

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

-----:  
 IN THE MATTER OF:                   :  
   :  
 Dahlak Restaurant, Inc.,           :  
 t/a Dahlak Restaurant            :  
 1771 U Street, NW               :  
 Retailer CR                       :  
 License No. 74433                :  
 Case No. 14-CMP-00070           :  
 -----:

NOVEMBER 19, 2014

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

PRESENT

RUTHANNE MILLER, Chairperson  
 NICK ALBERTI, Member  
 DONALD BROOKS, Member  
 HERMAN JONES, Member  
 JAMES SHORT, Member  
 MICHAEL SILVERSTEIN, Member  
 HECTOR RODRIGUEZ, Member

ALSO PRESENT:

Mr. Michael Stern  
 Mr. Earl Jones

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

(10:23 a.m.)

1  
2  
3 MS. MILLER: Next case is 14-CMP-00070  
4 Dahlak Restaurant located at 1771 U Street  
5 Northwest, license number 74433 and ANC 1C. Good  
6 morning. If you can sign in when you're ready  
7 and we'll start with introductions. Why don't  
8 start with Mr. Stern.

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

11 MR. ASNEIOM: My name is Yonas  
12 Asneiom. I'm the president of Dahlak Restaurant.

13 MS. MILLER: You're the president?

14 MR. ASNEIOM: Yes.

15 MS. MILLER: Yes, could you repeat  
16 your name a little louder?

17 MR. ASNEIOM: Yonas, Asneiom. Y-O-N-  
18 A-S, last name is A-S-N-E-I-O-M.

19 MS. MILLER: Okay. All right so this  
20 is scheduled today for a hearing but are there  
21 any preliminary matters?

22 MR. STERN: Yes, no, excuse me, no.

1       There are no preliminary matters.

2                   MS. MILLER:  There are no preliminary  
3 matters.  Okay, so you're ready to go forward?

4                   MR. STERN:  Yes.

5                   MS. MILLER:  Okay.  Are you familiar  
6 with our hearing process by any chance?

7                   MR. ASNEIOM:  Yes.

8                   MS. MILLER:  You are.

9                   MR. ASNEIOM:  Yes.

10                   MS. MILLER:  Okay.  All right.  If you  
11 have any questions feel free to ask.  Okay.  So  
12 whenever you're ready Mr. Stern.

13                   MR. STERN:  Yes, in this case, the  
14 government's evidence will show that on November  
15 11, 2013, at approximately 2:15 a.m. an  
16 investigator; in fact a couple, a few  
17 investigators from the Alcohol and Beverage  
18 Regulation Authority were responded to the  
19 establishment.  At that time the investigator  
20 noticed 20 to 30 patrons inside the establishment  
21 drinking alcoholic beverages.  After discussions  
22 with the owner and the review of the

1 establishment's license, the investigator  
2 determined that the establishment's hours of  
3 operations ended at 2:00 a.m. Because the  
4 establishment was fully active after hours the  
5 government will ask the Board to find they have  
6 substantially changed their establishment  
7 operation without prior approval and we will ask  
8 for a fine of \$2000 in this case.

9 MS. MILLER: Okay, so you have a  
10 choice. You can make an opening statement now or  
11 you can just wait until it's your turn to present  
12 your case.

13 MR. ASNEIOM: I can represent right  
14 now.

15 MS. MILLER: I'm sorry, what?

16 MR. ASNEIOM: I can represent right  
17 now.

18 MS. MILLER: You what?

19 MR. ASNEIOM: yes, I can represent  
20 right now but.

21 MS. MILLER: Okay. Let me know say  
22 this, whatever you say right now is not evidence.

1 Okay.

2 MR. ASNEIOM: Okay.

3 MS. MILLER: Whatever you say later  
4 will be evidence. If you want to make a general  
5 statement, that's fine. I just want you to  
6 understand the rules.

7 MR. ASNEIOM: In the letters I'm not  
8 going to make any change, but at that time I was  
9 there myself. Those investigators is even they  
10 going to stay for three, maybe three seconds. I  
11 am the one who opened the door. I am the one that  
12 closed the door. The light was on. The light --

13 MS. MILLER: Can I tell you, it sounds  
14 like what you're giving me, giving us is  
15 testimony.

16 MR. ASNEIOM: Yes.

17 MS. MILLER: And it's not time for  
18 that yet.

19 MR. ASNEIOM: Okay.

20 MS. MILLER: He just gave an overview  
21 of what his case, what he's going to show.

22 MR. ASNEIOM: Okay.

1 MS. MILLER: So, I think that's  
2 confusing sometimes for people who aren't  
3 lawyers, so that's why I was saying you can  
4 perhaps wait until you go under oath.

5 MR. ASNEIOM: Okay. I'll wait.

6 MS. MILLER: To make sure that  
7 everything you're saying is actually evidence in  
8 the record.

9 MR. ASNEIOM: Okay. I'll wait. Thank  
10 you.

11 MS. MILLER: Okay. Do you have a  
12 witness?

13 MR. STERN: Yes.

14 MS. MILLER: Okay.

15 MR. JONES: Good morning.

16 MS. MILLER: Good morning. Do you  
17 swear to tell the truth, the whole truth and  
18 nothing but the truth? All right. Thank you.

19 DIRECT EXAMINATION

20 MR. STERN: Good morning, can you  
21 give us your full name spelling your last name  
22 for the court reporter?

1 MR. JONES: Earl Jones, last name J-  
2 O-N-E-S.

3 MR. STERN: Yes and are you  
4 employed, Mr. Jones?

5 MR. JONES: Yes, sir.

6 MR. STERN: How are you employed?

7 MR. JONES: With, as an investigator  
8 with the Alcoholic Beverage Regulation  
9 Administration.

10 MR. STERN: And were you so employed  
11 in the early morning hours of November 11, 2013?

12 MR. JONES: Yes, sir.

13 MR. STERN: At that time, can you  
14 tell me what your assignment was?

15 MR. JONES: I was assigned to  
16 monitor the Adams Morgan area for after hour  
17 activities. During that time our agency had  
18 issued a 2013 holiday extension of hour licenses  
19 and that's what we were monitoring for.

20 MR. STERN: Okay. And during the  
21 course of your assignment did you become  
22 familiar with the establishment that goes by the

1 trade name of Dahlak Restaurant?

2 MR. JONES: Yes, sir.

3 MR. STERN: Okay. Can you tell me  
4 how that establishment came to your attention?

5 MR. JONES: The reason that it came  
6 to my attention was because as we were passing  
7 by we noticed patrons were kind of gathering in  
8 front of the front door. We saw some kind of  
9 walking in and out and we saw like a nice crowd  
10 just in front of the front door.

11 MR. STERN: Did you note what time  
12 that was?

13 MR. JONES: At that time it was  
14 probably about 2, probably about 2:10, 2:12 a.m.

15 MR. STERN: Okay. And then what  
16 happened?

17 MR. JONES: At that point, found a  
18 parking spot, entered the establishment,  
19 identified myself and I requested to speak with  
20 an ABC manager or owner.

21 MR. STERN: Okay. And just to go  
22 back, that was 2:10, 2:12 in the morning hours?

1 MR. JONES: A.m., yes sir.

2 MR. STERN: Okay. What happened  
3 when you came to the door and asked to speak  
4 with an owner?

5 MR. JONES: Excuse me, when I first  
6 walked in I noticed I would say 20 to 30 patrons  
7 drinking alcohol, smoking hookah, it looked like  
8 it was full scale party going on at that time.

9 MR. STERN: Okay. When you say  
10 they're drinking alcoholic beverages, how did  
11 you determine that they were alcoholic  
12 beverages?

13 MR. JONES: Well, they were beers on  
14 the table, they were some cups on the table as  
15 well with liquid in them.

16 MR. STERN: Okay, so they were  
17 labeled as alcoholic beverages?

18 MR. JONES: Yes sir, yes sir.

19 MR. STERN: Okay, and then what  
20 happened?

21 MR. JONES: And then at that point I  
22 requested to speak with an ABC manager or owner.

1 MR. STERN: Okay, and what happened  
2 then?

3 MR. JONES: At that time I was  
4 introduced to an individual by the name of Mr.  
5 Mesifini and I was told that he was the owner of  
6 the establishment. I asked him if he had the  
7 2013 holiday extension of hours license and he  
8 stated that he did. He directed me to the rear  
9 of the bar area where the licenses were posted  
10 and when I got to the rear of the bar, he showed  
11 me his ABC license.

12 MR. STERN: Okay.

13 MR. JONES: And at that point I  
14 asked him again did he get approved by the  
15 Board, did he apply for an extension of hours  
16 license and then he told me no.

17 MR. STERN: Okay. And his ABC  
18 license, what hours was he allowed to operate on  
19 Monday, excuse me, on Sunday into Monday  
20 morning?

21 MR. JONES: On Sunday into Monday  
22 morning, his hours of operations were to close

1 at 2:00 a.m.

2 MR. STERN: Okay.

3 MR. JONES: Or ended at 2:00 a.m.

4 I'm sorry.

5 MR. STERN: Okay. Did it appear to  
6 you when you walked in as though there was any,  
7 was it in full operation, the restaurant?

8 MR. JONES: Yes.

9 MR. STERN: Yes. Thank you. That's  
10 oh, one last thing. I'm going to show you what  
11 I'm going to have marked as Government's Exhibit  
12 G1.

13 (Whereupon, the above-referred to  
14 document was marked at Government's Exhibit 1  
15 for identification.)

16 MR. JONES: Yes, sir.

17 MR. STERN: And ask if you can  
18 identify what that is.

19 MR. JONES: This is the report that  
20 I wrote.

21 MR. STERN: I have copies for you as well.  
22

1 MS. MILLER: Thank you very much.

2 MR. STERN: And is that your  
3 signature on the report?

4 MR. JONES: Yes, it is.

5 MR. STERN: Okay. We move for the  
6 admission of Government's Exhibit G1. The Board  
7 already has copies of the record.

8 MS. MILLER: Okay. I'm going to  
9 admit Government's Exhibit number 1. This is  
10 the investigator's report and there, it's public  
11 record, they're always admitted in these cases.

12 (Whereupon, the above-referred to  
13 document was admitted as Government's Exhibit  
14 1.)

15 MR. ASNEIOM: Okay.

16 MS. MILLER: You'll have a chance to  
17 cross-examine him on it, though.

18 MR. ASNEIOM: Yes -

19 MS. MILLER: Not yet. Oh yes, so  
20 you're finished, Mr. Stern, correct?

21 MR. STERN: Actually we are.

22 MS. MILLER: Yes, okay. So now you

1 can ask him questions on his testimony and on  
2 this report.

3 CROSS-EXAMINATION

4 MR. ASNEIOM: Okay. First who was  
5 the one who opens the door?

6 MR. JONES: I'm not understanding  
7 your question.

8 MR. ASNEIOM: All I'm saying is who  
9 was opening the door?

10 MR. JONES: Who was opening the  
11 door?

12 MR. ASNEIOM: Is the light off or  
13 on?

14 MR. JONES: Yes, the lights were  
15 off.

16 MR. ASNEIOM: That's not true.

17 MS. MILLER: Okay, you'll have a  
18 chance to, sir, okay. Let me just tell you the  
19 ground rules. You can't

20 MR. ASNEIOM: Yes, I don't have any  
21 experience with this one but let me make the  
22 testimony.

1 MS. MILLER: Can I, let me just tell  
2 you just that there's a certain procedure and  
3 you can get in everything you want to get in,  
4 just you have to try to fit it in on procedure,  
5 so at this time you can ask him questions and  
6 when he's finished then you're going to take the  
7 stand and you can make all the statements that  
8 you'd like. Okay, but now it's not a back and  
9 forth with ask him a question, you make a  
10 statement.

11 MR. ASNEIOM: Okay. I would like to  
12 make a testimony. I don't have any. I was  
13 already going to ask him some questions, but.

14 MS. MILLER: You don't have any  
15 other questions for him?

16 MR. ASNEIOM: I don't. I just want  
17 to make my testimony.

18 MS. MILLER: Okay, so when he's  
19 finished, then you'll do your testimony. Okay.  
20 Board questions?

21 MR. ALBERTI: What was Mr. Ganene's  
22 last name, sir?

1 MS. MILLER: It's not Ganane, its  
2 Jones.

3 MR. ALBERTI: I mean Jones. I'm  
4 sorry. I didn't really hear that, so.

5 MR. JONES: I'm sorry, sir. What  
6 was that?

7 MR. ALBERTI: I don't repeat myself  
8 on apologies. I'm so sorry.

9 MR. JONES: That's okay.

10 MR. ALBERTI: It's early. So what  
11 was your last answer to the question about  
12 whether the lights were, when the door was on,  
13 whether the lights were on or off?

14 MR. JONES: The lights were off.

15 MR. ALBERTI: They were off?

16 MR. JONES: Yes, sir.

17 MR. ALBERTI: Okay. Thank you.

18 MS. MILLER: Other questions? Well,  
19 so I have a question on that. The lights were  
20 off but did I understand you to say that it  
21 looked like the establishment was in full  
22 operation?

1 MR. JONES: Yes. There were  
2 patrons, when I walked in there were patrons,  
3 many patrons sitting around. They were  
4 drinking. They were some walking back and forth  
5 to the bar, smoking hookah. The only lights that  
6 were on in the establishment were the, I guess  
7 the lights that he uses for operational hours,  
8 so it wasn't like, you know.

9 MS. MILLER: Oh, it wasn't like it  
10 was shut down and all the lights were off.

11 MR. JONES: Right, right.

12 MS. MILLER: Okay. And then the  
13 drinks that you saw, can you be specific with  
14 respect to how you knew it was alcohol being  
15 served?

16 MR. JONES: Well, there were labeled  
17 beers that were on the table and there were also  
18 cups that were on the table with liquid in them.  
19 I don't know what was in those cups but there  
20 were labeled beers that were on the table.

21 MS. MILLER: Okay. All right. Any  
22 other questions? Mr. James Short.

1 MR. SHORT: Good morning,  
2 Investigator Jones.

3 MR. JONES: Good morning, sir.

4 MR. SHORT: What are the normal  
5 operating hours for this establishment?

6 MR. JONES: On this date, on Sunday?

7 MR. SHORT: This date, yes.

8 MR. JONES: 12:00 p.m. to 2:00 a.m.

9 MR. SHORT: And what time was your  
10 investigation?

11 MR. JONES: I ended up entering the  
12 establishment at 2:15 a.m.

13 MR. SHORT: Fifteen minutes past  
14 their closing time.

15 MR. JONES: Yes, sir.

16 MR. SHORT: And again you had  
17 noticed that business was going on as usual is  
18 that what you're testifying?

19 MR. JONES: Yes, sir.

20 MR. SHORT: Okay, that you very  
21 much, Mr. Investigator.

22 MR. JONES: Yes, sir.

1 MR. SHORT: Thank you Madam Chair.

2 MS. MILLER: And Mr. Jones.

3 MR. JONES: Investigator Jones, how  
4 long were you at the establishment once you  
5 arrived?

6 MR. JONES: I was there probably  
7 about, probably no longer than five minutes.

8 MR. JONES: No longer than five  
9 minutes?

10 MR. JONES: No longer than five  
11 minutes.

12 MR. JONES: Okay. How long did it  
13 take for you to encounter or engage the owner of  
14 the establishment?

15 MR. JONES: As he said, as soon as  
16 we got to the door.

17 MR. JONES: As soon as you go to the  
18 door?

19 MR. JONES: Yes, sir.

20 MR. JONES: Did you, I'm assuming,  
21 well, did you clearly identify yourself as an  
22 ABRA investigator?

1 MR. JONES: Yes, sir.

2 MR. JONES: Okay. At the time that  
3 you clearly identified yourself as an ABRA  
4 investigator did the owner make any effort to  
5 shut down operations or change the nature of  
6 what you saw in terms of the operations of the  
7 establishment? Did he turn on the light, did he  
8 clean up the table, did he ask patrons to leave,  
9 did he act in any way different than he was  
10 acting prior to your arrival?

11  
12 MR. JONES: Yes, he did. When,  
13 would you want me to elaborate on that?

14 MR. JONES: Yes. Sorry.

15 MR. JONES: Okay. No, that's okay.  
16 He did because when I advised him when, after I  
17 reviewed the ABC license and noticed that the  
18 operational hours for closing were 2:00 a.m. you  
19 know, I told him that he was in violation of  
20 operating after hours in which he responded with  
21 I thought that I had a grace period of 15 to 20  
22 minutes. So I told him again he was in

1 violation. I said at no point in time after your  
2 closing hours are patrons to be inside.

3 MR. JONES: Okay.

4 MR. JONES: And so at that point  
5 that's when he started to conduct the closing  
6 procedures.

7 MR. JONES: Got it. Thank you very  
8 much.

9 MR. JONES: Yes, sir.

10 MR. JONES: Thank you, Madam Chair.

11 MS. MILLER: Other questions?

12 MR. ALBERTI: Yes.

13 MS. MILLER: Okay, go ahead Mr.  
14 Alberti.

15 MR. ALBERTI: Investigator Jones,  
16 real quick. Thank you for your report.

17 MR. JONES: Yes, sir.

18 MR. ALBERTI: Was there any other  
19 activities occurring other than people  
20 socializing and having drinks, was there any  
21 other activities?

22 MR. JONES: No, sir.

1 MR. ALBERTI: Okay, thank you.

2 MR. JONES: Mm-hmm.

3 MS. MILLER: Anything else? Would  
4 you say that the owner was cooperative with you  
5 once you told him that he was operating after  
6 hours?

7 MR. JONES: I would. Again, he  
8 explained that he thought that he had a grace  
9 period and then once I explained to him from my  
10 understanding from the law that there is no  
11 grace period. It's 2:00 and that's it and at  
12 that point that's when he started to conduct the  
13 closing procedures.

14 MS. MILLER: Okay, and are you aware  
15 if this is the first time that this  
16 establishment has operated after hours?

17 MR. JONES: From my understanding,  
18 ma'am, from my understanding this is the first  
19 time that I know of.

20 MS. MILLER: Okay. Thank you.  
21 Okay. Any other questions?

22 MR. ALBERTI: I'm sorry. Just

1 really quickly Investigator Jones, so at 2:15,  
2 you arrived, is that correct?

3 MR. JONES: Yes, sir.

4 MR. ALBERTI: Okay. And you left at  
5 approximately 2:20?

6 MR. JONES: Around that time.

7 MR. ALBERTI: Around that time.

8 There, at no point during, excuse me, prior to  
9 you communicating to the owner that he was  
10 operating after hours, did you observe him in  
11 any way, shape or form comporting himself in a  
12 fashion to shut down the operations?

13 MR. JONES: To me, no, not, not  
14 until I told him about him being after operating  
15 after hours and that's when he, again he  
16 mentioned about he thought he had a grace  
17 period, so to me that tells me that he's still  
18 in operation.

19 MR. ALBERTI: Okay.

20 MR. JONES: Because he thought he  
21 had a grace period.

22 MR. ALBERTI: So then and only then,

1       then being when you communicated to him that  
2       your perspective as an ABRA official he was  
3       operating after hours, did he take action to  
4       shut down his operations?

5                   MR. JONES:  Yes, sir.

6                   MR. ALBERTI:  And this is at no  
7       earlier than 2:15?

8                   MR. JONES:  No earlier than then.

9                   MR. ALBERTI:  So even if he  
10      understood it to be a 15-minute grace period he  
11      still was not acting in a manner that he was  
12      going to be shut down by 2:15?

13                   MR. JONES:  There was still plenty  
14      of alcohol displayed and people drinking and  
15      smoking hookah, so no.

16                   MR. ALBERTI:  Thank you.

17                   MR. JONES:  Yes, sir.

18                   MR. ALBERTI:  Thank you, Madam  
19      Chair.

20                   MS. MILLER:  Okay, actually I just  
21      want to ask a couple of more.  So the people  
22      that you observed in front of the establishment,

1       could you tell if they were leaving the  
2       establishment or coming in?

3               MR. JONES:  It appeared that they  
4       were leaving.

5               MS. MILLER:  Okay, do you know about  
6       how many people that was?

7               MR. JONES:  That was probably a  
8       crowd of maybe 10 to 15 people that were just in  
9       front of the door.

10              MS. MILLER:  Okay.  And I'm not  
11       sure, did you, how many people did you estimate  
12       were in the establishment when you came in?

13              MR. JONES:  Between 20 to 30 people.

14              MS. MILLER:  Twenty to thirty,  
15       that's what I thought you said.  Okay.  Okay.  
16       Anything else?  All right.  Any questions on  
17       Board questions?

18              MR. STERN:  Yes.

19              MS. MILLER:  Okay.

20              REDIRECT EXAMINATION

21              MR. STERN:  I just, to clarify a  
22       little bit.  I'm sorry I don't know this, in your

1 report, you have page number one.

2 MR. JONES: Yes, sir.

3 MR. STERN: And ask you to tell me  
4 what that is a picture of?

5 MR. JONES: This is the front of the  
6 establishment. This was taken as we exited the,  
7 as I exited the establishment on that morning.

8 MR. STERN: Okay, so that would have  
9 been approximately 2:15?

10 MR. JONES: That would probably be  
11 about 2:25, maybe around that time.

12 MR. STERN: Do you see an open sign?

13 MR. JONES: Yes, I do.

14 MR. STERN: Is it lit up?

15 MR. JONES: Yes it is.

16 MR. STERN: And was it lit up at  
17 that time that at 2:15?

18 MR. JONES: Yes it is, yes it was.

19 MR. STERN: Thank you. Now I want to  
20 ask you to look at Exhibit 2 of your report.  
21 Can you explain what that is?

22 MR. JONES: This is a bottle of beer

1 along with another, there's a hookah pipe and  
2 there is a glass what looks like to be filled  
3 with a clear substance that could be alcohol.

4 MR. STERN:

5 But the bottle of beer is an alcoholic  
6 beverage?

7 MR. JONES: Yes, it is.

8 MS. MILLER: So, are you finished  
9 with your questions of Board questions?

10 MR. STERN: If the Board would just  
11 give me a second.

12 MS. MILLER: Okay.

13 MR. STERN: Now, the owner told you  
14 that he believed there was a grace period?

15 MR. JONES: Yes, sir.

16 MR. STERN: Okay. Did that indicate  
17 to you that he believed there was a grace period  
18 in the past?

19 MR. JONES: Yes, sir.

20 MR. STERN: Okay. And did that give  
21 you any indication that he had previously kept  
22 an establishment open past 2:00 a.m. because he

1 believed he had a grace period?

2 MR. JONES: If I go about that  
3 belief, yes, sir.

4 MR. STERN: Okay.

5 MR. JONES: Yes, sir.

6 MR. STERN: Okay. Thank you.

7 MR. STERN: I don't have any further  
8 questions.

9 MS. MILLER: Okay, so this is  
10 questions, okay? All right, based on the  
11 Board's questions.

12 RE-CROSS-EXAMINATION

13 MR. ASNEIOM: Those pictures, the  
14 one from the tavern I bought them to the new  
15 bar.

16 MS. MILLER: Okay that's, you're  
17 testifying.

18 MR. ASNEIOM: Okay.

19 MS. MILLER: You can testify next.

20 MR. ASNEIOM: Okay. He just told me  
21 about ten people outside. You take the picture  
22 within 20 feet of my, where are those people?

1 MR. STERN: Objection.

2 Mischaracterizes the evidence. He said when he  
3 arrived there were ten people outside. This  
4 picture was taken when he left.

5 MS. MILLER: I think we should have  
6 the witness clarify. Can you clarify that, Mr.  
7 Jones?

8 MR. JONES: Well, it's like Mr.  
9 Stern said, it was when I initially arrived  
10 there were about 10 to 15 people out front.  
11 When I conducted my business and on my way out,  
12 there was nobody out front. So, on my way out I  
13 took a picture of the front of the  
14 establishment.

15 MR. ASNEIOM: I have a question of  
16 the same type.

17 MR. JONES: Yes, sir.

18 MR. ASNEIOM: When did you take my  
19 ID's picture?

20 MR. JONES: Inside I believe.

21 MR. ASNEIOM: You went outside, you  
22 came back after 15, 20 minutes --

1 MR. JONES: Yes I came, I came back,  
2 yes, it was inside.

3 MR. ASNEIOM: My picture, but lack  
4 of language I have. So much like great which is  
5 I don't understand something one does to me. So  
6 I just want to testimony and then let me get out  
7 of here.

8 MS. MILLER: Do you have a question  
9 about one of the exhibits with the Exhibit 3,  
10 the ID?

11 MR. ASNEIOM: Even I don't know what  
12 that mean.

13 MS. MILLER: Okay. All right.  
14 You're not going to ask a question? You're just  
15 going to testify?

16 MR. ASNEIOM: Yes, I.

17 MS. MILLER: Okay, you're not  
18 required to.

19 MR. ASNEIOM: Let me make this  
20 testify and then --

21 MS. MILLER: Right, okay. All right  
22 so then, Mr. Jones?

1                   MR. JONES: I don't know if this  
2 when or how or what the appropriate time is to  
3 address this so I will speak on it. if it's  
4 inappropriate, please let me know but I'm  
5 concerned the licensee has stated at least twice  
6 that he didn't understand a word or didn't  
7 understand something and I'm concerned that he  
8 is not, does not have enough of a command of the  
9 language in order to have the ability to  
10 appropriately represent or present his case in  
11 this instance. That's what I've heard and if  
12 I'm alone in that, that's fine, but I just  
13 wanted to raise that as a point of concern.

14                   MS. MILLER: Thank you. Well,  
15 actually it is, it sounded like that to me just  
16 now. Do you have an, a problem with  
17 understanding the language, the English  
18 language?

19                   MR. ASNEIOM: Not that much, but  
20 some of it, some language, yes.

21                   MS. MILLER: Did, I mean, did you  
22 know you could --

1 MR. ASNEIOM: Some words, you know.

2 MS. MILLER: Some words.

3 MR. ASNEIOM: Yes.

4 MS. MILLER: Words to the extent do  
5 you feel that you would need an interpreter to  
6 participate in this case?

7 MR. ASNEIOM: I'm just

8 MR. STERN: I'm sorry, I would just  
9 point out that this is the fifth time the  
10 respondent has been before the Board. He's never  
11 previously asked, fifth time, fifth case he's  
12 been before the Board on and he's never  
13 previously asked for an interpreter and he's  
14 been on this case three times previously which  
15 we had to continue on to the dates and never  
16 asked for an interpreter. Normally I do not  
17 take a position on it. It's only that we're in  
18 the middle of a trial.

19 MS. MILLER: Right.

20 MR. STERN: It just seems unfair to  
21 me, the government that he would now say he  
22 can't follow when he's followed all this time

1 and not indicated any problem.

2 MR. ASNEIOM: No, I'm following, but  
3 some of this I don't know.

4 MS. MILLER: Okay.

5 MR. ASNEIOM: It's just I don't  
6 know, but I can make testimony and then you  
7 judge the evidence. I don't have any problem  
8 with you doing that.

9 MS. MILLER: Okay, but you should  
10 also, as I told you before in general, feel free  
11 to ask me if you have any question, if there's  
12 some word you don't follow or something, you can  
13 feel free to ask.

14 MR. ASNEIOM: Let me make any  
15 testimony and then you judge me.

16 MS. MILLER: Okay. So from what I'm  
17 hearing is you're prepared to proceed.

18 MR. ASNEIOM: Yes.

19 MS. MILLER: Okay.

20 MR. ASNEIOM: I will tell the truth.  
21 I been there that night. I been there.

22 MS. MILLER: Okay, wait. You're

1 going to testify on the stand. All right, so  
2 we're finished with Mr. Jones then. Thank you  
3 very much.

4 MR. JONES: Thank you.

5 MS. MILLER: Okay, so you need to  
6 take the witness stand. Do you swear to tell  
7 the truth, the whole truth and nothing but the  
8 truth?

9 MR. ASNEIOM: I do.

10 MS. MILLER: Okay. Have a seat. So  
11 now is your opportunity to give your testimony,  
12 your side of the story.

13 MR. ASNEIOM: Yes, I remember that  
14 day; it was long weekend. He's saying its 15  
15 minutes past the limit. I was the one cleaning  
16 the bottle. I am the one opening and closing  
17 the door. I am the one that opened the  
18 investigators. I remember three of them even  
19 they don't spend three seconds. Those pictures,  
20 the one from the table, is from the table to the  
21 bar I'm make them.

22 Unfortunately the bartender didn't

1 take them. Those guys of course they came like  
2 it was 2:00 or 2:10. I spent to explain, I take  
3 my time to show them the license and then even  
4 they don't stay three seconds. They left right  
5 away. After three minutes they came, after 15  
6 minutes they came and then they asked me for my  
7 ID. I show them; they take the picture. Yes,  
8 it was a lot of people, it wasn't the way he say  
9 20 to 30 people. I am glad if I make that  
10 business on Sunday. It was long weekend. It was  
11 some people which is without any alcohol. I  
12 never did any after-hour party. The light was  
13 on. I am the one on the door opening and kick  
14 them out.

15 I never bill after hour. I don't  
16 have energy to do. I am the one sometimes  
17 working the kitchen. I am the one, the  
18 bartender. I am the one sometimes I work the  
19 door. I don't have any financial to hire or to  
20 do anything. All I been, they say there was  
21 people inside. Yes, there was people inside.  
22 Sometimes I let door open when the winter is

1 coming. People they want to pee. People  
2 sometimes they wait for inside the house or they  
3 wait for the waiters that's outside. Sometimes  
4 people, drunk people, they need ride. You let  
5 them stay. But the rest is I never did after  
6 hour intentionally.

7 I know what's they doing after hour.  
8 The light is dim. They open the back door but I  
9 don't do that. If I don't make the daytime  
10 money I don't believe that issue, I don't make  
11 daytime regular hour, I'm not going to make it  
12 after hour. I believe on that. The more you  
13 serve alcohol the more you get defrauded. This  
14 is my testimony.

15 MS. MILLER: Okay.

16 MR. ASNEIOM: Thank you.

17 MS. MILLER: No, no, no, no, have a  
18 seat. Now you have questions like the other  
19 witnesses.

20 MR. ASNEIOM: Okay.

21 MS. MILLER: Okay, starting with Mr.  
22 Stern.

1 CROSS-EXAMINATION

2 MR. STERN: So I want to understand  
3 what you're saying. There were customers in the  
4 store that evening after 12:15.

5 MR. ASNEIOM: Yes. I'm not lying to  
6 you but --

7 MR. STERN: And that was because --

8 MR. ASNEIOM: I'm not serving them  
9 alcohol.

10 MR. STERN: Right. I understand what  
11 you said. I'll ask a question, answer the  
12 question that I ask.

13 MR. ASNEIOM: Okay.

14 MR. STERN: Okay? So there were  
15 customers in the store after 12:15?

16 MR. ASNEIOM: Yes.

17 MR. STERN: Excuse me, 2:15.

18 MR. ASNEIOM: 2:15.

19 MR. STERN: And the reason they were  
20 there you say is cause they didn't want to  
21 leave, it might be too cold or whatever.

22 MR. ASNEIOM: Yes, this what happen.

1 Most of the times I bring in the bouncer,  
2 somebody to keep them from outside. Somebody's  
3 sometimes mostly I mean I close early and then I  
4 let them go out. That time was most likely the  
5 people they leave early but that was long  
6 weekend.

7 MR. STERN: Okay. I'm asking about  
8 these 20 customers. Why were they there after  
9 2:15 a.m.

10 MR. ASNEIOM: How many customer?

11 MR. STERN: Approximately 20.

12 MR. ASNEIOM: They're not 20 but  
13 some people was there.

14 MR. STERN: Okay. How many ever  
15 there were, why were they there after 2:00 a.m.?

16 MR. ASNEIOM: The night was long,  
17 some of them they don't close the tab, some of  
18 them is they wait for a ride.

19 MR. STERN: Okay, so that was tab  
20 check.

21 MR. ASNEIOM: Yes, but I don't serve  
22 any alcohol.

1                   MR. STERN: Okay, but they haven't  
2 closed their tabs yet. They were still  
3 finishing their food or their drink or  
4 whatever?

5                   MR. ASNEIOM: It wasn't food, it  
6 wasn't drink.

7                   MR. STERN: So why didn't they close  
8 their tab?

9                   MR. ASNEIOM: I mean that's we could  
10 be the reason, but I don't know exactly.

11                  MR. STERN: Okay. You understand  
12 you had a settlement agreement, is that correct?

13                  MR. ASNEIOM: Settlement, yes, yes.

14                  MR. STERN: Okay, and in that  
15 settlement agreement you agreed that you would  
16 start closing a half hour before your closing  
17 time, isn't that correct?

18                  MR. ASNEIOM: Some days yes, some  
19 days no, but --

20                  MR. STERN: In the settlement  
21 agreement it says --

22                  MR. ASNEIOM: I have the settlement

1 agreements I have for the light entertainment,  
2 for the music when I have it.

3 MR. STERN: I couldn't hear. I'm  
4 sorry.

5 MR. ASNEIOM: For the music that I  
6 have settlement.

7 MR. STERN: You turn the music off a  
8 half hour?

9 MR. ASNEIOM: Yes.

10 MR. STERN: Okay.

11 MR. ASNEIOM: I have, that time was  
12 I have live band, they close early.

13 MR. STERN: Okay. I want to show  
14 you the settlement agreement here. And it says,  
15 this is also part of the Exhibit that was  
16 submitted just before. Is this the settlement  
17 agreement that you entered into with ANC? Is  
18 this the agreement?

19 MR. ASNEIOM: Yes, this is it. Yes.

20 MR. STERN: Now and does it say here  
21 that the hours shall be till 2:00 a.m. Sunday  
22 through Thursday?

1 MR. ASNEIOM: Yes.

2 MR. STERN: And does it say the last  
3 call for alcohol will be a half hour before  
4 closing?

5 MR. ASNEIOM: Yes, it was.

6 MR. STERN: Okay, and does it say  
7 there's no alcohol to be served within 15  
8 minutes prior to closing?

9 MR. ASNEIOM: Yes.

10 MR. STERN: Okay. So again, what  
11 was your explanation for their not being able to  
12 close out their tab?

13 MR. ASNEIOM: I never sell them  
14 alcohol. The only thing is people they wait for  
15 the change. People, you know -

16 MR. STERN: Sir, maybe I'm not  
17 hearing or you're not listening to my question.  
18 I didn't ask whether you served alcohol. I  
19 asked what was the reason they couldn't close  
20 out their tab before 12:15 if you can't serve  
21 alcohol after 12:45?

22 MR. ASNEIOM: I'm in, sometimes

1 people they don't ask right away. People they  
2 wait for last minute.

3 MR. STERN: So they sit there and  
4 they have the alcohol on the table during that  
5 time.

6 MR. ASNEIOM: There is no alcohol on  
7 the table.

8 MR. STERN: If you took the alcohol  
9 away 15 minutes before 2:00 am, what kept them  
10 from closing out their bill?

11 MR. ASNEIOM: People they get me.  
12 They ask for, you know.

13 MR. STERN: Did it happen prior to  
14 this that there were people who stayed past 2:00  
15 also?

16 MR. ASNEIOM: I believe some people  
17 was there. I'm telling you some people, some  
18 people was there.

19 MR. STERN: On other dates?

20 MR. ASNEIOM: But all I say is I  
21 don't serve the alcohol.

22 MR. STERN: I understand that.

1 MR. ASNEIOM: I will tell you that's  
2 why people they stay.

3 MR. STERN: I'm sorry maybe, maybe  
4 you're not understanding my question. My  
5 question was on dates other than this, on dates  
6 before this, did you also have the same thing  
7 happen where people didn't close out their tab  
8 until after 2:00 a.m.?

9 MR. ASNEIOM: No. That was long  
10 weekend. That's why these people they stay.  
11 Most likely, come today. You don't see is after  
12 12:00 you don't see anybody.

13 MR. STERN: Okay.

14 MR. ASNEIOM: I shut down at 12:00  
15 sometimes 12:30.

16 MR. STERN: The, when you spoke  
17 about Exhibit number 2, the picture of the beer  
18 and the glass with the lime in it, you said you  
19 took them and put them on the bar.

20 MR. ASNEIOM: Yes.

21 MR. STERN: They were still out on  
22 the bar when the investigators were there?

1 MR. ASNEIOM: Yes.

2 MR. STERN: Okay. And can you tell  
3 me as to the first picture that was Exhibit 1,  
4 why was your, why did the sign say open if you  
5 were closed?

6 MR. ASNEIOM: A lot of times I  
7 forget it. I'm telling you a lot of people it  
8 was on the whole night.

9 MR. STERN: Thank you. I don't have  
10 any further questions.

11 MS. MILLER: Okay. More questions?  
12 Yes, Mr. Short.

13 MR. SHORT: Good morning, sir.

14 MR. ASNEIOM: Good morning.

15 MR. SHORT: And I don't want to  
16 mispronounce your name, but Daniel is your first  
17 name, correct?

18 MR. ASNEIOM: It was, that's fine.

19 MR. SHORT: How many years have you  
20 been in business there at that location?

21 MR. ASNEIOM: Since 2006, yes.

22 MR. SHORT: 2006?

1 MR. ASNEIOM: 2006.

2 MR. SHORT: So you've been pretty  
3 successful there over the years.

4 MR. ASNEIOM: I'm month to month, I  
5 am.

6 MR. SHORT: Okay.

7 MR. ASNEIOM: But I cannot say I'm  
8 success, no.

9 MR. SHORT: Okay. I'll just try to  
10 ask these questions as slowly as possible.

11 MR. ASNEIOM: Okay. Thank you, sir.

12 MR. SHORT: So we don't  
13 misunderstand each other. Since 2006, what  
14 hours do you normally shut your business down?

15 MR. ASNEIOM: Sunday through  
16 Thursdays 2:00. Friday and Saturday until 3:00.

17 MR. SHORT: What hours?

18 MR. ASNEIOM: Three.

19 MR. SHORT: Three o'clock?

20 MR. ASNEIOM: Usually one half an  
21 hour before is last call.

22 MR. SHORT: So a half an hour before

1 your last call normally you clear all the  
2 alcohol off the tables and everybody's on their  
3 way out by the time you close.

4 MR. ASNEIOM: Yes.

5 MR. SHORT: So what happened on this  
6 particular night when Investigator Jones came  
7 by?

8 MR. ASNEIOM: I don't know. Maybe  
9 I'm confused with the longer hours. Sometimes  
10 people -- if longer hours, you know they stay  
11 one hour late, stuff like that.

12 MR. SHORT: So do you understand  
13 when you stay past your normal operating hours  
14 it's in violation of the law?

15 MR. ASNEIOM: I understand.

16 MR. SHORT: You do understand that?

17 MR. ASNEIOM: I understand but I  
18 didn't serve alcohol. I don't do after hour to  
19 make money.

20 MR. SHORT: I understand that.

21 MR. ASNEIOM: The light was on. The  
22 light was on. The music was gone. I am the one

1 I offered the investigators but when after hours  
2 I was, I didn't serve any alcohol. I didn't  
3 serve any alcohol.

4 MR. SHORT: Okay. Were you right or  
5 wrong the night Investigator Jones cited you?  
6 Were you right or wrong?

7 MR. ASNEIOM: I mean I can say I'm  
8 wrong.

9 MR. SHORT: You were wrong?

10 MR. ASNEIOM: Yes. Fifteen minutes  
11 past but the way, it's not the way they say it.

12 MR. SHORT: Okay.

13 MR. ASNEIOM: I mean, yes the law  
14 say it's by 2:00 everybody have to leave. I  
15 was, it wasn't long. I have a long weekend and  
16 extend hours but I was, the light was on. I was  
17 about to kicking them, everybody.

18 MR. SHORT: Okay. My last question  
19 for you is have you done that since? Have you  
20 allowed people to stay past your opening hours  
21 since Investigator Jones came by?

22 MR. ASNEIOM: People they ask me

1 sometimes they trying to be waiting for a ride.  
2 It wasn't that much people but two, three people  
3 least, sometimes, someone --

4 MR. SHORT: Okay. I'll ask one last  
5 time if you will just answer this directly as  
6 best you can.

7 MR. ASNEIOM: Yes.

8 MR. SHORT: Have you had people in  
9 your establishment after closing hours since  
10 Investigator Jones cited this particular night?

11 MR. ASNEIOM: No, except people  
12 they, I mean cab drivers, they waiting for a  
13 waiter, for the employees, but no, no.

14 MR. SHORT: Okay. Thank you, Madam  
15 Chair. That's all I have.

16 MS. MILLER: Okay. Others? I just  
17 want to follow up on a couple things. One is it  
18 was a long weekend. Monday was a holiday?

19 MR. ASNEIOM: Yes.

20 MS. MILLER: Was, do you know if  
21 that was a day that the city allowed for  
22 extended hours?

1 MR. ASNEIOM: Yes, I know.

2 MS. MILLER: Okay.

3 MR. ASNEIOM: That's right.

4

5 MS. MILLER: Now, but you didn't,  
6 did you apply for extended hours?

7 MR. ASNEIOM: No, no.

8 MS. MILLER: And was the reason you  
9 didn't apply related to your settlement  
10 agreement?

11 MR. ASNEIOM: I mean the settlement  
12 agreement states for the music. I can stop the  
13 music but people they can stay late. I didn't  
14 apply. I never apply. I mean I'm not kind of  
15 late person, you know. I most likely I close  
16 every on time, you know.

17 MS. MILLER: So you didn't apply  
18 because you don't like to stay open that late?

19 MR. ASNEIOM: Yes.

20 MS. MILLER: Okay. What's the basis  
21 for your understanding that you have a grace  
22 period till, I don't know, what did you think

1 your grace period was? Till 2:15?

2 MR. ASNEIOM: I don't know what  
3 that's mean still.

4 MS. MILLER: You don't know what  
5 that means?

6 MR. ASNEIOM: Yes. Can you explain  
7 to me, please?

8 MS. MILLER: Oh, I thought you used  
9 the word. Okay. It means if closing time is  
10 2:00 --

11 MR. ASNEIOM: Yes.

12 MS. MILLER: I thought you said that  
13 you thought you had like 15 minutes over, you  
14 know past 2:00, like to 2:15 to actually close.  
15 No?

16 MR. ASNEIOM: No, I didn't, no,  
17 actually no. I mean I was thinking  
18 automatically the hours extended, you know, but  
19 when he, he explained to me hours I can, do you  
20 have extension, extended license for that, I say  
21 no. Yes. But my, I know there is extended hour  
22 but I was thinking it was for the music, but the

1 music was stop already. I didn't know. The  
2 music was already stop you know.

3 MS. MILLER: I guess my question  
4 goes to you had people, you had patrons in your  
5 establishment.

6 MR. ASNEIOM: Yes, ma'am.

7 MS. MILLER: At 2:15, 2:20. Did you  
8 have them there because you thought you were  
9 allowed to do that or, or, and if so, why?

10 MR. ASNEIOM: The reason they stay  
11 is I know the music I'm going to stop, the, the  
12 same hour, but I was thinking to, they can leave  
13 slowly. I wasn't, I was shut down everything. I  
14 was long, long, long weekend, they can leave  
15 together. I wasn't serving them alcohol. The  
16 light was on though I already people's, stopped  
17 people, take them out.

18 MS. MILLER: Okay. Anybody else  
19 have questions? Questions on Board questions?

20 MR. SILVERSTEIN: Just one thing.  
21 You mentioned that you thought your hours were  
22 automatically extended. How long did you think

1 your hours were automatically extended?

2 MR. ASNEIOM: One hour.

3 MR. SILVERSTEIN: One hour. You  
4 thought that was --

5 MR. ASNEIOM: Yes.

6 MR. SILVERSTEIN: Okay. Okay.

7 That's the only question I have.

8 MS. MILLER: Okay. Okay, so there  
9 are no more questions. Do you want to take a  
10 seat over there?

11 MR. ASNEIOM: Okay. Thank you.

12 MS. MILLER: Thank you. Okay. And  
13 I, you don't have any documents you want to put  
14 in the record, do you?

15 MR. ASNEIOM: No.

16 MS. MILLER: Okay. All right, and  
17 the, so the one document we have is Government's  
18 Exhibit number 1, the Investigator's report  
19 which is in our record anyway. Okay, good. All  
20 right, so and now it's time for closing. Okay.

21 MR. STERN: The government submits  
22 that we have proven our case. In this case even

1 the respondent testified twice that people  
2 stayed late to pay their bills. He's testified  
3 more than once that he had done it, they had  
4 done it before this. He actually said that they  
5 had done this after this and then when  
6 questioned a little more closely he said oh, no,  
7 no one stayed late except this one night.

8 But that doesn't ring true when you  
9 compare that to the testimony of the  
10 investigator who, quite frankly, would have no  
11 reason to have put this in his report or even  
12 added it because it was not a necessary element  
13 of the report that the respondent told him he  
14 thought he had a grace period of 15 minutes to  
15 get people out of there. There's no reason why  
16 the investigator would have ever said that,  
17 didn't need to say that, not an element of the  
18 events except that he heard the respondent tell  
19 him that. He may not have used the word grace  
20 period. He may have just said that I thought I  
21 was allowed another 15 minutes to get people out  
22 of there.

1                   Additionally to negate what the  
2                   respondent says there is the picture taken after  
3                   the investigators leave which showed the  
4                   establishment open. While it's true there's  
5                   only one picture of alcoholic beverages taken by  
6                   the investigators I guess maybe they should have  
7                   anticipated but didn't that the respondent would  
8                   come up here and say, oh, no that one picture  
9                   was something I did. I would only add that even  
10                  if that was the only one and the investigator  
11                  testified that there were other beer bottles out  
12                  around and that he saw people drinking alcoholic  
13                  beverages but even if that one picture was  
14                  accurate, the respondent admitted it was out on  
15                  the bar when the investigators were there at  
16                  2:15. All alcohol isn't away.

17                  The government submits that this is  
18                  a pretty clear-cut case. The other thing that  
19                  the respondent said, I would just point out,  
20                  regarding how he felt about this was when he  
21                  talks about I think I have ten or fifteen  
22                  minutes extra, that's not something that happens

1 on one day. If his belief is that he has extra  
2 time then regularly he takes that extra time.  
3 Otherwise, he would have no belief that that was  
4 extra time. So the government believes we've  
5 proven our case and we ask for a fine of \$2000  
6 for this primary violation.

7 The respondent as the Board knows  
8 has previous violations though not primary  
9 violations before this Board. So he is fully  
10 aware of what his responsibilities are. He had  
11 the voluntary agreement, which told him what  
12 hours it was and, in fact, told him he had to  
13 get everything cleaned up before 2:00 and he  
14 still refused to do so. Thank you.

15 MS. MILLER: Okay. Thank you. So,  
16 you can make a closing statement as well if  
17 you'd like.

18 MR. ASNEIOM: I don't want to come  
19 back again to respond what he's saying now. I  
20 don't have anything to say. Are we going to  
21 come back the way it was, you know, but I don't  
22 want to come back in that. I don't want to

1 respond, no, you know. It's going to be back  
2 and forth, back and forth.

3 MS. MILLER: Right. Okay. Okay,  
4 you made your full statement in evidence.

5 MR. ASNEIOM: Yes.

6 MS. MILLER: Okay. Thank you. My  
7 favorite question. Do the parties want to file  
8 proposed findings of facts. Okay.

9 MR. STERN: The government would  
10 waive.

11 MS. MILLER: Okay. Would you like  
12 an explanation or would you like to just waive?  
13 Do you understand what I asked?

14 MR. ASNEIOM: No, I don't, yes.

15 MS. MILLER: Okay. It's in the law  
16 that you are entitled, if you wish, to file a  
17 written statement after you get the transcript  
18 based on this record.

19 MR. ASNEIOM: Yes.

20 MS. MILLER: You go through the  
21 record and you submit to the Board what's called  
22 your proposed findings of facts and conclusions

1 of law which you pull from the record, what you  
2 wish the Board to find. It's not any new  
3 evidence. It's just looking at the record. Mr.  
4 Stern is not going to do that and Mr. Stern is  
5 an attorney, so it's a difficult thing to do but  
6 it's your right if you want to. Very few people  
7 do it, but some people do, do it.

8 MR. ASNEIOM: Oh, it's good to know.

9 MS. MILLER: What?

10 MR. ASNEIOM: It's good to know.

11 Thank you for explain to me.

12 MS. MILLER: Okay, so would you like  
13 to, Mr. Stern has said he's not going to do  
14 that.

15 MR. ASNEIOM: No I, I'm not going to  
16 that either.

17 MS. MILLER: You're not going to do  
18 it either? Okay, good. All right, so what  
19 we're going to do now is just the Board is going  
20 to take a vote about deliberating, discussing  
21 this case and deciding it in a closed session  
22 pursuant to the Open Meetings Act. All right,

1 chairperson of the Alcoholic Beverage Control  
2 Board for the District of Columbia and in  
3 accordance with Section 405 of the Open Meetings  
4 Amendment Act of 2010 I move that the ABC Board  
5 hold a closed meeting for the purpose of seeking  
6 legal advice from our counsel on Case number 14-  
7 CMP-00070 Dahlak Restaurant per Section 405B4 of  
8 the Open Meetings Amendment Act of 2010 and  
9 deliberating upon this case for the reason cited  
10 in Section 405B13 of the Open Meetings Amendment  
11 Act of 2010. Is there a second?

12 MR. SHORT: Second.

13 MS. MILLER: Mr. Short has seconded  
14 the motion. I'll now take a roll call vote on  
15 the motion now that it's been seconded. Mr.  
16 Brooks.

17 MR. BROOKS: I agree.

18 MS. MILLER: Mr. Alberti.

19 MR. ALBERTI: I agree.

20 MS. MILLER: Mr. Rodriguez.

21 MR. RODRIGUEZ: I agree.

22 MS. MILLER: Ms. Miller agrees. Mr.

1 Silverstein.

2 MR. SILVERSTEIN: I agree.

3 MS. MILLER: Mr. Short.

4 MR. SHORT: I agree.

5 MS. MILLER: Mr. Jones.

6 MR. JONES: I agree.

7 MS. MILLER: It appears that the  
8 motion is passed by a 7, 0, 0 vote. I hereby  
9 give notice that the ABC Board will hold this  
10 closed meeting and will issue a decision within  
11 90 days in writing and it will be sent to the  
12 parties.

13 MR. ASNEIOM: I'm sorry. I didn't  
14 hear you so.

15 MS. MILLER: What?

16 MR. ASNEIOM: I didn't hear you.

17 MR. SILVERSTEIN: He didn't hear  
18 what you said.

19 MS. MILLER: Within 90 days we'll  
20 issue a decision and it will be in writing and  
21 you will get a copy of it.

22 MR. ASNEIOM: Thank you so much.

1 Okay.

2 MS. MILLER: Okay. So that  
3 concludes this case. Thank you very much.

4 (Whereupon, the above-entitled  
5 matter concluded at 11:15 a.m.)

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