

Capital Reporting Company
In the Matter of: Lace Hospitality, LLC t/a Lace 10-31-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :
 :
Lace Hospitality, LLC :
t/a Lace :
2214 Rhode Island Avenue, NE : Show Cause
Retailer CT : Hearing
License No. 76369 :
ANC 5A :
Case No. 12-251-00064 :
Substantial Change (Operating :
After Hours) :
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October 31, 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

LOUISE PHILLIPS, OAG
VINCENT PARKER, ABRA

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6	<p>1 CHAIRPERSON MILLER: Okay. So -- but what I 2 want to tell you is basically -- I don't know how 3 familiar you are with these kind of proceedings but 4 basically the opening statement is just a -- and he can 5 do it if he wants; it's optional -- just a general 6 statement of what you're going to show. It's not 7 testimony. 8 After the opening statements, the government 9 will put on its witness and you'll have a chance to -- 10 and to cross-examine. We'll have a chance to cross- 11 examine. Then you'll have a chance to put your witness 12 on and they'll have a chance to cross-examine. The 13 Board can ask questions and then there'll be closing 14 statements. 15 So this is just if you want -- Ms. Phillips 16 made a one-statement opening statement basically about 17 what the case is about, opening -- staying open after 18 hours. If you want to make a general statement for what 19 your defense is going to be, this is the opportunity 20 and it's not required. Okay. 21 So Mr. Ray Crook, do you have an opening 22 statement?</p>	8	<p>1 work for ABRA, did you do any other investigation work 2 that's similar to this? 3 MR. PARKER: I worked as an investigator for 4 the EEOC, Equal Employment Opportunity Commission in 5 Prince George's County, Maryland. 6 MS. PHILLIPS: And for how long did you do 7 that? 8 MR. PARKER: Two years. 9 MS. PHILLIPS: Two years. And before -- were 10 there any other investigative experience that you added 11 to your ABRA experience? 12 MR. PARKER: No, ma'am. 13 MS. PHILLIPS: Could you explain briefly for 14 the record with regard to Lace what your investigation 15 entailed? 16 MR. PARKER: I was assigned this 17 investigation, as I am with many investigations, as a 18 result of a PD-251 report taken by MPD Fifth District 19 Office Larry Roberts. The process is a 251 is taken by 20 an officer. That 251 is faxed over to ABRA and then 21 assigned to an investigator. In this case, this 22 investigation was assigned to me.</p>
7	<p>1 MR. CROOK: No. 2 CHAIRPERSON MILLER: Okay. All right. Then 3 the government will proceed. 4 MS. PHILLIPS: Thank you. 5 CHAIRPERSON MILLER: Okay. 6 MS. PHILLIPS: The government calls the 7 investigator, Vincent Parker. 8 CHAIRPERSON MILLER: Do you swear to tell the 9 truth, the whole truth, nothing but the truth? 10 MR. PARKER: I do. 11 CHAIRPERSON MILLER: Thank you. 12 MS. PHILLIPS: Good morning, Mr. Parker. 13 MR. PARKER: Good morning. How are you? 14 MS. PHILLIPS: Would you spell your name for 15 the court reporter, please? 16 MR. PARKER: My name is Vincent Parker, last 17 name, P-A-R-K-E-R. 18 MS. PHILLIPS: And could you tell me what 19 your relationship to ABRA is, please? 20 MR. PARKER: I have been an ABRA investigator 21 for four and a half years. 22 MS. PHILLIPS: Prior to doing investigative</p>	9	<p>1 MS. PHILLIPS: And the 251 is the police 2 report with regard to various and sundry incidents, in 3 this case the incident that you were assigned to 4 investigate. Is that a fair summary? 5 MR. PARKER: Yes, ma'am. 6 MS. PHILLIPS: And the -- as far as you know, 7 have you received 251s previously in your investigation 8 process for ABRA? 9 MR. PARKER: Yes, ma'am. 10 MS. PHILLIPS: Is it often what begins an 11 investigation? 12 MR. PARKER: Yes, ma'am. 13 MS. PHILLIPS: Just out of curiosity, can you 14 tell me what percentage of your investigations are 15 begun with a PD-251? 16 MR. PARKER: Currently it's probably 50/50 as 17 far as self-generated cases or assigned 251 cases. 18 MS. PHILLIPS: Okay. And as part of your 19 investigation process when you start with the 251, what 20 do you usually do as it relates to this case? 21 MR. PARKER: Please repeat the question. 22 MS. PHILLIPS: What did you do after you got</p>

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<p style="text-align: right;">10</p> <p>1 the 251?</p> <p>2 MR. PARKER: After I got the 251, the first</p> <p>3 thing in this case I did was I went to the</p> <p>4 establishment.</p> <p>5 MS. PHILLIPS: And on what -- at what date</p> <p>6 and time did you go to the establishment?</p> <p>7 MR. PARKER: I went to the establishment on</p> <p>8 February 23rd, 2012.</p> <p>9 MS. PHILLIPS: And that was how many days</p> <p>10 after, about six, I think? Is that fair?</p> <p>11 MR. PARKER: I believe it was six days after</p> <p>12 the incident. I'm not sure how many days after the</p> <p>13 case was assigned to me that it was.</p> <p>14 MS. PHILLIPS: Oh, okay. All right. And</p> <p>15 then what'd you do after you went to the establishment?</p> <p>16 MR. PARKER: I then emailed the reporting</p> <p>17 officer in an attempt to speak to him about this</p> <p>18 incident.</p> <p>19 MS. PHILLIPS: And were you able to speak to</p> <p>20 the reporting officer?</p> <p>21 MR. PARKER: I was not.</p> <p>22 MS. PHILLIPS: Who did you speak to when you</p>	<p style="text-align: right;">12</p> <p>1 MS. PHILLIPS: Brian, him.</p> <p>2 MR. PARKER: Yes, ma'am.</p> <p>3 MS. PHILLIPS: And you observed him. And</p> <p>4 what was the outcome of the regulatory inspection?</p> <p>5 MR. PARKER: The regulatory inspection is</p> <p>6 attached as Exhibit -- I think it was No. 2 in the</p> <p>7 investigative report.</p> <p>8 MS. PHILLIPS: I think I have it No. 3.</p> <p>9 MR. PARKER: No. 3. I'm sorry.</p> <p>10 MS. PHILLIPS: And what did you learn on the</p> <p>11 regulatory inspection, if anything?</p> <p>12 MR. PARKER: At that time the regulatory</p> <p>13 inspection was completed, we -- I determined that the</p> <p>14 hours of operation for the establishment on Thursday</p> <p>15 night were 11:00 a.m. to 12:00 a.m., Thursday night</p> <p>16 being the night of this incident. I also captured the</p> <p>17 license information, certificate of occupancy</p> <p>18 information and other things that are on the regulatory</p> <p>19 inspection.</p> <p>20 MS. PHILLIPS: Right. I see a copy of the</p> <p>21 license here is Exhibit 4. Did you look at the license</p> <p>22 while you were at the establishment?</p>
<p style="text-align: right;">11</p> <p>1 went to the establishment?</p> <p>2 MR. PARKER: On February 23rd I spoke briefly</p> <p>3 to Ms. Linda McAllister, the owner of the</p> <p>4 establishment.</p> <p>5 MS. PHILLIPS: And what did she tell you</p> <p>6 about that you used as your investigation?</p> <p>7 MR. PARKER: Ms. McAllister stated that</p> <p>8 Raymond Crook, the ABC manager, the general manager of</p> <p>9 the establishment, would be my point of contact for</p> <p>10 this case.</p> <p>11 MS. PHILLIPS: Right. Was Ms. McAllister</p> <p>12 there on the night of the incident?</p> <p>13 MR. PARKER: She was not.</p> <p>14 MS. PHILLIPS: So did you attempt to -- did</p> <p>15 you conduct a regulatory inspection while you were</p> <p>16 there at that time?</p> <p>17 MR. PARKER: My training -- trainee</p> <p>18 investigator, Brian Owens, conducted a regulatory</p> <p>19 inspection while I observed.</p> <p>20 MS. PHILLIPS: And you observed him do that;</p> <p>21 is that correct -- or her?</p> <p>22 MR. PARKER: Brian Owens, him.</p>	<p style="text-align: right;">13</p> <p>1 MR. PARKER: Yes, I did.</p> <p>2 MS. PHILLIPS: And did that confirm the</p> <p>3 information that you found out about the hours of</p> <p>4 operation on Thursdays?</p> <p>5 MR. PARKER: Yes, ma'am.</p> <p>6 MS. PHILLIPS: And what time did this</p> <p>7 incident occur according to the PD-251?</p> <p>8 MR. PARKER: The police report documents this</p> <p>9 incident as the event starting at 0140 hours and ending</p> <p>10 at 0145 hours.</p> <p>11 MS. PHILLIPS: Did the police report mention</p> <p>12 whether or not the establishment was open or not?</p> <p>13 MR. PARKER: The first sentence of the</p> <p>14 narrative of the PD-251 states that, "Two individuals</p> <p>15 were involved in a verbal altercation inside of the</p> <p>16 establishment."</p> <p>17 MS. PHILLIPS: And I see that you attached</p> <p>18 the PD-251 to your report as Exhibit 1. Is that there?</p> <p>19 MR. PARKER: Yes, ma'am.</p> <p>20 MS. PHILLIPS: All right. I have that this -</p> <p>21 - all right. What did you do next?</p> <p>22 MR. PARKER: After I emailed the officer</p>

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14	<p>1 under -- like I said, received the direction from Ms. 2 McAllister to contact Mr. Crook, I met with Mr. Crook 3 in April. I interviewed him regarding this incident. 4 MS. PHILLIPS: And what did you learn with -- 5 about the incident from Mr. Crook in April 19th? 6 MR. PARKER: Mr. Crook stated that he 7 recalled this incident and he stated that it was a 8 private birthday party event. Mr. Crook stated that 9 there were no altercations that occurred inside of 10 Lace. Mr. Crook stated that he recalled an incident 11 occurring outside of the establishment between two 12 males he stated that he felt knew each other and had 13 previous dealings with each other. 14 Mr. Crook stated that he remembered when MPD 15 arrived but he was unsure of what MPD -- what their 16 resolution was on the scene. Mr. Crook also confirmed 17 that at the time of this incident, Lace was in the 18 process of closing and a few patrons were left inside. 19 MS. PHILLIPS: And any -- to remind me and 20 the record, the incident was -- began at 1:40? 21 MR. PARKER: According to the PD-251, the 22 incident time -- start time is 0140 hours.</p>	16
15	<p>1 MS. PHILLIPS: Did Mr. Crook confirm the time 2 that the incident began? 3 MR. PARKER: He did not confirm the specific 4 time. He confirmed that when the event occurred, there 5 were a few patrons left inside and the establishment 6 was in the process of closing. 7 MS. PHILLIPS: Okay. 8 MR. SILVERSTEIN: I'm sorry? 9 MR. PARKER: Mr. Crook confirmed that at the 10 time of the incident, the establishment was in the 11 process of closing and a few patrons were inside. 12 MS. PHILLIPS: Did you learn anything else in 13 the course of your investigation that's relevant to the 14 charge of open after hours -- 15 MR. PARKER: If they -- 16 MS. PHILLIPS: -- that we're going to discuss 17 today? 18 MR. PARKER: Another statement from Mr. Crook 19 was that he advised me that the bar at the 20 establishment had closed approximately one hour prior 21 to this incident. 22 MS. PHILLIPS: And does that fact make any</p>	17

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18	<p>1 officer?</p> <p>2 MR. PARKER: Correct. Exhibit 1 to the -- of</p> <p>3 the investigative report -- I'm not sure if you have it</p> <p>4 - - it lists the event start time, the event end time,</p> <p>5 as well as the time of report, which are 0140 for the</p> <p>6 start time, which is 1:40 a.m., 0145 for the event end</p> <p>7 time, and then the time of report is 02.</p> <p>8 CHAIRPERSON MILLER: Ms. McAllister, do you</p> <p>9 have a copy of the investigative report?</p> <p>10 MS. MCALLISTER: (Indicating yes)</p> <p>11 CHAIRPERSON MILLER: Okay.</p> <p>12 MS. PHILLIPS: I'm not sure she has the</p> <p>13 exhibits, Madam Chair.</p> <p>14 CHAIRPERSON MILLER: Oh, okay. Let's make</p> <p>15 sure she does. Do you have extra copies? Otherwise --</p> <p>16 MS. PHILLIPS: I do not have extra copies --</p> <p>17 CHAIRPERSON MILLER: Okay.</p> <p>18 MS. PHILLIPS: -- of the exhibits. But I can</p> <p>19 give her mine since she's questioning him.</p> <p>20 CHAIRPERSON MILLER: Okay. We have an extra</p> <p>21 you want to give up? Ms. McAllister, is that correct -</p> <p>22 - you don't have the exhibits that are attached?</p>	20
19	<p>1 MS. MCALLISTER: No, apparently not. I --</p> <p>2 CHAIRPERSON MILLER: Okay. Well, we're going</p> <p>3 to wait until you have one in front of you.</p> <p>4 MS. PHILLIPS: I've just given them my</p> <p>5 copies.</p> <p>6 MS. MCALLISTER: Another question I have is</p> <p>7 how customary is it to not speak with the officer who</p> <p>8 actually came to the scene prior to your moving forward</p> <p>9 with your report?</p> <p>10 MR. PARKER: Our policy is to make attempts</p> <p>11 to contact the officer, understanding that they're busy</p> <p>12 with a lot more serious cases in their mind than the</p> <p>13 ones we're dealing with. And we always call them. We</p> <p>14 attempt to send them an email and then we're --</p> <p>15 hopefully they'll contact us back. It doesn't always</p> <p>16 happen.</p> <p>17 MS. MCALLISTER: Did the officer respond to</p> <p>18 your email? I see that you sent an email.</p> <p>19 MR. PARKER: He did not.</p> <p>20 CHAIRPERSON MILLER: He what?</p> <p>21 MR. PARKER: He did not.</p> <p>22 CHAIRPERSON MILLER: He did not. Okay.</p>	21

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<p style="text-align: right;">22</p> <p>1 MR. PARKER: It says, "On scene," so they 2 could have been driving by and someone flag them down. 3 But if it says, "Radio run," that generally means that 4 there's been a call for 911. 5 MR. BROOKS: Oh, okay. Thank you, Madam 6 Chair. 7 CHAIRPERSON MILLER: Okay. Any other 8 questions? Mr. Jones. 9 MR. JONES: Thank you. Investigator Parker, 10 thanks for your report. I just had a clarification 11 question just -- I can probably do the math in my head 12 but I wanted confirmation from you. You indicated when 13 you spoke with the general manager -- you did speak 14 with the general manager, correct? 15 MR. PARKER: Yes, sir. 16 MR. JONES: Okay. Did you speak with him 17 face- to-face or -- 18 MR. PARKER: Yes, sir. I did. 19 MR. JONES: Thank you. In his relaying of 20 the events of that evening, I believe you indicated 21 during your testimony that he implied that the bar was 22 still open an hour prior to the time of the event; is</p>	<p style="text-align: right;">24</p> <p>1 CHAIRPERSON MILLER: Okay. Any other 2 question? I just want to follow up on that. When the 3 general manager said that the bar closed an hour before 4 the incident, did anybody talk about what time the 5 incident was when he made that statement? 6 MR. PARKER: During my questioning with Mr. 7 Crook, I didn't want to make it clear what time I knew 8 the incident -- or according to the police that the 9 incident occurred. So I didn't say, "At 12:40." 10 CHAIRPERSON MILLER: Right. 11 MR. PARKER: I just was trying to get him to 12 be committal about if the establishment was open 13 because I knew the establishment's hours were prior to 14 that. 15 CHAIRPERSON MILLER: Okay. Any other 16 questions? All right. Any redirect? 17 MS. PHILLIPS: Yes. Just for clarification 18 on Mr. Brooks's question, do you have the PD-251 in 19 front of you? 20 MR. PARKER: I do. 21 MS. PHILLIPS: No. 11, doesn't that say, 22 "Radio run," and, "Event location same," and it says,</p>
<p style="text-align: right;">23</p> <p>1 that correct? 2 MR. PARKER: Yes. He said, "Approximately an 3 hour." 4 MR. JONES: Approximately an hour -- 5 MR. PARKER: Yes. 6 MR. JONES: -- prior to the time of the 7 event. And when you say, "The time of the event," are 8 you referring to the time stamp associated with the 251 9 report? 10 MR. PARKER: I am. 11 MR. JONES: Okay. And that time stamp is? 12 MR. PARKER: 0140. 1:40 a.m. 13 MR. JONES: So 1:40 a.m. So an hour before 14 that, by your estimation, would be what? 15 MR. PARKER: 12:40 a.m. 16 MR. JONES: 12:40 a.m., which would be 17 approximately 40 minutes after the time that they 18 should have been closed according to their licensed 19 hours; is that correct? 20 MR. PARKER: Yes, sir. 21 MR. JONES: Okay. Thank you. Thank you, 22 Madam Chair.</p>	<p style="text-align: right;">25</p> <p>1 "No," because there's no radio run? 2 MR. PARKER: Ah, yes. 3 MS. PHILLIPS: Okay. 4 CHAIRPERSON MILLER: Okay. 5 MS. PHILLIPS: Thank you. That's my only -- 6 CHAIRPERSON MILLER: Okay. 7 MS. PHILLIPS: -- redirect. 8 CHAIRPERSON MILLER: And do you have any 9 questions on that question or the Board's question? 10 Okay. So it's limited to the areas that we just had 11 him testify to. Okay. 12 MR. CROOK: I want to ask Mr. Brooks a 13 question about -- 14 CHAIRPERSON MILLER: No, you can't ask Mr. 15 Brooks a question. You cannot -- 16 MR. CROOK: I want to answer -- I want to 17 answer. 18 CHAIRPERSON MILLER: No. It's only -- you 19 can later but this is only if you have a question for 20 Mr. Parker based on the Board's questions or Ms. 21 Phillips's question. Okay. Then you can be -- oh, Mr. 22 Jones, you have another question?</p>

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26	<p>1 MR. JONES: Just for clarification on the 2 point of procedure. I just want to -- are we allowing 3 both of them to ask questions of any -- or the witness 4 or we just -- is there one person that's the designated 5 person to be doing the questioning? 6 CHAIRPERSON MILLER: Good point. 7 MR. CROOK: I have no questions at all. 8 CHAIRPERSON MILLER: Oh, Ms. McAllister, 9 you're the designated -- what Mr. Jones is saying is a 10 matter of procedure that only one individual at the 11 table should be asking the questions, doing -- you 12 know, act as a lawyer or whatever. And so I think that 13 was you. Not as far as testifying goes, just as far 14 as, you know, doing cross- examination. 15 MS. MCALLISTER: I'm aware of that now. So 16 CHAIRPERSON MILLER: Okay. That is you 17 though; is that correct? Okay. All right. No 18 problem. And you can consult. All right. Thank you, 19 Mr. Parker. 20 MR. PARKER: Thank you. 21 CHAIRPERSON MILLER: So that's it for the 22 government's case; is that correct?</p>	28	<p>1 MR. SILVERSTEIN: Will he identify himself? 2 MS. MCALLISTER: Pardon me? 3 MR. SILVERSTEIN: For the record? Could he 4 identify himself for the record? 5 MS. MCALLISTER: Would you identify yourself 6 for the record? 7 MR. CROOK: My name's Raymond Crook. I'm the 8 general manager of the Lace Restaurant & Lounge. 9 CHAIRPERSON MILLER: Thank you. Thank you, 10 Mr. Silverstein. Okay. All right. Go ahead. 11 MS. MCALLISTER: Okay. Mr. Crook, could you 12 describe the events that occurred that night? 13 MR. CROOK: Yes. As Mr. Parker stated, we 14 did have a private birthday party that night. And I 15 know I closed the bar 12:00-ish. I do know that. And 16 I did have a couple of patrons that were still inside. 17 They were, like, cleaning up. And I had already run 18 the receipts and everything. The police officers 19 frequent Lace and so they were already there. 20 As a matter of fact, the police officers 21 were, like, present. They come by -- that shift come 22 by and get something to eat that time of night, so on</p>
27	<p>1 MS. PHILLIPS: That concludes the 2 government's case. I understand that the case report 3 and its exhibits are already part of the record. 4 Otherwise, I would move them into admission. 5 CHAIRPERSON MILLER: Right. Okay. That's 6 correct. And the License now has seen the whole record 7 of the report with the exhibits. You have them. Okay. 8 Now, do you have a witness you would like to present to 9 testify? 10 MS. MCALLISTER: Yes. 11 CHAIRPERSON MILLER: Okay. 12 MS. MCALLISTER: Our general manager. 13 CHAIRPERSON MILLER: Okay. Come on forward, 14 please. Come in and I'll swear you in. You raise your 15 right hand. Do you swear to tell the truth, the whole 16 truth, nothing but the truth? 17 MR. CROOK: Yes. 18 CHAIRPERSON MILLER: Okay. Thank you. Have 19 a seat. So you can ask him questions or you can 20 testify, however you want to proceed. 21 MS. MCALLISTER: Well, Mr. Crook, would you 22 describe the event that night?</p>	29	<p>1 and so forth. So they are the ones that alerted me 2 that there was an altercation going on outside. 3 Because at that time, the doors was closed and 4 everything. I later learned -- and I -- and I didn't 5 know that as of midnight, I'm supposed to have no one 6 there at all, period. That I didn't know. I wasn't 7 aware of that. 8 But was the bar actually closed? Yes, it 9 was. And the register -- was the register already ran? 10 Because I had to run a report and the report always had 11 that time on it. I'm sorry I didn't bring it with me. 12 And it tells us what time the bar actually -- the bar 13 actually closed. 14 When Mr. Parker asked me what time, I didn't 15 -- I didn't understand the report said 1:40. I said, 16 "Yeah, we were closed way more than an hour or so 17 before this incident even occurred." Because the 18 officers were -- Officer Roberts was present at the 19 time. There were no called -- then seen two guys out 20 there and they just started breaking it up. 21 CHAIRPERSON MILLER: I'm sorry, what'd you 22 say?</p>

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30	<p>1 MR. CROOK: The officers were actually at the 2 door present at Lace and they seen two guys out there. 3 They decided to break it up. Now, when I looked 4 outside, I wanted to find out -- because I always want 5 to find out what's going on around that establishment. 6 So -- and that's all I knew about it. And then after 7 that, one guy kind of, like, got an alteration [sic] 8 about the eye and then that's when he had to call so -- 9 call an ambulance, so on and so forth. 10 I've had plenty of investigators from both 11 sides come and ask me about the incident. And I just - 12 - I wasn't aware of it. I had nothing to say because 13 it happened on the outside of the premises and it 14 didn't happen on the inside. And the doors were closed 15 well by then. 16 MS. MCALLISTER: Mr. Crook, could you tell 17 the Board approximately how many investigators came to 18 ask you about this particular incident? 19 MR. CROOK: From both parties about six. 20 MS. MCALLISTER: Okay. And of the six 21 investigators, to your -- to your sense of the 22 questions they were asking, did they have prior</p>	32	<p>1 the various investigators -- you stated six -- were 2 they inconsistent in terms of the dates and time that 3 they thought that the -- that this matter occurred? 4 Did they seem to have different dates and time that 5 each investigator -- 6 MR. CROOK: Because that were -- there were 7 two parties involved and the lawyers and stuff like 8 that on both sides. And then an investigator came and 9 asked me questions. Some had information; some didn't. 10 Were they -- were they consistent? Probably not. 11 Because they were still digging for information I had 12 no knowledge of in the first place. But I did try to 13 answer their questions as fair as I could but 14 MS. MCALLISTER: And my final question, did 15 Mr. Parker -- did the initial investigator -- did he -- 16 did you ever speak with him again during this whole 17 process of the investigator -- various investigators 18 coming to the establishment? 19 MR. CROOK: Yes. Mr. Parker and I, we did 20 speak several times. We spoke several times on the 21 phone. Then we met up several times. So Mr. Parker was 22 quite pleasant to deal with. I can share that with</p>
31	<p>1 information or were they asking questions that were -- 2 that indicated that they had no knowledge of that 3 particular incident? Were they asking the initial 4 investigative-type questions? 5 MR. CROOK: A little bit of both. All of 6 them had more information than I did. That's for sure. 7 MS. MCALLISTER: So in terms of the 8 investigators who came after the incident, did it 9 appear that there was continuity in terms of the actual 10 dates and times that they indicated that the incident 11 happened? Was it consistent or was it inconsistent? 12 MS. PHILLIPS: Objection, relevance. 13 MS. MCALLISTER: Well, the relevance is I -- 14 if it's inconsistent -- as my general manager stated, 15 the establishment was closed. We have police officers 16 who frequent Lace often. And we like it that way. So 17 if they are making a report because they're there and 18 the incident happened outside, I think that's extremely 19 relevant. 20 CHAIRPERSON MILLER: I'm going to allow it. 21 Go ahead. 22 MS. MCALLISTER: So the times and dates that</p>	33	<p>1 you. You know, he really tried to give me a lot of 2 advice on ABRA, so on and so forth. So that encounter 3 with Mr. Parker was very pleasant. 4 MS. MCALLISTER: I'm sorry, one more 5 question. Did Mr. Parker ever indicate that he did not 6 -- that he was unable to speak with the police officer 7 who made the report? 8 MR. CROOK: Yes. Only, you know, he just 9 said he had never gotten the chance to talk to Officer 10 Roberts. 11 CHAIRPERSON MILLER: Okay. Thank you. Ms. 12 Phillips? 13 MS. PHILLIPS: Thank you, Madam Chair. I'm 14 going to start back with the six investigators. Was 15 Mr. Parker the only ABRA investigator you saw? 16 MR. CROOK: Yes, ma'am. 17 MS. PHILLIPS: And how many police 18 investigators did you see other than -- in addition to 19 Officer -- what is it -- Roberts? 20 MR. CROOK: Only one more -- I only seen one 21 more police investigator. 22 MS. PHILLIPS: Do you remember that police</p>

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34	<p>1 investigator's name? 2 MR. CROOK: No, ma'am. Not at all. 3 MS. PHILLIPS: Was it a -- perhaps a 4 Detective Green? 5 MR. CROOK: (Inaudible) -- 6 MS. PHILLIPS: Did you see the other police 7 investigator on the night of the incident the same time 8 you saw Officer Roberts or at a different time? 9 MR. CROOK: A different time. 10 MS. PHILLIPS: Different time. And when did 11 you see the other police investigator? 12 MR. CROOK: I can't tell you exactly what the -- 13 MS. PHILLIPS: Was it a week after, a month 14 after? 15 MR. CROOK: At this point, I'll be honest 16 with you, I don't know. 17 MS. PHILLIPS: That's fair. Now, you're 18 talking about investigators and lawyers. Well, you 19 know, that always makes me curious. So are you telling 20 me that the person who was injured is bringing a 21 lawsuit against you and the -- 22 MR. CROOK: No, ma'am. They're bringing</p>	36	<p>1 MS. PHILLIPS: And that's the only 2 understanding we can get here today? 3 MR. CROOK: Right. Exactly. 4 MS. PHILLIPS: Okay. And so you're -- you 5 think that they are suing each other from what you were 6 told? 7 MR. CROOK: From what the investigators were 8 telling me, they want to get all the information. 9 MS. PHILLIPS: Okay. All right. Now, do you 10 have any recollection of Mr. -- Officer Roberts being 11 at the scene and what particular time he was at the 12 scene? 13 MR. CROOK: Sure. 14 MS. PHILLIPS: I mean, do you have something 15 written down so you can remember the time that he was 16 at the scene? 17 MR. CROOK: I have nothing written down but I 18 remember the scene quite -- those officers come. And 19 they started shift -- I have officers that come to Lace 20 rotation periodically and they eat there. 21 MS. PHILLIPS: Uh-huh. 22 MR. CROOK: They -- when they start the</p>
35	<p>1 lawsuits against each other. So I guess they wanted to 2 find out who was liable and who wasn't. And I had no 3 information for them. 4 MS. PHILLIPS: So it's -- from your 5 understanding, based on the information, you'd -- all 6 the rest of the six investigators -- I guess that would 7 be three -- were from the parties? 8 MR. CROOK: From the parties, yes. 9 MS. PHILLIPS: Right. And some of those 10 investigators were apparently lawyers? Is that what 11 you're telling me too? 12 MR. CROOK: Yes, ma'am. That's what I'm 13 saying. 14 MS. PHILLIPS: Okay. So what you're telling 15 me also is the complainant, who appears to be a Mr. or 16 Ms. Fields, is doing an investigation and maybe a 17 lawsuit against the person that allegedly hit them? Is 18 that fair? 19 MR. CROOK: That's a possibility, yes. 20 MS. PHILLIPS: That's what your understanding 21 is anyway? 22 MR. CROOK: Yes, ma'am.</p>	37	<p>1 10:00, 11:00 shift, I might have four or five officers 2 coming through before I close. 3 MS. PHILLIPS: Okay. 4 MR. CROOK: And even so, where -- any day of 5 the week -- I even have officers come in during the 6 afternoon shifts. I mean, they frequent Lace. It's a 7 place that they -- that they call their own. 8 MS. PHILLIPS: Well, that's good. Now, on 9 the 17th of February, which was the date of the 10 incident in question -- 11 MR. CROOK: Uh-huh. 12 MS. PHILLIPS: -- do you have any 13 recollection - - specific recollection of when Officer 14 Roberts came on the scene? 15 MR. CROOK: About 11:30 he came in the first 16 time and checked on me -- 17 MS. PHILLIPS: Okay. 18 MR. CROOK: -- about 11:30 -- 11:00 -- 11:15 19 or so. 20 MS. PHILLIPS: And as far as you know, was he 21 there the whole time? 22 MR. CROOK: Yes.</p>

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38	<p>1 MS. PHILLIPS: So he was inside or outside 2 until 11:40? 3 MR. CROOK: Inside, outside. Then sometimes 4 the officer will, like -- they might have a call and 5 then they'll come back. 6 MS. PHILLIPS: All right. But I'm asking 7 specifically about February 17th and specifically about 8 Officer Roberts. 9 MR. CROOK: 11:30. 10 MS. PHILLIPS: 11:30. And when is the next 11 time you saw him? Oh, that would be the 16th, right? 12 When's the next time you saw him? Because this would 13 be the 16th into the 17th, right? 14 MR. CROOK: Same -- well, it's the same 15 morning. 16 MS. PHILLIPS: It's the same night? 17 MR. CROOK: Same night. 18 MS. PHILLIPS: Right. 19 MR. CROOK: Going -- 20 MS. PHILLIPS: But in -- there's a witching 21 hour for your establishment at midnight, right? 22 MR. CROOK: Exactly. Yes, ma'am.</p>	40	<p>1 MS. PHILLIPS: Okay. Now, the people who 2 were giving the party -- just to get it clear here -- 3 my understanding was that those were patrons that were 4 giving the private birthday party, correct? 5 MR. CROOK: Yes, ma'am. 6 MS. PHILLIPS: Okay. So they weren't, like, 7 staff members of Lace giving a private birthday party? 8 MR. CROOK: No, ma'am. 9 MS. PHILLIPS: Okay. So they were patrons 10 still there after midnight? 11 MR. CROOK: Yes, ma'am. 12 MS. PHILLIPS: Okay. 13 MR. CROOK: That is correct. 14 MS. PHILLIPS: Did you ever get a copy of the 15 police report on this incident? 16 MR. CROOK: No, ma'am. 17 MS. PHILLIPS: Did you request it? 18 MR. CROOK: No, ma'am. 19 MS. PHILLIPS: Okay. Thank you. I have no 20 further questions. 21 CHAIRPERSON MILLER: Okay. Questions? 22 MR. BROOKS: All right.</p>
39	<p>1 MS. PHILLIPS: And that's the hour we're 2 looking at. When do you recall seeing Officer Roberts 3 on 16th/17th of February after 11:30, if you recall 4 seeing him at all? 5 MR. CROOK: I do. 6 MS. PHILLIPS: And when do you recall seeing 7 him? 8 MR. CROOK: Sometime after 12:00 the doors 9 are closed and they're standing outside. Because it -- 10 because it was a -- it was a birthday party starting to 11 disperse people. 12 MS. PHILLIPS: And you said -- you told 13 Officer Parker -- is it a fair summary of your 14 testimony that there were still customers inside after 15 midnight? 16 MR. CROOK: Yes, ma'am. I did tell him there 17 were a couple of people inside still cleaning up. 18 MS. PHILLIPS: Right. And there -- but there 19 were customers, correct? 20 MR. CROOK: No, ma'am. They were still 21 cleaning up. They were -- they were the people that 22 was giving the party. So they're still cleaning up.</p>	41	<p>1 CHAIRPERSON MILLER: Mr. Brooks. 2 MR. BROOKS: Thank you, Madam Chair. Mr. 3 Crook, you had stated that you were unaware that all 4 patrons had to be out by midnight? 5 MR. CROOK: Yes, sir. I was. 6 MR. BROOKS: Okay. And has that been other 7 occasions where patrons have been there after midnight? 8 MR. CROOK: Yes, sir. Now, it is not because 9 I know -- I know different now. Before that incident, 10 yes. 11 MR. BROOKS: Yes, okay. Approximately how 12 many times? 13 MR. CROOK: Two or three times on the 14 weekends. I mean, there's been a couple of times when 15 we're supposed to close at 2:00. Now, I know -- and 16 the people were still there at, like, 2:30. So now, 17 what we do, we get everyone out. And we just -- we 18 just got -- getting our license approved to be able to 19 stay open to 3:00 a.m. 20 every day now. 21 MR. BROOKS: Okay. And how long have you 22 been the manager of Lace?</p>

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<p style="text-align: right;">42</p> <p>1 MR. CROOK: Two years. 2 MR. BROOKS: Two years. And how long have 3 you had your ABC manager's license? 4 MR. CROOK: Two years. January will be two 5 years. 6 MR. BROOKS: Thank you, Madam Chair. 7 CHAIRPERSON MILLER: Okay. Thank you. 8 Others? Mr. Alberti. 9 MR. ALBERTI: Hi, Mr. Crook. Good morning. 10 I want to follow up on Mr. Brooks's question. Do you - 11 - so you've been the general manager of Lace for two 12 years? 13 MR. CROOK: Yes, sir. 14 MR. ALBERTI: Had you ever worked in an ABC 15 establishment before then? 16 MR. CROOK: Yes, sir. 17 MR. ALBERTI: And what was your position? 18 MR. CROOK: Executive chef of the Hilton 19 Embassy Row downtown, Dupont Circle, chef at the JW 20 Marriott, PM chef, food and beverage director at the 21 Mayflower Hotel. 22 MR. ALBERTI: Okay. And that was just</p>	<p style="text-align: right;">44</p> <p>1 close and everything, I was aware of (inaudible). 2 MR. ALBERTI: How hands on is Ms. McAllister 3 in terms of operating the establishment? You're 4 general manager. She's the owner. How involved is she 5 in the operation of the establishment? 6 MR. CROOK: She allows me to be, like, 80 7 percent involved. 8 MR. ALBERTI: Okay. I mean, is she there 9 every day? 10 MR. CROOK: No, sir. 11 MR. ALBERTI: Okay. How often is she there? 12 MR. CROOK: She's there three or four times a 13 week but only in spurts as far -- as far as 14 administrative is concerned. 15 MR. ALBERTI: Okay. So who opens? 16 MR. CROOK: I do. 17 MR. ALBERTI: And who closes? 18 MR. CROOK: I do. 19 MR. ALBERTI: Okay. Who does the hiring and 20 firing? 21 MR. CROOK: I do. 22 MR. ALBERTI: Okay. I'm just trying to get a</p>
<p style="text-align: right;">43</p> <p>1 previous to working at Lace? 2 MR. CROOK: Yes. And I can -- I can concur 3 to you that working at a hotel establishment and a -- 4 and a freestanding restaurant, I was not aware of the 5 rules of the freestanding restaurant. Because coming 6 from a two or three-star hotel has some different ABRA 7 rules that I was aware of that I wasn't aware of -- the 8 limit to a -- 9 MR. ALBERTI: Had you ever discussed the 10 hours with Ms. McAllister? 11 MR. CROOK: We did. And I wasn't really 12 aware of a lot of things until this gentleman here 13 really alerted me to what a freestanding restaurant can -- 14 MR. ALBERTI: So it's your testimony she 15 never really told you about what the proper hours were? 16 I mean, if you weren't aware of them, I have to assume 17 that you're telling me that she never told you -- or am 18 I -- am I misunderstanding you? 19 MR. CROOK: Well, they're posted. We weren't 20 -- I wasn't aware that I had to -- how do you say -- 21 people leaving the establishment at a certain time, 22 that part I wasn't aware of. What time we supposed to</p>	<p style="text-align: right;">45</p> <p>1 sense of what your role is here. 2 MR. CROOK: Yes, sir. 3 MR. ALBERTI: Now, do you remember telling 4 Investigator Parker when he came that you believe that 5 the two individuals that were involved in the fight -- 6 you believe that they knew each other? 7 MR. CROOK: From listening to the officer and 8 the other patrons that were outside -- and the 9 investigators came -- by the time I had talked to Mr. 10 Parker, some more investigators from both side had come 11 and everything. And I was -- I gathered that they knew 12 each other. 13 MR. ALBERTI: In what context did they know 14 each other? 15 MR. CROOK: They actually, like, really 16 actually knew each other. Like, they were acquaintance 17 or something off the property. 18 MR. ALBERTI: So they knew the other patrons? 19 MR. CROOK: Right. 20 MR. ALBERTI: Had they been inside? 21 MR. CROOK: Had they been inside earlier? 22 MR. ALBERTI: Yeah.</p>

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46	1 MR. CROOK: Yes, they had. 2 MR. ALBERTI: Okay. Do you know when they 3 left? 4 MR. CROOK: No, I don't, not precisely. 5 MR. ALBERTI: I have no further questions. 6 Thank you. 7 CHAIRPERSON MILLER: Others? Mr. Jones. 8 MR. JONES: Thank you, Madam Chair. Sir, so 9 you were -- you mentioned the police officers frequent 10 your establishment. 11 MR. CROOK: Yes, sir. 12 MR. JONES: On the night in question, do you 13 remember police officers being there the night that 14 there was a fight that occurred? 15 MR. CROOK: Yes, sir. 16 MR. JONES: Okay. Do you have a -- does this 17 establishment have a security plan? 18 MR. CROOK: No, sir. 19 MR. JONES: Does this establishment keep an 20 incident log? 21 MR. CROOK: I don't have one. 22 MR. JONES: Excuse me?	48	1 off duty? 2 MR. CROOK: On duty, sir. 3 MR. JONES: He was on duty? 4 MR. CROOK: Yes, sir. 5 MR. JONES: Okay. And what time did he come? 6 MR. CROOK: Something after 11:00. I think 7 his shift starts around a quarter -- 10:30, a quarter 8 to 11:00. They always come, like, when their shift 9 starts. They come and they know my kitchen closes at 10 midnight. So they come and try to get something to eat 11 before they start their rounds and everything. 12 MR. JONES: Okay. So you're saying he was 13 there inside of your establishment before 12:00? 14 MR. CROOK: Yes, sir. 15 MR. JONES: He was there inside of your 16 establishment in time enough to get something to eat 17 from your kitchen? 18 MR. CROOK: Yes, sir. 19 MR. JONES: Okay. Do you have, like, a -- do 20 you -- do you have a receipt from the gentleman? 21 MR. CROOK: No, sir. If you're on-duty 22 officer, you eat free.
47	1 MR. CROOK: No, sir. I don't have one. 2 MR. JONES: Does this establishment keep an 3 incident log? 4 MR. CROOK: No, sir. 5 MR. JONES: No, okay. The officers, when 6 they come, what do they generally do? 7 MR. CROOK: Come say hello, they eat there. 8 They -- because we have a -- we have a relationship 9 with the -- with the officers in Ward 5, they come. 10 They frequent Lace. 11 MR. JONES: What does that mean? They get -- 12 they eat food? 13 MR. CROOK: Food. Off-duty they come in and 14 have dinner, so on and so forth. So there's a number 15 of officers that come in frequently, say this is a 16 place they like to come and -- 17 MR. JONES: Okay. So you're saying there's 18 off- duty officers as well as on-duty officers -- 19 MR. CROOK: On-duty officers. 20 MR. JONES: -- at the time. Okay. So on 21 this night, when the officer that you're referring to 22 that you noted as you remembered him, was he on duty or	49	1 MR. JONES: Oh, okay. If you're on-duty 2 officer, you eat free? 3 MR. CROOK: I'm an old Marriott guy, you 4 know. I learned that at the Marriott Corporation and 5 you feed your on-duty officers. That's something that 6 they do -- 7 MR. JONES: Okay. 8 MR. CROOK: -- we've established. 9 MR. JONES: Understood. So you had on-duty 10 police officers that came to your establishment. And 11 it's my -- did you also have a private party that was 12 going on? 13 MR. CROOK: There was a private birthday 14 party going on on that night. Yes, sir. 15 MR. JONES: Okay. Were those -- were -- did 16 you keep the police officers separate from the private 17 party? 18 MR. CROOK: No. They just came in the 19 establishment. I'm not understanding your question. 20 MR. JONES: Okay. So -- well, help me. I'm 21 not familiar with your establishment. So maybe it's 22 just -- it's just ignorance on my part. How is your

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50	<p>1 establishment configured? What's the layout? 2 MR. CROOK: The layout is you have an 3 upstairs and a downstairs. Most of the bar and 4 everything and the kitchen is upstairs. So as you 5 enter the door, you enter the -- you enter the 6 establishment, the bar's sitting on the left and the 7 kitchen is in the back. So once you come in that front 8 door, you're in the whole entire establishment. So we 9 don't separate upstairs from downstairs. It's either 10 one party or -- if someone's having a party, you have 11 the whole establishment. It's not separated. 12 MR. JONES: Okay. So on the night in 13 question, this private party that you were hosting had 14 the run of the entire establishment? 15 MR. CROOK: Yes, sir. 16 MR. JONES: They had access to the entire 17 establishment? 18 MR. CROOK: Yes, sir. 19 MR. JONES: Okay. When the police officers 20 come in -- or when this particular police officer came 21 in to get his food, where was he, upstairs or 22 downstairs?</p>	52
51	<p>1 MR. CROOK: Upstairs. 2 MR. JONES: He was upstairs. So was he 3 comingled with the private party group? 4 MR. CROOK: Well, I want to say, "Yes," 5 because they was all in the same area. That's the 6 question. 7 MR. JONES: So, yes, they were -- the police 8 officer comingled with them? 9 MR. CROOK: Yes, sir. 10 MR. JONES: Okay. You also mentioned that 11 you believe, based on what you were told, I guess, that 12 the individuals that were involved in the altercation 13 had -- they knew each other? 14 MR. CROOK: From listening to the 15 investigators, yes. 16 MR. JONES: Okay. Did you also indicate 17 earlier in your testimony that these individuals had 18 been to your establishment before? 19 MR. CROOK: No, sir. 20 MR. JONES: No? 21 MR. CROOK: The question was, had -- were 22 they there that night in question.</p>	53
	<p>1 MR. JONES: They were there that night. 2 That's -- was that the first time you've seen them? 3 MR. CROOK: The first time I've seen them. 4 Yes, sir. 5 MR. JONES: Okay. Do you happen to know if 6 they were part of the private party? 7 MR. CROOK: Yes, sir. They were. I would 8 imagine they were because that's the only people that 9 was invited that night, was people that came to that 10 party. 11 MR. JONES: Okay. So are you familiar with 12 the -- were you familiar with the fact that police came 13 to your establishment in order to break up an 14 altercation of any type? 15 MR. CROOK: No, sir. 16 MR. JONES: You weren't aware of that at all? 17 MR. CROOK: Not at all. 18 MR. JONES: Okay. So the gentleman that was 19 the police officer that came in to get something to eat 20 before 12:00, he -- well, to your knowledge, was he 21 involved in the arrest or involved in the subsequent 22 investigation associated with the altercation that</p>	

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<p style="text-align: right;">54</p> <p>1 not sure. I believe -- I can't say he did or did not. 2 I don't know, sir. I'll be honest with you. 3 MR. JONES: Okay. But he came -- 4 MR. CROOK: I'm in there closing up so I 5 don't know. 6 MR. JONES: He came in. 7 MR. CROOK: Yes, sir. 8 MR. JONES: You're saying he came in after 9 11:00, but before 12:00? 10 MR. CROOK: Yes. He came in some after 11:00 11 -- 11:15, 11:30, something like that, and got something 12 to eat. He was standing outside. Now, if he left and 13 came back, I'm not aware of that. 14 MR. JONES: I'm not asking that right now. I 15 just want to make sure I'm understanding. He came in 16 after 11:00 and between -- between 11:00 and 12:00? 17 MR. CROOK: Yes, sir. 18 MR. JONES: He sat down -- did he sit down to 19 eat? 20 MR. CROOK: No, sir. We put it to-go 21 containers for him. 22 MR. JONES: Put it in to-go containers. So</p>	<p style="text-align: right;">56</p> <p>1 think you just indicated, you -- you're not totally 2 sure of what he did. 3 MR. CROOK: Right. Because what happens is 4 that I will close the doors. I mean, I shut my doors. 5 I have to lock the doors. And if people are in there 6 cleaning up -- and there was some other patrons in 7 there after 12:00. That is the truth. And when they - 8 - so they helped me. The -- we don't have many 9 incidents at Lace because MPD helps us out so much. 10 And the neighborhood helps us out so much. 11 We don't have fights and all that stuff going 12 on there -- not much at all. Very rare do we have 13 anything going on at Lace. It's only because of our 14 relationship with the -- with the MPD and how we try to 15 be a part of the community. 16 MR. JONES: Understood. Did you close your 17 kitchen at the same time you closed the bar? 18 MR. CROOK: Yes, I do. I always -- I leave 19 the bar and the kitchen open at the same time. People 20 will eat at Lace until closing. 21 MR. JONES: Okay. So the guests that were 22 still in your establishment from the private party,</p>
<p style="text-align: right;">55</p> <p>1 he came in, got his food in a to-go container? 2 MR. CROOK: Yes, sir. 3 MR. JONES: And you're not sure if he stayed 4 there to eat it or not? 5 MR. CROOK: I'm not -- I'm not exactly -- I'm 6 not sure. 7 MR. JONES: You're not sure. Okay. So 8 you're not -- you're not sure how long he was at the 9 establishment? 10 MR. CROOK: Exactly. 11 MR. JONES: Okay. And you're saying that you 12 are for sure that you had individuals inside the 13 establishment at 12:00? 14 MR. CROOK: Yes, sir. That is -- that is the 15 truth. 16 MR. JONES: Okay. And you're not sure 17 whether or not the police were around to make sure 18 people left the establishment -- to help them disperse 19 from in front of the establishment at 12:00? Okay. 20 You're not sure -- you're saying this Roberts person -- 21 Officer Roberts -- you're saying you're not sure if he 22 came back or not. So once he came and got his food, I</p>	<p style="text-align: right;">57</p> <p>1 what were they doing? 2 MR. CROOK: They were -- at 11:30 or so they 3 were still dancing. 4 MR. JONES: So the guests that were still at 5 your establishment after 12:00, what were they doing? 6 MR. CROOK: Getting their belongings and all 7 that stuff, kind of winding down. 8 MR. JONES: And what time was this? 9 MR. CROOK: 12:30. 10 MR. JONES: 12:30? 11 MR. CROOK: 12:20, 12:30. 12 MR. JONES: So between 12:00 and 12:30, what 13 were they doing? 14 MR. CROOK: Just winding down. I mean, I was 15 giving them water. 16 MR. JONES: Were they -- did they still have 17 drinks? 18 MR. CROOK: No, sir. 19 MR. JONES: No. They didn't have any drinks? 20 MR. CROOK: No drinks. They were drinking 21 water at this time. 22 MR. JONES: They were drinking water right at</p>

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58	<p>1 12:00? 2 MR. CROOK: At 12:00 I got to bring all the 3 drinks off the table. 4 MR. JONES: Did you do that? 5 MR. CROOK: Yes, sir. 6 MR. JONES: Okay. And you're saying that the 7 establishment was clear by what time? 8 MR. CROOK: 12:45. There was no one else in 9 there at 12:45. 10 MR. JONES: No one else was in the 11 establishment at 12:45? 12 MR. CROOK: Exactly. 13 MR. JONES: Okay. So do you have any 14 explanation as to why the 251 report would have a time 15 stamp of nearly an hour after the time that you 16 indicated, where they indicated it was an altercation 17 inside of the establishment? 18 MR. CROOK: There was no altercation on the 19 inside. I would imagine people were still standing 20 outside winding down. I mean, sometimes they do it at 21 the clubs. 22 MR. JONES: Okay. So from roughly 12:45</p>	60	<p>1 incident occurred there at 1:40. That's all my 2 question goes to. 3 MR. CROOK: No, ma'am. There was no incident 4 inside. 5 CHAIRPERSON MILLER: There was -- you're 6 saying there wasn't any incident inside? 7 MR. CROOK: None whatsoever. 8 CHAIRPERSON MILLER: Okay. And do you know 9 what time the altercation was outside? Did you look at 10 your watch or -- when you -- 11 MR. CROOK: I didn't. As a matter of fact, I 12 didn't know what was going on outside until one of my 13 employees told me, "Chef, there's something going on 14 outside." That's when I went outside to see what was 15 going on. 16 CHAIRPERSON MILLER: Okay. And you don't 17 know what time that was? 18 MR. CROOK: No, ma'am. I didn't report -- 19 CHAIRPERSON MILLER: And the -- this report 20 says it was done by Officer Roberts. 21 MR. CROOK: Yes, ma'am. 22 CHAIRPERSON MILLER: Did you talk to Officer</p>
59	<p>1 until 1:45 you're saying that there was -- there were 2 people that were lingering out in front of your 3 establishment? 4 MR. CROOK: Yes, sir. 5 MR. JONES: Okay. Thank you. Thank you, 6 Madam Chair. 7 CHAIRPERSON MILLER: Okay. Others? Okay. 8 Mr. Crook, I want to ask you about the statement in the 9 police report -- 10 MR. CROOK: Yes, ma'am. 11 CHAIRPERSON MILLER: -- that -- it says -- I 12 mean, I think you had a chance to glance at this but 13 I'm not sure how closely. But on Page 2 it says on 14 February 17th, 2012 at 140 hours, C-1 and 5-1 were 15 involved in a verbal altercation inside your 16 establishment, Lace Lounge, and then went outside. So 17 do you believe that to be -- can you comment on that? 18 Was there an incident? 19 This is not about -- this isn't about, you 20 know, any assault or anything related to the 21 restaurant. It's just about the timing. So according 22 to, you know, whether you were open at 1:40, whether an</p>	61	<p>1 Roberts after the -- after the incident that night? 2 MR. CROOK: No. I didn't say much to him. 3 CHAIRPERSON MILLER: Okay. 4 MR. CROOK: Because once I -- once I was 5 alerted there was something going on outside, I stuck 6 my head out, tried to see what was going on. At this 7 time I was, like, "Well, it didn't happen on the 8 inside. It happened on the outside. It doesn't belong 9 to me." That's the attitude I took. I was concerned 10 about what happened but I just -- from what I gathered 11 was that it was not a Lace issue kind of sort of. 12 CHAIRPERSON MILLER: But did a police officer 13 come in and ask you questions that evening about the 14 incident? 15 MR. CROOK: Not that I know of. No, ma'am. 16 I had no interview from the police that night. 17 CHAIRPERSON MILLER: Okay. What time did you 18 close your doors? 19 MR. CROOK: Something after 12:00. 20 CHAIRPERSON MILLER: A little after 12:00? 21 MR. CROOK: Yes, ma'am. 22 CHAIRPERSON MILLER: Okay. And the police</p>

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62	<p>1 officers that you talk about that frequent your 2 restaurant, I mean -- or Ms. McAllister's -- what does 3 that mean? They're off duty; they're on duty? What -- 4 are they -- are they scheduled to be there or -- 5 MR. CROOK: A little bit of both. No, no 6 schedule. 7 CHAIRPERSON MILLER: No schedule. Okay. 8 MR. CROOK: No schedule. It's -- we have a 9 relationship with MPD in that area. 10 CHAIRPERSON MILLER: Uh-huh. 11 MR. CROOK: It's pretty healthy. It kind of 12 keeps -- by them roaming the neighborhood like they do, 13 you know, we keep down on the theft on the cars and the 14 people's cars being broken in -- our patrons cars being 15 broken in and stuff like that. So they kind of do that 16 stuff to help out. And they -- just their presence -- 17 being a friendly presence makes it a safe place people 18 want to come and dine and drink and stuff. So -- 19 CHAIRPERSON MILLER: Okay. 20 MR. CROOK: -- a relationship. 21 CHAIRPERSON MILLER: So -- oh, I see. So 22 when they're on duty, they're not necessarily on duty</p>	64	<p>1 area? 2 MR. CROOK: They were in the area when the 3 incident occurred. 4 CHAIRPERSON MILLER: Right. They just -- 5 they just happened to be -- they happened to patrol 6 that area or -- 7 MR. CROOK: That's their patrolling area. 8 CHAIRPERSON MILLER: Okay. As opposed to 9 having been called for the incident? Okay. 10 MR. CROOK: That might well very -- that 11 might well -- that will explain why they were there 12 with no calls from the station itself. 13 CHAIRPERSON MILLER: Okay. That's all my 14 questions. Anybody else? Yeah, Mr. Jones. 15 MR. JONES: I have. Just to clarify, so when 16 you locked your doors, were there any police officers 17 still inside of your establishment? 18 MR. CROOK: No, sir. 19 MR. JONES: None whatsoever? 20 MR. CROOK: None whatsoever. 21 MR. JONES: Okay. And so in clarifying, 22 after 12:00 you had no contact with any police</p>
63	<p>1 for your restaurant? They're just on duty as -- 2 MR. CROOK: They're never on duty for our 3 restaurant. 4 CHAIRPERSON MILLER: I see. Okay. 5 MR. CROOK: They're never on duty for our 6 restaurant. 7 CHAIRPERSON MILLER: I got it. Okay. 8 MR. CROOK: Yes, ma'am. 9 CHAIRPERSON MILLER: And were there police 10 officers in your -- in the restaurant after 12:00? 11 MR. CROOK: That particular night? 12 CHAIRPERSON MILLER: Uh-huh. 13 MR. CROOK: I can't -- well, Officer Roberts 14 was there. He got his food. He kind of dispersed and 15 then went outside. Because sometimes the police 16 officers go outside and they talk amongst themselves. 17 But sometimes there's, like, maybe two or three squad 18 cars. They kind of meet outside sometimes. Sometimes 19 they meet at the 7- Eleven. Well, sometimes they meet 20 at Lace. And they have their regular conversations 21 going on. 22 CHAIRPERSON MILLER: So do they stay in the</p>	65	<p>1 officers, on duty or off duty, regarding -- at your 2 establishment that night? 3 MR. CROOK: Exactly, yes. 4 MR. JONES: Okay. And that's when you closed 5 your doors, at 12:00? 6 MR. CROOK: That's not the truth. 7 MR. JONES: Okay. So what's the truth? 8 MR. CROOK: Truth is that there was something 9 after 12:00. So I'm not going to sit and lie to you 10 and say that it was 12:00. 11 MR. JONES: Okay. 12 MR. CROOK: I stopped all -- I stopped 13 everything from, like, being consumed and the bars was 14 closed. And there was a few people in -- I don't know. 15 Like, at 12:15 or so I looked the doors -- 16 MR. JONES: Okay. You -- 17 MR. CROOK: -- to get the people out. 18 MR. JONES: You locked the doors at roughly 19 12:15? 20 MR. CROOK: Some time about. Yes, sir. 21 MR. JONES: Around that time? 22 MR. CROOK: But it was not exactly 12:00.</p>

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66	<p>1 I'll not sit and lie to you. 2 MR. JONES: When you locked your doors -- and 3 you still had patrons inside your establishment when 4 you locked your doors, correct? 5 MR. CROOK: Yes, sir. 6 MR. JONES: Okay. At what point did you get 7 -- and during your response to the chairperson's 8 question, you indicated that someone came in and told 9 you, "Oh, something's going on outside." 10 MR. CROOK: No, sir. One of my employees 11 looked out and said, "Chef, something's going on 12 outside." 13 MR. JONES: And so somebody communicated to 14 you something was going on outside? 15 MR. CROOK: From the inside. 16 MR. JONES: From the inside? 17 MR. CROOK: Yes, sir. 18 MR. JONES: Okay. What time was that? How 19 far -- how many minutes, hours was it after the fact 20 that you closed your doors that you got this 21 information -- that you were alerted to this situation? 22 MR. CROOK: I don't know precisely. I</p>	68	<p>1 later. I don't know. I do know I was informed 2 something was going on outside. At that point, that's 3 when I looked outside and find out what was going on. 4 CHAIRPERSON MILLER: Okay. So you're not 5 sure if it was an hour, but you know it was sometime 6 after 12:15 -- 7 MR. CROOK: Yes, yes. Sure. 8 MR. JONES: -- that your cook informed you 9 that something -- 10 MR. CROOK: It was sometime after 12:15. 11 MR. JONES: -- was going on outside? 12 MR. CROOK: Say again. 13 MR. JONES: That your cook then -- your cook 14 informed you something was going on outside? 15 MR. CROOK: Dishwasher was cleaning up up 16 front, mopping, all that stuff. He said, "Chef, 17 something going on outside." 18 MR. JONES: Okay. Did you still have patrons 19 in your establishment at that time? 20 MR. CROOK: I had two people. There was 21 people that was giving the party and was cleaning up, 22 getting all their paraphernalia.</p>
67	<p>1 couldn't tell. I knew I was cleaning up, just breaking 2 down everything and cleaning up and -- I don't know. 3 It may have been an hour later or so -- some -- an hour 4 and some later. 5 MR. JONES: About an hour later. So that'd 6 be around 1:15? 7 MR. CROOK: No, sir. I don't know precisely. 8 I mean, I can -- I can look at the document. The 9 document says, "12:40." I don't know how true 12:00 -- 10 1:40 is. That's what -- that's what it cop said it was. 11 MR. JONES: I'm not really -- not that -- not 12 really sure what document -- to what document you're 13 referring, but I'm just asking you to your recollection 14 -- you said you closed the doors at 12:15 15 approximately? 16 MR. CROOK: Yes, sir. 17 MR. JONES: And then you said approximately 18 an hour later, you were informed by your cook that 19 there was something going on outside? 20 MR. CROOK: Sometime -- I don't know exactly 21 if it was an hour or not. I'm not sure. I can't sit 22 and tell you it was an hour later or hour and a half</p>	69	<p>1 MR. JONES: Okay. They were not employees of 2 your establishment, correct? 3 MR. CROOK: No, they weren't. 4 MR. JONES: Okay. They were still in your 5 establishment at this time when -- 6 MR. CROOK: Yes, sir. 7 MR. JONES: -- something was going on 8 outside? 9 MR. CROOK: Yes, sir. 10 MR. JONES: Okay. And just to clarify, did 11 you also indicate that you did not go outside or you 12 did go outside -- 13 MR. CROOK: I did go outside. 14 MR. JONES: -- when someone told you? 15 MR. CROOK: I did. 16 MR. JONES: You did? 17 MR. CROOK: Yes, sir. 18 MR. JONES: Okay. Did you encounter anyone 19 when you went outside? 20 MR. CROOK: I saw -- I asked Officer Roberts 21 what was going on. And he told me these two guys are 22 in an altercation.</p>

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70	<p>1 MR. JONES: Okay. So just a -- so you did 2 see Officer Roberts again after you gave him your food 3 -- after you gave him the food, correct? 4 MR. CROOK: Yes, sir. 5 MR. JONES: Okay. You saw him when you went 6 outside to find out what was going on -- 7 MR. CROOK: Yes, sir. 8 MR. JONES: -- as a result of this incident 9 that you were made aware of by your cook? 10 MR. CROOK: Yes, sir. 11 MR. JONES: Okay. Thank you. Thank you, 12 Madam Chair. 13 MR. CROOK: Uh-huh. 14 CHAIRPERSON MILLER: I just want to ask a 15 follow-up on the timing of that. When you went 16 outside, what time do you think that was -- or how was 17 it related to -- it was -- 18 MR. CROOK: I don't -- I don't know. I just 19 -- I mean, in my business, I don't pay attention to 20 time. I'll be honest with you. I mean, after I'm 21 closed, I'm cleaning up. I'm cutting off everything 22 downstairs. I'm not -- you know, I'm just not thinking</p>	72	<p>1 MS. PHILLIPS: This is a general question. 2 That's why I object it. If she was making it specific 3 to this incident, then I would think it was relevant. 4 But since she said, "In general, birthday parties," I 5 think it's not relevant. 6 MS. MCALLISTER: Well, let me -- 7 CHAIRPERSON MILLER: Overruled. Go ahead. 8 MS. MCALLISTER: -- restate the question. 9 CHAIRPERSON MILLER: Or you can make it 10 specific to this -- 11 MS. MCALLISTER: Sure. 12 CHAIRPERSON MILLER: -- incident, either one. 13 MS. MCALLISTER: At this particular party, do 14 you recall that there were gifts that -- was there any 15 personal items that the two people who were there, who 16 had the party, would need to gather before leaving the 17 establishment? 18 MR. CROOK: Yes. 19 CHAIRPERSON MILLER: No. I -- you have to 20 speak for the record. 21 MR. CROOK: Yes. 22 CHAIRPERSON MILLER: Yes, okay. Okay.</p>
71	<p>1 about time. 2 CHAIRPERSON MILLER: Okay. Okay. 3 MR. CROOK: I'm making sure everything is cut 4 off and everything's being cleaned up in operation, 5 getting ready for the next day. So I don't know. I'll 6 be honest with you. 7 CHAIRPERSON MILLER: Okay. That's fine. All 8 right. Anybody else? Any redirect? Any final 9 question? 10 MS. MCALLISTER: Yes. Mr. Crook, when we 11 have a birthday party and our customers come to the 12 party and they have gifts and things that they are 13 taking with them, is that customary that after a party 14 that it takes, you know, five minutes, ten minutes for 15 customers to gather -- if they have a cake, if they 16 have gifts, to get their items to leave the 17 establishment? Is that customary? 18 MS. PHILLIPS: Objection, relevance. 19 CHAIRPERSON MILLER: I think that's relevant 20 to the time. Is that -- is it what you're saying? 21 MS. MCALLISTER: Absolutely. 22 CHAIRPERSON MILLER: Okay. Go ahead.</p>	73	<p>1 MS. MCALLISTER: Well, one additional 2 question. 3 CHAIRPERSON MILLER: All right. 4 MS. MCALLISTER: With the relationship that 5 our customers -- our patrons -- that we have with them, 6 how often would you say that patrons offer their 7 services to us to help clean up, to help take out -- 8 just to help us in general at the closing of the 9 establishment? I mean, does it happen very rarely? Do 10 our customers try and assist us? 11 MR. CROOK: It happens all the time -- have 12 to tell them, "No," that I got it, you know. But -- 13 you know, so often after a party they got these -- they 14 got so much stuff. They ask, "Can we clean up?" And 15 if I got a lot of stuff, I'll say, "No." I mean, 16 sometimes they help us, sometimes they don't. But for 17 the most part, we really try to clean up everything. 18 Because people put decoration on the walls and -- it's 19 a party. 20 CHAIRPERSON MILLER: Okay. Thank you. You 21 can be excused then. Thank you very much. Is there 22 any redirect, anything else from the government?</p>

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74	<p>1 MS. PHILLIPS: Well, there's no rebuttal.</p> <p>2 CHAIRPERSON MILLER: Rebuttal, that's what I</p> <p>3 meant. Thank you.</p> <p>4 MS. PHILLIPS: Redirect the</p> <p>5 witness(inaudible).</p> <p>6 CHAIRPERSON MILLER: Exactly. I know. That</p> <p>7 doesn't sound right. Yeah.</p> <p>8 MS. PHILLIPS: No problem.</p> <p>9 CHAIRPERSON MILLER: Okay. Any rebuttal?</p> <p>10 MS. PHILLIPS: No.</p> <p>11 CHAIRPERSON MILLER: No, okay. Then we're at</p> <p>12 closing. Any closing?</p> <p>13 MS. PHILLIPS: Yes.</p> <p>14 CHAIRPERSON MILLER: Okay.</p> <p>15 MS. PHILLIPS: The most important fact to</p> <p>16 remember in this case is we have an admission to the</p> <p>17 charge. At some time after 12:00 -- I've heard 12:15;</p> <p>18 I've heard 12:30; I've heard 12:40 -- there were</p> <p>19 approximately 15 patrons in the establishment. That's</p> <p>20 the violation. At the time of the incident in</p> <p>21 question, which the only time we have about the outside</p> <p>22 physical altercation is 1:40, we have an admission that</p>	76	<p>1 is relevant -- to the fact that we have admissions that</p> <p>2 there were patrons in the establishment from 40 minutes</p> <p>3 after midnight to an hour and 40 minutes after</p> <p>4 midnight, which means the government has proved their</p> <p>5 case, not only through their witnesses, the admitted</p> <p>6 documents, but through the respondent's witnesses.</p> <p>7 And therefore, the District recommends a fine</p> <p>8 of \$2000 and two suspension days stayed.</p> <p>9 CHAIRPERSON MILLER: Okay. Ms. McAllister,</p> <p>10 do you have a closing?</p> <p>11 MS. MCALLISTER: As the government stated</p> <p>12 that there are challenges or inconsistencies as it</p> <p>13 relates to the time, I think that is the relevance</p> <p>14 issue here -- the actual time. Mr. Crook, my general</p> <p>15 manager, stated that the establishment was closed. He</p> <p>16 closed the doors at 12:00. We have admitted that we do</p> <p>17 customarily let people take their items -- their party</p> <p>18 items like cake or gifts with them upon leaving.</p> <p>19 This incident did not happen in the</p> <p>20 establishment. In addition, the investigator clearly</p> <p>21 admitted he had not spoken with the officer who wrote</p> <p>22 the report. I would certainly state that police</p>
75	<p>1 two people were still in the establishment. That is</p> <p>2 one hour and 40 minutes after closing.</p> <p>3 So we have an admission to Mr. Parker when he</p> <p>4 was there on the scene investigating. We have an</p> <p>5 admission on the stand with regard to time. And then</p> <p>6 we have the police report, which says the verbal -- a</p> <p>7 verbal altercation -- it didn't say a physical</p> <p>8 altercation. It said a verbal altercation occurred</p> <p>9 inside Lace and then they went outside and engaged in a</p> <p>10 physical altercation, where there were strikes to</p> <p>11 people's faces and lacerations over left eyes.</p> <p>12 The time of the altercation outside was 1:40.</p> <p>13 So whether the police report's times are accurate or</p> <p>14 not accurate can be a matter of debate, even though</p> <p>15 this is a business record and they are as accurate as</p> <p>16 they can be, and we have admissions that police were on</p> <p>17 the scene and they didn't know whether they -- the</p> <p>18 establishment people did not know whether he left the</p> <p>19 scene or not.</p> <p>20 The police report says there was no radio</p> <p>21 run. He started this investigation because he was on</p> <p>22 the scene. None of that is as important -- though it</p>	77	<p>1 officers -- I'm a strong proponent of police officers</p> <p>2 but they make mistakes. And I think that is primarily</p> <p>3 the reason that it's important to follow up with the</p> <p>4 police officer, to have the police officer come and</p> <p>5 talk with us.</p> <p>6 But neither myself or Mr. Crook had a</p> <p>7 conversation or any engagement with the police officer</p> <p>8 after this incident regarding the time, nor the</p> <p>9 investigator. And I think as an establishment who --</p> <p>10 operating and what to make the District of Columbia --</p> <p>11 not certainly a better place to work and to reside --</p> <p>12 that it's very important when there are fundamental</p> <p>13 concerns regarding the time of this incident in</p> <p>14 addition to not having follow-up with the investigator</p> <p>15 and the police officer.</p> <p>16 I think that the -- that the onus should be</p> <p>17 on the government to simply prove that, but not only</p> <p>18 that, to have the establishment to not have the burden</p> <p>19 of proof when it is clear that there are some</p> <p>20 challenges as it relates to the time of this entire</p> <p>21 episode.</p> <p>22 CHAIRPERSON MILLER: Thank you. Okay.</p>

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<p style="text-align: right;">78</p> <p>1 MS. MCALLISTER: And I --</p> <p>2 CHAIRPERSON MILLER: Oh, well, I'm sorry. I</p> <p>3 thought you were done. Go ahead.</p> <p>4 MS. MCALLISTER: One other -- because Lace --</p> <p>5 you know, we want to make sure that we are complying</p> <p>6 with all aspects of the regulations. Lace has taken</p> <p>7 extra steps to change our business hours, our operating</p> <p>8 hours, which, you know, we weren't certain about what</p> <p>9 needs to be done to make those consistent. But we have</p> <p>10 taken that extra step because we certainly want to be</p> <p>11 in full compliance with the ABRA regulations. That's</p> <p>12 it.</p> <p>13 CHAIRPERSON MILLER: Okay. Thank you. All</p> <p>14 right. Okay. So then I'm going to close the record at</p> <p>15 this point and ask the parties if you want to file</p> <p>16 Proposed Findings of Fact and Conclusions of Law.</p> <p>17 MS. PHILLIPS: The government declines, Madam</p> <p>18 Chair.</p> <p>19 CHAIRPERSON MILLER: Okay.</p> <p>20 MS. MCALLISTER: Madam, I didn't hear you.</p> <p>21 CHAIRPERSON MILLER: The question is whether</p> <p>22 you would like to file Proposed Findings of Fact and</p>	<p style="text-align: right;">80</p> <p>1 our lawyers have to do?</p> <p>2 MS. MCALLISTER: No.</p> <p>3 CHAIRPERSON MILLER: Okay. All right. So</p> <p>4 both parties have waived that. And what I'm just going</p> <p>5 to do is read the instructions for closed meetings.</p> <p>6 The Open Meeting Act allows the Board to deliberate on</p> <p>7 this case in the executive board room. So I'm going to</p> <p>8 read the closed meeting instructions under the Open</p> <p>9 Meetings Act as follows:</p> <p>10 As Chairperson of the Alcoholic Beverage</p> <p>11 Control Board for the District of Columbia and in</p> <p>12 accordance with Section 405 of the Open Meetings</p> <p>13 Amendment Act of 2010, I move that the ABC Board hold a</p> <p>14 closed meeting for the purpose of seeking legal advice</p> <p>15 from our counsel on Case No. 12-251-00064, Lace, per</p> <p>16 Section 405(b)(4) of the Open Meetings Amendment Act of</p> <p>17 2010 and deliberating upon such case for the reasons</p> <p>18 cited in Section 405(b)(13) of the Open Meetings Act --</p> <p>19 Open Meetings Amendment Act of 2010.</p> <p>20 Is there a second?</p> <p>21 MR. SILVERSTEIN: Second.</p> <p>22 CHAIRPERSON MILLER: Mr. Silverstein has</p>
<p style="text-align: right;">79</p> <p>1 Conclusions of Law. It's not done that frequently.</p> <p>2 MS. MCALLISTER: I'm not an attorney. What --</p> <p>3 CHAIRPERSON MILLER: Yeah, it's not that --</p> <p>4 done that frequently in these kind of cases. But you</p> <p>5 all have a right to do it if you want to. Well, based</p> <p>6 on -- it would mean that you would get a copy of the</p> <p>7 transcript in a couple of weeks and you would then go</p> <p>8 through the transcript and pull the facts that support</p> <p>9 your argument about how the law should be applied by</p> <p>10 the Board.</p> <p>11 It's usually for more complex cases where</p> <p>12 there are a lot -- you know, more specific facts at</p> <p>13 issue. That's why the government is declining, because</p> <p>14 the facts here are pretty straightforward, which you</p> <p>15 put your testimony on with, you know, with respect to</p> <p>16 the time. That's the issue in this case. But it's --</p> <p>17 it is a -- it is a right. If you were to want to do</p> <p>18 that, you could. Yeah, Mr. Silverstein?</p> <p>19 MR. SILVERSTEIN: It is essentially, do you</p> <p>20 wish to file a legal brief in this case beyond what has</p> <p>21 been said here, after you request a copy of the</p> <p>22 transcript and go through it and do essentially what</p>	<p style="text-align: right;">81</p> <p>1 seconded the motion. I'm now going to take a roll call</p> <p>2 vote. Mr. Brooks?</p> <p>3 MR. BROOKS: I agree.</p> <p>4 CHAIRPERSON MILLER: Mr. Alberti?</p> <p>5 MR. ALBERTI: I agree.</p> <p>6 CHAIRPERSON MILLER: Ms. Miller agrees. Mr.</p> <p>7 Silverstein?</p> <p>8 MR. SILVERSTEIN: I agree.</p> <p>9 CHAIRPERSON MILLER: Okay. The motion has</p> <p>10 passed by a 4-0-0 vote. I hereby give notice that the</p> <p>11 ABC Board will hold a closed meeting in the ABC Board</p> <p>12 conference room today pursuant to the Open Meetings</p> <p>13 Amendment Act of 2010 and issue an order within 90 days.</p> <p>14 Okay. So that concludes this case. Thank</p> <p>15 you all very much.</p> <p>16 MS. PHILLIPS: Thank you, Madam Chair, Board</p> <p>17 members. Back following recess.</p> <p>18 CHAIRPERSON MILLER: Okay. The Board is</p> <p>19 going to take a brief recess and return within five</p> <p>20 minutes.</p> <p>21 (WHEREUPON, at 11:13 a.m., the hearing was</p> <p>22 concluded.)</p>

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1 CERTIFICATE OF NOTARY PUBLIC

2
3 I, RICK SANBORN, 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.

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RICK SANBORN
Notary Public in and for the
District of Columbia

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1 CERTIFICATE OF TRANSCRIPTION

2
3 I, MIRANDA PENNACHI, hereby certify that I am not
4 the Court Reporter who reported the proceeding and that
5 I have typed the transcript of the proceeding using the
6 Court Reporter's notes and recordings. The
7 foregoing/attached transcript is a true, correct and
8 complete transcription of the proceedings.

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Date MIRANDA PENNACHI
 Transcriptionist

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