

Capital Reporting Company  
In the Matter of: Delta Elite, Inc. 10-24-2012

1

DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

-----x  
IN THE MATTER OF: :  
 :  
Delta Elite, Inc. :  
t/a Delta Elite :  
3734 10th Street, NE : Show Cause  
Retailer CN : Hearing  
License No. 1182 : (Status)  
ANC 5A :  
Case No. 12-251-00090 :  
Failed to Comply with Security :  
Plan :  
-----x

October 24, 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

MICHAEL STERN, OAG

Capital Reporting Company  
In the Matter of: Delta Elite, Inc. 10-24-2012

2

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

2 9:51 a.m.

3 CHAIRPERSON MILLER: The next case on our  
4 calendar is 12-251-00090, Delta Elite, located at 3734  
5 10th Street, N.W., License No. 1182, in ANC 5A. Good  
6 morning.

7 MR. LYON: Good morning.

8 CHAIRPERSON MILLER: And would you introduce  
9 yourself for the record, please?

10 MR. LYON: Yeah, I'm Enrique Lyon. I'm the  
11 owner of Delta Elite.

12 MR. STERN: Michael Stern representing the  
13 District of Columbia.

14 CHAIRPERSON MILLER: Okay. Mr. Lyon, did you  
15 receive notice of this hearing?

16 MR. LYON: Yes, I did.

17 CHAIRPERSON MILLER: And did you read it?

18 MR. LYON: Yes, I did.

19 CHAIRPERSON MILLER: Did you understand it?

20 MR. LYON: Yes.

21 CHAIRPERSON MILLER: And do you waive the  
22 Board's reading the notice into the record?

Capital Reporting Company  
In the Matter of: Delta Elite, Inc. 10-24-2012

3

1 MR. LYON: Yes, I do.

2 CHAIRPERSON MILLER: Okay. Thank you. Mr.  
3 Stern, do we have any preliminary matter?

4 MR. STERN: Not at this time is my understanding.

5 CHAIRPERSON MILLER: Okay. Then this matter  
6 is set for a show cause hearing on January 23rd, 2013  
7 at 11:00 a.m. Did you catch that?

8 MR. LYON: That's correct, yes.

9 CHAIRPERSON MILLER: Okay. Thank you.

10 MR. ALBERTI: May I ask a question?

11 CHAIRPERSON MILLER: Sure.

12 MR. ALBERTI: Mr. Lyon?

13 MR. LYON: Yes.

14 MR. ALBERTI: Yeah, the last time you were  
15 here, we talked about an updated security plan. Have  
16 you submitted that?

17 MR. LYON: Yes, I did.

18 MR. ALBERTI: Okay. Great. Thank you very  
19 much.

20 MR. LYON: Okay.

21 (WHEREUPON, at 9:52 a.m., the hearing was  
22 concluded.)

Capital Reporting Company  
In the Matter of: Delta Elite, Inc. 10-24-2012

4

1 CERTIFICATE OF NOTARY PUBLIC

2

3 I, LINDA METCALF, the officer before whom the  
4 foregoing hearing was taken, do hereby certify that the  
5 testimony appearing in the foregoing pages was recorded  
6 by me and thereafter reduced to typewriting under my  
7 direction; that said transcription is a true record of  
8 the testimony given by said parties; that I am neither  
9 counsel for, related to, nor employed by any of the  
10 parties to the action in which this hearing 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

-----  
LINDA METCALF

19

Notary Public in and for the

20

District of Columbia

21

22

(866) 448 - DEPO

www.CapitalReportingCompany.com © 2012

Capital Reporting Company  
In the Matter of: Delta Elite, Inc. 10-24-2012

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

CERTIFICATE OF TRANSCRIPTION

I, MIRANDA PENNACHI, hereby certify that I am not the Court Reporter who reported the proceeding and that I have typed the transcript of the proceeding using the Court Reporter's notes and recordings. The foregoing/attached transcript is a true, correct and complete transcription of the proceedings.

\_\_\_\_\_

Date

\_\_\_\_\_

MIRANDA PENNACHI

Transcriptionist

Capital Reporting Company  
 In the Matter of: Delta Elite, Inc. 10-24-2012

<p><u>1</u>  <b>10th</b> 1:6 2:5  <b>11:00</b> 3:7  <b>1182</b> 1:7 2:5  <b>12-251-00090</b> 1:8                  2:4  <b>14th</b> 1:13</p> <hr/> <p><u>2</u>  <b>2000</b> 1:13  <b>2012</b> 1:11  <b>2013</b> 3:6  <b>23rd</b> 3:6  <b>24</b> 1:11</p> <hr/> <p><u>3</u>  <b>3734</b> 1:6 2:4</p> <hr/> <p><u>5</u>  <b>5A</b> 1:8 2:5</p> <hr/> <p><u>9</u>  <b>9:51</b> 2:2  <b>9:52</b> 3:21</p> <hr/> <p><u>A</u>  <b>a.m</b> 2:2 3:7,21  <b>action</b> 4:10,14  <b>ALBERTI</b> 1:17                  3:10,12,14,18  <b>Alcoholic</b>                  1:2,12,13  <b>am</b> 4:8,11 5:3  <b>ANC</b> 1:8 2:5  <b>appearing</b> 4:5  <b>attorney</b> 4:12</p>	<p><u>B</u>  <b>Beverage</b>                  1:2,12,13  <b>Board</b> 1:2,13  <b>Board's</b> 2:22  <b>BROOKS</b> 1:17  <b>Building</b> 1:13</p> <hr/> <p><u>C</u>  <b>calendar</b> 2:4  <b>CALVIN</b> 1:18  <b>case</b> 1:8 2:3  <b>catch</b> 3:7  <b>cause</b> 1:6 3:6  <b>CERTIFICATE</b>                  4:1 5:1  <b>certify</b> 4:4 5:3  <b>Chairperson</b>                  1:14,16                  2:3,8,14,17,19,2                  1 3:2,5,9,11  <b>CN</b> 1:7  <b>Columbia</b> 1:1 2:13                  4:20  <b>complete</b> 5:8  <b>Comply</b> 1:9  <b>concluded</b> 3:22  <b>Control</b> 1:2,12,13  <b>correct</b> 3:8 5:7  <b>counsel</b> 4:9,12  <b>Court</b> 5:4,6</p> <hr/> <p><u>D</u>  <b>D.C</b> 1:14  <b>Date</b> 5:14</p>	<p><b>Delta</b> 1:5,6 2:4,11  <b>direction</b> 4:7  <b>District</b> 1:1 2:13                  4:20  <b>DONALD</b> 1:17</p> <hr/> <p><u>E</u>  <b>Elite</b> 1:5,6 2:4,11  <b>employed</b> 4:9,12  <b>employee</b> 4:11  <b>Enrique</b> 2:10</p> <hr/> <p><u>F</u>  <b>Failed</b> 1:9  <b>financially</b> 4:13  <b>foregoing</b> 4:4,5  <b>foregoing/                  attached</b> 5:7</p> <hr/> <p><u>G</u>  <b>given</b> 4:8  <b>Great</b> 3:18</p> <hr/> <p><u>H</u>  <b>hearing</b> 1:7,13                  2:15 3:6,21                  4:4,10  <b>hereby</b> 4:4 5:3  <b>hereto</b> 4:12  <b>HERMAN</b> 1:18</p> <hr/> <p><u>I</u>  <b>I'm</b> 2:10  <b>Inc</b> 1:5  <b>interested</b> 4:13  <b>introduce</b> 2:8</p>	<p><u>J</u>  <b>January</b> 3:6  <b>JONES</b> 1:18</p> <hr/> <p><u>L</u>  <b>last</b> 3:14  <b>License</b> 1:7 2:5  <b>LINDA</b> 4:3,18  <b>located</b> 2:4  <b>Lyon</b>                  2:7,10,14,16,18,                  20                  3:1,8,12,13,17,2                  0</p> <hr/> <p><u>M</u>  <b>matter</b> 1:4 3:3,5  <b>May</b> 3:10  <b>MEETING</b> 1:3  <b>Member</b>                  1:17,18,19  <b>met</b> 1:13  <b>METCALF</b> 4:3,18  <b>Michael</b> 1:20 2:12  <b>MIKE</b> 1:19  <b>Miller</b> 1:14,16                  2:3,8,14,17,19,2                  1 3:2,5,9,11  <b>MIRANDA</b> 5:3,14  <b>morning</b> 2:6,7</p> <hr/> <p><u>N</u>  <b>N.W</b> 1:13 2:5  <b>NE</b> 1:6  <b>neither</b> 4:8  <b>NICK</b> 1:17</p>
---	---	--	--

Capital Reporting Company  
In the Matter of: Delta Elite, Inc. 10-24-2012

<p><b>NOPHLIN</b> 1:18 <b>nor</b> 4:9,13 <b>Notary</b> 4:1,19 <b>notes</b> 5:6 <b>notice</b> 2:15,22</p> <hr/> <p><b>O</b></p> <p><b>OAG</b> 1:20 <b>October</b> 1:11 <b>officer</b> 4:3 <b>Okay</b> 2:14 3:2,5,9,18,20 <b>otherwise</b> 4:13 <b>outcome</b> 4:13 <b>owner</b> 2:11</p> <hr/> <p><b>P</b></p> <p><b>pages</b> 4:5 <b>parties</b> 4:8,10,12 <b>PENNACHI</b> 5:3,14 <b>plan</b> 1:9 3:15 <b>please</b> 2:9 <b>preliminary</b> 3:3 <b>PRESENT</b> 1:16,20 <b>presiding</b> 1:14 <b>proceeding</b> 5:4,5 <b>proceedings</b> 5:8 <b>Public</b> 4:1,19</p> <hr/> <p><b>Q</b></p> <p><b>question</b> 3:10</p> <hr/> <p><b>R</b></p> <p><b>reading</b> 2:22</p>	<p><b>receive</b> 2:15 <b>record</b> 2:9,22 4:7 <b>recorded</b> 4:5 <b>recordings</b> 5:6 <b>reduced</b> 4:6 <b>Reeves</b> 1:13 <b>related</b> 4:9 <b>relative</b> 4:11 <b>reported</b> 5:4 <b>Reporter</b> 5:4 <b>Reporter's</b> 5:6 <b>representing</b> 2:12 <b>Retailer</b> 1:7 <b>Room</b> 1:13 <b>Ruthanne</b> 1:14,16</p> <hr/> <p><b>S</b></p> <p><b>security</b> 1:9 3:15 <b>SILVERSTEIN</b> 1:19 <b>Status</b> 1:7 <b>Stern</b> 1:20 2:12 3:3,4 <b>Street</b> 1:6,13 2:5 <b>submitted</b> 3:16 <b>Sure</b> 3:11</p> <hr/> <p><b>T</b></p> <p><b>t/a</b> 1:6 <b>talked</b> 3:15 <b>testimony</b> 4:5,8 <b>Thank</b> 3:2,9,18 <b>That's</b> 3:8 <b>thereafter</b> 4:6</p>	<p><b>transcript</b> 5:5,7 <b>transcription</b> 4:7 5:1,8 <b>Transcriptionist</b> 5:15 <b>true</b> 4:7 5:7 <b>typed</b> 5:5 <b>typewriting</b> 4:6</p> <hr/> <p><b>U</b></p> <p><b>understand</b> 2:19 <b>understanding</b> 3:4 <b>updated</b> 3:15</p> <hr/> <p><b>W</b></p> <p><b>waive</b> 2:21 <b>Washington</b> 1:14 <b>WHEREUPON</b> 3:21 <b>whom</b> 4:3</p> <hr/> <p><b>Y</b></p> <p><b>yourself</b> 2:9</p>	
---	--	--	--