

THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

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ALCOHOL BEVERAGE REGULATION ADMINISTRATION

ALCOHOL BEVERAGE CONTROL BOARD

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SPECIAL MEETING

+ + + + +

FRIDAY

DECEMBER 21, 2012

+ + + + +

The Alcohol Beverage Control Board met in the ABC Board Hearing Room, 2000 14th Street NW, Suite 400S, Washington, D.C., at 8:30 a.m., Ruthanne Miller, Chairperson, presiding.

PRESENT

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Board Member

MIKE SILVERSTEIN, Board Member

ALSO PRESENT

AMY SCHMIDT, ESQ.

MICHAEL FONSECA, ESQ.

GIOVANNI LIZAMA, Translator

GLORIA UMAÑA

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

2 (8:50 a.m.)

3 CHAIRPERSON MILLER: Okay. Good  
4 morning. We're here for a special meeting of  
5 the District of Columbia Alcohol Beverage  
6 Control Board. Today is December 21st, 2012.  
7 My name is Ruthanne Miller, I'm the chair.

8 To my right is Mr. Alberti, Nick  
9 Alberti, and to my left is Mike Silverstein.  
10 The Board has three members in attendance for  
11 the conduct of business today, and three  
12 constitutes a forum.

13 The case we're here for is  
14 Gloria's Restaurant and Carryout,  
15 Investigation Number 12-251-00383. It is a  
16 Summary Suspension Hearing involving Gloria's  
17 Restaurant and Carryout. A retailer's Class  
18 D-R, located at 3411 14th Street, Northwest.

19 At issue is a serious incident  
20 that occurred on December 15th, 2012 that  
21 resulted in the alleged stabbing of a patron.  
22 As a result of this incident, the Chief of

1 Police, Cathy Lanier, closed the establishment  
2 pursuant to her authority under D.C. Official  
3 Code 25-827.

4 Chief Lanier submitted a letter to  
5 ABRA dated December 15th, 2012, seeking  
6 revocation of the establishment's ABC license.  
7 The responder requested a hearing on December  
8 20th, 2012 under D.C. Official Code Section  
9 25-826(c).

10 Today the Board will be hearing  
11 testimony from the Office of the Attorney  
12 General, the respondent, and their respective  
13 witnesses.

14 Purpose of the hearing is so that  
15 the board can determine under D.C. Official  
16 Code Section 25-826, whether the operations of  
17 the respondent present an imminent danger to  
18 the health and safety of the public.

19 The Board will be announcing it's  
20 decision at the conclusion of today's hearing.  
21 The Board asks that the parties stick to the  
22 facts and issues related to the incident, the

1 facts and issues of those contained in the  
2 Summary Suspension Notice dated December 15th,  
3 2012.

4 The Board is only interested in  
5 hearing about those matters that can be used  
6 to establish whether the establishment is an  
7 imminent danger to the health and safety of  
8 the public.

9 The Board will begin this case by  
10 hearing the opening statement from the  
11 Government, followed by the opening statement  
12 of the Respondent.

13 But before we begin with opening  
14 statements, we'll determine whether there are  
15 procedural matters that the parties would like  
16 to bring to the Board's attention. And before  
17 we do that, we'll take introductions from the  
18 parties.

19 MS. SCHMIDT: Good morning, Amy  
20 Schmidt on behalf of the District of Columbia.

21 CHAIRPERSON MILLER: Good morning.

22 MR. FONSECA: Michael Fonseca, on

1       behalf of the licensee. With me is principal,  
2       Gloria Umara, U-M-A-N-A, Fonseca, F-O-N-S-E-C-  
3       A.

4                   CHAIRPERSON MILLER: And I notice  
5       there is an interpreter with you?

6                   MR. FONSECA: Yes.

7                   CHAIRPERSON MILLER: Okay.

8                   MR. GIOVANNI: My name is Giovanni  
9       Lizama, I'm with Dupont Computers.

10                  CHAIRPERSON MILLER: Okay. And  
11       I'm going to swear you in as an interpreter.  
12       And the language is Spanish is that correct?  
13       Okay. So, raise your right hand.

14                  As Chair of the Alcohol Beverage  
15       Control Board for the District of Columbia,  
16       and in accordance with section, oh, wait a  
17       second. Wrong one.

18                  Okay. I going to swear you in.  
19       Do you solemnly affirm that you will be  
20       faithfully and accurately interpret the  
21       proceedings in this matter from Spanish into  
22       English, and from English into Spanish to the

1 best of your ability?

2 MR. GIOVANNI: Yes.

3 CHAIRPERSON MILLER: Okay. Thank  
4 you very much. Okay Mr. Fonseca. Were you  
5 saying anything?

6 MR. FONSECA: Oh yes, I would say  
7 that we acknowledge that the licensee, Ms.  
8 Uma~~a~~ had been served with the Notice of  
9 Summary Suspension. She has read it, it was  
10 interpreted to her. She understands it.

11 I met with her and staff both.  
12 Well I met with her and family yesterday  
13 morning. And I met at the restaurant with  
14 staff last evening, to familiarize me with  
15 some things we'll be presenting to the Board  
16 momentarily. But we'll waive reading, and  
17 proceed at this point.

18 CHAIRPERSON MILLER: Okay. I also  
19 noticed that on the dais, we have a letter  
20 from you and a security plan. Is that  
21 correct?

22 MR. FONSECA: That is correct. I

1 think probably to go in the appropriate order,  
2 you'd have the prosecutor present first, the  
3 Offer of Compromise to explain why those  
4 documents are before you.

5 CHAIRPERSON MILLER: Okay. I  
6 understand.

7 MR. FONSECA: I just thought we'd  
8 move this along since we're starting at 8:30,  
9 perhaps we can get out of here by 9:30.

10 CHAIRPERSON MILLER: Okay. Good.  
11 I just wanted to acknowledge that, that's what  
12 the Board has before it. Ms. Schmidt, are  
13 there some procedural issues then, you want to  
14 address?

15 MS. SCHMIDT: Yes, there is.

16 CHAIRPERSON MILLER: Okay.

17 MS. SCHMIDT: First off since the  
18 world has not ended.

19 (Off the record comments)

20 CHAIRPERSON MILLER: Lizama, hold  
21 it.

22 COURT REPORTER: Ms. Schmidt could

1 you turn your microphone on?

2 MS. SCHMIDT: Oh, sure. The  
3 Government has an Offer in Compromise to  
4 present this morning.

5 MEMBER SILVERSTEIN: Ms. Schmidt,  
6 we'll take judicial notice that the world has  
7 not ended.

8 MS. SCHMIDT: Thank you. Anyway  
9 the Board has a copy of this order so I'll  
10 read it into the record. When we get to  
11 Number 5, there's a slight modification to  
12 Number 5, however for the purpose of the  
13 record, here's an Offer In Compromise which  
14 the two parties have agreed to.

15 Number 1. Prior to the return of  
16 the liquor license, the licensee shall  
17 familiarize it's employees to the  
18 establishment's security procedures to  
19 include, the functioning camera systems,  
20 viewing and storage, ID checks, and the  
21 procedure for contacting MPD, and preserving  
22 a known crime scene.

1                   The licensee shall notify the  
2 Board in writing that this requirement has  
3 been completed.

4                   Two. The establishment shall  
5 maintain an incident log upon opening. The  
6 incident log shall be used to report, one, any  
7 incidents that may have occurred during the  
8 shift. And two, instances where MPD was  
9 contacted.

10                   The designated employee or owner  
11 on duty, shall be required to sign the book  
12 after each shift, even if no incidents  
13 occurred, and, or, no calls to MPD were made.  
14 This will allow management to review the  
15 activities of the evening and address any  
16 matters that occur.

17                   Three. Prior to the return of the  
18 liquor license, the licensee shall submit a  
19 security plan that complies with the  
20 requirement of D.C. Code Section 25-403. And  
21 which also includes video storage for 15 days.

22                   The security plan shall cover such

1 topics as how the establishment will handle  
2 assaults, fights, or verbal altercations that  
3 occur on or near the premises, patron ejection  
4 protocol, the establishment's process for  
5 maintaining an incident log and contacting  
6 MPD.

7 Employee contact information on  
8 file at the licensed premises that will be  
9 made available to MPD and ABRA, and  
10 establishment's process for preserving a known  
11 crime scene.

12 Four. Security footage shall be  
13 provided to ABRA and MPD within 48 of being  
14 requested. The establishment shall be  
15 responsible for having someone who can  
16 download the establishment's security footage.

17 Five. The owner and server, this  
18 is where it's a little modified, the owners  
19 and servers shall complete alcohol awareness  
20 training within 45 days, unless they are  
21 currently certified.

22 Number 6. A continued Summary

1 Suspension Hearing shall be set within 45  
2 days.

3 Seven. This matter will be  
4 referred to the OAG's for show cause.

5 CHAIRPERSON MILLER: Do you have  
6 copies of that for the Board to look at?

7 MS. SCHMIDT: I gave Mr. Berman  
8 copies of that.

9 CHAIRPERSON MILLER: You gave it  
10 to him?

11 MS. SCHMIDT: Yes. And the only  
12 modification is Number 5, which I just pointed  
13 out right now.

14 (Off the record comments)

15 CHAIRPERSON MILLER: There's a  
16 modification on this now? Okay. Number 5?

17 MS. SCHMIDT: And that  
18 modification is because two of the servers  
19 already do have their ABC Managers License and  
20 they don't expire until August and September,  
21 so they presumably are trained.

22 CHAIRPERSON MILLER: Okay. Just

1 for the other Board Members, Number 5 is  
2 modified to say the owner, just the owner?

3 MR. FONSECA: Just so the Board  
4 would understand, this is a 24 seat restaurant  
5 without a bar. It's a restaurant, so there  
6 are no bartenders. It's a beer and wine, so  
7 there really aren't cocktails that are  
8 concocted or mixed. So there is not a  
9 bartender, that is why that term has been  
10 struck.

11 CHAIRPERSON MILLER: I just can't  
12 tell, the striking. Does it say the owner and  
13 servers?

14 MS. SCHMIDT: The owners and  
15 servers.

16 MR. FONSECA: The owners and  
17 servers.

18 CHAIRPERSON MILLER: And so it's  
19 the bartenders that are out. Okay. Owners  
20 and servers shall complete alcohol awareness  
21 training within 45 days unless they are  
22 currently certified, is how it reads now?

1 MS. SCHMIDT: Yes.

2 CHAIRPERSON MILLER: Okay. So Mr.  
3 Fonseca do you have anything to add or say  
4 about this proposed OIC?

5 MR. FONSECA: I guess not to add  
6 but to say, is we moved expeditiously to  
7 comply. And that's why without delay,  
8 preparation of, and the Board has copies of a  
9 proper now, security plan, which we believe  
10 comports to the requirements of the OIC before  
11 you.

12 In an addition, as part of the  
13 OIC, before return of the license, there was  
14 to be a instruction, or familiarizing of  
15 staff, of which I have a letter.

16 And I've further representations,  
17 that for approximately an hour last evening  
18 with the security plan, I went through it line  
19 by line with the daughter and grand daughter  
20 of the licensee, translating.

21 I speak Spanish but it's not as  
22 strong as it should be, and I wanted to make

1       sure everyone understood. I stayed even  
2       longer because one of the servers, one of the  
3       two that have the ABC Managers Licenses, of  
4       which you have copies, misunderstood when she  
5       was to be there. So we went back through it  
6       again, which was a reinforcement.

7                In addition the security plan will  
8       be translated into Spanish, so that staff  
9       understands it by reading it, and again to  
10      reinforce what is required of them.

11              I'm confident that the  
12      seriousness, and forward looking, the  
13      necessity to, not only call police, but to  
14      understand and explain what a crime scene is  
15      and what one can and can not do, which is  
16      effectively to leave everything as it is, up  
17      and to the point of the salt shaker hit the  
18      floor, it stays there. The chairs are  
19      overturned, they stay there.

20              Allow the police to come in and  
21      photograph the crime scene, and allow, upon  
22      their instruction, to put everything back to

1 order. So I'm very comfortable in my  
2 certifying that they're familiar. And that's  
3 the term in the OIC.

4 Do we need to drill a bit more and  
5 more, yes. That's part of why it's going to  
6 be translated, and I will make myself  
7 available to go over any other questions with  
8 staff.

9 So I think with that and with the  
10 Board's questions obviously, we've comported  
11 to what's needed to return the license. And  
12 I mean I would say, and again it's our, it may  
13 not be our burden, but it clearly it is to  
14 have the Board believe, understand, and  
15 declare that the establishment is no longer an  
16 imminent danger, which is going to be the test  
17 for lifting the Summary Suspension.

18 But again much of this goes to I  
19 think, the two prongs of why the Board did  
20 this. Not so much the automatic nature of how  
21 the Chief of Police declares a closure and  
22 always wants revocation.

1                   But the mere fact is the two  
2                   singular, not singular, the two issues that  
3                   warranted, pursuant to the Notice of Show  
4                   Cause, the Summary Suspension, is the failure  
5                   to call police and the multiple prong effect  
6                   of cleaning up and it's effect on a crime  
7                   scene.

8                   So those I've drilled in. The  
9                   security plan makes it clear, that it's going  
10                  to be a much more common occurrence to call  
11                  the police. And when they call the police, at  
12                  that point, I've told them, it's a crime scene  
13                  no matter what, because you've effectively  
14                  called the police. So whatever occurred,  
15                  leave it alone.

16                  CHAIRPERSON MILLER: Is it your  
17                  position, that they didn't know they were  
18                  required to call the police or cleanup a crime  
19                  scene?

20                  MR. FONSECA: Two things, the  
21                  second one I'd rather address first, which is  
22                  a crime scene. I frankly, based on the time

1 I spent with them, they just flat out didn't  
2 understand the concept.

3 You know, there was blood, they  
4 cleaned it up. They wiped up the things, it's  
5 a restaurant. To the extent that we get to  
6 the point, where you'd see video, there were  
7 customers that remained there the whole time.  
8 And they cleaned it up, it's just the natural  
9 thing to do. Not understanding. That they've  
10 been schooled on.

11 Calling the police is a more  
12 complicated thing. Not in the extent that  
13 this was clearly, I mean if you don't call the  
14 police with an incident like this, you have  
15 lost your judgements. And I concede there was  
16 very poor judgement about calling the police  
17 with this incident.

18 They have a history where they've  
19 had arguments and they call the police and  
20 police don't come until two hours later. It's  
21 the nature of Columbia Heights. It's the  
22 nature of how calls for service get

1 prioritized.

2 As I explained to them, if your  
3 call is for an ambulance, the police will  
4 normally come just because an ambulance is  
5 showing up. If you call and you use the word  
6 stabbing, and you use the word a gun was  
7 drawn, or threatening, the police come. I  
8 mean it's a matter of prioritizing.

9 So I think they got lulled into  
10 the fact that police don't immediately  
11 respond. But that didn't render this  
12 appropriate under the circumstances whatsoever  
13 so. Frankly they came to me, I've got enough  
14 experience to know what the problem was here.  
15 And I have been quite, I don't know what the  
16 proper word is, but dictatorial in telling  
17 them what they have to do.

18 The bottom line is they  
19 understand. This happens again, they may  
20 never get their license back. And it is, it's  
21 a restaurant. This is not an entertainment  
22 place. This not a night club. This is just

1 a restaurant. A tiny one. My row house isn't  
2 much wider than this is. When you walk into  
3 the place, you can walk from wall to wall in  
4 four paces, the whole width of the place.

5 CHAIRPERSON MILLER: So, yes.  
6 It's a restaurant, but bad things have  
7 happened there before. So they need to know  
8 how they're supposed to act. Did you say  
9 there's going to be a translation? I mean is  
10 the security plan going to be in Spanish too,  
11 or what?

12 MR. FONSECA: Yes. Obviously this  
13 wasn't finalized between counsel and myself  
14 until after 5:30. I went to the restaurant at  
15 6:30, I couldn't get a translator, but I put  
16 it on the record that I wrote and presented to  
17 you, that it will be translated. It will be  
18 translated in a matter of days.

19 CHAIRPERSON MILLER: Okay. Mr.  
20 Silverstein.

21 MEMBER SILVERSTEIN: And do we all  
22 understand, it's my understanding then that

1 the incident log will be kept in Spanish?

2 MR. FONSECA: I think it may have  
3 to be, and then translated to ABC, because  
4 five of our staff and the owners are Spanish  
5 speaking. That's going to be difficult.

6 I think what we could do, and if I  
7 don't go out on a limb, is perhaps at least  
8 on a weekly basis, if the Board so orders, we  
9 could have, because a lot of times it just  
10 says no incident. It'll say nothing. And  
11 it's going to be signed.

12 But we could have either the  
13 daughter or grand daughter, who are bilingual  
14 perhaps then print the English translation  
15 into the log. I mean I hadn't given it that  
16 thought, but Member Silverstein has a very  
17 good question, it just didn't cross my mind.

18 MEMBER SILVERSTEIN: Well we don't  
19 want to impose any undue burdens, it would  
20 certainly be helpful, but I wanted it on the  
21 record that it would be kept in Spanish so  
22 that they would not be charged with doing

1 anything, or failing to, to meet the  
2 requirements of this agreement if it is done  
3 in their native language.

4 I want to respect that while at  
5 the same time, if they are able to translate  
6 that into English on a weekly or monthly basis  
7 that would be a wonderful accommodation on  
8 both sides.

9 MR. FONSECA: My sense of it,  
10 because the family daughter, grand daughter  
11 behind me, let the record reflect that, I  
12 pointed out from my left to my right, the  
13 daughter and grand daughter, that particularly  
14 if there's ever a call for service.

15 Because I told them this is the  
16 insurance policy for you, that should be in  
17 quite a detail. Make sure that's transcribed  
18 because it'll show when they were called, the  
19 time they called, what was said to the police,  
20 what was said by the dispatcher, and that may  
21 be helpful.

22 MEMBER SILVERSTEIN: Okay.

1 CHAIRPERSON MILLER: Other  
2 questions? Okay. Any other comments on this?

3 MS. SCHMIDT: None from the  
4 District -- oh, just that the District has  
5 reviewed the security plan and it has given  
6 it's input to the security plan that was  
7 before you today.

8 CHAIRPERSON MILLER: And you find  
9 it adequate?

10 MS. SCHMIDT: Yes. We looked at  
11 it. It was sent to me last night and I did  
12 add a couple comments in there.

13 CHAIRPERSON MILLER: Okay. And  
14 those comments are a part of this security  
15 plan?

16 MS. SCHMIDT: Yes. They're  
17 already. Yes.

18 MR. FONSECA: Ms. Umaa would like  
19 to make a brief remark in this --

20 CHAIRPERSON MILLER: Who? I'm  
21 sorry what did you say Mr. Fonseca?

22 MR. FONSECA: Ms. Umaa, Gloria

1 would like to make a brief comment.

2 MS. UMAÑA: I want to comply with  
3 what you decide.

4 CHAIRPERSON MILLER: Okay. Thank  
5 you.

6 MS. UMAÑA: Yes. And sorry.

7 CHAIRPERSON MILLER: Okay.

8 Anything else here? Okay. I think what we  
9 will do is recess and just take a more careful  
10 look at the plan, and then, the OIC, and then  
11 come back. Okay. I'm going to read the  
12 meetings for the closed, read the instructions  
13 for the Closed Meeting Act.

14 As Chairperson of the Alcoholic  
15 Beverage Control Board for the District of  
16 Columbia and in accordance with Section 405 of  
17 the Open Meetings Amendment Act of 2010, I  
18 move that the ABC Board hold a closed meeting  
19 for the purpose of seeking legal advise from  
20 our counsel, on the case of Gloria's  
21 Restaurant and Carryout, Investigation Number  
22 12-251-00383.

1                   Pursuant to Section 405(b) for the  
2                   Open Meetings Amendment Act of 2010 and  
3                   possibly deliberating upon this case for the  
4                   reason cited in Section 405(b)(13) of the Open  
5                   Meetings Amendment Act of 2010. Is there a  
6                   second?

7                   MEMBER SILVERSTEIN: Second.

8                   MEMBER ALBERTI: Second.

9                   CHAIRPERSON MILLER: I'm going to  
10                  take a roll call. Mr. Alberti?

11                  MEMBER ALBERTI: I agree.

12                  CHAIRPERSON MILLER: Ms. Miller  
13                  agrees, Mr. Silverstein?

14                  MEMBER SILVERSTEIN: I agree.

15                  CHAIRPERSON MILLER: Okay it  
16                  appears that the motion has passed by a 3-00  
17                  vote. I hereby give notice that the ABC Board  
18                  will recess this proceeding to the closed  
19                  meeting in the ABC Board conference room  
20                  pursuant to the Open Meetings Amendment Act of  
21                  2010. And we'll return shortly.

22                  (Whereupon, the foregoing matter

1 went off the record at 9:11 a.m. and went back  
2 on the record at 9:27 a.m.)

3 CHAIRPERSON MILLER: Okay. We are  
4 back on the record. And the Board has had a  
5 chance to review the proposed OIC. And I just  
6 want to just confirm for the record, one  
7 additional point, that is not on the OIC, but  
8 that was represented this morning at the  
9 hearing. And that is that the security plan  
10 will be translated from English into Spanish.  
11 And the parties are agreeable to that?

12 MS. SCHMIDT: Yes.

13 MR. FONSECA: Yes.

14 CHAIRPERSON MILLER: Okay. Then I  
15 am going to move approval of the proposed OIC,  
16 with the addition in the Board's order that  
17 the security plan will be translated into  
18 Spanish.

19 So I think I will move this, and  
20 then discuss other procedural requirements  
21 that the Board just will want to set in  
22 conjunction with this OIC. Do I have a second

1 on the OIC as proposed?

2 MEMBER ALBERTI: Second.

3 CHAIRPERSON MILLER: All right.

4 OIC has been seconded and with the addition of  
5 the security plan being translated into  
6 Spanish. Any other comments? All those in  
7 favor, then say aye.

8 (Chorus of ayes)

9 CHAIRPERSON MILLER: Aye. All  
10 those opposed? All those abstaining? Okay.  
11 The OIC then is approved by a vote of 3-00.  
12 Procedurally going forward here, there is, we  
13 just wanted to discuss basically our  
14 oversight, that this is all going to be  
15 happening.

16 Number 5, deals with a owner and  
17 servers completing the Alcohol Awareness  
18 Training within 45 days, so the Board will be  
19 issuing an order encompassing this OIC and  
20 then we will be stating in that order, that  
21 the owner submit in writing, some proof that,  
22 of the progress that's been made with the

1 Alcohol Awareness Training.

2 We're going to be setting a follow  
3 up hearing date for January 23rd. And we  
4 would like that written submission indicating  
5 where the training is at that point, by  
6 January 15th. And we would like the security  
7 plan in Spanish in the record by January 15th.

8 And then those are the two  
9 requirements. If there is anything else you  
10 want to add with respect to compliance with  
11 this proposal, I see you may, but those are  
12 the two things that the Board will be looking  
13 for.

14 MR. FONSECA: To be clear on the  
15 two dates, January 15th, would be a status  
16 report in essence, staff certification in  
17 writing from me. January 23, is that going to  
18 be then the Continued Summary Suspension  
19 Hearing?

20 CHAIRPERSON MILLER: Yes, the  
21 Number 6. That a Continued Summary Suspension  
22 Hearing will be set within 45 days. We

1 anticipate that this should be a very brief  
2 hearing. Particularly if most of the  
3 information is presented in that status  
4 report.

5 MR. FONSECA: Then it sounds to me  
6 the logical conclusion that, which I'm saying  
7 out loud, but I guess it's on the record, is  
8 it behooves us to have Alcohol Awareness  
9 Training completed by the 23rd so that I can  
10 file a report with continued monitoring with  
11 respect to establishment of their status, or  
12 another report date.

13 CHAIRPERSON MILLER: It would a  
14 good idea, yes.

15 MEMBER ALBERTI: Or at least  
16 representation of when it's scheduled?

17 MR. FONSECA: At this point, I'll  
18 put on the record, based on the employees  
19 there who are servers, as the OIC, which was  
20 amended on Number 5, unless currently  
21 certified, those two ABC Managers are  
22 currently certified. So that really leaves

1 the owner now, to be able to be --

2 CHAIRPERSON MILLER: Okay. But if  
3 you could put that all in writing by the 15th  
4 that would be great. So you were saying how  
5 many are left for training?

6 MR. FONSECA: Two are currently,  
7 have current certificates that haven't  
8 expired, and that leaves the only untrained at  
9 this point, is the owner here.

10 CHAIRPERSON MILLER: Okay. Great.  
11 All right. Anything else, any other  
12 questions?

13 MS. SCHMIDT: Is the suspension  
14 being lifted as of now, or?

15 CHAIRPERSON MILLER: Yes. We will  
16 be issuing a written order, but the suspension  
17 will be lifted today.

18 MR. FONSECA: Procedurally, I'm  
19 assuming an ABC Investigator will return the  
20 license? Or do we need to, do I need to make  
21 them aware of it by telephone call or email?

22 CHAIRPERSON MILLER: Okay. Wait,

1 wait, wait one second.

2 (Off the record comments)

3 MEMBER ALBERTI: Normal procedure  
4 is the investigator will return the license.  
5 And Mr. Fonseca if you would make sure that  
6 your client understands that between now and  
7 the date of the next hearing we may have an  
8 investigator go out and check security  
9 cameras, look at the incident log, do a follow  
10 up visit.

11 So they should not be surprised if  
12 an investigator shows up between now and the  
13 second hearing. Make them aware of that.

14 MR. FONSECA: I will reinforce  
15 that, but that has been translated.

16 MEMBER ALBERTI: Okay. Very good.  
17 Thank you.

18 CHAIRPERSON MILLER: So Mr.  
19 Fonseca I guess to more clearly address your  
20 question, a written order will be done today  
21 and the Board will sign it. And then the  
22 investigator will return the license, my

1 understanding. Okay. And Mr. Silverstein did  
2 you want to say something?

3 MEMBER SILVERSTEIN: I just wanted  
4 to say to Senora Umaña, that I appreciated  
5 your comment and touching of, corazón, your  
6 heart, and we don't want to be here today this  
7 close to the holiday anymore than you do.

8 But we all share the same hope and  
9 responsibility that people can visit all  
10 establishments in this city in safety.

11 That is the most important thing  
12 to us. More than anything else is safety.  
13 And if there is a problem, and sometimes there  
14 are problems, llame nueve once, llame nueve  
15 uno uno, call 911.

16 MS. UMAÑA: Sorry.

17 MEMBER SILVERSTEIN: Right away.

18 MR. FONSECA: Y después su  
19 abogado. And afterwards your lawyer.

20 MEMBER SILVERSTEIN: And we take  
21 you at your word, and at this holiday season  
22 feliz navidad, próspero año nuevo, y buena

1 suerte.

2 MS. UMAÑA: Gracias.

3 MEMBER SILVERSTEIN: Merry  
4 Christmas, Happy New Year, and good luck.

5 MS. UMAÑA: Thank you.

6 MR. FONSECA: Thank you.

7 CHAIRPERSON MILLER: Thank you. I  
8 think on that, those words, we can end the  
9 hearing. Thank you very much.

10 MR. FONSECA: Thank you.

11 MS. UMAÑA: Thank you.

12 (Whereupon, the foregoing matter  
13 went off the record at 9:35 a.m.)

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<p style="text-align: center;"><b>A</b></p> <p><b>ABC</b> 1:13 3:6 11:19 14:3 20:3 23:18 24:17,19 28:21 29:19</p> <p><b>ability</b> 6:1</p> <p><b>able</b> 21:5 29:1</p> <p><b>abogado</b> 31:19</p> <p><b>ABRA</b> 3:5 10:9,13</p> <p><b>abstaining</b> 26:10</p> <p><b>accommodation</b> 21:7</p> <p><b>accurately</b> 5:20</p> <p><b>acknowledge</b> 6:7 7:11</p> <p><b>act</b> 19:8 23:13,17 24:2,5,20</p> <p><b>activities</b> 9:15</p> <p><b>add</b> 13:3,5 22:12 27:10</p> <p><b>addition</b> 13:12 14:7 25:16 26:4</p> <p><b>additional</b> 25:7</p> <p><b>address</b> 7:14 9:15 16:21 30:19</p> <p><b>adequate</b> 22:9</p> <p><b>ADMINISTRAT...</b> 1:3</p> <p><b>advise</b> 23:19</p> <p><b>affirm</b> 5:19</p> <p><b>agree</b> 24:11,14</p> <p><b>agreeable</b> 25:11</p> <p><b>agreed</b> 8:14</p> <p><b>agreement</b> 21:2</p> <p><b>agrees</b> 24:13</p> <p><b>Alberti</b> 1:17 2:8,9 24:8,10,11 26:2 28:15 30:3,16</p> <p><b>alcohol</b> 1:3,4,12 2:5 5:14 10:19 12:20 26:17 27:1 28:8</p> <p><b>Alcoholic</b> 23:14</p> 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