I cancel the order. So
21 I haven't received, but, you know, I didn't
22 take the order. But that's you know.

1 And he say well, you are missing
2 importation order. I had those invoice from
3 the Russian wine, but I'm missing one. He say
4 well, every purchase from out-of-state have to
5 have the importation order. But I have the
6 importation order for this guy from before.

7 Besides that, you know, I don't
8 have the wine, but he say anything you have,
9 you have to have importation order, which I
10 didn't. I thought if I buy from guy, they
11 show the importation order, you know, to say
12 they have right to import it to D.C., I'm
13 okay. But only have three order of liquor or
14 wine. Wines, liquor and two is wine from out-
15 of-state.

16 The rest of it, I buy from in the
17 Washington Wholesale. I only had two
18 supplier. One is Premium Beer, because, you
19 know, I don't have enough volume to buy, you
20 know, from all different dealers. So I have
21 one supplier. One supplier for liquor from
22 Washington Wholesale, because they have

1 minimum of \$500. You know, I'm not going to
2 need it, so I had to have one person.

3 So he said I'm going to write you
4 up for two violations and one is importation.
5 One is for no guests and records. I say I had
6 to take it, you know, and he say well, no. I
7 -- you know, we will come back. We will give
8 you a notice and come back in a month or so.

9 So we didn't know what to do. He
10 was -- to me, he was training this guy,
11 telling like how to be an Investigator. Make
12 an example of me. Say, you know, this guy has
13 this, this, this.

14 Now, maybe because my wife took
15 the record for home to posting, you know, it's
16 not right, but, you know, when you have office
17 in small restaurant, we have to do the books
18 somewhere. You know, I can't do. So and I
19 also told him I said wait a couple months, you
20 know, I said you can have the rest of it. You
21 know, he didn't want to hear it, you know.

22 He didn't ask for guests and

1 checks. The Investigator testified he asked
2 for books and records and that's why I asked
3 the question books and records. What book and
4 record do you want? You know, that's a lot of
5 stuff for three years.

6 You know, so I said I can give you
7 some of this and he say no, I want your book
8 and record. And as soon as I tell him I said
9 I'm missing that, he stop and he say you in
10 violation. He didn't look at the rest of book
11 and record. I explained to him we don't sell
12 a lot of beer and wine, liquor. You know, we
13 only sell -- I have the quarterly report, you
14 know, will tell you I sell about \$3,000 a
15 month.

16 Out of that there is \$300 is the
17 liquor. I said I can't buy that much stuff,
18 because I don't sell it. Okay? But he
19 doesn't believe me. He just say, you know,
20 you have -- you are a restaurant. You can't
21 just have one invoice. I said, you know, you
22 don't sell, you can't buy. So that's the end

1 of that story.

2 So let's see, what else? And also
3 the Investigator says and I got eight, he got
4 total nine in 2013/14. It's all beer or beer
5 and wine, because he didn't look at any -- my
6 full invoice or anything like that. Okay?
7 The only thing they looked at that night was
8 my beer and wine invoice and my license,
9 that's it.

10 Okay? And they didn't touch my
11 records, you know, they didn't touch my
12 records, because I told them two months
13 receipt my wife took -- take home to post.
14 That stopped him. That's why, you know, even
15 though I think perhaps took home is not right,
16 but I just thought the reason is -- I tell him
17 I just think I don't think that -- you know,
18 I think that at that time, they were just
19 teaching this trainer how to be an
20 Investigator and make example out of me.

21 You know, the person, that's what
22 I think. Okay. That's it.

1 CHAIRPERSON MILLER: Okay. Now,
2 Mr. Stern has an opportunity to ask you
3 questions, based on what you testified to. Do
4 you have any questions, Mr. Stern?

5 MR. STERN: Yes.

6 CHAIRPERSON MILLER: Go ahead.

7 CROSS-EXAMINATION

8 MR. STERN: When did your
9 establishment open?

10 MR. LIU: August 2010.

11 MR. STERN: August 2010.

12 MR. LIU: Yes.

13 MR. STERN: And that's when you
14 bought that large amount of liquor that --

15 MR. LIU: Yes.

16 MR. STERN: -- you started with?
17 And how much do you charge for a bottle of
18 beer or a glass of beer?

19 MR. LIU: \$2.95 to \$4.95.

20 MR. STERN: Okay. So let's say
21 around \$5?

22 MR. LIU: Yes.

1 MR. STERN: At \$300 a month, that
2 would be about 60 glasses or 60 bottles a
3 month?

4 MR. LIU: I don't remember.

5 MR. STERN: With 720 bottles a
6 year?

7 MR. LIU: Yes.

8 MR. STERN: Since 2010? Is that
9 right?

10 MR. LIU: No, no, no. No. I buy
11 beer, wine maybe six times or seven times a
12 year. Six times or seven times a year. I
13 just don't buy any liquor.

14 MR. STERN: Okay.

15 MR. LIU: And at that time, the
16 question they raised is I only have one
17 invoice for liquor, which is Washington
18 Wholesale.

19 MR. STERN: You understand that
20 beer and wine is liquor don't you?

21 MR. LIU: All right. So I'm
22 saying this, beer and wine I buy from Premium.

1 Okay. And the liquor I buy from Washington
2 Wholesale. I explained to the Investigator
3 Supervisor --

4 MR. STERN: Unfortunately, that
5 wasn't the question.

6 MR. LIU: Okay.

7 MR. STERN: My question was you
8 understand that beer and wine is liquor,
9 right?

10 MR. LIU: Yes. No. I know now,
11 but --

12 MR. STERN: Okay.

13 MR. LIU: -- I didn't before.

14 MR. STERN: And you only had one
15 invoice for all of 2007. Excuse me, 2012.

16 MR. LIU: No. I had only one
17 invoice for Washington Wholesale. I had eight
18 or nine invoice for Premium.

19 MR. STERN: That's all the
20 invoices you had. I'm talking about for just
21 the 2012.

22 MR. LIU: That's correct.

1 MR. STERN: You had one invoice
2 for 2012?

3 MR. LIU: No. I had maybe 10
4 invoice. One is for Washington Wholesale.

5 MR. STERN: So the Investigator
6 just didn't see the other nine invoices that
7 you had?

8 MR. LIU: They saw. But they --
9 the question we had was how come I have so
10 much spirit, if you want to say. Okay?
11 Spirit, okay?

12 MR. STERN: Okay.

13 MR. LIU: That's the question they
14 ask me. How do you -- how can you buy so
15 little spirit?

16 MR. STERN: So I guess what I'm
17 asking you is is it your testimony under
18 oath --

19 MR. LIU: Yes.

20 MR. STERN: -- that you had 10
21 invoices for 2012?

22 MR. LIU: Yes.

1 MR. STERN: Okay. And do you know
2 of any reason why the Investigator wouldn't
3 have put those other nine invoices in his
4 report, but would put one invoice in his
5 report?

6 MR. LIU: I have no idea.

7 MR. STERN: Okay.

8 MR. LIU: But I do have --

9 MR. STERN: Any reason you can
10 think of why the Investigator wouldn't have
11 just said zero invoices, if he wanted to make
12 an example of you?

13 MR. LIU: I have no idea. All I
14 can tell you is --

15 MR. STERN: Thank you.

16 MR. LIU: Okay.

17 MR. STERN: Now, you -- let's --
18 so we can talk about what we both agreed
19 upon --

20 MR. LIU: Okay.

21 MR. STERN: -- you admit that you
22 were missing an importation permit? Is that

1 right?

2 MR. LIU: Well, if every order
3 come in had to attach to importation permit,
4 yes, I missing one. But that order was never
5 -- the particular here that order was never
6 delivered. It was returned.

7 MR. STERN: And you admit that
8 your wife, according to you, took home the
9 guest receipts to post. Is that right?

10 MR. LIU: Yes, for two months,
11 yes.

12 MR. STERN: For two months?

13 MR. LIU: Yes.

14 MR. STERN: What happened to the
15 guest receipts for 2012?

16 MR. LIU: In the restaurant.

17 MR. STERN: Okay. And the
18 Investigator just didn't see them?

19 MR. LIU: No, he -- when I say I
20 took two months guest receipts home, he stop
21 right there and say you are in violation. You
22 should not take anything home. I say, you

1 know, I had to post it. Then he say that's
2 it. He didn't look at my records. He didn't
3 look at anything else, that's it. He said he
4 going to write me up.

5 MR. STERN: Okay. So just so we
6 are clear, at the time that they were there --
7 I'm sorry. Does your wife always keep some of
8 the guest receipts at home?

9 MR. LIU: Not any more.

10 MR. STERN: Okay. At the time was
11 she always keeping some?

12 MR. LIU: Yes.

13 MR. STERN: Okay. So --

14 MR. LIU: We didn't keep at home.
15 We took home to post, to do the work.

16 MR. STERN: Right.

17 MR. LIU: You know, and not --

18 MR. STERN: And how often do you
19 take it home?

20 MR. LIU: Maybe once or twice in
21 two months, because we do quarterly report.

22 MR. STERN: So in three months,

1 you take it home for one night. Is that
2 right?

3 MR. LIU: Once or twice.

4 MR. STERN: And that happened to
5 be the night that the Investigator showed up?

6 MR. LIU: Well, we need to post
7 it. We don't post one night. She might keep
8 this five, six days, you know, because she,
9 you know, finish it and bring it back.

10 MR. STERN: Okay. So for the five
11 days in a three month period, that happened to
12 be the time the Investigator showed up?

13 MR. LIU: Yes.

14 MR. STERN: Okay. Do you find
15 that coincidental?

16 MR. LIU: No.

17 MR. STERN: Okay. And just so we
18 are in agreement on everything --

19 MR. LIU: Yes.

20 MR. STERN: -- you agree that at
21 the very minimum --

22 MR. LIU: Um-hum.

1 MR. STERN: -- you did not have
2 the guest receipts on-site on that day?

3 MR. LIU: Yes, for two months,
4 yes.

5 MR. STERN: Okay. Thank you.

6 MR. LIU: Um-hum.

7 MR. STERN: That's the questions
8 for the Board's questions.

9 CHAIRPERSON MILLER: Board
10 questions? Mr. Short?

11 MEMBER SHORT: Yes. Mr. Ted Liu?

12 MR. LIU: Yes.

13 MEMBER SHORT: How are you this
14 morning? I guess it's morning still. You
15 have been in business how many years?

16 MR. LIU: 2010.

17 MEMBER SHORT: Since 2010?

18 MR. LIU: Yes.

19 MEMBER SHORT: You know the
20 requirements that your books and records
21 should be there in your business?

22 MR. LIU: Yes, I do.

1 MEMBER SHORT: Well, can I ask you
2 what happened to your business August 6, 2009?
3 Do you remember that date?

4 MR. LIU: That's not my -- I'm the
5 owner. I bought -- I purchased in 2010.

6 MEMBER SHORT: Okay. Well, how
7 about the 12th or December 19, 2013?

8 MR. LIU: December 19th what
9 happened?

10 MEMBER SHORT: You were cited for
11 not having books and records and quarterly
12 statement and fined \$250.

13 MR. LIU: I didn't --

14 MEMBER SHORT: You don't remember
15 that?

16 MR. LIU: I don't remember that.

17 MEMBER SHORT: Well, let me ask
18 you this --

19 MR. LIU: I was fine \$250 for
20 what?

21 MEMBER SHORT: What do you think
22 the purpose of those Inspectors asking for

1 those records were? What was the purpose of
2 the Investigators and Inspectors to ask you
3 for your books and records? Why would they do
4 that?

5 MR. LIU: I assume it's to make
6 sure you don't -- I mean, I understand there
7 is a percentage, you know, of food and liquor.
8 It doesn't -- you know, you are not over the
9 percentage.

10 MEMBER SHORT: So you know that?

11 MR. LIU: I know that.

12 MEMBER SHORT: So books and
13 records would prove that. Is that correct?

14 MR. LIU: Correct.

15 MEMBER SHORT: And you didn't have
16 the books and records there?

17 MR. LIU: Like I said before, I
18 have only two months receipt my wife took home
19 to post. The Inspector asked me and I told
20 him, I say, you know, I got everything here
21 except two months and he stopped right there.
22 He said, you know, you should not take

1 anything home off-premises, you know. She
2 already took off-premises, there is nothing I
3 can do.

4 MEMBER SHORT: Okay. I'm trying
5 to follow you. And I'm just trying to --

6 MR. LIU: Yes.

7 MEMBER SHORT: -- get to the
8 truth --

9 MR. LIU: Yes.

10 MEMBER SHORT: -- of this matter.

11 MR. LIU: Okay.

12 MEMBER SHORT: And you don't
13 remember in 2013 being cited for not having
14 the same problem that you have today?

15 CHAIRPERSON MILLER: Can I
16 interject for a second just to help him out?
17 Mr. Liu, you were given a copy of the case
18 report that was --

19 MR. LIU: Yes.

20 CHAIRPERSON MILLER: -- okay, put
21 into evidence by the Government. At the back
22 page of that case report has an investigative

1 history.

2 MR. LIU: Okay.

3 CHAIRPERSON MILLER: And it shows
4 or it states that on December 19, 2013, you
5 got a citation for \$250 related to your
6 quarterly statement.

7 MEMBER SHORT: Thank you, Madam
8 Chair.

9 MR. LIU: Quarterly statement.

10 CHAIRPERSON MILLER: Right.

11 MR. LIU: That's correct.

12 CHAIRPERSON MILLER: Okay.

13 MR. LIU: For quarterly statement,
14 yes, because I sent to -- I sent the quarterly
15 statement to the old -- for some reason, I
16 sent it old place.

17 CHAIRPERSON MILLER: Yes.

18 MR. LIU: You know, the U Street.

19 CHAIRPERSON MILLER: Yes.

20 MR. LIU: And finally somehow they
21 brought it back and they say it was 20 day
22 late.

1 CHAIRPERSON MILLER: It was --
2 because you were late you got a citation?

3 MR. LIU: Yes. Because on my
4 quarterly statement I use certified mail. I
5 don't mail on the 29th, the 30th, I use
6 certified mail. That's where you can look and
7 know it was certified mail. That one I
8 mailed, I think, for some reason I sent to the
9 old address. And it take about two weeks to
10 fall back into this address, so I got cited.

11 MEMBER SHORT: Okay. Those books
12 and records also serve to -- the basis of the
13 taxes you pay to the District of Columbia,
14 correct?

15 MR. LIU: Correct.

16 MEMBER SHORT: So if you don't
17 have the proper records and don't pay the
18 proper taxes, what do you think happens to the
19 District of Columbia if everybody or 50
20 percent of the restaurants in town decided
21 they didn't have their books and records?

22 MR. LIU: I had no objection, you

1 know, you look at my books and records. You
2 know, I think what you want -- that's fine.
3 I have all books and records. I told you I
4 have my sales tax report of the month on
5 premises. I had my tax return on premises.
6 Everything, the payroll taxes according to
7 type series on the premises.

8 The only thing I missing was two
9 month of receipt and my wife take home to
10 post. So we have records and we bring back in
11 restaurant. I have not -- I am not saying
12 that I took all my records home. I don't.
13 All my records was -- is in the restaurant,
14 you know, in a box, you know, in the -- and I
15 just don't -- at that time I took the receipt
16 and everything.

17 Investigator only ask me is I want
18 you -- he didn't say I want guest receipt. He
19 said I want book and record. I asked him and
20 he said three years, a lot of book and
21 records. Okay. And you go through this and
22 he say let me see the cash receipts for last

1 month, the last two months. I said my wife
2 took it home. I asked my wife to post it.
3 She took them to post.

4 So we stop right there. That's
5 the end of that conversation. And he turn
6 around told the trainer and say, okay, that's
7 what we do. You know, if someone don't have
8 books and records, you know, stop talking to
9 them. That's all we do.

10 MEMBER SHORT: Yes, I understand
11 your testimony. I have heard that. This is
12 the third time.

13 MR. LIU: That's it, you know. He
14 didn't ask me and say can you bring back. You
15 know, he say -- at that time, he said I'm
16 guilty and write me up.

17 MEMBER SHORT: Okay. I
18 understand. But let me ask you this, the next
19 time an ABRA Investigator or Inspector or
20 anyone from ABRA comes to your store, will
21 those records be there in place?

22 MR. LIU: Yes. They are there

1 now.

2 MEMBER SHORT: Thank you very
3 much. That's all I have.

4 CHAIRPERSON MILLER: Okay.

5 MR. LIU: You know.

6 CHAIRPERSON MILLER: Mr. Alberti?

7 MEMBER ALBERTI: Good morning, Mr.
8 Liu.

9 MR. LIU: Yes.

10 MEMBER ALBERTI: I just want to
11 make sure I heard you earlier. I think you
12 testified earlier that you sell about \$300 a
13 month in alcohol?

14 MR. LIU: Yes. Spirit. He say
15 alcohol. It could be spirit.

16 MEMBER ALBERTI: What do you sell
17 when you are selling alcohol?

18 MR. LIU: About \$2,500 to \$2,600.

19 MEMBER ALBERTI: Let me refresh
20 your memory, Mr. Liu. I have your quarterly
21 statements for 2013.

22 MR. LIU: Yes.

1 MEMBER ALBERTI: First quarter,
2 \$7,002. Second quarter \$7,700.86.

3 MR. LIU: Um-hum.

4 MEMBER ALBERTI: Third quarter
5 \$5,700.42. And fourth quarter \$7,369. That's
6 the amount that you reported that you sold in
7 alcohol sales.

8 MR. LIU: That's about right.

9 MEMBER ALBERTI: Okay.

10 MR. LIU: Yes, three months, you
11 know, maybe that's --

12 MEMBER ALBERTI: So that's right.
13 So it's much more than the \$300 plus \$2,500 or
14 approximate \$3,000 that you reported. All
15 right. So that's correct. Okay.

16 So again I'll ask you how many
17 times a year do you order beer or wine?

18 MR. LIU: I order spirit once.

19 MEMBER ALBERTI: No, no. Beer or
20 wine. My question is beer or wine.

21 MR. LIU: Every two months.

22 MEMBER ALBERTI: How many? How

1 often?

2 MR. LIU: Every six weeks or two
3 months.

4 MEMBER ALBERTI: So at least six
5 times a year?

6 MR. LIU: Yes.

7 MEMBER ALBERTI: So for 2012 and
8 2013, there should have been at least 12
9 invoices, right?

10 MR. LIU: Yes.

11 MEMBER ALBERTI: Of the nine
12 invoices that the Investigator says were
13 there, how many were for spirits?

14 MR. LIU: One.

15 MEMBER ALBERTI: One? All right.
16 So you are missing at least four invoices,
17 correct? You are missing at least four
18 invoices for that day, by your own testimony.

19 MR. LIU: I don't know. I have
20 all my invoice there. I mean, I didn't count
21 them.

22 MEMBER ALBERTI: Did you bring

1 them?

2 MR. LIU: Some of them, yes.

3 MEMBER ALBERTI: Did you bring the
4 guest checks?

5 MR. STERN: I'm sorry, I didn't
6 get that. Did you say you brought some of
7 them?

8 MR. LIU: Yes, I have all my
9 invoices here.

10 MEMBER ALBERTI: Did you bring
11 your guest checks?

12 MR. LIU: Yes.

13 MEMBER ALBERTI: Mr. Liu, let me
14 ask you.

15 MR. LIU: Yes.

16 MEMBER ALBERTI: If you have them,
17 as you are claiming, why weren't they there?

18 MR. LIU: Huh?

19 MEMBER ALBERTI: Why weren't they
20 in the store?

21 MR. LIU: They were. These were
22 already in the store. These were in the

1 store.

2 MEMBER ALBERTI: What were in the
3 store?

4 MR. LIU: The guest -- the beer
5 invoice and the only thing missing was the --

6 MEMBER ALBERTI: What was in the
7 store?

8 MR. LIU: Everything was in the
9 store.

10 MEMBER ALBERTI: What was in the
11 store specifically? I need to know
12 specifically what was in the store.

13 MR. LIU: My checkbook.

14 MEMBER ALBERTI: No, no, no.
15 Invoices. We are talking about invoices.
16 What invoices were in the store?

17 MR. LIU: All my invoices for beer
18 and spirit invoice all in the store.

19 MEMBER ALBERTI: How many?

20 MR. LIU: Okay. '13, two, three,
21 four, five, six. Six.

22 CHAIRPERSON MILLER: So that's six

1 what?

2 MR. LIU: Beer and wine, yes.

3 CHAIRPERSON MILLER: For what
4 year? Mr. Liu?

5 MEMBER ALBERTI: For '12?

6 CHAIRPERSON MILLER: For what year
7 is that?

8 MR. LIU: '14.

9 MEMBER ALBERTI: For '12? For
10 '12?

11 CHAIRPERSON MILLER: What did you
12 just -- just for the record, could you tell us
13 what did you hand Mr. Stern? Invoices for --

14 MR. LIU: Invoices, yes.

15 MR. STERN: 2013 invoices.

16 CHAIRPERSON MILLER: 2013? Okay.

17 MR. LIU: Twelve, I have one, two,
18 three, four, five, six, and seven.

19 MEMBER ALBERTI: And did you
20 present those to the Investigator?

21 MR. LIU: Yes, everything like
22 this.

1 MEMBER ALBERTI: What do you mean
2 everything? You presented -- and you are --
3 okay. So your testimony is that you presented
4 to the Investigator and the Investigator
5 counted only nine?

6 MR. LIU: I don't know how they
7 counted, but the only thing they did --

8 MEMBER ALBERTI: Did he tell you?
9 Did the Investigator tell you?

10 MR. LIU: Yes, but --

11 MEMBER ALBERTI: Well, let me
12 finish my question. Mr. Liu, let me finish my
13 question.

14 MR. LIU: Okay.

15 MEMBER ALBERTI: Did the
16 Investigator tell you that there were only
17 nine?

18 MR. LIU: No.

19 MEMBER ALBERTI: He didn't tell
20 you at that time how many were there?

21 MR. LIU: No. The only thing he
22 say to me is he say how come there is only one

1 spirit ticket? I said I don't sell a lot.

2 MEMBER ALBERTI: I understand.

3 Okay. So there is a third year here, which
4 would be 2011.

5 MR. LIU: Yes.

6 MEMBER ALBERTI: How many for
7 2011?

8 MR. LIU: 2011, let me see. 2011,
9 two, three, four, five, six, seven, eight.
10 Oh, I'm sorry.

11 MEMBER ALBERTI: So we have over
12 six?

13 MR. LIU: Six.

14 MEMBER ALBERTI: So about 20
15 invoices total?

16 MR. LIU: Yes.

17 MEMBER ALBERTI: And you are
18 saying that the Investigator only counted
19 eight of them, because he has counted one
20 spirit one? So he only counted eight out of
21 the 20? Is that what you are telling us? Is
22 that your testimony?

1 MR. LIU: I don't know how they
2 counted, but I show them just like this and he
3 didn't tell me how many he count. Only thing
4 he question is how you only have one spirit.
5 So it might be nine, ten.

6 MEMBER ALBERTI: Thank you.

7 MR. LIU: He didn't tell me.

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

10 CHAIRPERSON MILLER: Okay.
11 Others? I have one follow-up because it's --

12 MR. LIU: Sure.

13 CHAIRPERSON MILLER: The picture
14 is not that clear.

15 MR. LIU: Okay.

16 CHAIRPERSON MILLER: Okay. So you
17 are sitting here with folders with guest
18 checks in them from 2011 through 2013?

19 MR. LIU: From day I open to now.

20 CHAIRPERSON MILLER: From 2010?

21 MR. LIU: '10, yes.

22 CHAIRPERSON MILLER: Through 2014?

1 MR. LIU: Yes.

2 CHAIRPERSON MILLER: Okay. So
3 they are fairly well organized from my
4 perspective, at least here, in different
5 folders by year.

6 MR. LIU: Huh?

7 CHAIRPERSON MILLER: Are the
8 folders by year?

9 MR. LIU: No, altogether.

10 CHAIRPERSON MILLER: Altogether.
11 All right.

12 MR. LIU: Not that much.

13 CHAIRPERSON MILLER: All right.
14 So what did you understand the Investigator to
15 ask for that night? And what did you give
16 them?

17 MR. LIU: Like I said, he asked
18 for book. Do you have three years of book and
19 records?

20 CHAIRPERSON MILLER: Okay. So
21 what do you interpret that to mean?

22 MR. LIU: I interpret that to the

1 sales expense, you know, and tax return,
2 everything, that's book and records.

3 CHAIRPERSON MILLER: Okay.

4 MR. LIU: I said do you want three
5 years of book and records? And he say -- I
6 said two years receipts I took back home. And
7 he said --

8 CHAIRPERSON MILLER: You said two
9 how many?

10 MR. LIU: Two months, two months.

11 CHAIRPERSON MILLER: Two months,
12 okay.

13 MR. LIU: Two months receipt my
14 wife took home to post. Because at that time,
15 I asked my wife where are the book and
16 records, okay? Can you bring them to me? She
17 told me last two months, you know, she took
18 home. So I told the Inspectors the last two
19 months, you know, she took home. And he say
20 well, you should not take anything off-
21 premises.

22 And I don't know what to say. You

1 know, then he stopped there, that's it. Okay?

2 CHAIRPERSON MILLER: Okay.

3 MR. LIU: He didn't ask for
4 anything else. Okay? He said that's it.

5 CHAIRPERSON MILLER: What did you
6 give them to look at?

7 MR. LIU: I give them this
8 invoice. I give them my invoices around them,
9 my quarterly report. I gave my sales tax
10 return. Okay, I give my license. You know,
11 everything there.

12 CHAIRPERSON MILLER: Did you give
13 them one of those folders? That contains
14 guest checks, right? Is that correct in that
15 folder?

16 MR. LIU: Yes.

17 CHAIRPERSON MILLER: I haven't
18 seen them.

19 MR. LIU: Yes. No.

20 CHAIRPERSON MILLER: Guest checks?

21 MR. LIU: No. No guest check.

22 CHAIRPERSON MILLER: No?

1 MR. LIU: Just --

2 CHAIRPERSON MILLER: Invoices?

3 MR. LIU: -- my -- no, no invoice.
4 Just my sales tax report.

5 CHAIRPERSON MILLER: Your sales
6 tax report?

7 MR. LIU: Yes.

8 CHAIRPERSON MILLER: What's on
9 that?

10 MR. LIU: Same thing will tell you
11 how much I sell each month, each quarter.

12 MEMBER SHORT: Sales reports.

13 MR. LIU: And you start to do your
14 quarterly report for the ABC, you know,
15 quarterly report. And we take out the beer
16 and wine and liquor, you know, and do the
17 percentage.

18 CHAIRPERSON MILLER: So what is in
19 those folders? Like you were telling Mr.
20 Alberti, there were like a certain number for
21 2013. 2011 you said there were six. Six
22 what?

1 MR. LIU: Six beer purchase.

2 CHAIRPERSON MILLER: That's an
3 invoice.

4 MR. LIU: Premium Beer.

5 CHAIRPERSON MILLER: No?

6 MR. LIU: Yes, that's invoice,
7 yes.

8 CHAIRPERSON MILLER: Okay. So
9 there were six invoices for 2011. And in 2012
10 there were how many?

11 MR. LIU: Eight, I think.

12 CHAIRPERSON MILLER: So --

13 MEMBER ALBERTI: We have --

14 CHAIRPERSON MILLER: So you did
15 produce?

16 MR. LIU: Yes, I did produce, yes.

17 CHAIRPERSON MILLER: You produced
18 invoices?

19 MR. LIU: Yes.

20 CHAIRPERSON MILLER: Do you know
21 if they looked at them?

22 MR. LIU: They looked at them.

1 The only question is they say how come you
2 have one spirit invoice for 2012?

3 CHAIRPERSON MILLER: 2013, how
4 many did you have?

5 MR. LIU: I have eight.

6 CHAIRPERSON MILLER: Eight?

7 MR. LIU: Eight, yes.

8 CHAIRPERSON MILLER: And also
9 because he, you know, don't trust me, so I
10 say, you know, I know business, you know, I
11 don't need writing, so he didn't like the
12 answer.

13 CHAIRPERSON MILLER: What's the
14 story with guest checks? Do you keep guest
15 checks?

16 MR. LIU: I beg your pardon?

17 CHAIRPERSON MILLER: What about
18 guest checks? Do you keep guest checks?

19 MR. LIU: Yes, I keep guest
20 checks. Yes, I have to keep guest checks.

21 CHAIRPERSON MILLER: Where are
22 they?

1 MR. LIU: They are in the
2 restaurant, except every so often my wife take
3 them --

4 CHAIRPERSON MILLER: Right. I got
5 that.

6 MR. LIU: -- home to post.

7 CHAIRPERSON MILLER: The last two
8 months your wife took them.

9 MR. LIU: Yes, yes. All in the
10 restaurant.

11 CHAIRPERSON MILLER: In the
12 restaurant where? In a box?

13 MR. LIU: In a box, yes.

14 CHAIRPERSON MILLER: Did you show
15 that box to the Investigators?

16 MR. LIU: They didn't ask for it.

17 CHAIRPERSON MILLER: When they
18 asked for books and records, did you think
19 that meant guest checks?

20 MR. LIU: Yes.

21 CHAIRPERSON MILLER: So did they
22 ask for books and records?

1 MR. LIU: They ask for book and
2 record. I say do you want a whole three years
3 of it? Okay. And so I turn around to my wife
4 and said where is our book and records for
5 three years, you know, they want to see it.
6 And my wife told me last two months receipt I
7 too home to post. So I told the Inspector and
8 the Inspector say okay, last two months
9 receipt I took home post, my wife took home to
10 post. And he says well, you should not take
11 anything off-premises, that's the end of that.

12 Then he say -- he turn around
13 talked to the chairman and say okay, we have
14 to report on this they don't have it, that's
15 it.

16 CHAIRPERSON MILLER: Okay.

17 MR. LIU: Okay. And I don't --
18 you know, he didn't say can I see the
19 checkbook? Can I see the record? He didn't
20 say any of this, you know.

21 CHAIRPERSON MILLER: Okay.

22 MR. LIU: You know, so because of

1 my system there, that's the end of story, you
2 know. He told the trainer he don't -- he stop
3 talking to me. He talked to the trainer and
4 said we've got to report this way, this way,
5 this way. He doesn't have this record.

6 CHAIRPERSON MILLER: Do you keep
7 any records electronically, like on your
8 computer?

9 MR. LIU: No.

10 CHAIRPERSON MILLER: But when your
11 wife makes these reports, does she keep them
12 on your computer?

13 MR. LIU: No. We just post them.

14 CHAIRPERSON MILLER: She just
15 looks at them and fills them in?

16 MR. LIU: No, no, no. Yes.

17 CHAIRPERSON MILLER: Okay. All
18 right. All right. Any other questions, Board
19 Members?

20 MR. LIU: 2014. 2012, you have,
21 right?

22 MR. STERN: No, that's 2013.

1 MR. LIU: Right here. 2012 right
2 here. I can show you the breakdown of what we
3 sell if you want to see it.

4 CHAIRPERSON MILLER: What is that?

5 MR. LIU: That's what my wife
6 post. You know, so you can see.

7 CHAIRPERSON MILLER: Our attorney
8 will come get it.

9 MR. LIU: Yes.

10 CHAIRPERSON MILLER: Do you have
11 copies of any of these documents? You don't
12 have copies? Okay.

13 MEMBER ALBERTI: So just excuse me
14 for a second.

15 MR. LIU: Yes.

16 MEMBER ALBERTI: If the Board is
17 accepting something as an exhibit, I think it
18 is important that we put on the record exactly
19 what it is that was just handed to us.

20 CHAIRPERSON MILLER: Well, I'm not
21 accepting it as an exhibit yet.

22 MEMBER ALBERTI: But you are

1 looking at it.

2 CHAIRPERSON MILLER: Yes.

3 MEMBER ALBERTI: Okay.

4 CHAIRPERSON MILLER: Do you -- let
5 me ask you, could you -- okay. What he is
6 talking about is a legal thing. A legal
7 procedure.

8 MR. LIU: Okay.

9 CHAIRPERSON MILLER: As Mr. Stern
10 asked me to accept into evidence the case
11 report --

12 MR. LIU: Um-hum.

13 CHAIRPERSON MILLER: It's now part
14 of our record to review in deciding the case.

15 MR. LIU: Okay.

16 CHAIRPERSON MILLER: And it's also
17 part of the record in the event anyone appeals
18 the case --

19 MR. LIU: Um-hum.

20 CHAIRPERSON MILLER: -- to the
21 higher ups, the Court of Appeals. So what you
22 handed me is this something that you may want

1 to put into evidence to support your case?

2 MR. LIU: Yes, I could, yes.

3 CHAIRPERSON MILLER: It's your
4 choice. It's your choice, you know. That
5 would be the purpose for me to look at this
6 right now. And you would have to show Mr.
7 Stern. Is this something or are any of those
8 documents something that you think --

9 MR. LIU: Yes. I mean, if you
10 want it, you know, I don't know. It's on the
11 record, you know. So you want me to put it in
12 evidence, you know, I can do that. No
13 problem. I'm not denying.

14 CHAIRPERSON MILLER: Okay. I'm
15 not asking you to. I'm just saying otherwise
16 your testimony is all in evidence.

17 MR. LIU: Yes.

18 CHAIRPERSON MILLER: So it's your
19 call. If you think that you want to explain
20 what you did and that's evidence for your case
21 or if you want to put these in evidence and
22 make copies and show them to Mr. Stern and see

1 if he has any objection and then decide
2 whether to admit them?

3 I can't tell looking at this
4 personally before you do your explanations,
5 you know, the significance here.

6 MR. LIU: Yes, I would put this in
7 evidence, yes.

8 CHAIRPERSON MILLER: You would
9 like to?

10 MR. LIU: Yes.

11 CHAIRPERSON MILLER: All right.
12 Well, then I need you to -- is this your only
13 copy?

14 MR. LIU: Yes.

15 CHAIRPERSON MILLER: All right.
16 Say what it is and then show it to Mr. Stern
17 and then I can admit it, if there is no
18 objection, you know, if I think it's relevant.
19 Do you want to give this back to him?

20 MR. LIU: Okay. Well, one second.
21 If you don't have this, okay, this is how it
22 come about, this information.

1 CHAIRPERSON MILLER: Yes.

2 MR. LIU: Every day, you know, we
3 receive the beer and wine, beer and wine and
4 liquor and bill of slip.

5 CHAIRPERSON MILLER: Yes.

6 MR. LIU: She adds them up every
7 day, you know, every day. And then she post
8 on the sheet once a month, okay.

9 CHAIRPERSON MILLER: Okay.

10 MR. LIU: And so tell how much I
11 sell beer.

12 MEMBER ALBERTI: So what does she
13 do after she posts them?

14 MR. LIU: Put in restaurant.
15 Just, you know, put this in order and put this
16 in the box.

17 CHAIRPERSON MILLER: What are
18 those? Are those receipts you are showing?

19 MR. LIU: Yes, those are beer and
20 wine sale receipts. Beer and wine receipts.

21 CHAIRPERSON MILLER: Those are
22 beer and wine receipts?

1 MR. LIU: Yes.

2 CHAIRPERSON MILLER: For which
3 years?

4 MR. LIU: '14, this quarter.

5 CHAIRPERSON MILLER: 2014?

6 MR. LIU: Yes, yes, that's just an
7 example.

8 CHAIRPERSON MILLER: Okay. All
9 right. So those are records that you keep?

10 MR. LIU: Yes.

11 CHAIRPERSON MILLER: On the
12 premises. Okay.

13 MR. LIU: So to make clear what
14 she does is she take this home and post it.

15 CHAIRPERSON MILLER: Right.

16 MR. LIU: And then bring it back.

17 CHAIRPERSON MILLER: Okay.

18 MR. LIU: Do you need the invoice
19 for the --

20 CHAIRPERSON MILLER: Well, that's
21 what is at issue more than what you showed us
22 are your receipts. That's what is at issue in

1 this case. We can't tell you what to put in
2 evidence.

3 MR. LIU: Okay.

4 CHAIRPERSON MILLER: So do you
5 have an opinion?

6 MEMBER ALBERTI: Well, I just am a
7 little --

8 CHAIRPERSON MILLER: Do you want
9 that?

10 MEMBER ALBERTI: -- stunned that
11 your opinion is that the only thing that is in
12 question is the guest receipts. I thought of
13 issue also was the invoices. So I was just a
14 little shocked by that statement that what is
15 of issue is only the guest checks. What's at
16 issue is both the invoices and the guest
17 checks.

18 MEMBER JONES: And importation.

19 MEMBER ALBERTI: Yes, and all of
20 those records are of, well, to me they are,
21 interest, just for the record. So I don't
22 want to miss -- and I say that so I don't

1 mislead Mr. Liu.

2 MR. LIU: Well, in particular, I
3 have a total here. I have a total right here.
4 And the only thing I'm missing one. The other
5 one return. Those two importation was always
6 there.

7 CHAIRPERSON MILLER: Right.

8 MR. LIU: And the other one that I
9 returned, you know, I --

10 CHAIRPERSON MILLER: And the
11 Government --

12 MR. LIU: -- was from the same
13 company. From the same company.

14 CHAIRPERSON MILLER: Do you have
15 something showing the return?

16 MR. LIU: I didn't even find the
17 invoice. No, I don't have it. But I only
18 have the invoice what's here. I don't know if
19 anybody take it out or what.

20 CHAIRPERSON MILLER: Okay. So
21 with respect to the importation permits, I
22 think there is agreement that you produced two

1 and that you are saying that's all you had,
2 except --

3 MR. STERN: Objection. That's not
4 an agreement.

5 CHAIRPERSON MILLER: Oh, okay.
6 Fine.

7 MR. STERN: I mean, the Board can
8 find that if that's what --

9 CHAIRPERSON MILLER: Oh, it
10 sounded that way.

11 MR. STERN: -- the Board finds.
12 But that's not the --

13 CHAIRPERSON MILLER: Oh, okay.

14 MR. STERN: -- the Government
15 doesn't concede that.

16 CHAIRPERSON MILLER: Oh, okay.
17 Okay. Good. Maybe you can clarify later,
18 because I am trying to get it clarified.
19 Okay.

20 MR. STERN: Okay.

21 CHAIRPERSON MILLER: So there is
22 an issue with that. Guest receipts, you're

1 showing me, you're showing us these two
2 packets which we haven't seen them exactly.
3 And you are saying they are guest receipts
4 from 2014?

5 MR. LIU: '14. For same quarter,
6 everything in the quarter in those receipts.

7 CHAIRPERSON MILLER: For the
8 quarter? First quarter?

9 MR. LIU: First quarter, yes.
10 Yes.

11 CHAIRPERSON MILLER: All right.

12 MR. LIU: Second quarter, second
13 quarter.

14 CHAIRPERSON MILLER: Second
15 quarter?

16 MR. LIU: Yes.

17 CHAIRPERSON MILLER: The other
18 guest receipts were in the folders that you
19 identified just now, the eight for 2014?

20 MR. LIU: The invoice, yes.

21 CHAIRPERSON MILLER: Those are
22 invoices?

1 MR. LIU: Yes, invoices. I don't
2 know where they get number nine, but that's
3 what I have. I have eight. Like I told --

4 CHAIRPERSON MILLER: Okay.

5 MR. LIU: -- I'm over up here, six
6 to between two months.

7 CHAIRPERSON MILLER: Okay. So you
8 showed us invoices. You have them there?

9 MR. LIU: Yes.

10 CHAIRPERSON MILLER: Invoices for
11 2011 through 2014?

12 MR. LIU: '11 to '14, yes.

13 CHAIRPERSON MILLER: To what 2013?

14 MR. LIU: '14.

15 CHAIRPERSON MILLER: '14. And the
16 guest checks I'm only hearing you say those
17 from the second quarter. Did you have other
18 quest checks?

19 MR. LIU: Second quarter. They
20 all belong to quest checks. There is a lot.

21 CHAIRPERSON MILLER: Your guest
22 checks are locked at the restaurant?

1 MR. LIU: Yes.

2 CHAIRPERSON MILLER: Yes?

3 MR. LIU: Yes.

4 CHAIRPERSON MILLER: Okay. Are
5 there any more questions?

6 MR. STERN: Yes. I want to ask
7 questions.

8 MR. LIU: Sure. Go ahead.

9 CHAIRPERSON MILLER: Yes. Are
10 there other Board questions? All right. Mr.
11 Stern, you have some questions?

12 MR. STERN: Thank you.

13 CHAIRPERSON MILLER: Okay.

14 RECROSS-EXAMINATION

15 MR. STERN: Just so we're clear,
16 you handed me this stack of papers. You took
17 a look at them and told me, I believe, that
18 those were all of the invoices of 2013. Is
19 that accurate?

20 MR. LIU: I think so, yes. Yes.
21 Yes, yes.

22 MR. STERN: Okay. And you handed

1 this folder to me and told me this was all of
2 your invoices for 2012. Is this accurate?

3 MR. LIU: Yes, for beer and wine,
4 yes.

5 MR. STERN: Okay. What about for
6 alcohol?

7 MR. LIU: Right here.

8 MR. STERN: Can I see those as
9 well?

10 MR. LIU: '11, '12.

11 MEMBER ALBERTI: Mr. Stern, just
12 for the record, what have you just requested
13 from Mr. Liu?

14 MR. STERN: What's that? I'm
15 sorry.

16 MEMBER ALBERTI: It's unclear to
17 me what you have requested from Mr. Liu.

18 MR. STERN: What I requested was
19 all of the invoices for beer or alcohol or
20 wine for 2012.

21 MEMBER ALBERTI: Okay. Thank you.

22 MR. STERN: I had previously --

1 just for the record, was previously given this
2 folder which has only beer and wine sales, so
3 I was trying to find the alcohol.

4 CHAIRPERSON MILLER: Which year?

5 MR. STERN: 2012.

6 CHAIRPERSON MILLER: Okay.

7 MR. LIU: '10, '11 I have.

8 MR. STERN: Yes, I understand
9 that.

10 MR. LIU: I don't know where '12
11 is.

12 MR. STERN: What do I have?

13 MR. LIU: '13 here.

14 MR. STERN: This is '12. This is
15 '13. And just so I can ask you, 2013, the
16 alcohol purchases were stapled to the beer and
17 wine purchases. Is that right?

18 MR. LIU: Yes.

19 MR. STERN: Okay. 2012 you didn't
20 do that?

21 MR. LIU: I didn't do that, no.

22 MR. STERN: Do you have those for

1 2012?

2 MR. LIU: I don't have them right
3 now.

4 MR. STERN: Okay.

5 MR. LIU: But I know they --

6 MR. STERN: But you say you gave
7 it to the Investigator?

8 MR. LIU: Yes, yes.

9 MR. STERN: But the day you came
10 in for trial, you didn't bring it with you?

11 MR. LIU: I didn't before that,
12 sorry.

13 MR. STERN: Okay. Now, I want --
14 you also handed these two invoices. You held
15 up these two invoices to show that you had, in
16 fact, gotten invoices with importation
17 permits. Is that right?

18 MR. LIU: That's right.

19 MR. STERN: However, one of these
20 invoices is from 2010. Is that right?

21 MR. LIU: 2010, yes.

22 MR. STERN: And one of them is

1 from 2011.

2 MR. LIU: That's correct.

3 MR. STERN: Neither of them are
4 from 2012 or '13?

5 MR. LIU: No. I didn't buy
6 anything out-of-state in 2012 and '13.

7 MR. STERN: What about the Russian
8 wine? The Russian --

9 MR. LIU: The Russian wine right
10 here. Right here.

11 MR. STERN: Okay. So you had zero
12 imports in 2012?

13 MR. LIU: 2012. After the
14 Russian, zero imports. Only Premium and the
15 Washington Wholesale.

16 MR. STERN: So when -- this is for
17 the Russian import?

18 MR. LIU: Yes, yes.

19 MR. STERN: But this has an
20 import.

21 MR. LIU: Yes, it has import. I
22 told you it has importation.

1 MR. STERN: But you testified
2 earlier that you were missing one.

3 MR. LIU: Missing one, yes.

4 MR. STERN: Which one are you
5 missing?

6 MR. LIU: The Russian importer,
7 because when they send second batch, I didn't
8 need, so there is no -- there is one more
9 ticket. I don't know where it is. But one
10 without importation. That's why they
11 questioned me.

12 MR. STERN: So you can't find the
13 one that you actually had --

14 MR. LIU: Yes.

15 MR. STERN: -- at the
16 establishment?

17 MR. LIU: That order was returned,
18 but the invoice says every ticket have to have
19 the importation on it. That's why I say I'm
20 missing one importation.

21 MR. STERN: And one invoice.

22 MR. LIU: Invoice was there.

1 Right now I'm missing one invoice. I got 10.

2 I did miss invoice.

3 MR. STERN: Okay.

4 MR. LIU: Otherwise, if I have
5 those two, he would never raise the question.
6 My mind was, you know, if I have invoice, I
7 have importation for those, he would never ask
8 the question, because I had all in the file as
9 it they come in.

10 MR. STERN: Just so the Board and
11 I are clear --

12 MR. LIU: Yes.

13 MR. STERN: -- of all the things
14 you held up --

15 MR. LIU: Um-hum.

16 MR. STERN: -- there are no
17 invoices for 2012 for alcohol. Is that right?

18 MR. LIU: No.

19 MR. STERN: Okay. And of all the
20 things you held up --

21 MR. LIU: No, spirits. You said
22 alcohol. I have beer and wine.

1 MR. STERN: Right. Oh, now, we
2 understand that alcohol is beer and wine.

3 MR. LIU: Yes, you told me that.
4 I didn't know this until you told me that.

5 MR. STERN: But there is no
6 invoices here for 2012 for spirits at all,
7 whether it is local or whether it is --

8 MR. LIU: That's correct. I don't
9 see. '11, I got '10, I got '13, I got '14.

10 MR. STERN: But you made three
11 purchases in 2013. Is that correct?

12 MR. LIU: Two.

13 MEMBER ALBERTI: Could you verify
14 that question, Mr. Stern?

15 MR. STERN: Yes. In 2013, you
16 have three invoices here for 2013. Is that
17 right?

18 MEMBER ALBERTI: Invoices for?

19 MR. STERN: For spirits.

20 MEMBER ALBERTI: Thank you, Mr.
21 Stern.

22 MR. STERN: Okay. But you are

1 telling the Board that you didn't purchase any
2 at all in 2012?

3 MR. LIU: One from 2012 right
4 here.

5 MR. STERN: So there is three from
6 2013 and one of them from 2012?

7 MR. LIU: No, no. Two for 2013
8 and one for 2012.

9 MR. STERN: Okay. And the one
10 from 2012 isn't imported from outside the
11 District? Is that right?

12 MR. LIU: No, it's Washington
13 Wholesale.

14 MR. STERN: Okay.

15 MR. LIU: What I've been saying is
16 that for 2011, I bought a lot of liquors, you
17 know, particular liquors and so I don't need
18 any for 2012. In 2013, you know, I had to buy
19 two orders.

20 MR. STERN: Did you understand
21 before this case that you had to keep your
22 records on premises for three years?

1 MR. LIU: I know I keep my records
2 for three years for Inspector. I didn't know
3 I cannot take off premises. I can understand
4 that I had to -- you can come and inspect
5 records for three years, but I didn't know I
6 cannot physically any time take out of
7 premises.

8 MR. STERN: Okay.

9 MR. LIU: That's when Inspector
10 told me you cannot take off.

11 MR. STERN: Did you understand
12 that that's what this case was about, that you
13 had failed to keep your records for three
14 years?

15 MR. LIU: Okay. For this way,
16 yes, but my explanation is I have the records.
17 I just took them to post them. I can bring
18 back to you. It's not that I keep all
19 records, you know, at home.

20 MR. STERN: Okay.

21 MR. LIU: You know, so --

22 MR. STERN: But you understood

1 that the case was about whether or not you had
2 your records. Is that right?

3 MR. LIU: Yes.

4 MR. STERN: Okay. And yet, the
5 2012 invoice you can't seem to find in the
6 records that you have?

7 MR. LIU: I have right here.

8 MR. STERN: The one from the
9 importation permit, that was missing.

10 MR. LIU: 2011. Not 2012.
11 2010/11.

12 MR. STERN: The one that was
13 missing.

14 MR. LIU: Missing, yes.

15 MR. STERN: The importation
16 permit.

17 MR. LIU: Yes.

18 MR. STERN: From 2012?

19 MR. LIU: Yes. But they say I
20 have no importation permit. I'm saying out of
21 the three order I had --

22 MR. STERN: You have to listen to

1 my question.

2 MR. LIU: Okay.

3 MR. STERN: And then you have to
4 answer my question.

5 MR. LIU: Okay.

6 MR. STERN: Or say you don't know
7 or answer it in some form. My question was,
8 first of all, that you understood that this
9 was about whether or not you had your records.
10 Is that right?

11 MR. LIU: Correct.

12 MR. STERN: Okay. My second
13 question was you understood that you were
14 coming here today, your purpose was to show
15 the Board that you did have your records,
16 right?

17 MR. LIU: No.

18 MR. STERN: What was your purpose
19 for coming here today?

20 MR. LIU: As I called the other
21 day, you said the question I have today is the
22 receipts. Okay?

1 MR. STERN: Okay.

2 MR. LIU: And I --

3 MR. STERN: Fine.

4 MR. LIU: -- the other liquor,
5 they didn't give me --

6 MR. STERN: You have answered my
7 question, sir.

8 MR. LIU: -- receipts.

9 MR. STERN: Okay. So you thought
10 that today was going to be about whether you
11 had the receipts or not?

12 MR. LIU: Yes, books and records,
13 yes.

14 MR. STERN: Okay. Did you --

15 CHAIRPERSON MILLER: Do you have a
16 lot more questions, Mr. Stern?

17 MR. STERN: Yes, I have a few.
18 I'm sorry.

19 CHAIRPERSON MILLER: Okay.

20 MR. STERN: Did you have -- get a
21 copy of the Notice of Status of Show Cause?

22 MR. LIU: Yes, yes.

1 MR. STERN: Okay.

2 MR. LIU: You show.

3 MR. STERN: Did the Notice of
4 Status of said report say "The establishment
5 had no guest receipts on the premises?" Did
6 it say that in the Notice of Status of Show
7 Cause?

8 MR. LIU: Yes, I have to submit.
9 Yes, I'm sure it say.

10 MR. STERN: I'll show you my copy.

11 MR. LIU: I'm sure it says that.

12 MR. STERN: Okay. So you knew
13 that that's one of the things that was in
14 question today?

15 MR. LIU: Formal receipts. You do
16 say --

17 MR. STERN: I'm sorry. Let's go
18 back again, because you're not answering my
19 question. My question was you understood from
20 the notice that one of the things the
21 Government was charging was that there were no
22 guest receipts on the premises.

1 MR. LIU: Correct.

2 MR. STERN: Okay.

3 MR. LIU: Correct, yes.

4 MR. STERN: And you said -- so you
5 understood that that would be an issue today?

6 MR. LIU: Correct.

7 MR. STERN: Okay. Where are your
8 guest receipts from 2012?

9 MR. LIU: I didn't get -- I didn't
10 bring with me.

11 MR. STERN: Okay. And for 2013?

12 MR. LIU: I didn't bring with me.

13 MR. STERN: Okay. And for 2014,
14 you only brought one quarter?

15 MR. LIU: Correct.

16 MR. STERN: Okay. Thank you.

17 Now, in terms of the receipts that -- for
18 alcohol.

19 MR. LIU: Yes.

20 MR. STERN: For 2012 --

21 MR. LIU: Um-hum.

22 MR. STERN: -- you said there were

1 two receipts for alcohol/spirit purchases. Is
2 that right?

3 MR. LIU: No.

4 MR. STERN: Okay. Earlier you
5 testified that there were two. Did you
6 remember that?

7 MR. LIU: I don't remember two. I
8 know one.

9 MR. STERN: Okay. There is only
10 one receipt for alcohol purchases for 2012?

11 MR. LIU: I testify I have very
12 little guest. I didn't say how many. I don't
13 remember how many. I say really low.

14 MR. STERN: So the testimony that
15 you turned over one receipt from 2012 with an
16 importation permit would be inaccurate. Is
17 that right?

18 MR. LIU: No.

19 MR. STERN: You did turn over one
20 receipt with an importation permit?

21 MR. LIU: I turned over two
22 receipt with importation. Not in 2012. I

1 turned over --

2 MR. STERN: Then you are not
3 listening to my question. Let's try that
4 again.

5 MR. LIU: Yes.

6 MR. STERN: The question, the
7 testimony that you turned over a receipt from
8 2012 with an importation permit attached would
9 be inaccurate. Is that right? That would be
10 wrong. If you haven't turned over a receipt
11 from 2012 with an importation permit.

12 MR. LIU: That's correct, yes. I
13 never say year.

14 MR. STERN: Okay.

15 MR. LIU: I never say year.

16 MR. STERN: So the Investigator
17 when he said you turned over 2012 receipt with
18 an importation permit was actually giving you
19 more credit than you say you deserved?

20 MR. LIU: I don't think so. I
21 don't think there is --

22 CHAIRPERSON MILLER: Well, I don't

1 think this is -- is this --

2 MEMBER ALBERTI: I'm going to --
3 anything that Mr. Stern asks is helpful to me.

4 CHAIRPERSON MILLER: Really?
5 Okay. At this point, it hasn't been too
6 helpful to me.

7 MR. LIU: He didn't say what year.
8 All he say is simple thing. One, he -- that
9 he say I have no --

10 MR. STERN: So you didn't hear him
11 say that there was one permit from 2012?

12 MR. LIU: I don't think so, no.

13 MR. STERN: Okay.

14 MEMBER SHORT: Madam Chair?

15 MR. STERN: And in fact, you are
16 saying there was none?

17 CHAIRPERSON MILLER: I think you
18 are putting words in his mouth, Mr. Stern.

19 MR. STERN: I don't understand how
20 that could be true.

21 CHAIRPERSON MILLER: What?

22 MR. STERN: I don't understand how

1 I am putting words in his mouth. He is
2 getting - he is answering.

3 MEMBER SHORT: Madam Chair, wasn't
4 it his testimony that he brought everything
5 here today to clear his record, clear
6 everything straight about these charges?

7 CHAIRPERSON MILLER: I didn't hear
8 him say that either, but, you know, I think we
9 are all interpreting what that means.

10 MR. STERN: No, I don't think he
11 said that either.

12 CHAIRPERSON MILLER: Yes.

13 MR. STERN: I think what he said
14 was that he brought certain things that don't
15 amount to everything that he was supposed to
16 have.

17 MEMBER ALBERTI: I'm just going to
18 weigh in here.

19 CHAIRPERSON MILLER: Okay.

20 MEMBER ALBERTI: What I heard Mr.
21 Stern ask was to repeat earlier testimony. So
22 I think that Mr. Stern has been accurate in

1 his recitation of what he heard.

2 MR. STERN: Okay. In any event,
3 so there -- okay. No -- that's it. That's
4 all the questions I have for him.

5 CHAIRPERSON MILLER: Why didn't
6 you bring 2012 guest checks?

7 MR. LIU: I didn't know it was --
8 I thought it was a question of the guest
9 receipt not --

10 CHAIRPERSON MILLER: The receipts
11 or invoices it sounds like. Did you bring
12 either one?

13 MR. LIU: No. Okay. When you say
14 sales receipt, I didn't know that's what -- I
15 just generally for -- the inspection was on
16 2014. So, you know, they didn't ask for 2012
17 receipts. But for the invoice I brought
18 everything I have for the beer, wine and the
19 spirit, everything I have.

20 CHAIRPERSON MILLER: Well, did the
21 notice tell you to bring anything?

22 MR. LIU: No. I don't think so.

1 Just tell me I'm being charged.

2 CHAIRPERSON MILLER: Okay.

3 MEMBER ALBERTI: So just real
4 quickly, so in addition to the beer and wine
5 invoices that you counted for me earlier --

6 MR. LIU: Yes.

7 MEMBER ALBERTI: -- your testimony
8 is that there is three invoices for spirits
9 also?

10 MR. LIU: Yes.

11 MEMBER ALBERTI: Okay. So that
12 brings the total up to 25 invoices that you
13 have brought today. Is that correct?

14 MR. LIU: Okay. I see, yes.

15 MEMBER ALBERTI: All right?

16 MR. LIU: Yes.

17 MEMBER ALBERTI: Is that correct?

18 MR. LIU: Correct.

19 MEMBER ALBERTI: All right. And
20 your testimony is that you showed all of those
21 to the Inspectors, but they only saw nine. Is
22 that your testimony?

1 MR. LIU: Yes.

2 MEMBER ALBERTI: Okay.

3 MEMBER RODRIGUEZ: I have a
4 question.

5 CHAIRPERSON MILLER: Go ahead.

6 MEMBER RODRIGUEZ: Mr. Liu, you
7 indicated that you purchased a lot of liquor.
8 Was that 2011?

9 MR. LIU: 2010/11, yes.

10 MEMBER RODRIGUEZ: Huh?

11 MR. LIU: 2010 when I first
12 opened.

13 MEMBER RODRIGUEZ: 2010?

14 MR. LIU: Yes.

15 MEMBER RODRIGUEZ: Was --

16 CHAIRPERSON MILLER: Can I ask
17 you, I'm sorry, because we have been using
18 these words kind of interchangeably, so when
19 you say liquor, do you mean beer, wine and
20 spirits or do you mean just spirits?

21 MEMBER RODRIGUEZ: That's just
22 what I was going to try and clarify.

1 CHAIRPERSON MILLER: Okay, okay.

2 MEMBER RODRIGUEZ: So when you
3 said liquor, to repeat what the Chair has
4 indicate, could you break that down for me?
5 Did you -- when you said your purchased a lot
6 of liquor, could you break that down for me,
7 a lot of spirits, wine, beer?

8 MR. LIU: Okay. In 2010 when we
9 first opened, I order from two company,
10 Republic National for spirits, okay? Republic
11 National and the Dobbs and the Washington
12 Wholesale, okay, trying to stock up the bar.
13 Okay?

14 In 2011, we dropped them and went
15 wholesale to Washington Wholesale. We stop
16 purchase from Republic National and the Dobbs,
17 because we don't have enough volume. Okay?

18 In the meantime, you know, we sell
19 spirit. Okay. We buy from Washington
20 Wholesale, we don't sell that much liquor, so
21 we buy once or twice a year. Once a year
22 we're talking.

1 MEMBER RODRIGUEZ: And so that
2 2010 as far as spirits and 2011 you have the
3 records for those?

4 MR. LIU: Yes.

5 MEMBER RODRIGUEZ: Okay.

6 MR. LIU: Have those.

7 MEMBER RODRIGUEZ: Now, as far as
8 beer and wine --

9 MR. LIU: Um-hum.

10 MEMBER RODRIGUEZ: -- do you have
11 the records for those?

12 MR. LIU: Yes.

13 MEMBER RODRIGUEZ: Okay. May I
14 ask where those records are at this time?

15 MR. LIU: Right here.

16 MEMBER RODRIGUEZ: You have them
17 yourself?

18 MR. LIU: Yes.

19 MEMBER RODRIGUEZ: Oh. Were these
20 records displayed to the Investigator?

21 MR. LIU: Yes.

22 MEMBER RODRIGUEZ: Is that -- I'm

1 trying to see how accurate that is, Mr. Liu,
2 because there is a question as to whether they
3 were available to the Investigator or not.
4 This is what we are trying to -- what I'm
5 trying to figure out in my mind here. Madam
6 Chair?

7 CHAIRPERSON MILLER: Well, I think
8 that, you know, we've heard both sides of the
9 story, I think, that we have to sort that out.
10 I think that Mr. Liu said that he said it was
11 all there and that, if I'm correct, you said
12 once you talked about two months being taken
13 off-premises, they may not have looked at
14 everything. I don't know. Is that your --

15 MR. LIU: Well, all my beer, wine
16 and spirit invoice always keep in one folder
17 since day open. Okay. And so I give them the
18 folder I have. Okay. That's why they
19 question how come 2012 I only have one
20 purchase. I said I don't sell enough spirit
21 to buy a lot. I had left over from previous
22 year. And that's how they find out I have two

1 ticket from out-of-state and two importation.

2 CHAIRPERSON MILLER: But the
3 answer to the question is you said you did
4 make it available to them?

5 MR. LIU: Yes, everything.

6 CHAIRPERSON MILLER: Okay. That's
7 your testimony?

8 MR. LIU: Yes, yes, everything
9 complete.

10 CHAIRPERSON MILLER: Okay.

11 MR. LIU: I don't separate.
12 Everything is in one folder.

13 CHAIRPERSON MILLER: Okay.

14 MEMBER RODRIGUEZ: Okay.

15 MR. LIU: I don't take them out,
16 you know, say, you know, that, you know --

17 MEMBER RODRIGUEZ: No more
18 questions on my part, Madam Chair.

19 CHAIRPERSON MILLER: Okay. So I
20 guess you are entitled to questions on Board
21 questions, though we should wrap this up soon,
22 if you can.

1 MR. STERN: Okay.

2 CHAIRPERSON MILLER: Did you have
3 a question on Board questions?

4 RE-RE-CROSS-EXAMINATION

5 MR. STERN: Mr. Liu, I'm somewhat
6 confused.

7 MR. LIU: Okay. Go ahead.

8 MR. STERN: Did you just testify
9 that when they asked for the receipts there
10 was one receipt from 2012?

11 MR. LIU: Right. What I have
12 right here is one receipt, yes, that's what I
13 say.

14 MR. STERN: From 2012?

15 MR. LIU: Yes, for the spirit.

16 MR. STERN: For the spirits?

17 MR. LIU: Yes.

18 MR. STERN: And which receipt is
19 that?

20 MR. LIU: I'll show you. I just
21 showed you.

22 MR. STERN: Okay. The one that

1 you showed me though was not -- did not
2 require an importation permit.

3 MR. LIU: That's correct.

4 MR. STERN: So where is the one
5 receipt they saw that didn't have an
6 importation permit?

7 MR. LIU: It is not here.

8 MR. STERN: Okay.

9 MR. LIU: Okay.

10 MR. STERN: Thank you.

11 MR. LIU: I told you I don't know
12 where it went, but it's not here.

13 MR. STERN: Thank you.

14 CHAIRPERSON MILLER: Okay. All
15 right. Does that complete your case?

16 MR. LIU: Yes, pretty much.

17 CHAIRPERSON MILLER: So I just
18 know you are not an attorney, so it's a little
19 bit more difficult for you, but if you think
20 you need to put those invoices, etcetera, into
21 evidence, you need to ask and you would need
22 to make copies, which could be done

1 afterwards.

2 MR. LIU: Okay.

3 CHAIRPERSON MILLER: But is that--
4 if that's what you want to do, then -- and Mr.
5 Stern has already looked at them, I think, but
6 he could look again and he can address whether
7 he thinks the Board should admit them.

8 Do you want to admit those
9 receipts and guest checks, whatever you have
10 going on down there?

11 MR. LIU: I can make copies. Can
12 I make copies and submit it later or --

13 CHAIRPERSON MILLER: Yes, but you
14 have to -- now is the time that you would have
15 to ask us to admit them and then we could
16 leave the record open for you for a short
17 while to submit them afterwards, I think. I
18 don't know. We can make copies. I don't
19 know.

20 MEMBER ALBERTI: Well, I --

21 CHAIRPERSON MILLER: I guess we
22 could make copies.

1 MEMBER ALBERTI: -- would like to
2 hear what Mr. Stern says.

3 CHAIRPERSON MILLER: Yes.

4 MR. STERN: Actually, I don't have
5 an objection to it. I think he can admit
6 those. I think he has probably identified
7 them. They are -- they have been described in
8 testimony as to what they are and what they
9 aren't.

10 CHAIRPERSON MILLER: Right.

11 MR. STERN: The Board can look at
12 them for what they are or what they aren't.

13 MEMBER ALBERTI: Mr. Stern, my
14 question was to you is the plan is to allow
15 him to submit copies later.

16 MR. STERN: Oh, I don't have an
17 object to --

18 MEMBER ALBERTI: Okay.

19 MR. STERN: -- them at the
20 conclusion of the case.

21 CHAIRPERSON MILLER: This is a
22 question --

1 MEMBER ALBERTI: When would you
2 require those to be submitted?

3 MR. STERN: Oh.

4 MEMBER ALBERTI: I mean, because--

5 MR. STERN: Before we leave.

6 MEMBER ALBERTI: Okay, before we
7 leave.

8 CHAIRPERSON MILLER: Here?

9 MR. STERN: Yes.

10 MEMBER ALBERTI: Okay. That's
11 what I -- right, because Tian was saying oh,
12 I can submit them --

13 MR. STERN: No, no, no.

14 MEMBER ALBERTI: -- later, meaning
15 in --

16 MEMBER ALBERTI: I'm sorry if I
17 was unclear.

18 MEMBER ALBERTI: -- and the Chair
19 specifically -- let me finish.

20 CHAIRPERSON MILLER: Yes.

21 MEMBER ALBERTI: And the Chair
22 specifically said we would leave the record

1 open for them to be submitted and that's what
2 concerned me.

3 CHAIRPERSON MILLER: Okay.

4 MR. STERN: My mistake then. I
5 had assumed it was leaving the record open so
6 that someone could make copies now.

7 CHAIRPERSON MILLER: Here,
8 exactly.

9 MR. STERN: And he could submit
10 them.

11 CHAIRPERSON MILLER: Well, I think
12 that I just checked with --

13 MEMBER ALBERTI: Okay.

14 CHAIRPERSON MILLER: -- our
15 General Counsel to see whether he could make
16 the copies here and he can. So I guess the
17 only question -- you would go to the front
18 desk and work it out with them.

19 MR. LIU: All right.

20 CHAIRPERSON MILLER: Did you want
21 to review them before they are given to the
22 Board?

1 MR. STERN: I actually looked them
2 over now.

3 CHAIRPERSON MILLER: Okay. All
4 right. So --

5 MR. STERN: And I wouldn't have
6 any other questions on them anyway.

7 CHAIRPERSON MILLER: Okay. That's
8 fine.

9 MR. STERN: But the Government is
10 prepared to present the rebuttal witness.

11 CHAIRPERSON MILLER: Okay. All
12 right. Just very briefly then, I want to
13 admit those documents into evidence as --

14 MR. STERN: Okay.

15 CHAIRPERSON MILLER: -- Licensee's
16 Exhibit 1.

17 MR. LIU: Okay.

18 (Whereupon, the above-referred to
19 documents were marked as Licensee
20 Exhibit No. 1 for identification
21 and were received into evidence.)

22 CHAIRPERSON MILLER: But just

1 could you quickly list what it is we are
2 entering? Yes, just the categories or the--

3 MR. LIU: 2010 to 2014 --

4 CHAIRPERSON MILLER: Okay.

5 MR. LIU: -- beer and wine
6 receipts.

7 CHAIRPERSON MILLER: Okay.

8 MR. LIU: 2010 and 2013 spirit
9 receipts.

10 CHAIRPERSON MILLER: Okay.

11 MR. STERN: Actually, that's -- I
12 think the record has to be clarified. It is
13 2010, 2011, 2013 -- '12 and '13. Well, '12,
14 '13 and '14, yes, receipts with the exception
15 of the ones he has already said he doesn't
16 know where they are. The one he said he
17 doesn't have.

18 CHAIRPERSON MILLER: Okay.

19 MR. LIU: Okay.

20 MR. STERN: I just don't want the
21 record to indicate that the Government
22 believes that they are complete records when

1 he has testified they are not.

2 CHAIRPERSON MILLER: Okay. These
3 are the records you brought with you?

4 MR. LIU: Yes.

5 CHAIRPERSON MILLER: Are they the
6 records that were on-site that night?

7 MR. LIU: Yes.

8 CHAIRPERSON MILLER: Okay. How
9 about are there also just two that weren't on-
10 site in '14 that your wife was using to post?
11 Are they --

12 MR. LIU: (No audible answer.)

13 MR. STERN: No, those --

14 CHAIRPERSON MILLER: They are not
15 here?

16 MR. STERN: Those are the guest
17 receipts.

18 MR. LIU: Guest receipts.

19 CHAIRPERSON MILLER: Guest
20 receipts. Are they in that bundle or no?

21 MR. STERN: No.

22 MR. LIU: No.

1 CHAIRPERSON MILLER: Okay. Fine.
2 All right. Is that clear to you what these
3 are?

4 MR. STERN: Yes. He only has one
5 quarter of guest receipts and they are all
6 from 2014.

7 CHAIRPERSON MILLER: Okay.

8 MR. STERN: But they have no
9 relation --

10 CHAIRPERSON MILLER: Exactly.

11 MR. STERN: -- since the second
12 quarter they would have occurred after the
13 inspection anyway.

14 CHAIRPERSON MILLER: Okay. They
15 are not relevant.

16 MR. STERN: So there is no guest
17 receipts from the time before the inspection
18 that he brought here.

19 CHAIRPERSON MILLER: Okay. Thank
20 you. All right. Okay. So when we complete
21 the hearing, you can take those specific
22 documents to the front desk and work out the

1 copying.

2 MR. LIU: Okay.

3 CHAIRPERSON MILLER: And then do
4 you want a copy of them, Mr. Stern?

5 MR. STERN: (No audible answer.)

6 CHAIRPERSON MILLER: Mr. Stern are
7 you going to want a copy, too?

8 MR. STERN: Yes, I would.

9 MR. LIU: So how many copy do I
10 make?

11 CHAIRPERSON MILLER: Two.

12 MR. LIU: Two.

13 CHAIRPERSON MILLER: One for the
14 Board and one for Mr. Stern. Okay. Mr.
15 Stern, you now have a rebuttal witness?

16 MR. STERN: Yes.

17 CHAIRPERSON MILLER: Good
18 afternoon.

19 Whereupon,

20 INVESTIGATOR CRAIG STEWART
21 was called as a witness by counsel for the
22 Government, and having been first duly sworn,

1 assumed the witness stand and was examined and
2 testified as follows:

3 INVESTIGATOR STEWART: Yes, ma'am.

4 CHAIRPERSON MILLER: Okay. Thank
5 you.

6 DIRECT EXAMINATION

7 MR. STERN: Can you give us your
8 name and spell your last name for the record,
9 please?

10 INVESTIGATOR STEWART: Craig
11 Stewart, S-T-E-W-A-R-T.

12 MR. STERN: And are you employed,
13 Mr. Stewart?

14 INVESTIGATOR STEWART: Yes, sir.

15 MR. STERN: How are you employed?

16 INVESTIGATOR STEWART: I'm a
17 Supervisory Investigator here at the Alcoholic
18 Beverage Regulation Administration.

19 MR. STERN: May I assume because
20 you said your title is Supervisory
21 Investigator, it means you are not a trainee?

22 INVESTIGATOR STEWART: I'm not a

1 trainee.

2 MR. STERN: Okay. And on March 5,
3 2014, were you a Supervisory Investigator
4 then?

5 INVESTIGATOR STEWART: Yes, sir.

6 MR. STERN: Okay. And that date,
7 did you have occasion to become familiar with
8 an establishment by the trade name of Tian
9 Tian Fang?

10 INVESTIGATOR STEWART: Yes, sir.

11 MR. STERN: And how is it that you
12 became involved with them?

13 INVESTIGATOR STEWART: I was
14 training two Investigators and they were
15 issued regulatory inspections and one of those
16 inspections was this establishment.

17 MR. STERN: Okay. Now, when you
18 train an Inspector to do a regulatory
19 inspection, can you tell me what procedures
20 you have them follow?

21 INVESTIGATOR STEWART: Prior to
22 conducting regulatory inspections, they are --

1 they go out with other Investigators, Field
2 Training Investigators and watch them conduct
3 regulatory inspections. During that phase of
4 training or some point during the phase of
5 training, I actually take them out because
6 some Investigators do things their way and I
7 wanted to make sure it's done properly.

8 So I will take them out, observe
9 them and interject when necessary.

10 MR. STERN: And based on your
11 training and experience, was the regulatory
12 inspection of Tian Tian Fang done properly?

13 INVESTIGATOR STEWART: Yes, sir.

14 MR. STERN: Can you tell me were
15 you there to see how it was done?

16 INVESTIGATOR STEWART: Yes, sir.

17 MR. STERN: And were you there to
18 see what records were provided and what
19 records were reviewed?

20 INVESTIGATOR STEWART: Yes, sir.

21 MR. STERN: Can you tell me what
22 happened?

1 INVESTIGATOR STEWART: Yes, sir.

2 Investigator Demby was speaking to the owner.

3 I'm sorry, I forgot how you say your name,

4 sir. Mr. Liu, I think it is.

5 And he was speaking to the owner.

6 And as I watched him, I pretty much stand back

7 and look over his shoulder and watch him check

8 off the boxes, the required boxes that are on

9 the regulatory inspection.

10 When it came to the point where

11 Investigator Demby asked Mr. Liu for his books

12 and records, to include guest checks and

13 register receipts --

14 MR. STERN: Okay. Did he mention

15 guest checks and register receipts?

16 INVESTIGATOR STEWART: Yes. Yes,

17 sir.

18 MR. STERN: Okay.

19 INVESTIGATOR STEWART: As a matter

20 of fact, that's one of my sticking points when

21 I am training is to make sure you say guest

22 checks and register receipts. I also -- he

1 also asked him for all of his alcohol
2 invoices.

3 So we don't use the term spirit or
4 liquor or alcohol, beer, wine. We can -- can
5 you provide us with your alcohol invoices?

6 MR. STERN: Okay. And what -- as
7 to the alcohol invoices, was anything
8 provided?

9 INVESTIGATOR STEWART: Again, so
10 it has been a long time, so I don't want to
11 give you an exact number, but it was such that
12 it caught my attention that there weren't
13 enough. It didn't appear that he had enough
14 to satisfy three years of alcohol invoices,
15 guest checks and register receipts.

16 So I believe there were one
17 invoice from one year and several other
18 invoices from previous years.

19 MR. STERN: And when you say one
20 from one year, does that -- and I think you
21 have previously said that was alcohol
22 invoices.

1 INVESTIGATOR STEWART: Yes.

2 MR. STERN: Does that include --
3 did that include beer and wine?

4 INVESTIGATOR STEWART: Yes.

5 MR. STERN: Was there anything
6 else that was presented to you, other than
7 that one for the one year?

8 INVESTIGATOR STEWART: No, sir.
9 And to go a little bit further into detail
10 onto the -- what occurred there that day,
11 again, I try not to interfere too much with
12 the Investigators when they are training.

13 But when Mr. Liu provided eight,
14 nine documents, I asked Mr. Demby I said let
15 me step in for a second. And I asked Mr. Liu,
16 I said, sir, is this all the records that you
17 have? I said I'm looking for your alcohol
18 invoices. I'm looking for your guest checks
19 and register receipts.

20 Mr. Liu said well, my wife takes
21 these items home. I said okay, well, let me
22 let you know that you can't take them home

1 without having a letter from the Board saying
2 that you can take these items home. They need
3 to be on-premises, three years worth.

4 He pointed to his wife and he
5 asked her a question. He said did you take
6 the documents home? To which she acknowledged
7 yes.

8 Again, I said, Mr. Liu, I said I'm
9 looking at nine documents. I said this
10 doesn't quite fit an establishment that sells
11 alcohol daily. He provided -- I don't know if
12 you have the picture, but there was a -- was
13 this part of your case?

14 MR. STERN: I don't know.

15 INVESTIGATOR STEWART: I'll pass
16 that to you. He provided an invoice and I
17 think that's an exhibit in the case.

18 MR. STERN: Okay. Yes, and you
19 were saying?

20 INVESTIGATOR STEWART: Well, it's
21 not an exhibit yet. Anyway he provided that
22 document. What caught my eye on that document

1 is he said this is an alcohol invoice. So as
2 I looked at the invoice and inspected it, I
3 saw that the numbers didn't add up.

4 There was no date. There was no
5 actual licensed wholesaler that provided that
6 invoice. So again, which further made me want
7 to inspect further documents. And again, I
8 asked him could you, please, provide more
9 documents? And he said I don't have any other
10 documents. And I said where do you keep them?
11 And again he said my wife has them at home.

12 MR. STERN: Okay. Now, did you
13 have any conversation to him -- with him about
14 guest receipts?

15 INVESTIGATOR STEWART: Yes, sir.

16 MR. STERN: And what was that
17 conversation?

18 INVESTIGATOR STEWART: Again, we
19 asked for guest checks and register receipts.

20 MR. STERN: Okay. And did he say
21 where the guest receipts were?

22 INVESTIGATOR STEWART: He said he

1 didn't have any.

2 MR. STERN: Okay.

3 INVESTIGATOR STEWART: He said we
4 don't keep them.

5 MR. STERN: Okay. Thank you.

6 Now, I'll show you -- is this a picture or a
7 photocopy?

8 INVESTIGATOR STEWART: It's a
9 picture.

10 MR. STERN: It's a picture?

11 INVESTIGATOR STEWART: Yes.

12 MR. STERN: I'll show you the
13 picture of two documents you gave me and I'll
14 have them on them on the back marked 2A and B.
15 Can you tell me what they are?

16 INVESTIGATOR STEWART: Okay. One
17 says invoice and it shows bottles of wine,
18 red, semi-sweet. And there was another -- and
19 the reason the picture, it indicate in the
20 picture it's just the name of the
21 establishment and it doesn't -- it shows that
22 it doesn't have a date and/or any information

1 that would -- that the Board would accept as
2 an alcoholic invoice.

3 (Whereupon, the above-referred to
4 documents were marked as
5 Government Exhibit No. 2A and 2B
6 for identification.)

7 MR. STERN: Okay. And this is
8 what he gave you to show that he had invoices?

9 INVESTIGATOR STEWART: These are
10 samples of the documents that he provided,
11 yes, sir.

12 MR. STERN: I would move
13 Government's Exhibit 2A and B into evidence.

14 CHAIRPERSON MILLER: Have --

15 MR. STERN: It has been shown to
16 the respondent.

17 CHAIRPERSON MILLER: I haven't
18 seen them yet. Do you have a copy?

19 MR. LIU: Can I ask a question now
20 or do I ask later?

21 CHAIRPERSON MILLER: When he is
22 finished.

1 MR. LIU: Okay.

2 CHAIRPERSON MILLER: You can ask.
3 And if you have an objection to whatever this
4 document is, I haven't seen it yet. Do you
5 have any objections?

6 MR. STERN: Do you want to see
7 these, ma'am?

8 INVESTIGATOR STEWART: Can I have
9 a copy of this?

10 MR. STERN: We will make a copy
11 for you. Yes, I'm moving this into evidence.

12 CHAIRPERSON MILLER: I can't,
13 unless I see it.

14 MR. STERN: What's that?

15 CHAIRPERSON MILLER: I can't move
16 it in, unless I see it.

17 MR. STERN: Oh, okay.

18 CHAIRPERSON MILLER: I think our
19 staff has stepped out momentarily.

20 MR. STERN: Okay. Staff can make
21 it.

22 MEMBER ALBERTI: Mr. Stern, I want

1 a copy.

2 MR. STERN: By the way, those
3 notations on that document, were they made by
4 you?

5 INVESTIGATOR STEWART: No, sir.
6 Those were on the document.

7 MR. STERN: As far as you know.

8 INVESTIGATOR STEWART: Pardon me,
9 sir?

10 MR. STERN: Do you know who they
11 were made by?

12 INVESTIGATOR STEWART: No, sir, I
13 do not.

14 MR. STERN: Did you receive them
15 that way?

16 INVESTIGATOR STEWART: Yes, sir.

17 MR. STERN: Okay. Thank you.

18 MR. LIU: Can I -- I can ask
19 questions now, right?

20 MR. STERN: Yes.

21 CHAIRPERSON MILLER: In a minute.

22 MR. STERN: The Government is --

1 CHAIRPERSON MILLER: These two
2 documents have been offered for admission into
3 evidence. Could you say what they are, Mr.
4 Stern?

5 MR. STERN: Yes. I believe he
6 said that -- he already testified that they
7 were the -- they are a copy of the sample of
8 the documents that were provided to the
9 Investigators as invoices for the years that
10 they were requested.

11 And I actually -- if I can just --
12 one last question.

13 Was the particular years that you
14 asked for the invoices conveyed to Mr. Liu?

15 INVESTIGATOR STEWART: Yes, sir.

16 MR. STERN: Okay.

17 INVESTIGATOR STEWART: As part of
18 our training, I tell the Investigators pick a
19 random year, because we are looking for a
20 sample pretty much to determine the
21 organization of an establishment. So I
22 believe Investigator Demby stated can we see

1 samples of an invoice from 2012.

2 MR. STERN: Okay.

3 INVESTIGATOR STEWART: When he
4 could not produce those, we said well, can you
5 show us 2011? And he produced a minimal
6 amount and we said well, how about 2013? And
7 again, there was minimal amount.

8 MR. STERN: Okay. Thank you.
9 That's all the questions I have.

10 CHAIRPERSON MILLER: What do you
11 mean? If these are being offered as a sample
12 of --

13 MR. STERN: That was given by Mr.
14 Liu to the Investigators representing it to
15 be --

16 MR. LIU: Objection, objection,
17 objection.

18 MR. STERN: What's your objection?

19 MR. LIU: I did not give this to
20 Investigator.

21 CHAIRPERSON MILLER: Okay.

22 MR. STERN: That --

1 MR. LIU: They asked me -- that's
2 the document I'm missing. I told you there is
3 three importation for out-of-state. Two I
4 have.

5 MEMBER ALBERTI: We're hearing
6 testimony right now.

7 CHAIRPERSON MILLER: I want to go
8 to whether this is admissible and whether this
9 is what it is being purported to be. And are
10 you saying --

11 MR. LIU: Good.

12 CHAIRPERSON MILLER: -- your
13 testimony was this was a sample of the types
14 of documents that were given to you in
15 response to the request for invoices?

16 MR. STERN: That was one of the
17 documents that was turned over --

18 CHAIRPERSON MILLER: This is one
19 of --

20 MR. STERN: -- to him when they
21 requested invoices.

22 CHAIRPERSON MILLER: One of

1 several?

2 MR. STERN: As the testimony was,
3 the document -- well, the Board can also see,
4 but the testimony was the document has no date
5 on it. There was no importation permit with
6 it. There is no indication of who the seller
7 is, etcetera. There was already that
8 testimony.

9 MR. LIU: Can I answer that?

10 CHAIRPERSON MILLER: If you object
11 to this as being what he says it is, you can
12 address that, yes.

13 MR. LIU: Okay. Remember I say we
14 have three invoice for out-of-state. One he
15 insist was missing. I said it's not here. I
16 say three, I only have two. That's the
17 missing one. I did not give to Investigator.
18 I don't know how it get there. The writing on
19 the ticket is my wife's, who, you know, I told
20 you that order we returned it. And the
21 supervisor, when he found this ticket, I told
22 him I have importation from this company.

1 But he told me that I need
2 importation permit for each invoice. I said
3 I didn't know that.

4 CHAIRPERSON MILLER: But you see
5 this document, which they have identified as
6 Exhibit 2 and 3, did you say you did not give
7 them any document --

8 MR. LIU: No, I did not.

9 CHAIRPERSON MILLER: -- that
10 looked like this?

11 MR. LIU: No, I did not. He did
12 not take a picture in my premises. I did not
13 give to him. You know, why would I give him
14 my invoice? I could make a copy to give to
15 them. You know, I don't know how he get this.
16 That's one I'm missing. I've been looking
17 for.

18 CHAIRPERSON MILLER: Okay.

19 MR. LIU: I'm missing this
20 document.

21 CHAIRPERSON MILLER: All right.
22 Okay. So I think that I feel that we should

1 only go so far as saying this is what
2 Investigator Stewart says was given to them.

3 MR. STERN: It's a picture of what
4 was given to them actually.

5 CHAIRPERSON MILLER: A picture of
6 what was given. I can't tell.

7 MR. LIU: When he take picture in
8 my premises?

9 CHAIRPERSON MILLER: And you can--
10 and I don't want to --

11 MR. STERN: Then it's magic.

12 CHAIRPERSON MILLER: I can't
13 really go further. I don't believe in saying
14 that there were many of these or whatever.
15 This is one. This is one picture.

16 MR. LIU: One.

17 CHAIRPERSON MILLER: And he took
18 the picture.

19 MEMBER ALBERTI: That's what is
20 presented to you.

21 CHAIRPERSON MILLER: Yes.

22 MEMBER ALBERTI: I think that's

1 the testimony.

2 CHAIRPERSON MILLER: Yes. No.

3 MEMBER ALBERTI: I mean --

4 CHAIRPERSON MILLER: No, it's a
5 sample of all these other ones, but I can't --
6 can you --

7 MEMBER ALBERTI: Well, that's the
8 Investigator's testimony. It's on the record.
9 We can either -- we can deal with it as we
10 wish. We can evaluate it as we wish. All
11 right? The fact is are we taking those two
12 documents into evidence?

13 CHAIRPERSON MILLER: Right.

14 MEMBER ALBERTI: That's the
15 question.

16 CHAIRPERSON MILLER: And the
17 other, one other question, did you take the
18 picture? Who took the picture?

19 INVESTIGATOR STEWART: Ma'am, Mr.
20 Liu --

21 CHAIRPERSON MILLER: He is saying
22 you took it. It's your testimony he took it?

1 INVESTIGATOR STEWART: No, ma'am.
2 Mr. Liu provided me with those two invoices.
3 I looked at them. They didn't, again, fit
4 what I categorize as invoices, alcohol
5 invoices where they didn't have the seller's
6 name.

7 CHAIRPERSON MILLER: Okay. I got
8 it.

9 INVESTIGATOR STEWART: And all
10 the --

11 CHAIRPERSON MILLER: You don't
12 have the invoices?

13 INVESTIGATOR STEWART: No, ma'am.
14 I did not take possession of anything from
15 there. I took a photograph of them.

16 CHAIRPERSON MILLER: You took the
17 picture?

18 INVESTIGATOR STEWART: Yes, ma'am.

19 CHAIRPERSON MILLER: All right.

20 MEMBER SHORT: Madam Chair, may I
21 ask?

22 CHAIRPERSON MILLER: Okay.

1 MEMBER SHORT: You took Mr. Liu's
2 testimony, what is the writing in those
3 documents, those photos?

4 CHAIRPERSON MILLER: Yes.

5 MR. STERN: It's --

6 MEMBER SHORT: That was your
7 wife's --

8 CHAIRPERSON MILLER: Not on the
9 photo. I think on the invoice.

10 MEMBER SHORT: Well, yes.

11 CHAIRPERSON MILLER: He took a
12 picture of it.

13 MEMBER ALBERTI: Yes. And then he
14 said it has his wife's signature on it. His
15 wife's writing on it.

16 CHAIRPERSON MILLER: Right. Okay.
17 I understand.

18 MEMBER SHORT: Okay.

19 CHAIRPERSON MILLER: I understand
20 what Mr. Alberti is saying.

21 MEMBER SHORT: Okay.

22 MR. LIU: Well, when did you take

1 a picture?

2 CHAIRPERSON MILLER: Wait a
3 second. No, you will have a chance to cross-
4 examine him on this. And I will, based on
5 Investigator Stewart's testimony, admit this
6 as pictures that he took of invoices there.

7 (Whereupon, the above-referred to
8 documents were received into
9 evidence as Government Exhibit No.
10 2A and 2B.)

11 CHAIRPERSON MILLER: And right,
12 his testimony goes to as to how we --

13 MEMBER ALBERTI: We evaluate his
14 testimony.

15 CHAIRPERSON MILLER: Okay. So
16 that's Exhibit No. 2 and 3. Thank you. All
17 right. Moving on. You can cross him later on
18 this. Okay.

19 MR. STERN: He can actually cross
20 now, I'm done.

21 CHAIRPERSON MILLER: Good. Okay.

22 CROSS-EXAMINATION

1 MR. LIU: So when did you took the
2 picture? You didn't take on premises. When
3 you took the pictures?

4 INVESTIGATOR STEWART: Yes, sir,
5 we took the pictures right there on-premise.

6 MR. LIU: I didn't see. I was
7 there whole time. I didn't see you take
8 picture. And why am I missing an invoice?
9 You know, Mr. Stern asked me I told you I have
10 three invoice, one is missing. It's not here.
11 He try to say, you know, you insist on you had
12 three invoice, not you're asking, yes, I have
13 three invoice, but one is not here.

14 So and I've been looking all over
15 for them. I don't know. All of a sudden here
16 you have a copy of them, you know. If you
17 took pictures, I should have in my file.

18 MR. STERN: I'm sorry, is there a
19 question?

20 CHAIRPERSON MILLER: Okay. You
21 can save that for your argument at the end.
22 Okay? This is time just to ask Mr. Stewart,

1 Investigator Stewart any questions. If you
2 don't have questions and you want to make
3 argument --

4 MR. LIU: Okay.

5 CHAIRPERSON MILLER: -- you can do
6 that at the end.

7 MR. LIU: All right. I'll ask
8 question now. When you were there, were --
9 you asked me -- when I say you asked me how
10 come there was one invoice, okay, and did I
11 tell you that -- did I say I don't sell a lot
12 of liquor? Did I say that?

13 INVESTIGATOR STEWART: During the
14 conversation you said you don't sell a lot of
15 alcohol.

16 MR. LIU: Yes.

17 INVESTIGATOR STEWART: Yes, sir.

18 MR. LIU: I said I only have one
19 invoice. You say that's not possible?

20 INVESTIGATOR STEWART: No, sir.
21 What I did is compare that actual exhibit that
22 I provided where it showed that you had over

1 100 bottles of wine and you didn't have any
2 import permits for those. So the math didn't
3 add up to what you said you didn't sell a lot
4 of alcohol, but you had an invoice that
5 actually had a lot of alcohol on it.

6 MR. LIU: Did I say I have invoice
7 on the -- I have importation for the same
8 company? Same company, I have importation
9 from same company? But you told me I need
10 importation ticket for each order. Did you
11 say that?

12 INVESTIGATOR STEWART: No, sir.
13 You didn't provide us with any import permits.

14 MR. LIU: I didn't provide you
15 with those two import permits?

16 INVESTIGATOR STEWART: No, sir.

17 MR. LIU: You only saw this
18 invoice?

19 INVESTIGATOR STEWART: I saw that
20 invoice, that's why we took a picture. One,
21 because of the --

22 MR. LIU: So --

1 INVESTIGATOR STEWART: Excuse me,
2 sir.

3 MR. LIU: -- you did not see --

4 MR. STERN: I'm sorry.

5 CHAIRPERSON MILLER: Wait --

6 MR. STERN: He didn't let him
7 answer.

8 CHAIRPERSON MILLER: You need to
9 let him answer. You asked a question.

10 INVESTIGATOR STEWART: We took a
11 picture of that particular invoice because it
12 stood out that it showed a large quantity of
13 alcohol being purchased. We asked you for the
14 import permits and you didn't provide any.

15 MR. LIU: No, sir. You did not
16 see this single one from Virginia, I mean,
17 invoice. It is not the same company, Georgian
18 Company, Georgian House of Beer Washington.
19 You know, saw in the first order of two case
20 of wine, same wine. You didn't see that? I
21 didn't show to you?

22 INVESTIGATOR STEWART: No, sir.

1 MR. LIU: Okay. And you didn't
2 tell me that each invoice had to be attached
3 with import, importation permit?

4 INVESTIGATOR STEWART: Yes, sir, I
5 did.

6 MR. LIU: That was the same
7 company, yes, same company each order, each
8 delivery you need it attached to it, this
9 permit, correct?

10 INVESTIGATOR STEWART: So what we
11 said was that every alcohol invoice that is
12 from out-of-state must be accompanied by an
13 import permit.

14 MR. LIU: Okay. All right. If
15 you say I didn't show you, then that's not the
16 case. It was here. You saw it.

17 CHAIRPERSON MILLER: It's
18 questions.

19 MR. LIU: You saw three.

20 CHAIRPERSON MILLER: Only
21 questions, at this point.

22 MR. LIU: Okay. All right. When

1 I -- when you asked me my book and record, did
2 I say to you are you sure you want three years
3 of it?

4 INVESTIGATOR STEWART: Yes.

5 MR. LIU: Right?

6 INVESTIGATOR STEWART: We asked
7 you for three years of books and records.

8 MR. LIU: Okay. Did I say that's
9 a lot of paper? A lot of paper?

10 INVESTIGATOR STEWART: I don't
11 recall that, sir.

12 MR. LIU: Okay. And I turned over
13 to my wife and my wife say --

14 CHAIRPERSON MILLER: Can I
15 interrupt you for one minute?

16 MR. LIU: Um-hum.

17 CHAIRPERSON MILLER: Just because
18 you don't know the rules well. But basically,
19 you have to cross him on what he testified to.

20 MR. LIU: Oh, okay.

21 CHAIRPERSON MILLER: Not just
22 anything you want to ask him.

1 MR. LIU: Oh, okay.

2 CHAIRPERSON MILLER: Based on his
3 testimony. What he just testified to.

4 MR. LIU: Okay. I don't know how
5 to ask questions, but I'm trying to because he
6 -- you know, what he say is sort of -- okay.
7 That's okay, yes.

8 CHAIRPERSON MILLER: I just didn't
9 know if you understood that. The rebuttal is
10 very succinct, very short usually, because
11 they just come back with a few points and you
12 can ask about that, but not the whole thing
13 all over again.

14 MR. LIU: Okay.

15 CHAIRPERSON MILLER: We have been
16 here a couple of hours, hour and a half, so
17 there might not be that many more questions to
18 ask.

19 MR. LIU: Okay. That's fine.

20 CHAIRPERSON MILLER: Are there
21 Board questions? No. Okay. Thank you.

22 INVESTIGATOR STEWART: Thank you.

1 MR. STERN: No questions.

2 CHAIRPERSON MILLER: Okay.

3 MR. STERN: That concludes the
4 Government's rebuttal, I think.

5 CHAIRPERSON MILLER: Okay. Is
6 there a closing? Is there a closing or no?

7 MR. STERN: Yes.

8 MR. LIU: May I have my paper?

9 INVESTIGATOR STEWART: Sorry.

10 MR. STERN: Thank you. The
11 Government intends that in this case we have
12 proven our case. The charge here is failure
13 to maintain books and records, invoices,
14 receipts and permits on-site for a period of
15 three years.

16 First, let me just say even if the
17 Board believed everything that the respondent
18 said without question, he has violated the
19 statute.

20 He admitted he didn't have the
21 receipts there on the date -- the customer
22 receipts there on the date that they were

1 requested.

2 Now, there is, however, a conflict
3 of evidence here as to what was there, how
4 much was there, so the Board has to look for
5 credibility determinations. I would suggest
6 to the Board that what each of the
7 Investigators say is not only consistent, but
8 consistent with what we understand to be the
9 normal practice.

10 When Investigators go in to do a
11 regulatory inspection, there may be some
12 instances where they do it willy-nilly or off-
13 the-top of their head, but fortunately the
14 ABRA Investigators have a checklist and they
15 go through that checklist one at a time.

16 And they ask -- and the testimony
17 was they ask for each of the things on the
18 list. One of the things would have been the
19 alcoholic beverage receipts, invoices, excuse
20 me. The Investigators, despite Mr. Liu's
21 testimony, asked for three years of those
22 receipts.

1 The one receipt that he now admits
2 he gave them for 2012 is the copy of the
3 photograph you have there. You can see from
4 that it is not a receipt. It's undated. It
5 has no seller's name. And it had no
6 importation permit attached. He admits he
7 didn't have the importation permit for those.

8 In addition, as to the guest
9 receipts, Mr. Liu would have you believe that
10 there was a box full of receipts that the
11 Investigators, not one, but two of them,
12 simply ignored or forgot. That is incredible
13 on its face. It's all the more incredible in
14 that Mr. Liu knew from the notice that that
15 would be an issue in this case and he didn't
16 bring one, not a single guest receipt from
17 prior to the inspection date.

18 He, in fact, managed to bring
19 three months of guest receipts from after the
20 inspection date. That can only lead the Board
21 to conclude he didn't have it -- he doesn't
22 have it now and he didn't have it then when it

1 was asked for.

2 It is the rare occasion where I
3 have seen such disrespect for this Board that
4 someone would testify under oath to what is,
5 quite frankly, a far-fetched version of
6 events.

7 And for that reason and also
8 because of the seriousness to the District in
9 terms of tax receipts, in terms of qualifying
10 for a license, in terms of being able to
11 reconstruct food and beverage sold, I am
12 asking the Board to impose a fine of \$2,000,
13 which is the maximum available for this
14 offense. Thank you.

15 CHAIRPERSON MILLER: Okay.

16 MR. STERN: Oh, and we are going
17 to ask that it be paid within 30 days.

18 CHAIRPERSON MILLER: Okay. Mr.
19 Liu?

20 MR. LIU: Number one, I brought
21 everything I thought is necessary to the
22 hearing.

1 And number two, I cannot help if
2 the Investigator gave all the numbers in their
3 report and is not the same as what I have.

4 Number three, we have all the
5 record and we had two months guest receipts
6 took home to do recording. If that's a
7 violation, yes, I violated, but everything
8 else was there and Inspector/Investigator
9 never asked for that, okay.

10 Number four, the reason, one of
11 the reason I came here is because Mr. Stern
12 did ask me to settle is --

13 MR. STERN: I'm going to object to
14 that. First of all, settlement discussions
15 are inadmissible.

16 Second of all, I didn't ask him to
17 settle.

18 CHAIRPERSON MILLER: Okay.

19 MR. STERN: I offered him a
20 settlement.

21 CHAIRPERSON MILLER: Okay. That's
22 good. Don't go into settlement, please.

1 MR. LIU: Because, sir, I was a
2 little offended because Investigator coming
3 and number one didn't trust me and he wasn't
4 very nice, you know. I can't say rude, just
5 more rough. Like he said, you know, if you
6 have one invoice and, you know, it's not
7 possible, you know. And how can you only have
8 one spirit invoice?

9 Now, intent added to -- I have to
10 give him my license, because that's all I
11 have. And he is going to come and question
12 that because I was selling a lot of spirit.
13 The fact is we haven't sold a lot of spirit.
14 So I had one, maybe two invoice for spirit.
15 And my luck, someone else restaurant may be
16 twice or three times as much.

17 So he ask me the same question
18 every time. Okay. No matter what I give
19 them. He goes when he see my record, the
20 first question they ask me is is that
21 possible? You know, you have only one? I
22 said that's all I have. You know, and he

1 don't trust me.

2 So that's actually one of the
3 reason I came to hearing, you know, and to try
4 and express my feeling. A small restaurant
5 like us, you know, we don't have business.
6 You can check if you want, but the truth is
7 the truth. There is no reason for me to hide
8 receipt.

9 You know, I only have certain
10 percent of liquor, you know, sale. It's no
11 reason that I buy a lot of liquor. No reason
12 to buy. I don't have.

13 So you know, I just presented what
14 happened that day, the truth, you know. And
15 I was very curious how they get that invoice.
16 Remember that I keep telling Mr. Stern I don't
17 bring invoice. You know, I don't have it.
18 It's missing.

19 All of a sudden it appear as a
20 copy and I didn't see the copy on my premises.
21 I don't know if they take. I can't say accuse
22 them they take it. But I've been looking for

1 them all -- that particular invoice to come
2 up. I've been looking. It's the same
3 company, Georgian Company, you know, that's
4 the invoice importation license in question.

5 Okay. You know, so I was really
6 surprised he have it. So anyway, that's my
7 conclusion. You know, you guys do whatever
8 you have to do and I'll entertain the
9 consequences, you know. And I'm just not a
10 lawyer. I'm not -- I just tell the truth and
11 see what happens. Okay.

12 CHAIRPERSON MILLER: Okay. Thank
13 you.

14 MEMBER ALBERTI: Thank you.

15 MR. LIU: Thank you.

16 CHAIRPERSON MILLER: Okay. So I'm
17 going to close the record, except for those
18 documents of the licensee that we made
19 reference to earlier, guest receipts,
20 invoices, permits, whatever it is that you
21 described earlier and you are going to have
22 them copied in the ABRA office.

1 MR. LIU: Okay.

2 CHAIRPERSON MILLER: And then you
3 can provide them --

4 MR. LIU: That's fine.

5 CHAIRPERSON MILLER: -- into the
6 record. And also a copy for Mr. Stern.

7 MR. LIU: Okay. Two copy each?

8 CHAIRPERSON MILLER: Yes. Whether
9 they will do both copies here, I don't know,
10 but get the copy into the record first, so we
11 will have and then get a copy for Mr. Stern.

12 MR. LIU: Okay.

13 MR. STERN: Just to make --

14 CHAIRPERSON MILLER: Yes?

15 MR. STERN: -- things clear, if I
16 may?

17 CHAIRPERSON MILLER: Okay.

18 MR. STERN: I'm going to ask the
19 Board to keep the record open for no more than
20 an hour for this to be done. He does not have
21 to give me a copy today.

22 CHAIRPERSON MILLER: Okay.

1 MR. STERN: I will get a copy from
2 ABRA. That would be fine. And he should not
3 leave the premises before the copies are made.

4 CHAIRPERSON MILLER: Right. You
5 can walk right to the front desk.

6 MR. STERN: Yes.

7 CHAIRPERSON MILLER: And if they
8 can do it within the hour, that's fine.

9 MR. LIU: I don't think they can
10 do it in an hour.

11 CHAIRPERSON MILLER: You can take
12 it right to the front.

13 MEMBER ALBERTI: Well --

14 CHAIRPERSON MILLER: You can take
15 it in right now.

16 MEMBER ALBERTI: -- may I make a
17 suggestion that we --

18 CHAIRPERSON MILLER: Okay.

19 MEMBER ALBERTI: -- take the stack
20 of materials and then staff can work with Mr.
21 Liu to identify what needs to be photocopied?
22 But then there wouldn't be any question about

1 the chain of custody. We would have that
2 whole stack and Mr. Stern could be confident
3 that what was presented today is what is being
4 photocopied. Does that sound okay with you,
5 Mr. Stern?

6 MR. STERN: That would be fine
7 with me as well.

8 MEMBER ALBERTI: Thank you.

9 CHAIRPERSON MILLER: No. Okay.
10 If you want to, you can walk him to the front
11 desk. General Counsel says --

12 MEMBER ALBERTI: Then she will
13 have custody of them.

14 CHAIRPERSON MILLER: No. They
15 want him to go to the front desk with it.

16 MR. STERN: Okay.

17 CHAIRPERSON MILLER: Okay.

18 MEMBER SHORT: Madam Chair, for
19 the record --

20 CHAIRPERSON MILLER: Yes?

21 MEMBER SHORT: -- what was just
22 passed to our attorney, is that everything in

1 the case that was testified about? Is that
2 everything, that one polaroid there?

3 MEMBER ALBERTI: Well --

4 MEMBER SHORT: Is that everything
5 he is submitting?

6 MR. STERN: He only has to submit
7 what he wants to submit.

8 CHAIRPERSON MILLER: Right.

9 MEMBER ALBERTI: He can submit
10 what he wants to submit. If there is
11 something missing, we won't take in extra
12 stuff, but if there is something missing,
13 that's on Mr. Liu. It's his responsibility,
14 at this point.

15 Mr. Liu can direct the staff as to
16 which things to copy and which things not to
17 copy. Janaea can work with him or one of the
18 staff will work with him and he can identify
19 what in that to copy.

20 CHAIRPERSON MILLER: It's not that
21 much.

22 MEMBER ALBERTI: All right. Fine.

1 MR. STERN: That was one I did not
2 see yet.

3 MR. LIU: No, you saw it. You
4 give to me.

5 MR. STERN: No, I don't think so.
6 This one I did not see it, but that's fine.

7 CHAIRPERSON MILLER: Do you want
8 to know what he said was on-site?

9 MEMBER ALBERTI: I got it. He
10 gave me it. He gave me a count of records
11 that is in his testimony and that's what is
12 important to me. I don't need to see the
13 actual records. I will take his word for what
14 he counted are actual records.

15 MR. STERN: Okay.

16 MEMBER ALBERTI: Put this on the
17 record. I, as one Board Member, will accept
18 when he counted the number of records and
19 described them, I will take that as truth.
20 All right. Because Mr. Stern saw them. I'm
21 accepting his count --

22 MR. STERN: It's his truth.

1 MEMBER ALBERTI: -- of records. I
2 don't need to see what is on those records.
3 To me the description of what was counted, you
4 know, this is a receipt and the number of
5 receipts is what was important to me and
6 that's all I needed to see. But I am just one
7 Board Member.

8 CHAIRPERSON MILLER: Okay.

9 MEMBER SHORT: Madam Chair?

10 CHAIRPERSON MILLER: It isn't that
11 much.

12 MEMBER SHORT: Madam Chair? These
13 are the things he said that were there at the
14 store the night of the inspection?

15 CHAIRPERSON MILLER: Yes.

16 MEMBER ALBERTI: And that he has
17 now providing everything that they did not
18 look at? That was his testimony, correct?

19 CHAIRPERSON MILLER: I don't know.
20 I would have to review the testimony to see
21 whether they looked at some of it, but
22 certainly are you saying there was a lot more

1 there than they said they say.

2 MEMBER SHORT: Well, he said
3 that's what he turned in to us, that's what
4 I'm saying.

5 CHAIRPERSON MILLER: Every --

6 MEMBER SHORT: He stated the
7 records in question that was missing are there
8 now. Is that your --

9 MR. LIU: Yes. Anything --

10 MEMBER SHORT: Okay.

11 MEMBER RODRIGUEZ: Madam Chair,
12 these are exhibits, am I to understand, and
13 therefore they should be copied, if they are
14 exhibits, as part of the testimony. And I
15 recommend, Madam Chair, that they be copied.

16 MEMBER ALBERTI: Well, I would
17 just point out for the record that we are
18 actually doing a huge courtesy for Mr. Liu.
19 We are assisting in his case by providing the
20 Board with copies of these records. This is
21 not our normal procedure. These are expected
22 to come in with exhibits and copies of

1 exhibits. To actually ask an Agency to assist
2 you in providing copies for the Agency, goes
3 a little bit beyond what should be expected.
4 And we could be accused of helping in his
5 defense.

6 MEMBER RODRIGUEZ: If legal
7 counsel has no objection to it --

8 MR. STERN: I don't actually.

9 MEMBER RODRIGUEZ: Okay. Then --

10 CHAIRPERSON MILLER: I agree.

11 MEMBER RODRIGUEZ: -- it doesn't
12 matter.

13 CHAIRPERSON MILLER: I mean, I
14 would say, I think, you know, some things have
15 to be improved. I don't think that, you know,
16 we put on the notice that, you know, they need
17 to bring copies of all records and if you are
18 not an attorney, you might not know that. And
19 so that's part of the issue.

20 This is somewhat cumbersome for
21 the Agency, so you have to understand that and
22 that is the other side that we are putting a

1 little bit of a burden on our Agency to make
2 your copies. The Government is not objecting
3 and I think the documents are relevant because
4 the testimony is somewhat confusing as to how
5 many documents this, how many documents that,
6 you know.

7 MR. STERN: I'm sorry, excuse me.
8 The Government doesn't concede that they are
9 relevant.

10 CHAIRPERSON MILLER: Okay.

11 MR. STERN: The Government only
12 concedes that there has been a foundation laid
13 and that the documents are --

14 CHAIRPERSON MILLER: Okay.

15 MR. STERN: -- authentic as to
16 what they purport to be.

17 CHAIRPERSON MILLER: Okay. Right.

18 MR. STERN: Whether or not they
19 are relevant, because they were actually there
20 or not --

21 CHAIRPERSON MILLER: Right,
22 exactly.

1 MR. STERN: -- is in dispute.

2 CHAIRPERSON MILLER: That's right.
3 That's right. Just because we have these
4 documents today, doesn't mean that they were
5 there.

6 MR. LIU: Can I -- to save the
7 Government the trouble --

8 MEMBER RODRIGUEZ: Enough is
9 enough.

10 CHAIRPERSON MILLER: Wait. Wait.
11 He has one more thing to say. What?

12 MR. LIU: I write down all the
13 invoice number. Give me an invoice number, I
14 can go back and copy and present it tomorrow,
15 so you will know. I write down now the
16 invoice number.

17 CHAIRPERSON MILLER: Oh, I see
18 what you are saying.

19 MR. LIU: On the beer and spirit.
20 So we've got -- you can match the numbers when
21 I turn in tomorrow and, you know, that way you
22 don't have to copy it. I can copy it myself.

1 CHAIRPERSON MILLER: Mr. Stern,
2 would that satisfy your concern about chain of
3 custody, etcetera, or not really?

4 MEMBER SHORT: I don't think so.

5 CHAIRPERSON MILLER: No?

6 MR. STERN: It's --

7 CHAIRPERSON MILLER: Okay.

8 MR. STERN: -- not my preferable
9 mode of doing it.

10 CHAIRPERSON MILLER: Okay. So we
11 are going to -- I think that we ought to take
12 these in. I said it before that we would.
13 And we may have to revisit, you know. They
14 are somewhat burdensome. And you will need to
15 wait until --

16 MR. LIU: Yes.

17 CHAIRPERSON MILLER: Okay. Or you
18 can --

19 MEMBER ALBERTI: He can come back.

20 CHAIRPERSON MILLER: -- come back.

21 MR. LIU: I can come back, yes.

22 CHAIRPERSON MILLER: Our staff

1 will copy them. Sir, we have to do it right
2 here.

3 MR. LIU: Do it here?

4 CHAIRPERSON MILLER: This is it,
5 yes. Okay. Janea, are you going to be
6 responsible?

7 MEMBER SHORT: We need to stop
8 right now and --

9 CHAIRPERSON MILLER: We are not
10 waiting here. We are not waiting.

11 MEMBER SHORT: Oh, we're not
12 waiting?

13 CHAIRPERSON MILLER: No.

14 MEMBER SHORT: I understand.
15 That's the chain of custody.

16 MEMBER ALBERTI: Well, she will do
17 it when she can. And he can either wait or
18 come back, but I do not want staff to just
19 jump to do this, at this point. If she needs
20 to go to lunch or if she has --

21 CHAIRPERSON MILLER: Right,
22 exactly.

1 MEMBER ALBERTI: -- other things
2 to do, then Mr. Liu can wait.

3 CHAIRPERSON MILLER: Exactly. I
4 think, Mr. Stern, that, you know, the one hour
5 thing, I think we can let that go. If we have
6 custody of the documents, staff can --

7 MR. STERN: Yes, that's fine. We
8 can do that.

9 CHAIRPERSON MILLER: -- get it in.

10 MR. STERN: That's fine.

11 CHAIRPERSON MILLER: Okay. All
12 right.

13 MR. LIU: Let me just make --

14 MEMBER ALBERTI: Thank you, Mr.
15 Stern.

16 CHAIRPERSON MILLER: All right.
17 Okay. So the last bit, I have to ask the
18 parties, I don't think you want to do this,
19 but just in case, do you want to file proposed
20 findings of fact and conclusions of law or
21 waive your right to do so?

22 MR. STERN: We will waive.

1 CHAIRPERSON MILLER: Mr. Liu?

2 MR. LIU: Waive what? What?

3 CHAIRPERSON MILLER: Okay. You
4 have a right to file proposed findings of
5 facts and conclusions of law. It's a legal
6 document that it's like when the Board issues
7 an order finding all those things and
8 concluding law. Most people don't do it.
9 It's if you wanted to write a whole legal
10 brief to us based on the hearing today.

11 MR. LIU: No, ma'am, that's okay.

12 CHAIRPERSON MILLER: No. Okay.
13 Good. All right.

14 MEMBER RODRIGUEZ: Thank God.

15 CHAIRPERSON MILLER: We don't need
16 it. It's often to help the Board in certain
17 cases and I don't think it's necessary in this
18 case anyway. All right.

19 I'm going to no take a vote on our
20 deliberating this case after we have all the
21 evidence in in closed session.

22 As Chairperson of the Alcoholic

1 Beverage Control Board for the District of
2 Columbia and in accordance with Section 405 of
3 the Open Meetings Amendment Act of 2010, I
4 move that the ABC Board hold a closed meeting
5 for the purpose of seeking legal advice from
6 our counsel on Case No. 14-CMP-00090, Tian
7 Tian Fang located at 5540 Connecticut Avenue,
8 N.W., License No. 12671, per Section 405(b)(4)
9 of the Open Meetings Amendment Act of 2010,
10 and deliberating upon this case for the
11 reasons cited in Section 405(b)(13) of the
12 Open Meetings Amendment Act of 2010.

13 Is there a second?

14 MEMBER RODRIGUEZ: Second.

15 CHAIRPERSON MILLER: Mr. Rodriguez
16 seconded the motion. I'll now take a roll
17 call vote on the motion before us now that it
18 has been seconded.

19 Mr. Brooks?

20 MEMBER BROOKS: I agree.

21 CHAIRPERSON MILLER: Mr. Alberti?

22 MEMBER ALBERTI: I agree.

1 CHAIRPERSON MILLER: Mr.

2 Rodriguez?

3 MEMBER RODRIGUEZ: I agree.

4 CHAIRPERSON MILLER: Ms. Miller
5 agrees.

6 Mr. Silverstein?

7 MEMBER SILVERSTEIN: I agree.

8 CHAIRPERSON MILLER: And, Mr.
9 Short?

10 MEMBER SHORT: I agree.

11 CHAIRPERSON MILLER: Okay. It
12 appears that the motion has passed by a 6-0-0
13 vote.

14 I hereby give notice that the ABC
15 Board will hold a closed meeting in the ABC
16 Board conference room upon receipt of all the
17 evidence and issue an order within 90 days in
18 writing. Okay.

19 Thank you. So that concludes this
20 case. And the Board will recess.

21 MR. STERN: Thank you, Madam
22 Chair.

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