

Capital Reporting Company
In the Matter of: Cesar Guzman t/a Casa Blanca Restaurant 07-25-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :
 :
Cesar Guzman :
t/a Casa Blanca Restaurant :
1014 Vermont Avenue, NW :
Retailer DR : Show Cause
License No. 20067 : Hearing
ANC 2F :
Case No. 12-CMP-00021 :
Failed to File Quarterly :
Statements, Failed to Maintain :
Books and Records :
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July 25, 2012

The Alcoholic Beverage Control

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

PRESENT

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

HERMAN JONES, Member

CALVIN NOPHLIN, Member

MIKE SILVERSTEIN, Member

ALSO PRESENT

CHRISSY GEPHARDT, OAG

JABRIEL SHAKOOR, ABRA

NEAL ADEJUNMOBI, ABRA

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7 WITNESSES

8 Jabriel Shakoor 9

9 Adeniyi Adejunmobi 22

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11 Government's Exhibits:

12 Envelope of quarterly statement with date stamp 25

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14 Licensee's Exhibits:

15 1 Citation for failure to file quarterly
16 statement 47

17 2 Sales receipts dating from 2007 to present 50

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

2 11:16 a.m.

3 CHAIRPERSON MILLER: Okay. I'm going to call
4 the Case No. 12-CMP-00021, Casa Blanca Restaurant
5 located at 1014 Vermont Avenue, N.W., License No.
6 20067, in ANC 2F. This is the show cause hearing. I
7 understand now that all the parties are here. And we
8 have an interpreter here as well.

9 So if you could sign in on the -- on the
10 paper on the table. I would first like to swear in the
11 interpreter. I -- if I understand it correctly -- do
12 you want to -- why don't you identify yourself for the
13 record then?

14 MS. GUZMAN: I'm Diana Guzman. I'm the
15 daughter.

16 CHAIRPERSON MILLER: And are you interpreting
17 -- is this your father?

18 MS. GUZMAN: Yeah.

19 CHAIRPERSON MILLER: Okay. And your name,
20 sir, for the record?

21 MR. GUZMAN: My name is Cesar Guzman.

22 CHAIRPERSON MILLER: Okay. And you're here

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1 to -- you're going to interpret for him --

2 MS. GUZMAN: Yeah.

3 CHAIRPERSON MILLER: -- as well?

4 MS. GUZMAN: Yeah.

5 CHAIRPERSON MILLER: Okay.

6 MR. GUZMAN: Uh-huh. Exactly.

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

8 And from -- is it Spanish or is it a different
9 language?

10 MS. GUZMAN: Spanish.

11 CHAIRPERSON MILLER: Spanish. Okay. So if
12 you would raise your right hand, I'll swear you in. Do
13 you solemnly affirm that you will faithfully and
14 accurately interpret the proceedings in this matter
15 from Spanish into English and from English into Spanish
16 to the best of your ability?

17 MS. GUZMAN: I do.

18 CHAIRPERSON MILLER: Okay, great. All right.
19 And so the Licensee has to introduce himself for the
20 record and the government.

21 MS. GEPHARDT: My name Chrissy Gephardt on
22 behalf of the District of Columbia.

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1 CHAIRPERSON MILLER: Okay. Do we have any
2 preliminary matters in this case?

3 MS. GEPHARDT: No, we do not have any
4 preliminary matters in this case.

5 CHAIRPERSON MILLER: Okay. So we'll proceed
6 with the show cause hearing.

7 MS. GEPHARDT: Okay.

8 CHAIRPERSON MILLER: And let me ask you how
9 many witnesses you might be --

10 MS. GEPHARDT: I plan on having two
11 witnesses.

12 CHAIRPERSON MILLER: Okay. And do you have
13 any witnesses?

14 MS. GUZMAN: No, it's just us.

15 CHAIRPERSON MILLER: Just you? Okay.

16 MS. GUZMAN: Uh-huh.

17 CHAIRPERSON MILLER: All right. Why don't we
18 start with the opening statements then?

19 MS. GEPHARDT: Okay. Good morning, Board
20 members. We are here today for two charges that have
21 been brought against this Licensee, Casa Blanca. The
22 first charge is for failure to file quarterly

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1 statements on time for the third quarter of 2011,
2 specifically failing to file before November the 1st,
3 2011, which was the due date.

4 The second charge which the government is
5 alleging is that this Licensee failed on the regulatory
6 inspection that occurred on December 27th, 2011. The
7 Licensee failed to keep and maintain for three years
8 records upon the premises, including invoices and
9 delivery slips, which adequately and fully reflect all
10 purchases, sales and deliveries of alcoholic beverages
11 that were made.

12 And the government will prove through the
13 evidence that the Licensee was in violation of both of
14 these charges.

15 CHAIRPERSON MILLER: Okay. You can make an
16 opening statement as well if you want. You don't have
17 to. What it means is it's just saying what your case
18 will show.

19 MS. GUZMAN: He just wanted to make sure --
20 is it two or is it one that he's being charged for?

21 CHAIRPERSON MILLER: Is it two violations or --

22 MS. GUZMAN: Yeah.

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1 CHAIRPERSON MILLER: -- one violation?

2 MS. GUZMAN: Yeah.

3 CHAIRPERSON MILLER: Okay. Can the -- can
4 the government express that?

5 MS. GEPHARDT: It's two violations, one for
6 failing to file the quarterly statement on time for the
7 third quarter of 2011, and then the second one is the
8 failure to keep the books and records for a period of
9 to three years on the premises. So it's two
10 violations.

11 MR. GUZMAN: I'm sorry. One ticket is from
12 11/1/2011?

13 MS. GEPHARDT: The quarterly statement for
14 the third quarter, which was due on November 1st, 2011.

15 MR. GUZMAN: Uh-huh.

16 MS. GEPHARDT: The government is alleging
17 that it was not filed on time.

18 MR. GUZMAN: Okay. I filed it and my
19 accountant did.

20 MS. GEPHARDT: Okay.

21 CHAIRPERSON MILLER: Mr. Guzman? You're
22 going to have a chance -- you're going to have a chance

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1 to make your case after the government puts on her
2 case. So not -- now is not the time to make the case,
3 just to tell us, you know, if you wanted, what your
4 case would show.

5 MS. GUZMAN: He just says that, you know,
6 he's been in business for about more than 21 years, I
7 believe and that, you know, he's always kept everything
8 in order according -- by the regulations that you guys,
9 you know, imposed. And, you know, just -- he's just
10 kind of confused about everything else right now. But
11 -- yeah, whenever you guys are ready, then let's go
12 forth with --

13 CHAIRPERSON MILLER: Okay. So maybe it'll
14 become more clear, I hope. But basically, the
15 government is going to make her case. And then you can
16 respond and explain why or why not or whatever. So it
17 may become more clear once the government does that.

18 I also just want to adjust the rule on
19 witnesses before you call your witnesses. You have Mr.
20 Shakoor and who else?

21 MS. GEPHARDT: And Mr. Neal Adejunmobi.

22 CHAIRPERSON MILLER: So Mr. Shakoor is the

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1 investigator and Neil is the auditor; is that correct?

2 MS. GEPHARDT: Uh-huh. Yes.

3 CHAIRPERSON MILLER: Okay. So the rule on
4 witnesses means that if you think that one of her
5 witnesses will be influenced by hearing the testimony
6 of the other witness, you can ask that he not be in the
7 room at the same time.

8 No, no problem? Okay. All right. Thank
9 you. Then you can call your first witness.

10 MS. GEPHARDT: Okay. The government calls
11 Jabriel Shakoor to the stand.

12 CHAIRPERSON MILLER: Good morning. Do you
13 swear to tell the truth, the whole truth, and nothing
14 but the truth?

15 MR. SHAKOOR: I do.

16 CHAIRPERSON MILLER: Thank you.

17 MS. GEPHARDT: Good morning, Mr. Shakoor.

18 MR. SHAKOOR: Good morning.

19 MS. GEPHARDT: Please state your name and
20 spell it for the record.

21 MR. SHAKOOR: Jabriel Shakoor, spell it J-A-
22 B-R-I-E-L, last name, S-H-A-K-O-O-R.

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1 MS. GEPHARDT: Thank you. And where do you
2 work?

3 MR. SHAKOOR: The Alcoholic Beverage
4 Regulation Administration.

5 MS. GEPHARDT: And what is your title?

6 MR. SHAKOOR: Investigator.

7 MS. GEPHARDT: And how long have you been an
8 investigator with ABRA?

9 MR. SHAKOOR: About four years.

10 MS. GEPHARDT: And are you familiar with a
11 Licensee by the name of Casa Blanca?

12 MR. SHAKOOR: I am.

13 MS. GEPHARDT: And did you have occasion to
14 conduct a regulatory inspect on Casa Blanca on December
15 the 15th, 2011?

16 MR. SHAKOOR: I did.

17 MS. GEPHARDT: And who did you meet with when
18 you entered the premises on that date?

19 MR. SHAKOOR: I met with the owner, Mr.
20 Guzman, and his daughter acted as a translator.

21 MS. GEPHARDT: And around what time did you
22 enter the establishment?

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1 MR. SHAKOOR: I believe it was afternoon
2 time, around 2:00 or 3:00.

3 MS. GEPHARDT: Okay. And when you met with
4 Mr. Guzman and his daughter, what did you talk to him
5 about?

6 MR. SHAKOOR: The quarterly statement
7 violation was the reason for my visit. I also went
8 there and had to review the books and records on --

9 MS. GEPHARDT: Okay. And when you said about
10 the quarterly statement violation, what exactly were
11 you -- were you referring to? What quarter?

12 MR. SHAKOOR: It was the first violation for
13 them -- have not -- have -- not having to file the
14 quarterly statement on time or had it been received.
15 After I did some research, I was able to meet with the
16 ABRA auditor and determine that it was mailed in about
17 a week late. It was due on November 1st and the
18 envelope was postmarked November 9th.

19 MS. GEPHARDT: Okay. And can you just tell
20 the Board what quarterly statement we're talking about?
21 What are the -- what is the date?

22 MR. SHAKOOR: That was the third quarter.

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1 That was the period for July 1st through September
2 30th.

3 MS. GEPHARDT: Of what year?

4 MR. SHAKOOR: 2011.

5 MS. GEPHARDT: Okay. And did you -- so you
6 informed Mr. Guzman and his daughter that this
7 statement was not received on time. And what did he
8 say?

9 MR. SHAKOOR: He said that he had turned in
10 all of his records in the past, which he had. It just
11 appeared this time it was -- or just mailed out a
12 little bit late.

13 MS. GEPHARDT: Okay. And did you show him --
14 did you show him anything to prove that it was late or
15 did you just inform him?

16 MR. SHAKOOR: I informed him.

17 MS. GEPHARDT: Okay. And did you --

18 CHAIRPERSON MILLER: I'm sorry; I didn't
19 catch it. What did you say, Mr. Shakoor?

20 MR. SHAKOOR: That I just informed him.

21 CHAIRPERSON MILLER: You informed him. Okay,
22 thank you.

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1 MS. GEPHARDT: And did you have an occasion
2 after that to return to Casa Blanca on December the
3 27th, 2011?

4 MR. SHAKOOR: Yes. I also have got the books
5 and records checked as part of the regulatory
6 inspection. During that time, I checked for the alcohol
7 invoices, purchase information, the sales information,
8 and guest checks and register receipts. He did have
9 three years of the alcohol invoices on site. He had
10 plenty of boxes. I went through all those.

11 What he did not have was sales information
12 and the register receipts. It was a very small
13 establishment. So they do everything handwritten. And
14 I asked them, "What happens to the receipts after the
15 end of the day or end of the week?" He says, "I tally
16 the information in my head and then we get rid of it."

17 MS. GEPHARDT: Okay. So just -- so briefly,
18 just going back for a second, when you do a records
19 check, what are you looking for when you -- when you do
20 the check?

21 MR. SHAKOOR: We're looking for three years
22 of the register receipts, three years of sales

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1 information and three years of the alcohol invoices.

2 MS. GEPHARDT: And so it's your testimony
3 that he had the three years of invoices, but he had no
4 sales information and no receipts?

5 MR. SHAKOOR: Yeah, that's correct.

6 MS. GEPHARDT: Okay. And when you told him
7 this, what -- well, I know you mentioned what he told
8 you. But what did you tell him after that?

9 MR. SHAKOOR: I advised him he needed to keep
10 the receipts and he needed to keep a log of his sales
11 information on the site. He said it's -- his auditor -
12 - his accountant does everything for him but he doesn't
13 keep it there. And so I asked him what his process
14 was. He said he does the same way he's been doing for
15 about 20 years. He does it on his head and then he
16 just reports it to his accountant.

17 MS. GEPHARDT: Okay. And do you know if Mr.
18 Guzman's establishment has been the subject of a
19 records check in the past?

20 MR. SHAKOOR: Not that I'm aware of.

21 MS. GEPHARDT: Did he give you any other
22 indication that he knew that this was a requirement?

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1 MR. SHAKOOR: Not that I'm aware of, no. He
2 said he's been doing it this way the whole time. And
3 like I said, he's never been in violation before so
4 unless it came up before, he wouldn't have -- wouldn't
5 know that.

6 MS. GEPHARDT: Okay. Is there anything else
7 that you said to Mr. Guzman before the inspection
8 ended?

9 MR. SHAKOOR: I think that was it.

10 MS. GEPHARDT: And did you -- did you
11 instruct him on what he needed to do in the future?

12 MR. SHAKOOR: Yes. I told -- I advised him
13 he needed three years at least of the invoices, sales
14 record and he had to create a log to keep his sales
15 information there. I said that his process of
16 calculating in his head works for him but he needed to
17 keep a physical log on site.

18 MS. GEPHARDT: Okay. All right. Thank you
19 very much.

20 CHAIRPERSON MILLER: Mr. Guzman, right now
21 you have the opportunity to ask Mr. Shakoor any
22 questions if you want to. Excuse me, I'm sorry. I

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1 don't know what you're saying but I just want to let
2 you know the process, that right now you can ask Mr.
3 Shakoor a question. But later, you will have a chance
4 to tell your story. Okay? This isn't the time to tell
5 your story.

6 MS. GUZMAN: He -- yeah, he's asking a
7 question. Yeah, he wants -- yeah. From the boxes that
8 he showed you, he said that that day he meant -- he was
9 actually cleaning. And then he had all the boxes out,
10 which I think he showed you. And he wanted to know if
11 -- he wanted to ask you if in those boxes did he see
12 receipts - - did -- I mean, did you see receipts that
13 were -- that were from everything that he purchases for
14 the restaurant or were they any other type of receipts?

15 MR. SHAKOOR: No, no. Those were -- the
16 receipts that I saw were the alcohol invoices, where he
17 buys from the vendor. And those were all good. The
18 receipts I was looking for and talking about were the
19 receipts that the waitresses take and they hand out.
20 He said he -- after the end of the day, he throws them
21 away.

22 MS. GUZMAN: He said on your second visit --

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1 when you came on your second visit, did you come and
2 ask him for the -- I guess it was the ticket --

3 MR. GUZMAN: Original.

4 MS. GUZMAN: -- original ticket or citation
5 that you gave him and then you were asking him to give
6 it back to you because it was -- it was an error? It
7 was -- and it -- and it needed to be voided.

8 MR. SHAKOOR: That's correct. Yeah. The --
9 in that case, we don't write a citation. We write a
10 report like we did for this.

11 MS. GUZMAN: Uh-huh. And then just the last
12 thing, he wanted to know if, you know, with that ticket
13 is it -- you know, because of -- because of that where
14 he didn't have the ticket with him to give to you
15 because he gave it to his accountant -- he said that
16 since there was kind of a little confusion there,
17 that's why he came in personally to talk to -- I don't
18 know -- whoever he talked to from here.

19 And what they did was the person in charge --
20 oh, I think it was the supervisor. I'm not sure. He
21 personally wrote, "Void," on the ticket. And he just
22 wanted to make sure that that was accurate to your

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1 knowledge.

2 MR. SHAKOOR: Yes, that's correct. That is
3 actually included in this report.

4 MS. GUZMAN: Okay.

5 MR. SHAKOOR: So we don't just -- we don't
6 write a ticket and then do a report. We just do one
7 report, which includes everything.

8 MS. GUZMAN: Uh-huh.

9 CHAIRPERSON MILLER: Okay. Any Board
10 questions? Mr. Shakoor, I have a Board question. I
11 think -- did you testify -- or Mr. Guzman said that
12 he's been in business for 20 years and this is the
13 first time that a problem with these kind of receipts
14 has been brought to his attention, that he's never had
15 a violation regarding them?

16 MR. SHAKOOR: That's correct.

17 CHAIRPERSON MILLER: Well, what does that
18 mean? Does that mean that he file -- that he had all
19 the other receipts in the past or that no one checked
20 his receipts or it wasn't -- do you have an idea why
21 that would be?

22 MR. SHAKOOR: Possible that no one checked it

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1 and explained to him. Was his process then that he
2 calculates his numbers in his head and he's been doing
3 it that way ever since. Because he has not had a -- of
4 course, you know, a violation and I guess no one ever
5 went that far into it with him before until now.

6 CHAIRPERSON MILLER: Okay. And does that
7 mean that no one did these checks before or that the
8 people who did the checks before never looked at --
9 looked for those receipts, do you know?

10 MR. SHAKOOR: I have to say nobody did a
11 report. This is my first visit to the establishment.

12 CHAIRPERSON MILLER: This is yours. Right.

13 MR. SHAKOOR: Yeah, this is --

14 CHAIRPERSON MILLER: But in 20 years no one,
15 as far as you know?

16 MR. SHAKOOR: As far as I know, no.

17 CHAIRPERSON MILLER: Okay. All right.

18 Anything else? Mr. Silverstein?

19 MR. SILVERSTEIN: Just your impression of
20 what -- his numbers here -- he says that what he has,
21 97 percent, 95 percent of the amount of revenue is food
22 sales. Is this one of those restaurants where there's

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1 genuinely a negligible alcohol sale?

2 MR. SHAKOOR: Absolutely. That is a very
3 small part of their business sales.

4 MR. SILVERSTEIN: Small business?

5 MR. SHAKOOR: Yes.

6 MR. SILVERSTEIN: Small restaurant?

7 MR. SHAKOOR: Yes.

8 MR. SILVERSTEIN: (Inaudible) all that --

9 MR. GUZMAN: Yes, I do.

10 MR. SILVERSTEIN: Okay. No further
11 questions.

12 CHAIRPERSON MILLER: Yes, Mr. Alberti?

13 MR. ALBERTI: Mr. Shakoor, what time of day
14 did you go in on the 27th?

15 MR. SHAKOOR: Numerous times. It was about
16 lunchtime, I believe, probably between 12:00 and 3:00,
17 I believe.

18 MR. ALBERTI: Okay. And you said that Mr.
19 Guzman told you that he -- all of his receipts for
20 sales are handwritten?

21 MR. SHAKOOR: That's the way they do their --
22 some places have a computer POS on their input orders.

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1 They take them and they've hand written them.

2 MR. ALBERTI: Okay. Did you witness that?

3 MR. SHAKOOR: Yes, absolutely. He did have
4 some receipts that were there for the day. And we
5 asked specifically, "What happens to all the receipts?
6 How do you account for your daily sales or weekly
7 sales?" He said, "I add them up in my head and I let
8 the account know."

9 MR. ALBERTI: All right. And you weren't
10 able to identify any from --

11 MR. SHAKOOR: No. I think he have them --

12 MR. ALBERTI: -- a previous week or a
13 previous month?

14 MR. SHAKOOR: -- for the past week, the past
15 month. He said what happens is that, "I threw them
16 away."

17 MR. ALBERTI: Thank you, Mr. Shakoor.

18 CHAIRPERSON MILLER: Okay. I just want to
19 confirm also. So he had receipts from the vendors for
20 all the alcohol he purchased?

21 MR. SHAKOOR: Yes, he did.

22 CHAIRPERSON MILLER: Okay. What he didn't

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1 have was receipts from the waitresses --

2 MR. SHAKOOR: That's right.

3 CHAIRPERSON MILLER: -- for -- okay -- what
4 was served? And what else was third?

5 MR. SHAKOOR: The sales information. The
6 sales information would be a monthly or a weekly
7 account of all your daily sales of food and alcohol.

8 CHAIRPERSON MILLER: Okay. Okay. Thank you.
9 Anything else? All right. Thank you very much.

10 MR. SHAKOOR: You're welcome.

11 CHAIRPERSON MILLER: You're excused.

12 MS. GEPHARDT: The government would like to
13 call Mr. Neal Adejunmobi to the stand.

14 CHAIRPERSON MILLER: Do you swear to tell the
15 truth, the whole truth and nothing but the truth?

16 MR. ADEJUNMOBI: I do.

17 CHAIRPERSON MILLER: Okay. Thank you. Have
18 a seat.

19 MS. GEPHARDT: Good morning.

20 MR. ADEJUNMOBI: Good morning.

21 MS. GEPHARDT: Can you please state your name
22 and spell it for the record?

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1 MR. ADEJUNMOBI: Adeniyi Adejunmobi, A-D-E-N-
2 I-Y-I.

3 MS. GEPHARDT: All right.

4 MR. ADEJUNMOBI: A-D-E --

5 MS. GEPHARDT: Okay.

6 MR. ADEJUNMOBI: -- J-U-N-M-O-B-I.

7 MS. GEPHARDT: Thank you. And Mr.
8 Adejunmobi, where do you work?

9 MR. ADEJUNMOBI: I work for Alcoholic
10 Beverage Regulation Agency (inaudible).

11 MS. GEPHARDT: And what is your title?

12 MR. ADEJUNMOBI: I'm a compliance analyst.

13 MS. GEPHARDT: And what is a compliance
14 analyst? What do you do?

15 MR. ADEJUNMOBI: I'm responsible for
16 reviewing the quarter statement filing made by an
17 establishment for a license by ABRA, a CR or DR, DH,
18 SH. And I keep the whole file.

19 MS. GEPHARDT: Okay. And how long have you
20 been doing this? How long have you been in this
21 position?

22 MR. ADEJUNMOBI: Approximately five months.

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1 MS. GEPHARDT: Okay. And are you familiar
2 with a Licensee by the name of Casa Blanca?

3 MR. ADEJUNMOBI: Yes.

4 MS. GEPHARDT: In drawing your attention to
5 the quarterly statement filing period for the time
6 period of July 1st, 2011 to September 30th, 2011, do
7 you know if Casa Blanca filed a quarterly statement for
8 this time period?

9 MR. ADEJUNMOBI: Yes, they did.

10 MS. GEPHARDT: And when did they file that
11 quarterly statement?

12 MR. ADEJUNMOBI: They filed it 11/14 --
13 November 14th, 2011.

14 MS. GEPHARDT: And what date was the filing
15 due for the third quarter of 2011?

16 MR. ADEJUNMOBI: It was due -- excuse me. It
17 was due October 30th, 2011.

18 MS. GEPHARDT: So on what date would the
19 quarterly statement filing be considered late?

20 MR. ADEJUNMOBI: November 1st.

21 MS. GEPHARDT: And how do you know you
22 received the filing on November 14th, 2011?

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1 MR. ADEJUNMOBI: Because it's filed and came
2 -- I mean, it was brought to my attention. And I
3 processed the file on 11/14.

4 MS. GEPHARDT: And -- oh, I'm sorry. Go.

5 MR. ADEJUNMOBI: On 11/14/2011.

6 MS. GEPHARDT: And do you know how you
7 received the filing? Was it fax, mail, email?

8 MR. ADEJUNMOBI: I believe it was mailed.

9 MS. GEPHARDT: Okay. And did you -- do you
10 have today with you the envelope or the letter that
11 shows when it was sent or how it was sent?

12 MR. ADEJUNMOBI: Yes, I do.

13 MS. GEPHARDT: Do you have it in your
14 possession right now?

15 MR. ADEJUNMOBI: Yes.

16 MS. GEPHARDT: Can I see that, please? Thank
17 you. The government would like to admit this as
18 government Exhibit No. 1. I'd like to show the -- Mr.
19 Guzman. This is the envelope that you sent in for the
20 quarterly statement. Thank you.

21 The government's now going to show the
22 witness what's marked as government Exhibit 1. And can

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1 you just tell me what did you see on here? Where -- is
2 it postmarked?

3 MR. ADEJUNMOBI: Yes. This was postmarked
4 November 9th, 2011. And I believe it was across --
5 around 2:00 p.m. that it--

6 MS. GEPHARDT: And who is it addressed to?

7 MR. ADEJUNMOBI: It was addressed to ABRA,
8 1250 U Street, N.W., Suite 3000, Washington, D.C.,
9 20009.

10 MS. GEPHARDT: And who is it from?

11 MR. ADEJUNMOBI: Casa Blanca Restaurant, 1014
12 Vermont Avenue, N.W., Washington, D.C., 20005.

13 MS. GEPHARDT: And what was the contents in
14 the envelope?

15 MR. ADEJUNMOBI: A quarterly statement for
16 the period of July to September, 2011 -- third quarter.

17 MS. GEPHARDT: Okay.

18 MR. GUZMAN: I signed --

19 MS. GEPHARDT: And is that Mr. Guzman's
20 signature?

21 MR. GUZMAN: Yes.

22 MR. ADEJUNMOBI: Well, I can't tell whether

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1 that's his signature but I can see that he wrote his
2 name there with -- the name is written expressly.

3 MS. GEPHARDT: You made --

4 MR. ADEJUNMOBI: I can't tell whether this is
5 --

6 MS. GEPHARDT: Okay.

7 MR. ADEJUNMOBI: -- his signature or not.

8 MS. GEPHARDT: And what is the date on the
9 bottom of that quarterly statement that's handwritten?

10 MR. ADEJUNMOBI: Ten -- October 19th, 2011.

11 MS. GEPHARDT: Okay. All right. Thank you.

12 The government would like to admit --

13 CHAIRPERSON MILLER: Okay. I'm just --

14 MS. GEPHARDT: -- government Exhibit No. 1.

15 CHAIRPERSON MILLER: Wait. Let Mr. Guzman --

16 MS. GEPHARDT: Did you want to -- do you want
17 to see it again?

18 CHAIRPERSON MILLER: Is there an objection to
19 the exhibit that the government wants to submit into
20 evidence?

21 MS. GUZMAN: Did you say -- did you say,
22 "Objection?"

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1 CHAIRPERSON MILLER: Objection? Is there --
2 is --

3 MS. GUZMAN: Well, he says that he filled
4 that paper out and he signed and dated it and it -- he
5 had submitted it a day after -- yeah, the day after or
6 at the most two days after. And, you know, whatever
7 shows on the envelope, he said that he doesn't
8 understand as to why it's coming out to another date.
9 Because he had already had everything set up and had it
10 sent. And he's -- he thinks that maybe it was an error
11 on behalf of the government postal carrier.

12 CHAIRPERSON MILLER: Okay. Let me ask you,
13 do you contest that this is actually what you sent or
14 just that there may be an error on the part of the
15 date?

16 MS. GUZMAN: Yes. And on top of that --

17 CHAIRPERSON MILLER: Yes, what?

18 MS. GUZMAN: Yes, that it was -- he feels
19 that it was an error on behalf of the postal. Because
20 when he dated that -- when he does that -- when all the
21 information gets sent to his accountant, he then
22 returns, I guess, the paperwork, such as that. And all

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1 that's required for him to do is just sign and date.

2 That's it.

3 CHAIRPERSON MILLER: Okay.

4 MS. GUZMAN: And then he -- and then he send
5 it out. So the accountant sent it to him on time. So
6 all he was left to do was just do that. So he does
7 remember sending it out. And that's why he doesn't
8 know why it arrived late to --

9 CHAIRPERSON MILLER: Okay. Just for this
10 purpose though, this is your -- this is your copy of
11 your envelope, right? Because this has your return
12 address on it?

13 MR. GUZMAN: No, no, no.

14 MS. GUZMAN: Well, up there that says, "Casa
15 Blanca?"

16 CHAIRPERSON MILLER: Yes, yeah. Maybe you
17 should get a copy of -- do you have another copy? No?

18 MS. GEPHARDT: I don't.

19 CHAIRPERSON MILLER: I'm going to make a copy
20 so we can look at --

21 MS. GUZMAN: Okay.

22 CHAIRPERSON MILLER: -- the other and be

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1 clear.

2 MR. ALBERTI: Can you make two copies and one
3 for the Board?

4 CHAIRPERSON MILLER: We're having a copy made
5 for you.

6 MS. GUZMAN: Okay.

7 CHAIRPERSON MILLER: Okay. Everybody has a
8 copy, right? Okay. This is my question. The first
9 page looks like a copy of the front of an -- of an
10 envelope with Casa Blanca's return address and then
11 addressed to ABRA. So my question is, does that --
12 does that look like an accurate copy of the envelope
13 you sent the quarterly statement in?

14 MS. GUZMAN: Yeah, he says it -- he says it
15 does. Yeah. Well, yes. He says everything right here
16 looks accurate except for the date. That's the part --

17 CHAIRPERSON MILLER: Right. Okay. And then
18 the second page is the statement that you submitted in
19 that envelope, correct?

20 MS. GUZMAN: Yeah (inaudible) yeah.

21 CHAIRPERSON MILLER: Okay. All right. So --
22 okay. I'm going to admit this as -- into evidence as

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1 an accurate copy of the envelope but allow you to
2 challenge the accuracy of the date that's stamped on
3 it. Okay?

4 MS. GUZMAN: Uh-huh.

5 MS. GEPHARDT: All right. And Mr.
6 Adejunmobi, when you receive quarterly statements, do
7 you simply go by the date that you see as to when it
8 was sent, whether it's the date on the fax or the date
9 on the envelope or - - in terms of determining whether
10 a statement is late or not?

11 MR. ADEJUNMOBI: I mean, I go by the date I
12 receive it.

13 MS. GEPHARDT: And if the date it is received
14 is after the date it was due, it's considered late?

15 MR. ADEJUNMOBI: Exactly.

16 MS. GEPHARDT: Okay. That's all I have.
17 Thank you.

18 CHAIRPERSON MILLER: Okay. Mr. Guzman can
19 ask questions of the auditor as well.

20 MS. GUZMAN: Was it -- did you go to the
21 restaurant as well?

22 MR. ADEJUNMOBI: No.

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1 MS. GUZMAN: He has no other questions. He
2 doesn't have any questions.

3 CHAIRPERSON MILLER: Okay. That's fine.
4 Board members have any questions?

5 (No audible response.)

6 CHAIRPERSON MILLER: Now, do I pronounce it
7 Mr. Adejunmobi? Is that correct?

8 MR. ADEJUNMOBI: Yes, ma'am.

9 CHAIRPERSON MILLER: Okay. I wanted to ask
10 you, was the quarterly statement date-stamped in the
11 ABRA Office when it came in?

12 MR. ADEJUNMOBI: I believe so. Yeah, it was
13 date-stamped. That's the date that I get it. It says,
14 "11/14." That's --

15 CHAIRPERSON MILLER: And 11/14.

16 MR. ADEJUNMOBI: Yes.

17 CHAIRPERSON MILLER: We -- but that's not on
18 the --

19 MR. ADEJUNMOBI: Yes.

20 CHAIRPERSON MILLER: That is --

21 MR. ADEJUNMOBI: It's probably -- it's not
22 showing on that photocopy but I found a reverse date

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1 stamp.

2 CHAIRPERSON MILLER: Oh, I see a -- I see a -
3 - actually a handwritten --

4 MR. ADEJUNMOBI: Well, that's me.

5 CHAIRPERSON MILLER: That's you?

6 MR. ADEJUNMOBI: But the date stamp itself is
7 auto -- is a -- is a machine.

8 CHAIRPERSON MILLER: Oh, I see it. Okay.

9 MR. ADEJUNMOBI: It's the same date.

10 MS. GEPHARDT: Yeah, it's actually up on the
11 top.

12 CHAIRPERSON MILLER: On the left-hand side?

13 MS. GEPHARDT: Yeah.

14 CHAIRPERSON MILLER: Okay. I see it now.

15 Thank you. Okay. Any other questions?

16 (No audible response.)

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

19 MS. GEPHARDT: Thank you. The government
20 would just like to recall briefly Mr. Shakoor just to
21 ask him one question -- actually two questions
22 regarding the books and records and how licensees are

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1 informed that this is a requirement of theirs.

2 CHAIRPERSON MILLER: Do you have an
3 objection, Mr. Guzman?

4 MR. GUZMAN: No, there's no objection.

5 CHAIRPERSON MILLER: As you've been sworn in
6 before, I don't think I need to swear you in again. So

7 MS. GEPHARDT: Mr. Shakoor, just briefly, can
8 you just tell me how are licensees supposed to know
9 that they're supposed to keep three years of books and
10 records on site? Are the -- is something in the mail?
11 How are they supposed to know?

12 MR. SHAKOOR: I believe they receive that
13 information as they receive the license.

14 MS. GEPHARDT: Is there updates given to
15 licensees explaining to them the rules or is it
16 incumbent upon them to find out that information?

17 MR. SHAKOOR: I wouldn't have that
18 information because my division doesn't send those
19 things out.

20 MS. GEPHARDT: Okay. Okay.

21 CHAIRPERSON MILLER: I'm sorry, what was that
22 answer?

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1 MR. SHAKOOR: I said my division doesn't send
2 those things out so we don't --

3 CHAIRPERSON MILLER: We don't send those
4 things out.

5 MS. GEPHARDT: Okay. Okay. That's all I
6 wanted to ask.

7 CHAIRPERSON MILLER: Mr. Guzman, do you want
8 to ask any question based on the testimony?

9 MS. GUZMAN: I guess he wanted to ask him if
10 at any moment did he doubt that my father was being
11 dishonest because of whatever -- anything -- I mean,
12 everything that he is saying to him?

13 MR. SHAKOOR: I actually don't -- I have no
14 reason to disbelieve that what he told me was not the
15 truth.

16 MS. GUZMAN: One thing that my father -- he
17 didn't mention but he said it was okay for me to say it
18 was the last time that you came when we told him, you
19 know, we weren't aware about having our receipts and
20 invoices and all of that, everything that was written,
21 he -- when he told you that he wasn't aware of that, he
22 said that you're concerned that he was supposed to have

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1 that all in order and that throughout the many years
2 that we were the restaurant, we were not aware of
3 these. It's the first time that someone has brought
4 that to our attention.

5 Then we -- you know, the second time you
6 asked us if we had it already from the first time that
7 you went and he told you that, you know, if it's okay
8 that he can have it starting January 1st? Because I
9 didn't speak to you that day because we were -- we had
10 closed the restaurant for about a week. Sorry, we had
11 closed the restaurant for about a week. I'm sorry.
12 It's just that --

13 CHAIRPERSON MILLER: You can take your time.
14 But maybe do you have a question or you just want to
15 testify?

16 MS. GUZMAN: No.

17 MR. GUZMAN: Okay. Fair enough.

18 MS. GUZMAN: No. It's because my sister had --

19 MR. GUZMAN: My daughter, Dora, died in
20 cycling in accident.

21 CHAIRPERSON MILLER: Oh --

22 MR. GUZMAN: Yeah, she --

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1 MS. GUZMAN: Well, I -- what I was trying to
2 say is that she had passed away on the 20th. And when
3 you came after, it was on the 27th. And we asked him
4 can he please allow us to start at the 1st because we
5 had closed our restaurant for about a week. It was
6 difficult for the family. Because it is a family-owned
7 establishment.

8 And so we got the second -- the other
9 violation, which was because of the records, that we
10 didn't have it up to date. And, you know, I mean, he
11 understands everything before that. But when you --
12 when you came the second time, he just -- I just wanted
13 to bring it to your attention that from the -- from the
14 first time to the second time that you went, we did not
15 have that because of -- because of the situation that
16 we were going through at the time.

17 MR. SHAKOOR: And I took all that into
18 consideration. Like I said, at that point it was about
19 making sure you guys were on the right track and start
20 keeping the receipts. So that wasn't the issue at all.
21 The only issue was this stuff from before.

22 MS. GUZMAN: Uh-huh.

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1 MR. SHAKOOR: So that wasn't it. It wasn't
2 about (inaudible).

3 MS. GUZMAN: Wait, no. Because we got --
4 when he came the second time, we told him that we
5 needed -- we needed -- you asked us for it again. So
6 that's -- I'm not sure if that's written on the -- on
7 the tickets or not but he asked us -- and he's -- he
8 asked us that again. And, I mean, I don't know if my
9 dad was clear to you or not that they -- because from
10 the 20th to the 27th that he came, I mean -- I didn't
11 really talk to you. But --

12 MR. SHAKOOR: Right. The reason I came back
13 so many times is because I was trying to make sure you
14 guys were fixing and correcting a problem.

15 MS. GUZMAN: Right.

16 MR. SHAKOOR: If I just came out the one time
17 and left and never came back, it was -- and then that
18 was it and a done deal -- but I came back so many times
19 because I wanted to make sure you had everything
20 correct and you guys were fixing the problem.

21 MS. GUZMAN: Uh-huh.

22 MR. SHAKOOR: That's why I kept coming back.

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1 MS. GUZMAN: Okay. Yeah, I mean, we were,
2 you know -- and we just wanted you to understand our
3 side of the story.

4 MR. SHAKOOR: I understood. Okay. I
5 understood completely.

6 CHAIRPERSON MILLER: Okay. And --

7 MS. GUZMAN: Yeah, I'm sorry. Yeah.

8 CHAIRPERSON MILLER: -- then your story is
9 coming next. But are there any other questions?

10 (No audible response.)

11 CHAIRPERSON MILLER: Okay. Board members?

12 (No audible response.)

13 CHAIRPERSON MILLER: Just a couple. Did you
14 say -- would you say that Mr. Guzman was intentionally
15 not keeping the records that were required?

16 MR. SHAKOOR: Not to the point of as in
17 trying to hide something. Like I said, I feel that
18 they had a working system that worked for them for 21
19 years. And from what he relayed to me, and I believe
20 the statements, that they had never been informed that
21 they needed to keep the receipts and the sales
22 information there.

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1 CHAIRPERSON MILLER: So basically, as I
2 understand it, he thought he was complying with the
3 law. And the fact that he had information in his head
4 that he conveyed to the accountant -- he actually gave
5 the accountant the information that was needed?

6 MR. SHAKOOR: That's correct.

7 CHAIRPERSON MILLER: And when you went back
8 to make sure they got on track, were they -- what did
9 you do? What did you change?

10 MR. SHAKOOR: I sat down with them numerous
11 times. I contacted their accountant about three times
12 also to see if -- to tell the accountant what he needed
13 to do, that they needed to keep a log there, either in
14 handwriting or the accountant was going to write it.
15 The receipts and the wages, they needed to start
16 keeping those. I went back numerous times to make sure
17 they totally understood what they had to do.

18 CHAIRPERSON MILLER: Okay. And to the best
19 of your knowledge, did they start implementing the new
20 procedures?

21 MR. SHAKOOR: Yes. He did have a log and
22 they were going to start doing that.

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1 CHAIRPERSON MILLER: Okay. Thank you. Any
2 questions?

3 (No audible response.)

4 CHAIRPERSON MILLER: Okay. Thank you very
5 much.

6 MR. SHAKOOR: You're welcome.

7 MS. GUZMAN: Thanks.

8 CHAIRPERSON MILLER: Anything else?

9 MS. GEPHARDT: Oh, I apologize. The
10 government rests.

11 CHAIRPERSON MILLER: Okay. Mr. Guzman, now
12 you can tell your story. This is the time. I would
13 need to swear you under oath as well. I've already
14 sworn your daughter under oath. But do you -- would
15 you all take the witness stand?

16 MS. GUZMAN: Yes.

17 CHAIRPERSON MILLER: You can go over with
18 him. Did you want to be closer to him? You can go --
19 or it's not -- it's up to you.

20 MS. GUZMAN: Okay. I'll do it.

21 CHAIRPERSON MILLER: Okay. Mr. Guzman, if
22 you could raise your right hand? Do you swear to tell

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1 the truth, the whole truth, nothing but the truth?

2 MR. GUZMAN: Now and forever.

3 CHAIRPERSON MILLER: Okay. Now, how would
4 you like to proceed? Do you -- does he just want to
5 testify or do you want to ask him any questions or is
6 it --

7 MS. GUZMAN: I guess he'll just testify.

8 CHAIRPERSON MILLER: Okay.

9 MS. GUZMAN: You guys are aware of the fact
10 that the first citation that was given to him was
11 voided because it was a -- it was not meant to be a
12 citation?

13 CHAIRPERSON MILLER: We're not -- I'm not
14 really aware of --

15 MR. GUZMAN: Okay. It --

16 CHAIRPERSON MILLER: -- the citations. No.
17 Wait a second. You can't approach the -- no, no.
18 Sarah, would you come? Yeah.

19 MS. GEPHARDT: I just -- I would just object
20 to the relevance of the citation. And, I mean, I don't
21 know that it --

22 CHAIRPERSON MILLER: Why don't you take a --

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1 MS. GEPHARDT: It's really the -- relevant to
2 this -- I mean, I don't -- it doesn't prove or disprove
3 the two charges.

4 CHAIRPERSON MILLER: What is -- I don't even
5 know if it's in the reference with your report.

6 MS. GUZMAN: All the records that were
7 requested by us -- by doing -- he says that his
8 accountant's the one who got all those records. And he
9 has it with him because he asked -- he asked the
10 accountant for all those records in order for him to do
11 that.

12 CHAIRPERSON MILLER: Okay. And let me -- let
13 me -- wait. What's happening with the citation? Did
14 you want to use it or not?

15 MS. GUZMAN: Oh, well --

16 CHAIRPERSON MILLER: Because I have -- we
17 haven't seen it. So did you want it in evidence? Did
18 you not want it?

19 MS. GUZMAN: Okay. Yeah, yeah.

20 CHAIRPERSON MILLER: What?

21 MS. GUZMAN: Then, yeah, he wants to go
22 forward with that. And that (inaudible) citation.

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1 MS. GEPHARDT: I would just ask for what
2 purpose because it doesn't seem relevant to the charge
3 -- to the charges, in that it doesn't establish
4 anything one way or another.

5 MS. GUZMAN: Well, he wants to show it
6 because how -- this isn't -- it was the citation I was
7 given on the first time by the inspector. And after,
8 it was kind of an error on the inspector's behalf
9 because he ended up coming to our establishment
10 requesting for it -- or requesting it back -- to give
11 it back to the inspector.

12 He wasn't sure as to what for. So he ended
13 up coming in personally once he got -- once he got it
14 back from the accountant. So he had to come in person
15 to make sure that, you know, why was it that they
16 wanted that citation back. And it was because they
17 needed to put, "Void," on it because it wasn't supposed
18 to be a citation that we were supposed to pay because
19 of some error on behalf of inspector ABRA.

20 So what they did was they just -- they just
21 waived the citation and it was -- and just put, "Void."

22 CHAIRPERSON MILLER: Okay. So -- but the

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1 question is, how does that help us decide this case?

2 MS. GUZMAN: Okay. I think he's confused
3 now. He wants to know if he's being cited for that
4 ticket or - - I mean, he's being charged for that right
5 now or would it -- or what he's being charged for.
6 That's why he's bringing that up.

7 MS. GEPHARDT: It seems to me the ticket was
8 voided. It was an error. And so that's not even part
9 of this. It's not even in the record.

10 MS. GUZMAN: Uh-huh.

11 MS. GEPHARDT: So I don't think that that's
12 an issue. I think we -- that's not an issue. It's
13 basically what's been alleged by the government in our
14 charging document, which was the notice of show cause.

15 MS. GUZMAN: Right, right.

16 MS. GEPHARDT: So I don't --

17 CHAIRPERSON MILLER: What was it a citation
18 for?

19 MS. GEPHARDT: I don't know. I didn't even -
20 - this is the first time I've heard about it.

21 CHAIRPERSON MILLER: I mean, my only question
22 is if it was for something like this and then he said

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1 it was voided, was there confusion that he thought he
2 was actually in compliance because the citation was
3 taken back?

4 MS. GUZMAN: Well, it was -- that was --
5 okay. Yeah, that was a citation for him not holding --
6 not having the receipts -- the handwritten receipts
7 from the waitress. And so that -- yeah, that's what it
8 was for because failure to comply with that holding --
9 having an establishment receipts from the waiters and
10 the customers and all of that.

11 He said that throughout the 20 or more years
12 that he was at the restaurant, he's never -- no one
13 ever told him that he needed to keep the receipts in
14 the establishment. And it wasn't until the inspector
15 came in to tell him about it. That's why he wrote him
16 a citation. So after that is when he actually started
17 keeping all of the receipts, every sale that he had and
18 up to date. He has all of that otherwise.

19 But then when -- okay. So since he got the
20 citation for not having the receipts -- and then it was
21 voided. So I think it was voided because it was just a
22 warning or -- I'm not sure what. I mean, was it

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1 voided? But not only that it was voided -- and that
2 citation was in fact for us not having any of the
3 handwritten receipts at the restaurant.

4 CHAIRPERSON MILLER: Okay. So it is related
5 to the same violation?

6 MS. GUZMAN: Uh-huh.

7 CHAIRPERSON MILLER: All right. So are you
8 asking that we admit it into evidence?

9 MS. GUZMAN: Did he give you a copy of the
10 citation?

11 CHAIRPERSON MILLER: Oh, you didn't get it
12 back? Is that what the deal is with the --

13 MS. GUZMAN: No, he says that he gave it to
14 you. I thought that -- I thought that's what you were
15 referring to.

16 CHAIRPERSON MILLER: We have a copy of the
17 citation that we made.

18 MS. GUZMAN: You do?

19 CHAIRPERSON MILLER: Yeah.

20 MS. GUZMAN: Okay. So -- yeah, that -- he
21 does want to admit that.

22 CHAIRPERSON MILLER: Okay. I'm going to

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1 admit it into evidence. So now we can move on.

2 MS. GUZMAN: He wants to show something else.

3 I don't know.

4 MR. GUZMAN: This is the -- this is the --

5 MS. GUZMAN: Quarterly statements?

6 MS. GEPHARDT: Now, what are -- what are
7 these for?

8 MS. GUZMAN: These are -- he says those are
9 all the quarterly statements that he has, like, in the
10 past submitted to ABRA.

11 MS. GEPHARDT: And this is -- why -- what is
12 he showing these for? Why is he --

13 MS. GUZMAN: To reflect the sales -- the
14 sales amount of what he did not keep -- I guess the
15 handwritten receipts. But that reflects how much he's
16 -- how much he's made in a certain period of time.

17 MS. GEPHARDT: Okay. I would just -- I would
18 just object that showing me past filings isn't proving
19 whether -- is this to prove whether it was late or is
20 this just to show that he -- I mean, this isn't -- I
21 don't think this helps -- I mean, this isn't really
22 relevant.

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1 MS. GUZMAN: He just is showing these to you
2 because he wanted to show that he's been getting all of
3 those in time and have been submitted on time.

4 MS. GEPHARDT: Okay.

5 CHAIRPERSON MILLER: He has a history of
6 compliance, correct?

7 MS. GEPHARDT: Right. Okay.

8 CHAIRPERSON MILLER: But what's the date on
9 those?

10 MS. GEPHARDT: Oh, wow. There's a bunch of
11 them. Would the Board like to see them?

12 CHAIRPERSON MILLER: Oh, no. Okay. I just
13 was wondering what the range is, you know.

14 MS. GEPHARDT: They go all the way back to
15 2007. It's not --

16 CHAIRPERSON MILLER: You don't have an
17 objection, do you?

18 MS. GEPHARDT: I don't have an objection. I
19 mean --

20 CHAIRPERSON MILLER: Okay.

21 MS. GEPHARDT: To do show -- is he just using
22 it to show in the past he's been compliant?

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1 MS. GUZMAN: Yeah.

2 MS. GEPHARDT: Okay.

3 MR. GUZMAN: It's from 2007.

4 CHAIRPERSON MILLER: Okay. All right. We'll
5 accept them. Let's move on. All right. Where are we?
6 I'm sorry, where are we now? Where are we?

7 MS. GUZMAN: He says that through many years
8 he's had a good relationship with the restaurant and
9 with you guys, ABRA. He's never really had a problem.
10 And he says that he's -- to his knowledge, he's been
11 able to up- to-date go by all the regulations and to
12 be, you know, compliant with whatever the regulation --
13 whatever your requests are and that the inspectors are
14 welcome to come into the restaurant anytime that they
15 please.

16 Just -- you know, he just doesn't want to
17 feel as if -- with this issue, he just doesn't want to
18 feel as if -- as if the inspector's trying to
19 intimidate him to maybe, like, go out of business or
20 whatever. But it's just that he feels that if you're
21 going to -- if they're going to charge him for
22 something he didn't -- it's unfair that he's not aware

1 of something. And, you know, and it's a different
2 thing if he was aware of it, he was given any warning
3 or something, and then he fails to do something.
4 That's a different story.

5 And he apologizes if he -- if he on any level
6 took up your time because of this but he came just
7 because he needed to prove somehow that he was
8 innocent. And he also holds from the day that he was
9 told about not having -- that he needs to have written
10 receipts, he says that he has also that if you guys
11 need to see that up to the date that he was told on
12 that -- all that.

13 CHAIRPERSON MILLER: Okay. We don't need to
14 see it though. We can accept your testimony on it.

15 MS. GUZMAN: And also that his restaurant is
16 a family-owned establishment and we don't have any
17 problems, like, fights or drunkies, like, things that
18 you would have at a -- at a bar. So, like, it's very
19 small. It's limited seating and, you know, he's been
20 very old fashioned in the way that he keeps his
21 records. But, you know, if anything you need to see,
22 he has all of that.

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1 Yeah, he has the date of when he was told
2 that he needs to keep better -- all the receipts in the
3 establishment. I think that's it.

4 CHAIRPERSON MILLER: Okay. Ms. Gephardt, do
5 you have cross?

6 MS. GEPHARDT: No, I don't.

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

9 MR. SILVERSTEIN: Mr. Guzman, how long have
10 you been in business?

11 MR. GUZMAN: I'm sorry?

12 MR. SILVERSTEIN: How long have you been --

13 MR. GUZMAN: Around 21 years.

14 MR. SILVERSTEIN: And how many employees do
15 you have and how many are members of your family?

16 MR. GUZMAN: Me, my daughter, my wife, my son
17 and one employee.

18 MR. SILVERSTEIN: And how -- what are your
19 hours? Are you mainly a lunch place or

20 MR. GUZMAN: Usually it's the lunchtime.

21 It's two hours. Downtown it's around two hours. It's
22 busy.

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1 MR. SILVERSTEIN: What time do you open and
2 what time do you close?

3 MR. GUZMAN: It's the cook (inaudible) coming
4 9:00 a.m. And she leave 10:00 p.m. some days or clean.
5 I'm sorry. It's closed between -- around 12:00.

6 MR. SILVERSTEIN: At night? End of lunch?

7 MR. GUZMAN: 11:30 OR 12:00 p.m.

8 MR. SILVERSTEIN: And it seems like you're
9 just a very small, little restaurant. Do you -- do you
10 have - - is it mostly take-out?

11 MR. GUZMAN: For carry-out?

12 MR. SILVERSTEIN: Carry-out.

13 MR. GUZMAN: Yeah, we have carry-out.

14 MR. SILVERSTEIN: Mostly or sit-down?

15 MR. GUZMAN: No, sit-down. Uh-huh.

16 MR. SILVERSTEIN: And I -- a little difficult
17 to ask this but it seems like you're just a very small
18 place and that you serve mostly food. Are you doing
19 well financially there or feeling the trouble everyone
20 else is with the recession?

21 MS. GUZMAN: He says in the past that
22 business used to -- in the past his business was very

1 good. It was -- it was pretty lucrative. But now,
2 like, in the past year or two the business has -
3 slowing down and, I mean, partly, yeah, because of how
4 the economy is. And there is so much more competition
5 nowadays, especially on the block that he's -- that
6 he's in. It's -- there's probably, like, eight more
7 other restaurants besides from him just on the block --
8 on the block.

9 MR. SILVERSTEIN: Okay. Would a -- would a
10 fine of a couple thousand dollars hurt you terribly or
11 can we handle that? Please, be honest.

12 MS. GUZMAN: He says -- he says he is tight
13 right now with money but that that's one of the reasons
14 that he came in here to try to prove his innocence in
15 this -- in this case. Because not only has -- I mean,
16 he also has to pay the landlord, which the landlord's
17 rent has been increasing, and other real estate taxes
18 that he needs to spend in closing yearly that he needs
19 to pay on top of that.

20 So that is really what's hurting him because
21 of the increase in the real estate taxes for the -- for
22 this pro rata share of the building where he's renting

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1 out. So -- and, yeah, so I guess, yeah.

2 MR. SILVERSTEIN: Thank you very much. Thank
3 you, Mr. Guzman.

4 MR. GUZMAN: You're welcome.

5 MR. SILVERSTEIN: No further questions.

6 CHAIRPERSON MILLER: Other Board questions?

7 Yes, Mr. Alberti.

8 MR. ALBERTI: Hi, Mr. Guzman.

9 MR. GUZMAN: Hi.

10 MR. ALBERTI: Mr. Guzman, all of your sales
11 receipts are handwritten; is that correct?

12 (No audible response.)

13 MR. ALBERTI: You told us you add them up
14 every day; is that correct?

15 MS. GUZMAN: Yeah. Yeah, that's what he -- I
16 mean, he adds it all up again.

17 MR. ALBERTI: All right. How often do you
18 report those totals to your accountant?

19 MS. GUZMAN: Every month he declares all the
20 -- all the sales a month to his account but that's
21 (inaudible).

22 MR. ALBERTI: Okay. How do you -- how do you

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1 -- how do you get to that monthly total?

2 MS. GUZMAN: He gets the numbers because when
3 he -- whatever money he makes, he has to make a deposit
4 to the bank. And then all that deposit that goes into
5 the bank, that's what he's -- that's what the
6 accountant every month then picks up the all the -- all
7 the check and all the slips and like that. And also
8 because about 95 percent of our sales are using cards,
9 debit card, credit card. So all of that collects on
10 the bank statements.

11 MR. ALBERTI: Okay. So your accountant is
12 using your deposit slips and your bank statements to
13 compute your sales total; is that correct?

14 MS. GUZMAN: Yeah. Yes, that's what he uses
15 to get a number of what his sales are for that month.

16 MR. ALBERTI: Great, great. Yeah, yeah. Mr.
17 Guzman, are you familiar with the quarterly report?

18 MS. GUZMAN: You mean -- I'm sorry, which
19 quarterly report, the one that the --

20 MR. ALBERTI: Just in general.

21 MS. GUZMAN: -- accountant seen --

22 MR. ALBERTI: In general. Is -- has he -- is

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1 he familiar with what the -- what is reported on a
2 quarterly report? Are you familiar with what is --
3 what numbers are reported on a quarterly report?

4 Can I attach this a different way? Do we
5 have - - do we have any copies of a quarterly report
6 there and can we show them to Mr. Guzman?

7 MS. GEPHARDT: The ones that were admitted
8 into evidence, you mean?

9 MR. ALBERTI: Yes. Can we show him one?

10 MS. GEPHARDT: Yeah.

11 MR. ALBERTI: The one Mr. Guzman showed. All
12 right. Mr. Guzman, I'm going to ask you to take a look
13 at the quarterly report. If someone could hand Mr.
14 Guzman a copy? Thank you, Ms. Gephardt.

15 MS. GEPHARDT: Uh-huh.

16 MR. ALBERTI: I appreciate that very much.
17 Okay. Mr. Guzman, you see under sales it says, "Line
18 9." Do you see that?

19 MR. GUZMAN: Yes.

20 MR. ALBERTI: Okay. It says, "Sales for food
21 for calendar year dictated above," right?

22 MR. GUZMAN: Uh-huh.

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1 MR. ALBERTI: So do you understand that -- do
2 you understand that that is the amount that was sold --
3 the amount of food sales that you made?

4 MR. GUZMAN: Uh-huh.

5 MR. ALBERTI: Do you understand that?

6 MR. GUZMAN: Yes, I do.

7 MR. ALBERTI: All right. Underneath that,
8 line 10, it says, "Sales of alcohol beverages for
9 calendar year indicated above." Do you understand that
10 that's the total amount of alcohol that was sold -- of
11 alcohol sales? Do you understand that?

12 MR. GUZMAN: Yeah.

13 MR. ALBERTI: Okay. How does your account
14 known, by looking at the deposit slips and looking at
15 the bank statements, how much was sold in food and how
16 much was sold in alcohol?

17 MS. GUZMAN: Okay, okay. He says that he's
18 the one who does it, like, and he probably uses the
19 invoices that -- from, like, when he buys all the
20 alcohol that he purchases. And then when the
21 accountant has to go through the receipts, he probably,
22 you know, goes by that. But that's something that's on

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1 the accountant's behalf. And he's not fully aware.

2 MR. ALBERTI: Thank you. I have no further
3 questions. Thank you, Mr. Guzman.

4 MR. GUZMAN: Uh-huh.

5 CHAIRPERSON MILLER: Other Board members?
6 Mr. Guzman, I just want to clarify about the mailing of
7 the quarterly statement. Did you mail it and -- did
8 you mail the quarterly statement or did the accountant
9 or who mailed it?

10 MS. GUZMAN: He did.

11 CHAIRPERSON MILLER: He did? And do you
12 remember when you mailed it? Go ahead.

13 MS. GUZMAN: When he got -- when got the
14 paper, it always -- from the accountant, it always
15 says, "Mail by the 30th of the month." So he says that
16 when he got it, he mailed it out before the 23rd, which
17 was -- he thinks it was a day or two after the day that
18 he signed and date the statement.

19 And because of that -- the, I guess,
20 discrepancy with the day that he sent out and the day
21 that you guys actually received it, he's -- since then
22 he's now been handing it in in person so there won't be

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1 any --

2 CHAIRPERSON MILLER: Okay. There is a --
3 there's a date at the bottom of this quarterly
4 statement. And I don't know whether Mr. Guzman put it
5 there or this is his signature. It's October 19, 2011.

6 MS. GUZMAN: Uh-huh.

7 CHAIRPERSON MILLER: And this is your
8 signature?

9 MR. GUZMAN: Uh-huh.

10 CHAIRPERSON MILLER: Okay. This is the day
11 you signed it?

12 MR. GUZMAN: Yeah.

13 CHAIRPERSON MILLER: And you said you mailed
14 it soon after, the next day or something?

15 MR. GUZMAN: Yeah, probably the next day.

16 CHAIRPERSON MILLER: Okay. And did you say
17 there was a death in the family about the time of this
18 audit?

19 MS. GUZMAN: Yeah, my little sister passed
20 away in a car accident on the 20th, which is after --

21 CHAIRPERSON MILLER: Okay.

22 MS. GUZMAN: (Inaudible) --

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1 CHAIRPERSON MILLER: I'm very -- I'm very
2 sorry to hear that. And I just thought that might be
3 one reason perhaps that this was mailed a little later
4 than this -- that was going on.

5 MS. GUZMAN: Well, when she passed away, that
6 was the 20th of December.

7 CHAIRPERSON MILLER: December?

8 MS. GUZMAN: Uh-huh.

9 CHAIRPERSON MILLER: Okay. Oh, I see. Okay.
10 Okay. Well, Ms. Gephardt, do you have anything else?

11 MS. GEPHARDT: Nothing else.

12 CHAIRPERSON MILLER: Thank you. He can --
13 you can be excused now. Okay. Right now, we're
14 getting near the end of this hearing. And each party
15 has an opportunity to do closing arguments if you want
16 to say your final -- what you've shown.

17 Ms. Gephardt can go first.

18 MS. GEPHARDT: Okay. Board members, what
19 you've heard here today is basically there is no
20 dispute from certainly not this side as to whether
21 these violations actually occurred or not. Mr. Guzman
22 has so admitted that the printout of the envelope is

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1 from his establishment. It is addressed to ABRA. He
2 does acknowledge that the envelope does have that date,
3 November 9th.

4 Now, you heard him say that, well, he mailed
5 it the day, you know, after the 25th of October. But
6 the fact of the matter is, technically it's a
7 violation. Whether -- whatever -- regardless of what
8 his intentions were, whatever -- whether it got lost in
9 the mail or even if it was the fault of the post
10 office, the fact of the matter is it's technically a
11 violation.

12 Mr. Adejunmobi, as you heard, testified that
13 they received it on November the 14th. The envelope
14 was postmarked on November the 9th. And again,
15 regardless of Mr. Guzman's intentions or regardless of
16 the forces of nature, it was still late. And the
17 government's only burden was to prove that it was late
18 and, therefore, there was a violation. Then the
19 government has met its burden and on that charge.

20 For the second charge, which is failing to
21 keep the books and records, the government wants to
22 make sure that the Board understands that the

1 government understands that this is not about Mr.
2 Guzman's character as a restaurant owner or whether he
3 is a good business person in the District of Columbia.
4 I think what we've heard here today is that he is and
5 he has good intentions. However, again, this is not
6 about his intentions. It's not about whether he meant
7 to keep the books and records or not.

8 It's whether there technically was a
9 violation. And here, he so admitted that he does not
10 keep sales information or receipts, that he tallies it
11 in his head and that they throw away the receipts at
12 the end of the day. And again, being compliant in the
13 past isn't proof as to whether he was complaint in this
14 particular incident or not. And again, the fact -- we
15 all know that in other situations that ignorance of the
16 law is not a defense.

17 And I would argue in this case that
18 regardless of whether he had been informed in the past
19 by other inspectors or an investigator as to whether he
20 was required to keep books and records for a period of
21 three years on the premises, that's just simply not a
22 good defense. You know, there's lots of burdens and

1 hurdles that restaurant and business owners need to be
2 aware of when they own a restaurant or a business in
3 the District.

4 And it's incumbent upon them to be familiar
5 with the statute, to be familiar with the DCMR and to
6 know what their responsibilities are, in terms of
7 filings and records and things like that. So I would
8 just argue that, even though perhaps he was never
9 informed, that it was his responsibility and that
10 ignorance of the law is not a defense.

11 And finally, about the citation, the evidence
12 that Mr. Guzman submitted that shows the citation was
13 voided doesn't mean that he didn't know a violation
14 occurred. He was informed by Mr. Shakoor. He admitted
15 that Mr. Shakoor informed him of the violations. He
16 was put on notice. He was aware. So the fact that it
17 was voided doesn't necessarily mean that he didn't know
18 that he didn't commit these two infractions.

19 So essentially, the government feels that we
20 have proved beyond our -- by preponderance of the
21 evidence that violations did occur in these two
22 incidences for failure to keep the books and records

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1 for three years and filing the quarterly statement for
2 the third quarter of 2011 late.

3 MR. SILVERSTEIN: And what is the District
4 asking to have?

5 MS. GEPHARDT: The District, it would ask for
6 a \$2000 fine, \$500 for the quarterly statement
7 violation and \$1500 for the books and the records.

8 CHAIRPERSON MILLER: Since we brought it up,
9 \$2000 fine, is that on the high end or where is that in
10 the range of penalties?

11 MS. GEPHARDT: It's my understanding that
12 \$1500 for books and records is the minimum for a
13 violation of books and records. And then \$500, I
14 suppose -- let's see -- that would be -- I don't have
15 it in front of me here. But the range on that, I
16 believe, is -- what is it 250 to 500 for a first-time
17 violation?

18 CHAIRPERSON MILLER: That's what I see in the
19 --

20 MS. GEPHARDT: Well, the government would be
21 willing to concede to a 250 fine on that one if the --
22 if that's -- if that's the case.

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1 CHAIRPERSON MILLER: My notes also show that
2 the range for books and records is 1000 to 2000, not
3 1500 minimum. I'm not sure who's right but I -- it's
4 saying if it was -- are you -- are you looking to the
5 minimum in my question and -

6 MS. GEPHARDT: This is conversations that
7 I've had with other folks but if that's indeed what the
8 DCMR says, then by all means -- it's the Board's
9 discretion.

10 CHAIRPERSON MILLER: Right, it is. We were
11 just looking --

12 MS. GEPHARDT: Okay.

13 CHAIRPERSON MILLER: -- for what your --

14 MS. GEPHARDT: Okay.

15 CHAIRPERSON MILLER: -- your position was.

16 MS. GEPHARDT: Our position's 1500 but --

17 CHAIRPERSON MILLER: So it's not 1500 based
18 on your belief that 1500 is the minimum? It's just
19 based on --

20 MS. GEPHARDT: I guess -- I mean, if it -- if
21 it's a -- if it's a -- it's a primary, correct? And is
22 it a first-time primary? Let me -- let me look at the

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1 investigative history.

2 CHAIRPERSON MILLER: I mean, if you don't
3 have a -- if you -- we don't have to go further on
4 this. If you don't have a strong recommendation, then
5 that's fine. Okay. But I was just curious if you --

6 MS. GEPHARDT: It's --

7 CHAIRPERSON MILLER: If they got the number,
8 whether you were looking for minimum or not minimum,
9 based on the circumstances or whether you --

10 MS. GEPHARDT: I mean, I would -- I would
11 argue that based on the fact that this is something
12 they've never kept, that's something they've never done
13 since their inception, that, you know, just because
14 they have never been checked on in the past, I mean, I
15 think it's a big violation that they've gone for 20
16 years without keeping sales receipts.

17 So 1500 seems fair to me.

18 CHAIRPERSON MILLER: Okay. But now, Mr.
19 Guzman, that's just, you know, she's making her case.
20 That's all. And the Board decides what's going to --
21 what it's going to do. Do you want to make any final
22 closing remarks?

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1 MS. GUZMAN: He wasn't -- he's not done with
2 his closing statement but he wanted to prove that he's
3 had all the receipts since the day that he opened the
4 restaurant but receipts of all the purchase -- the
5 alcoholic beverage purchase that he's made. And he
6 actually has it in his car, which he is willing to --
7 oh, it's right here. I think he brought it with him
8 and he's willing to show that to you. But for the
9 other one, the food receipts, although, like I said, he
10 didn't know about that. And that's why he didn't have
11 it.

12 But now, he has -- he has that since the day
13 that he was told up until today. But he just -- he was
14 willing to show it to you, the alcoholic purchases that
15 he's made from the day that he started the business so
16 that it would say about, you know, his -- that he's
17 responsible keeping all of that to date. But, I mean -
18 - I mean, he just wanted to show it to you guys, if you
19 guys wanted to see that.

20 CHAIRPERSON MILLER: Let me just say this.
21 We certainly can take your testimony as the truth. And
22 we don't have to see it if you're saying that that's

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1 what it is. We will accept that as testimony. Also
2 Mr. Shakoor didn't ever challenge that type of receipt.
3 So that's not an issue.

4 Wait. Let me -- can I interrupt you all?
5 Okay?

6 MS. GUZMAN: Okay. Yeah.

7 CHAIRPERSON MILLER: You don't have to say
8 anything more if you don't have anything more to say.
9 If you've already made your case, that's fine.
10 Sometimes people do a summary. But it's almost 1:00.

11 MS. GUZMAN: Uh-huh.

12 CHAIRPERSON MILLER: And so it is kind of
13 like a wrap-up. If there was like --

14 MS. GUZMAN: Yeah.

15 CHAIRPERSON MILLER: -- one more thing you
16 didn't say or, you know, a final -- this is -- this
17 sentence captures my case --

18 MS. GUZMAN: Uh-huh.

19 CHAIRPERSON MILLER: Otherwise, it's fine to
20 just rest, you know.

21 MS. GUZMAN: Okay. I'm just thinking he's a
22 little confused because he -- that's what he brought

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1 with him. And he just wanted to show it as a way to
2 prove that he is one to go by what you guys request of
3 him as a business owner, him just keeping all the
4 alcoholic beverage -- but in this case, since he didn't
5 know about the food receipts, that's what -- I mean, he
6 now has and he will do -- show that to you guys.

7 But -- no. I guess what he's just trying to
8 say is that, you know, he thinks that it's unfair that
9 if he would -- since it's his first time that he hears
10 of this and he feels that, you know, it would be unfair
11 that he gets charged with such a heavy fine, especially
12 with the circumstances like financial issues that, you
13 know, we, as a family, have been struggling. He just
14 feels that it's unfair. And he feels that the right
15 thing would -- to do would be, as any other violation,
16 give someone a warning.

17 And, I mean, because it was the first time
18 that he heard of this. I mean, pretty much -- that's
19 pretty much it. I mean, he doesn't -- he feels that if
20 he's imposed with such a heavy fine, you know, it's
21 something that would -- that hits a lot of small
22 businesses and then, you know, in the end, end up --

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1 end up, you know, going out of business.

2 And it's just little things like this which,
3 you know, the -- I guess for the economy, you know, to
4 keep on running and building up, you know, it's hardest
5 on the small business, you know, just being imposed
6 with such a heavy fine, he thinks that's unfair,
7 especially if it's his first violation with this, you
8 know.

9 CHAIRPERSON MILLER: Okay. And, you know,
10 like I said, that's -- you know, we hear that. You
11 know, I -- you know, I've heard you say that and I
12 understand exactly what you're saying. He's complied
13 for 20 years or he thought he did comply. And then he
14 found out he wasn't in compliance and then he changed
15 his ways to comply. And therefore, you're arguing that
16 you shouldn't be hit with a heavy fine because of that?

17 MS. GUZMAN: Right.

18 CHAIRPERSON MILLER: Okay. All right. Yeah,
19 we hear that. Okay. So that -- I'm going to close the
20 record now in this case.

21 MS. GUZMAN: Yeah.

22 CHAIRPERSON MILLER: Yeah, okay. And the

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1 fact that we didn't look at your records, don't worry.
2 We -- what I'm saying is we believe you, that that's
3 what's in the box. We don't have to look. We hear --
4 we've heard that. Okay. We know that that's what
5 you're saying. Okay. So the record is going to be
6 closed now. No more evidence, no more testimony.

7 This is somewhat of a formality that I need
8 to offer you but whether the parties want to file
9 Proposed Findings of Fact and Conclusions of the Law
10 (inaudible) waive it. The government says, "No." It's
11 difficult. You have to file papers, you know. There'd
12 be facts you want to prove and the law behind it. You
13 don't need to do it. I wanted to leave you with that.
14 I need to offer you the opportunity.

15 Do you want to?

16 MS. GUZMAN: What? I'm sorry?

17 CHAIRPERSON MILLER: I'm saying that --

18 MS. GUZMAN: He doesn't want to waive the
19 fine?

20 MR. SILVERSTEIN: It's a legal brief.

21 CHAIRPERSON MILLER: It's -- right. It's,
22 like, you've had your hearing. We've heard the

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1 evidence. We've heard your testimony. The law gives
2 you an opportunity to then, if you want -- it's rarely
3 taken in these cases, but if you want, you could file
4 something in writing, like a legal brief, putting forth
5 all the facts, you know, as you see them and the law
6 that supports your case.

7 MS. GUZMAN: In addition to this hearing?

8 CHAIRPERSON MILLER: Yeah.

9 MS. GUZMAN: So would that mean that
10 everything that was said here in court would just be
11 voided and we have to --

12 CHAIRPERSON MILLER: No.

13 MS. GUZMAN: -- do everything again in
14 writing?

15 CHAIRPERSON MILLER: No. It means that we
16 have a record now in this case. And the record
17 includes the exhibits that were admitted and the
18 testimony in this case. And you would need to write
19 out the facts that you choose from the record that
20 supports your case and then the law to put another
21 argument before this Board based on the record.

22 MS. GUZMAN: We could.

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1 MR. SILVERSTEIN: You'd be requiring notes.

2 MS. GUZMAN: If that's -- I mean, if that's
3 what's needed.

4 CHAIRPERSON MILLER: It's not needed. It's
5 usually waived.

6 MS. GUZMAN: Okay.

7 CHAIRPERSON MILLER: It's usually waived as
8 not being worth the effort really.

9 MS. GUZMAN: Uh-huh.

10 CHAIRPERSON MILLER: And the opposing side is
11 not doing it. So --

12 MS. GUZMAN: Okay.

13 CHAIRPERSON MILLER: -- you're not a
14 disadvantage if you don't do it.

15 MS. GUZMAN: Okay. All right.

16 CHAIRPERSON MILLER: Okay. So you're doing -
17 - yeah, I can't exactly advise you but it's not very --
18 it's very --

19 MR. SILVERSTEIN: Seldom used.

20 CHAIRPERSON MILLER: -- seldom used. It's
21 seldom used. Okay. So that really does end this
22 hearing. And what I'm going to read now is just

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1 instructions and a motion to -- for the Board to be
2 able to have a closed meeting to consider your case.

3 MS. GUZMAN: Uh-huh.

4 CHAIRPERSON MILLER: Okay. As Chairperson of
5 the Alcoholic Beverage Control Board for the District
6 of Columbia and in accordance with Section 405 of the
7 Open Meetings Amendment Act of 2010, I move that the
8 ABC Board hold a closed meeting for the purpose of
9 seeking legal advice from our counsel on Case No. 12-
10 CMP-00021, Casa Blanca Restaurant, per Section
11 405(b)(4) of the Open Meetings Amendment Act of 2010
12 and deliberating upon this case for the reasons cited
13 in Section 405(b)(13) of the Open Meetings Amendment
14 Act of 2010.

15 Is there a second?

16 BOARD MEMBER: Second.

17 CHAIRPERSON MILLER: I'm going to take a roll
18 vote on the motion before us now that it's been
19 seconded. Mr. Nophlin?

20 MR. NOPHLIN: I agree.

21 CHAIRPERSON MILLER: Mr. Brooks?

22 MR. BROOKS: I agree.

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1 CHAIRPERSON MILLER: Ms. Miller agrees. Mr.
2 Silverstein?

3 MR. SILVERSTEIN: I agree.

4 CHAIRPERSON MILLER: Mr. Jones?

5 MR. JONES: I agree.

6 CHAIRPERSON MILLER: Okay. It appears that
7 the motion has passed by a vote of 5-0. I hereby
8 notice that the ABC Board will recess this proceeding
9 to hold a closed meeting in the ABC Board conference,
10 pursuant to the Open Meetings Act -- Amendment Act of
11 2010. And we will issue -- will issue an order on this
12 case within 90 days. Thank you.

13 That concludes our morning calendar and the
14 Board will recess.

15 (WHEREUPON, at 12:58 p.m., the hearing was
16 concluded.)

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19

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1 CERTIFICATE OF NOTARY PUBLIC

2

3 I, BRADLEY ANGLIN, the officer before whom the
4 foregoing hearing was taken, do hereby certify that the
5 testimony appearing in the foregoing transcript was
6 recorded by me and thereafter reduced to typewriting
7 under my direction; that said transcription is a true
8 record of the testimony given by said parties; that I
9 am neither counsel for, related to, nor employed by any
10 of the parties to the action in which this was taken;
11 and, further, that I am not a relative or employee of
12 any counsel or attorney employed by the parties hereto,
13 nor financially or otherwise interested in the outcome
14 of this action.

15

16

17

18

19

BRADLEY ANGLIN

20

Notary Public in and for the

21

DISTRICT OF COLUMBIA

22

1 CERTIFICATE OF TRANSCRIPTION

2

3 I, MIRANDA PENNACHI, hereby certify that I am not
4 the Court Reporter who reported the following
5 proceeding and that I have typed the transcript of this
6 proceeding using the Court Reporter's notes and
7 recordings. The foregoing/attached transcript is a
8 true, correct and complete transcription of said
9 proceeding.

10

11

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16 _____
Date

17

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Transcriptionist

18

19

20

21

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