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In the Matter of: R&J, 24 Liquors, Inc. t/a Town Square Gourmet 08-15-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :
: :
R&J, 24 Liquors, Inc. :
t/a Town Square Gourmet :
4418 MacArthur Boulevard, NW :
Retailer A : Protest
License No. 78664 : Hearing
ANC 3D :
Case No. 12-PRO-00022 :
Renewal Application :
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August 15, 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

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3	5
<p>1 PROCEEDINGS</p> <p>2 1:51 p.m.</p> <p>3 CHAIRPERSON MILLER: Now, we're ready for our</p> <p>4 protest case. Parties in that case can come forward</p> <p>5 and I will call it. And that is the Case No. 12-PRO-</p> <p>6 00022, R & J Liquors, Inc., trading as Town Square</p> <p>7 Gourmet, located at 4418 MacArthur Boulevard, N.W.,</p> <p>8 License No. 78664 in ANC 3D.</p> <p>9 Would the parties in this case -- you can</p> <p>10 sign in on the piece of paper on the table and have a</p> <p>11 seat and then introduce yourselves for the record.</p> <p>12 Okay. Why don't we start with the Licensee? Do you</p> <p>13 want to introduce yourself for the record, please?</p> <p>14 MS. OH: I'm interpreter.</p> <p>15 CHAIRPERSON MILLER: You're the interpreter?</p> <p>16 MS. OH: My name is Sophia Oh.</p> <p>17 CHAIRPERSON MILLER: Be sure that the</p> <p>18 microphone gets you all.</p> <p>19 MS. OH: Thank you, sir.</p> <p>20 MR. SILVERSTEIN: Bring it closer to you.</p> <p>21 MR. BROOKS: Bring it closer to you. That'll</p> <p>22 help.</p>	<p>1 MR. ROSS: My name is Stu Ross and I'm the</p> <p>2 chairman of ANC 3D --</p> <p>3 CHAIRPERSON MILLER: Okay.</p> <p>4 MR. ROSS: -- which is the jurisdiction</p> <p>5 within which the Town Square Gourmet was located.</p> <p>6 CHAIRPERSON MILLER: Okay. Here with you is?</p> <p>7 MR. ROSS: This is Detective Aaron Bailey</p> <p>8 from the Montgomery County Police Department.</p> <p>9 CHAIRPERSON MILLER: Okay. Mr. Bailey?</p> <p>10 MR. BAILEY: What's that?</p> <p>11 CHAIRPERSON MILLER: Detective Bailey?</p> <p>12 MR. BAILEY: Yes, ma'am. I'm --</p> <p>13 CHAIRPERSON MILLER: Okay.</p> <p>14 MR. BAILEY: -- in Special Operations.</p> <p>15 CHAIRPERSON MILLER: Great. Welcome. Okay.</p> <p>16 MR. BAILEY: I'm sorry for the dress.</p> <p>17 CHAIRPERSON MILLER: What?</p> <p>18 MR. BAILEY: I'm sorry for my dress. I'm</p> <p>19 doing plain clothes surveillance.</p> <p>20 CHAIRPERSON MILLER: Okay. Oh, okay. Are</p> <p>21 you under any special time constraints? Sometimes our</p> <p>22 police officers are.</p>

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6	<p>1 MR. BAILEY: No, ma'am.</p> <p>2 CHAIRPERSON MILLER: Okay. All right. Good.</p> <p>3 All right. I think you go in the normal order. I just</p> <p>4 want to deal with any preliminary issues first. Number</p> <p>5 of witnesses each of you are going to be presenting --</p> <p>6 let's start with the Licensee. Ms. Oh, do you -- do</p> <p>7 you know --</p> <p>8 MS. OH: Pardon me?</p> <p>9 CHAIRPERSON MILLER: -- do you have any</p> <p>10 witnesses?</p> <p>11 MS. OH: Oh, no.</p> <p>12 CHAIRPERSON MILLER: So your -- well, your</p> <p>13 client may be the only witness himself? He may</p> <p>14 testify, correct?</p> <p>15 MS. OH: Yeah. Actually I just got this case</p> <p>16 today, an hour ago. So I don't know about the case</p> <p>17 much. But -- well, yeah. I'd like to have --</p> <p>18 CHAIRPERSON MILLER: Okay. Well, we'll do --</p> <p>19 MS. OH: Yeah, I don't --</p> <p>20 CHAIRPERSON MILLER: Does he have testimony?</p> <p>21 MS. OH: He knows about the case much. So --</p> <p>22 CHAIRPERSON MILLER: Okay.</p>	8
7	<p>1 MS. OH: Yeah.</p> <p>2 CHAIRPERSON MILLER: Does he want to come to</p> <p>3 the table?</p> <p>4 MR. SHIN: Sure. Sit in the middle?</p> <p>5 MS. OH: Yeah.</p> <p>6 CHAIRPERSON MILLER: Sure. Grab your middle.</p> <p>7 MR. SHIN: Hi. My name's James Shin.</p> <p>8 CHAIRPERSON MILLER: Okay. And how are you</p> <p>9 related to the --</p> <p>10 MR. SHIN: We are related with a church</p> <p>11 member.</p> <p>12 CHAIRPERSON MILLER: Okay.</p> <p>13 MR. SHIN: And I became a member.</p> <p>14 CHAIRPERSON MILLER: Are you offering any</p> <p>15 testimony today or you're just helping out on the case?</p> <p>16 MR. SHIN: Actually I wasn't there for when</p> <p>17 the incidence happened but so far, I was there with</p> <p>18 him --</p> <p>19 CHAIRPERSON MILLER: Okay.</p> <p>20 MR. SHIN: -- for the process. So I'm just</p> <p>21 trying to help.</p> <p>22 CHAIRPERSON MILLER: Okay. All right. Let</p>	9

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<p style="text-align: right;">10</p> <p>1 of what you're going to approve, if you want. It's 2 optional and it should be no more than five minutes. 3 MS. OH: Yes. He wrote something about him. 4 He wants to say something. 5 CHAIRPERSON MILLER: Okay. 6 MS. OH: So can he read it for us? 7 CHAIRPERSON MILLER: Yes. But I do want to 8 remind you that -- let me tell you how it's going to 9 go. This is an opening statement if you want to say 10 what you're going to tell us, okay -- just a summary, 11 not your case. The other side gets a chance to do that 12 as well. Then our investigator will give a report and 13 you'll get to ask her questions. And then you'll get 14 to actually make your case, you know, put into evidence 15 testimony and exhibits, things like that. 16 So this is just, you know, if you want to 17 give an overview of what your case is going to be. 18 MR. SHIN: This is just an overview for -- 19 CHAIRPERSON MILLER: Okay. 20 MR. SHIN: -- the case. Is that okay right 21 now or we have to wait? 22 CHAIRPERSON MILLER: Sure. Now is your time.</p>	<p style="text-align: right;">12</p> <p>1 MR. KIM: Okay. 2 CHAIRPERSON MILLER: I just want to make sure -- 3 MR. KIM: Let's do it later. 4 CHAIRPERSON MILLER: Okay. Because that's -- 5 this is a -- this is just, like, not telling us what 6 you're going to tell us. This is telling us -- 7 MR. KIM: Telling us. Uh-huh. 8 CHAIRPERSON MILLER: -- the story. So his -- 9 MS. OH: Okay. 10 CHAIRPERSON MILLER: Okay? 11 MR. SHIN: And it takes more than five 12 minutes. So 13 CHAIRPERSON MILLER: Yeah, and you'll have 14 more than five minutes. And let me just say this. You 15 -- each side has an hour and a half to make their case. 16 MR. KIM: Okay. 17 CHAIRPERSON MILLER: And that's not including 18 opening and closing statements. Opening and closing 19 statements are five minutes. The rest in between is 20 your case. Okay? But I also want to tell you that 21 when you're cross-examining a witness, that's 22 considered your case. But when your -- when your</p>
<p style="text-align: right;">11</p> <p>1 MR. SHIN: Okay. 2 MR. KIM: My name is Richard Kim. I'm 47 3 years old -- or 57, sorry. I came for the United 4 States in 1981. In the same year, he got married to -- 5 I got married to the beautiful wife. I have three 6 daughters. We are happy family in the United States. 7 I've been working for 30 years and never against the 8 law. And we are the ordinary family. 9 I used to work on construction business for 10 27 years. Due to the economy bear down, I lost the 11 job. After that, I started to operate that business 12 with money that I saved. I get the -- I got a bank -- 13 I borrowed money from bank. 14 CHAIRPERSON MILLER: Ms. Oh, I just want to 15 interrupt for a second, okay? This sounds like 16 testimony that he can present when it's the applicant's 17 case. 18 MS. OH: But he would like to -- 19 CHAIRPERSON MILLER: Okay. 20 MS. OH: Speak about this thing. 21 CHAIRPERSON MILLER: All right. He can do 22 that later. Yeah.</p>	<p style="text-align: right;">13</p> <p>1 witness is being cross- examined by the other party, 2 it's their case because they're in control of that. 3 Okay. Mr. Ross, do you have an opening 4 statement? 5 MR. ROSS: Yes. 6 CHAIRPERSON MILLER: Okay. 7 MR. ROSS: We believe we have a very serious 8 problem in our ANC. And that serious problem relates 9 to the fact that -- believe that Mr. Kim's store has 10 become a haven for very significant sales to minors. 11 Those minors are coming in from Maryland and from 12 Virginia and they have discovered during the last part 13 of 2011 and 2012 a very easy opportunity to purchase 14 liquor by teenagers. 15 We believe that Montgomery County was first 16 aware of this store being one that was selling to a lot 17 of minors. We also think that the Commonwealth of 18 Virginia is aware of that now, as you probably aware 19 and will take judicial notice of -- Mr. Kim was evicted 20 after he was arrested for selling to minors and was 21 given a suspended sentence. He was given 30 days, 22 which was suspended.</p>

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<p style="text-align: right;">14</p> <p>1 And we think that that is only the tip of the 2 iceberg. And it would be our hope in our presentation 3 to show you that this was not an isolated incident, but 4 rather, this was very bad judgmental error, which put 5 the lives of teenagers at stake. And we're very 6 concerned about it. We have a very friendly 7 relationship with most of the restaurants and liquor 8 stores in ANC 3D. 9 With some we have voluntary agreements. With 10 some we don't. We think this is an extraordinary 11 situation and that is why the ANC voted unanimously to 12 protest the renewal of the license, Madam Chair. 13 CHAIRPERSON MILLER: Okay. Is our 14 investigator here on this case? All right. I'd like 15 to call our investigator in this case. 16 Do you swear to tell the truth, the whole 17 truth and nothing but the truth? 18 MS. MATHIESON: Yes, I do. 19 CHAIRPERSON MILLER: Thank you. So if you 20 would introduce yourself for the record and then -- 21 MS. MATHIESON: Yeah, my first name is Erin. 22 My last name is Mathieson, M-A-T-H-I-E-S-O-N. I'm an</p>	<p style="text-align: right;">16</p> <p>1 MS. MATHIESON: The renewal of the Town 2 Square Gourmet license is being protested by ANC 3D 3 with designated representative Commissioner Stuart 4 Ross. The ANC submitted a letter of protest to ABRA 5 opposing the license renewal for Town Square Gourmet 6 dated April 17th, 2012. The protest issue in this case 7 is an adverse impact upon the peace, order and quiet. 8 On Wednesday, June 27th, 2012 (inaudible) 9 Stuart Ross, designated representative for ANC 3D. Mr. 10 Ross stated that the ANC's primary concern is the sale 11 of alcoholic beverages to minors at the location and 12 the fact that the establishment operates in violation 13 of the law. Mr. Ross stated that the owner of the 14 establishment was arrested for selling alcoholic 15 beverages to minors and was sentenced to 30 days in 16 jail, for which the sentence was suspended and he is 17 currently on probation. 18 Furthermore, Mr. Ross stated that Channel 9 19 News had aired several reports about the establishment, 20 including a story on a large number of citations that 21 were issued by Montgomery County Police. Mr. Ross 22 further stated that the ANC and he would like the ABC</p>
<p style="text-align: right;">15</p> <p>1 investigator from the Alcoholic Beverage Regulation 2 Administration. 3 MR. BROOKS: Investigator, I need you to 4 speak into the mike, please. 5 CHAIRPERSON MILLER: So it's my understanding 6 -- and the Board has copies and I assume the parties 7 have copies of a report that you did. So would you 8 provide some testimony on this report? 9 MS. MATHIESON: Absolutely. 10 CHAIRPERSON MILLER: Okay. 11 MS. MATHIESON: I was assigned the protest 12 investigation for Class A renewal application for the 13 establishment trading as Town Square Gourmet, located 14 at 4418 MacArthur Boulevard, N.W. 15 CHAIRPERSON MILLER: Well, could I -- could I 16 pause for a second? Ms. Oh, is she going too fast for 17 you? 18 MS. OH: Let me -- anyway, let me -- yeah, a 19 little bit slow. 20 MS. MATHIESON: Okay. 21 CHAIRPERSON MILLER: We have an interpreter 22 in this case.</p>	<p style="text-align: right;">17</p> <p>1 Board to take notice of the violations and added that 2 he believed the Montgomery County Police Department 3 should be present at this protest hearing. 4 Mr. Ross added that sale to minor violations 5 have occurred on a consistent basis and thus, the 6 license should not be renewed. When asked how to 7 describe -- when asked to describe how the alleged sale 8 to minor violations have a negative impact on the 9 overall peace, order and quiet of the neighborhood, Mr. 10 Ross stated that the establishment provides a refuge 11 for criminals violating the law and further added that 12 the establishment does not bring peace to the 13 neighborhood, but rather brings illegality. 14 Mr. Ross further stated that the 15 establishment would attract people into the 16 neighborhood who break the law and thus, disrupts the 17 peace and harmony of the surrounding area. On 18 Thursday, August 2nd, 2012 I interviewed the owner of 19 Town Square Gourmet, Richard Kim, in the presence of 20 his interpreter, James Shin. In reference to peace, 21 order and quiet, I asked Mr. Kim what measures he takes 22 to ensure that there are no disruptions to the</p>

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<p style="text-align: right;">18</p> <p>1 surrounding neighborhood and residences. 2 Mr. Kim stated that he does not have any 3 issues with disruption of peace, order and quiet and 4 added that the patrons are very quiet and mindful of 5 the residential area. In the event that there were 6 noisy or loitering patrons, Mr. Kim stated that he 7 would ask them to leave the area. Mr. Kim further 8 stated that on one occasion there was a person who 9 appeared to be homeless sitting outside the 10 establishment, drinking. And when she would not leave, 11 he called the police to remove the woman. 12 Mr. Kim stated that in general he does not 13 have any problems maintaining the peace, order and 14 quiet. In reference to underage drinking and sale to 15 minor violations that occurred in February, I asked Mr. 16 Kim what measures he had taken since the incident to 17 prevent future incidents of that nature. Mr. Kim 18 stated that in general, he doesn't have -- oh, excuse 19 me -- Mr. Kim stated that he has attended training at 20 ABRA on how to detect fake IDs and additionally has 21 purchased an ID scanner. 22 Mr. Kim added that when he suspects and ID is</p>	<p style="text-align: right;">20</p> <p>1 Gourmet. Additionally, there are no schools, recreation 2 centers, public libraries or daycare centers located 3 within 400 feet of the establishment. 4 In reference to the building where Town 5 Square Gourmet is located, the building is a medium- 6 sized establishment similar to others in close 7 proximity. There is one main entrance to the 8 establishment, located at the front of the building. 9 Additionally, there are several small tables set up on 10 the area in front of the establishment for patrons who 11 order food items from the deli to eat outside. There 12 are also four parking spaces in front of the 13 establishment that have signs indicating they are for 14 customer parking only. 15 In reference to the interior of the 16 establishment, Town Square Gourmet is a small, one- 17 room, one-floor establishment with one main door 18 located at the front next to the cashier area -- 19 cashier area. There is a -- Town Square Gourmet is a 20 Class A license, which carries no requirement for food 21 or grocery sales. The establishment does have a whole 22 service deli located at the rear that is open from</p>
<p style="text-align: right;">19</p> <p>1 fake, he asks the patron their name and date of birth 2 while he's still holding the ID. Furthermore, Mr. Kim 3 stated that he checks all IDs carefully to scan for 4 face. I asked Mr. Kim what he does when a person 5 attempts to purchase alcohol without showing 6 identification. And Mr. Kim stated that he does have 7 patrons who attempt to purchase alcohol without IDs. 8 And when that occurs, he refuses the sale and asks the 9 person to leave. 10 In reference to the overall operations at the 11 establishment, Mr. Kim stated he offers a variety of 12 groceries and household items for sale, also has the 13 whole service deli in addition to the sale of alcoholic 14 beverages. Mr. Kim added that since the February 15 incident, the overall sales at the establishment have 16 declined. 17 I will now describe the characteristics of 18 the neighborhood surrounding Town Square Gourmet. Town 19 Square Gourmet is located in a C1 zone. And according 20 to the District of Columbia geographic information 21 system, there are no ABC-licensed establishments 22 operating with 12 -- within 1200 feet of Town Square</p>	<p style="text-align: right;">21</p> <p>1 10:30 a.m. to 3:00 p.m. daily. 2 From the period of June 8th, 2012 through 3 August 4th, 2012 Alcoholic Beverage Regulation 4 Administration investigators monitored Town Square 5 Gourmet on 29 separate occasions. The establishment 6 was open and operating nearly all occasions. This 7 monitoring was conducted to assess the activity at and 8 surrounding Town Square Gourmet. At no point in time 9 did ABRA investigators observe loitering, excessive 10 noise or any additional ABRA violations. 11 On most visits to the establishment parking 12 was available in designated spots in front of the 13 establishment, as well as on the street. There were 14 incidences of light vehicular traffic however, no 15 issues of peace, order and quiet were observed. On 16 Thursday, August 2nd, 2012 the regulatory inspection 17 was conducted at the establishment with no ABRA 18 violations found. 19 As previously stated in reference to parking, 20 there are four available parking spaces at a time that 21 are designated with signs stating, "Customer parking 22 only." Additionally, there is street parking along</p>

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<p style="text-align: right;">22</p> <p>1 MacArthur Boulevard, N.W. The closest Metro stop in 2 the area is the Foggy Bottom GW University Metro stop. 3 A bus, taxi, bicycle or vehicle would be 4 needed to travel onto MacArthur Boulevard from the 5 Metro stop. The Metrobus B5 line does service MacArthur 6 Boulevard in the Georgetown area, which stops in 7 walking distance to Town Square. In reference to 8 vehicular and pedestrian safety, MacArthur Boulevard, 9 N.W., is a light to medium volume traffic area. 10 There's not a large amount of pedestrian traffic and 11 sidewalks are available on both sides of the street 12 with crosswalks for pedestrians to use. 13 ABRA investigators observed light foot 14 traffic in the area and no incidence of pedestrian 15 injury while monitoring the location. ABRA 16 investigators also observed light vehicular traffic in 17 the area and no incidence while monitoring the 18 location. During the period of June 22nd, 2011 through 19 June 21st, 2012, Metropolitan Police Department 20 provided ABRA with all the calls for service. On that 21 list for calls of service, MPD reported three calls to 22 the location, all of which were on the same day,</p>	<p style="text-align: right;">24</p> <p>1 investigators went with you? 2 MS. MATHIESON: The majority were done by 3 myself. However, there were occasions when other 4 investigators would go. 5 MR. NOPHLIN: Okay. And what are -- what are 6 the hours, from 8:00 to 10:00? 7 MS. MATHIESON: Correct. The establishment 8 closes at 10:00 p.m. 9 MR. NOPHLIN: And those Saturdays from 9:00 10 to 10:00 p.m., right? 11 MS. MATHIESON: Correct. 12 MR. NOPHLIN: And you did visit the sites 13 early during the day as well as in -- late in the 14 afternoon, correct? 15 MS. MATHIESON: Correct. 16 MR. NOPHLIN: And I haven't had a chance to 17 go through the whole list but there's very little noise 18 or very little problems? 19 MS. MATHIESON: Correct. On the monitoring 20 of the establishment, there are no issues with peace, 21 order and quiet observed by the investigators. 22 MR. NOPHLIN: Okay. And you mentioned that</p>
<p style="text-align: right;">23</p> <p>1 February 18th, 2012. 2 One of the calls for service was for an ANC 3 violation. That concludes the summary of my 4 investigative report. 5 CHAIRPERSON MILLER: Thank you. Okay. First 6 we'll have Board questions and then we'll turn to each 7 of the parties for questions for this witness. Are 8 there Board questions? Mr. Nophlin? 9 MR. NOPHLIN: Investigator, thanks for your 10 report. It was a good report. Thank you. But on Page 11 5 -- you probably don't have this. Do you have a list 12 of observations -- 13 MS. MATHIESON: Yes, that's correct. 14 MR. NOPHLIN: -- and days and hours visited 15 to the premises? 16 MS. MATHIESON: Correct. Those are the 17 basics. 18 MR. NOPHLIN: Right. And you -- and I note 19 that you've done a good real job here. At various 20 times you did go to visit the site? 21 MS. MATHIESON: Yes. 22 MR. NOPHLIN: Just you went or some other</p>	<p style="text-align: right;">25</p> <p>1 that the area itself -- there's no -- how close is the 2 closest residence would you say? 3 MS. MATHIESON: There are residences that are 4 located directly across the street in addition to down 5 -- there's a dead end road that is also adjoined by 6 residential properties that might as well. 7 MR. NOPHLIN: I didn't hear the last. 8 MS. MATHIESON: There's residential 9 properties immediately to the right across the street 10 on MacArthur. And then I believe the road that is next 11 to it is Lincoln (inaudible) but that is a dead end 12 road and there are some residential areas on that road 13 as well. 14 MR. NOPHLIN: Okay. Thank you, Madam Chair. 15 MR. ALBERTI: All right. Go ahead. 16 CHAIRPERSON MILLER: I just want to make a 17 comment. I noticed that there is a computer out here. 18 And I just want to make sure you're not recording 19 anything because recordings aren't allowed. 20 MS. MATHIESON: No, I'm not. 21 CHAIRPERSON MILLER: Okay. Just wanted to 22 check that for the record. But we do have a transcript</p>

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<p style="text-align: right;">26</p> <p>1 for anybody who wants a, you know, record of this. 2 MS. MATHIESON: Okay. Thank you. 3 CHAIRPERSON MILLER: Go ahead, Mr. Alberti. 4 MR. ALBERTI: Ms. Mathieson, good afternoon. 5 A couple quick questions. One, did you happen to 6 examine the certificate of occupancy for this 7 establishment? And the reason I'm asking is, I'm 8 wondering whether or not you know if they are properly 9 licensed as a deli or licensed to sell food as a deli. 10 MS. MATHIESON: I believe they had -- they 11 would fall on a -- as a separate business. It's not on 12 the certificate of occupancy. I believe that there is 13 a separate business license and I believe they had 14 that. 15 MR. ALBERTI: Okay. Thank you. 16 MS. MATHIESON: I didn't note that in the 17 regulatory inspection. 18 MR. ALBERTI: During your observations, did 19 you notice individuals who appeared to be very young, 20 under the age of 18, entering the establishment? 21 MS. MATHIESON: Not during my observations, 22 no.</p>	<p style="text-align: right;">28</p> <p>1 service on the same day. 2 CHAIRPERSON MILLER: Does it -- does the 3 report reflect who makes the calls? 4 MS. MATHIESON: It's MPD -- 5 CHAIRPERSON MILLER: Okay. 6 MS. MATHIESON: -- or any time there's a call 7 for MPD -- 8 CHAIRPERSON MILLER: Okay. 9 MS. MATHIESON: It doesn't report where the 10 actual call is coming from or sometimes at the end of a 11 regular day and it doesn't -- I don't believe it 12 specifies that. 13 CHAIRPERSON MILLER: Okay. Any other 14 questions? Mr. Silverstein? 15 MR. SILVERSTEIN: Thank you for an excellent 16 report, Investigator Mathieson. This area in question 17 is MacArthur and Foxhall Road. 18 CHAIRPERSON MILLER: Okay. 19 MR. SILVERSTEIN: Is this a heavily 20 residential area? 21 MS. MATHIESON: The establishment itself is 22 located in a C1 commercial zone, although, it does</p>
<p style="text-align: right;">27</p> <p>1 MR. ALBERTI: I have no further questions. 2 CHAIRPERSON MILLER: Others? I just have a 3 few. With respect to sale to minors, there was an event 4 on February 18th? 5 MS. MATHIESON: Correct. 6 CHAIRPERSON MILLER: To your knowledge, was 7 that an isolated event or are you aware of a history of 8 sale to minors by this establishment? 9 MS. MATHIESON: In terms of the ABRA history, 10 there is just the one February 18th, 2012 case in the 11 history for the license. 12 CHAIRPERSON MILLER: Okay. And with respect 13 to the call for service on February 18th, who -- I 14 guess ABRA has reflected -- do you recall -- 15 MS. MATHIESON: Those are to the Metropolitan 16 Police Department. 17 CHAIRPERSON MILLER: Oh, they're all to 18 Metropolitan. 19 MS. MATHIESON: Uh-huh. Correct. And the 20 analyst for the Metropolitan Police Department provides 21 those to ABRA. So for the period of June 22nd, 2011 22 through June 21st, 2012 there were just three calls for</p>	<p style="text-align: right;">29</p> <p>1 touch upon all residential zones. So it is -- to the 2 right it's residential. If you continue forward, there 3 are a number of residences. This is the only ABC 4 establishment within 1200 feet. So within 1200 feet of 5 that there is no other ABC establishments. As I said, 6 it does touch on all residential zones. 7 MR. SILVERSTEIN: Pedestrian safety an issue 8 here? 9 MS. MATHIESON: I was not raised (inaudible). 10 MR. SILVERSTEIN: Is there a school nearby or 11 anything else? 12 MS. MATHIESON: Not within 400 feet. 13 MR. SILVERSTEIN: No further questions. 14 CHAIRPERSON MILLER: Okay. Not seeing that 15 Board members have further questions, let's turn to the 16 applicant -- to the -- like, the applicant and see if 17 you have questions. 18 MR. KIM: No. 19 CHAIRPERSON MILLER: No questions? 20 MR. KIM: No questions. 21 CHAIRPERSON MILLER: Okay. Mr. Ross? 22 MR. ROSS: I would just like to indicate that</p>

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<p style="text-align: right;">30</p> <p>1 aside from the fact that we were concerned about the 2 adverse impact on the peace, order and quiet in the 3 neighborhood, we also protested under Section 25-315 4 that the Board should take into account the renewal 5 applicant's poor record of compliance with the laws and 6 regulations of the District of Columbia. 7 So it is, we think, both of those but there's 8 equal focus on compliance with the laws of the District 9 of Columbia. And I just wanted to bring that in but -- 10 or to remind you of that. That's in our formal filing 11 and I'm happy to give you a copy of that if you want. 12 CHAIRPERSON MILLER: No, that's okay. If 13 anybody else wants it? Okay. 14 MR. ROSS: May I? 15 CHAIRPERSON MILLER: If you'll just -- so if 16 you have some questions for -- 17 MR. ROSS: Yes. 18 CHAIRPERSON MILLER: -- our investigator? 19 MR. ROSS: Ms. Mathieson, you did two case 20 reports on the incident that took place on the 18th of 21 February, I believe. And one of those I've called the 22 Case Report No. 1 and one of them Case Report No. 2.</p>	<p style="text-align: right;">32</p> <p>1 bring? 2 MR. ROSS: I'm sorry? 3 CHAIRPERSON MILLER: How many copies did you 4 bring? 5 MR. ROSS: I brought 11 copies of each. 6 CHAIRPERSON MILLER: Good. Okay. So, yeah, 7 you should give one to the -- 8 MR. ROSS: I'm going to. 9 CHAIRPERSON MILLER: Okay. And our Ms. 10 Walker will come get the copies for the Board. They're 11 in the Board's official records, correct -- is what 12 you're saying? 13 MR. ROSS: Yes. These are -- 14 CHAIRPERSON MILLER: If you give them to our -- 15 MS. WALKER: Thank you. 16 MR. ROSS: And I also wanted to say that -- I 17 apologize -- these are my yellow notes. They are not 18 the witness's yellow notes and I will provide many 19 copies for you if that's what you -- 20 CHAIRPERSON MILLER: Okay. 21 MR. ROSS: -- prefer. And if there are any 22 extras I could -- that are left over --</p>
<p style="text-align: right;">31</p> <p>1 And then you did the Protest Report as well. I have 2 brought copies of those for the panel. And I don't 3 know if you have them in your file or not but these are 4 your files, not mine, and her reports at the time. 5 And I'd like to ask questions about -- 6 CHAIRPERSON MILLER: Okay. 7 MR. ROSS: -- these. 8 CHAIRPERSON MILLER: Just to be clear, are 9 they a part of her report? 10 MR. ROSS: They are not part of the -- 11 CHAIRPERSON MILLER: Investigative report? 12 MR. ROSS: -- Protest Report but these are 13 the background reports that led to the investigation. 14 CHAIRPERSON MILLER: Okay. 15 MR. ROSS: And it -- I don't -- I don't mind 16 asking her questions about it without giving them out 17 but I brought them here today. 18 CHAIRPERSON MILLER: Oh, no. You brought 19 extra copies? 20 MR. ROSS: I brought extra copies for 21 everyone. 22 CHAIRPERSON MILLER: How many copies did you</p>	<p style="text-align: right;">33</p> <p>1 CHAIRPERSON MILLER: Ms. Walker, do you have 2 extras left over? 3 MS. WALKER: Oh, thank you. 4 MR. ROSS: Thank you. Ms. Mathieson, could 5 you tell us how ABRA came to monitor the Town Hall 6 Gourmet establishment? 7 MS. MATHIESON: I -- depends which monitoring 8 referring to. As for the protest, I mean, we came to 9 monitor that as a result of the protest that was filed 10 against the renewal of the Class A license. 11 MR. ROSS: And what I meant was, how did you 12 come to be on the evening of the 18th of February of 13 this year -- how did you come to be in the premises -- 14 in the vicinity of that -- of that store? That's what 15 I was trying to figure out, how ABRA got this request 16 for ABRA -- I forget what the exact word is but how did 17 you come to be monitoring the store? 18 MR. MATHIESON: I completed a case report in 19 regards to that, which I don't have a copy of in front 20 of me. I have a (inaudible) that case report. So I'm 21 not comfortable testifying about that at this time. 22 What that case report does is provides me supplemental</p>

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<p style="text-align: right;">34</p> <p>1 report to the initial report. 2 MR. ROSS: I have another -- we have a set -- 3 CHAIRPERSON MILLER: Okay. 4 MR. ROSS: -- which is the initial -- I'll 5 give you that as well. 6 CHAIRPERSON MILLER: Ms., so I want to make 7 sure you understand that Mr. Ross is giving out reports 8 that are in ABRA's records but any time he shows a 9 different piece of paper or document to a witness, you 10 can look it over. And you haven't moved it into 11 evidence yet. But if he does -- 12 MR. ROSS: I haven't done -- 13 CHAIRPERSON MILLER: -- he wants to move it 14 into evidence, you could object if you -- if you had 15 thought that there was something wrong with our 16 receiving that document. 17 MR. SHIN: Do we have time so we can go over 18 this? 19 CHAIRPERSON MILLER: Yeah, you have time. He 20 had -- you're not even moving it into evidence and it 21 is in our records. 22 MR. SHIN: It is in the record? Okay.</p>	<p style="text-align: right;">36</p> <p>1 CHAIRPERSON MILLER: Okay. 2 MR. ROSS: -- meeting with Mr. Bill -- 3 CHAIRPERSON MILLER: Hager. 4 MR. ROSS: -- Hager. Yes. 5 CHAIRPERSON MILLER: Okay. So they're in the 6 public domain? 7 MR. ROSS: Yes. 8 CHAIRPERSON MILLER: Okay. 9 MR. ROSS: In the -- in the first -- in the 10 Case Report No. 1, which as you say is probably the 11 second one, on October 28th, did you have a 12 conversation with Andrew Harvey, a 20 year old who had 13 been cited for illegal possession in Montgomery County, 14 and if so, can you recall what he told you about Town 15 Square and/or does that Case Report No. 1 refresh your 16 recollection? 17 MS. MATHIESON: Yeah, this is actually 18 February 28th, 2012. 19 MR. ROSS: Yes. 20 MS. MATHIESON: Mr. Ross, and I did speak 21 with Mr. Harvey in reference to Town Square Gourmet. 22 As stated in the report, Mr. Harvey advised me that</p>
<p style="text-align: right;">35</p> <p>1 CHAIRPERSON MILLER: It's in the official -- 2 MR. SHIN: I couldn't do it all at once. 3 CHAIRPERSON MILLER: Yeah, that's fine. I 4 just wanted to make sure that he actually understood 5 what these were, that these are reports in ABRA's 6 records, but not yet in evidence in the case. 7 8 MR. MATHIESON: I'm sorry, could you repeat 9 the question about the report? 10 MR. ROSS: Yeah, can we go back to the first 11 one if that refreshes your mind? And -- 12 CHAIRPERSON MILLER: Excuse me. Yeah, what? 13 Mr. Ross, can I just ask you how you got these 14 documents? 15 MR. ROSS: Sure. 16 CHAIRPERSON MILLER: Okay. Just for the 17 record so they have the whole picture too. 18 MR. ROSS: I didn't hear what you said. 19 CHAIRPERSON MILLER: So the applicant has the 20 whole picture too where these come from. 21 MR. ROSS: Oh, I came down and had a Freedom 22 of Information Act --</p>	<p style="text-align: right;">37</p> <p>1 he's a college student in the area. And he was told by 2 his friends that the owner of Town Square Gourmet sells 3 to anyone and indicated their -- that he could go there 4 and buy alcohol. Mr. Harvey stated that he started 5 going to the store in October of 2011, where he was 6 able to walk in and purchase alcohol without showing 7 ID. 8 I asked Mr. Harvey if he ever showed a fake 9 ID at the establishment and he stated he did not have a 10 fake ID and did not use one to purchase alcohol at the 11 location. Mr. Harvey stated that on the occasion that 12 someone else was in the store. The owner looked 13 nervous and wanted him to wait until the store was 14 empty to purchase his alcoholic beverages. Mr. Harvey 15 stated on a few occasions the owner did card him, at 16 which time he showed his real ID, and the sale was not 17 made. 18 MR. ROSS: Thank you. 19 MS. MATHIESON: Would you like to continue? 20 MR. ROSS: No. I -- that was what I hoped 21 you would be refreshed on. And I wondered if you 22 could, using Case Report No. 2 -- did there come a</p>

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<p style="text-align: right;">38</p> <p>1 period of time when ABRA and/or you had contact with 2 Detective William Morrison of the Montgomery County 3 Police Department? 4 MS. MATHIESON: Yes. 5 MR. ROSS: And did Mr. Morrison give to ABRA 6 the dates -- I believe there were six of them -- that 7 they monitored Town Square for sale to minors, which 8 they believed might be from Maryland? I guess it would 9 be -- 10 MS. MATHIESON: They provided me with 11 citations that span the period of time covering six 12 separate dates. 13 MR. ROSS: And are those the citations that 14 are listed on Page 4 of Case Report No. 2? 15 MS. MATHIESON: Correct. 16 MR. ALBERTI: What's the -- Mr. Ross -- 17 MR. ROSS: And those were -- 18 MR. ALBERTI: Mr. Ross, just so I'm on the 19 same page, when you say, "Case Report No. 2," can you 20 give me an investigation number? 21 MR. ROSS: Investigation No. 1225100107. 22 MR. ALBERTI: And Investigation 1 is which</p>	<p style="text-align: right;">40</p> <p>1 that these case reports are related to ongoing 2 investigations within ABRA and by -- within the Office 3 of Attorney General. So we just need to limit to a 4 certain extent your questioning of her as to maybe her 5 opinions or whatever. If you want to just, you know, 6 use this as a basis for statements that she made before 7 -- that she did make, you know, factual things, that's 8 okay. 9 MR. ROSS: Okay. I did not view this as 10 cross- examination. I viewed it as examination of ABRA -- 11 CHAIRPERSON MILLER: Okay. 12 MR. ROSS: -- individual testimony. So if I 13 -- I'm not seeking her opinions as an expert or 14 anything. 15 CHAIRPERSON MILLER: Okay. Well, I just 16 wanted to let you know there was a concern that you 17 might go into that area, which is not a part of the -- 18 her protest report. I -- so the investigation report 19 is the basis of her testimony. 20 MR. ROSS: Yes, I understand that. 21 CHAIRPERSON MILLER: Okay. So 22 MR. ROSS: But that was why I noted that we</p>
<p style="text-align: right;">39</p> <p>1 one -- is what investigative number? 2 MR. ROSS: The exact one, only it has a 3 small, "a," in parentheses next to it. 4 MR. ALBERTI: Okay. Thank you. 5 MR. ROSS: I'm sorry. 6 MR. ALBERTI: Okay. Just so I -- 7 MR. ROSS: Just so -- 8 MR. ALBERTI: Show for the record and for my 9 benefit too, but thank you. 10 MR. ROSS: You're welcome. So these were nine 11 citations that had been issued. Do you understand 12 these to be nine citations that had been issued to 13 underage Maryland teenagers who had purchased alcoholic 14 beverages from Town Square Gourmet and had then been 15 pulled over and cited by the Maryland -- by the 16 Montgomery County Police Department once they got into 17 Maryland? Is that what you understood these citations 18 to be? 19 MR. ALBERTI: I'm going to interrupt here, 20 Mr. Ross. But I've -- I think I need to speak to the 21 chair. Well, can I have a moment, Madam Chair? 22 CHAIRPERSON MILLER: Mr. Ross, I understand</p>	<p style="text-align: right;">41</p> <p>1 were very concerned at the ANC about the frequency of 2 what was happening there. And for that, we added the 3 Montgomery County. 4 CHAIRPERSON MILLER: Right. And you'll be 5 able to put on your witness that -- 6 MR. ROSS: And I -- yes, I will. 7 CHAIRPERSON MILLER: Uh-huh. 8 MR. ROSS: Yes, I will. Well, may I just 9 quickly review this to see if there's anything else? 10 CHAIRPERSON MILLER: Sure. Uh-huh. Uh-huh. 11 MR. ROSS: I think -- I think that's it. 12 CHAIRPERSON MILLER: Okay. Thank you. 13 MR. ROSS: Thank you. And -- 14 CHAIRPERSON MILLER: Uh-huh. 15 MR. ROSS: -- may I now move these to -- into 16 evidence, please? 17 CHAIRPERSON MILLER: Yes. 18 MR. ROSS: Thank you very much. 19 CHAIRPERSON MILLER: Do -- is there an 20 objection to the case reports being moved into evidence 21 in this case? 22 MS. OH: He just asked about the police --</p>

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<p style="text-align: right;">42</p> <p>1 the Page 4. He wants to prove over the -- piece out 2 the -- 3 MR. SHIN: Is there something to her or -- 4 CHAIRPERSON MILLER: Okay. Let me just do 5 that. Okay. He just wants to move the documents in. 6 you can have an opportunity to have redirect questions 7 based on his questioning if you want to. And then 8 you'll have an opportunity to make your own case in 9 general. So the question is, do you object to these 10 reports? 11 MR. KIM: No. 12 CHAIRPERSON MILLER: Okay. Okay. Then 13 they're in evidence as Protestant's Exhibits No. 1 and 14 2. Is that how you want to -- 15 MR. ROSS: Thank you very much. 16 CHAIRPERSON MILLER: Okay. Do you have any 17 further questions for the investigator? 18 MR. ROSS: No. 19 CHAIRPERSON MILLER: Okay. Okay. Then thank 20 you very much for an excellent report. Ms. Oh? 21 MS. OH: Yeah. 22 CHAIRPERSON MILLER: Whenever you're ready,</p>	<p style="text-align: right;">44</p> <p>1 We swore in the interpreter but not the witness. Okay. 2 MR. KIM: The same year I got married to the 3 -- my beautiful wife. I have three daughters. They 4 are raised well and we are happy family in United 5 States. 6 MR. SILVERSTEIN: Speak up, please. 7 MR. ALBERTI: Ms. Oh, if you kind of get it 8 closer to you -- 9 MS. OH: Okay. 10 MR. ALBERTI: -- we could hear you. Yeah, 11 you can move it. That's okay. 12 MR. KIM: I have never again -- been against 13 the law in United States. We are just ordinary family. 14 I used to work on construction business for 27 years. 15 Due to the economy fell down, I lost the job. After 16 that, I started operating this business with the money 17 that I borrowed from my bank. Even though I did not 18 have a lot of experience for operating the business, 19 even though I can't speak English well, I worked hard 20 for my family and future. 21 Unfortunately, not in my intention, the bad 22 thing has happened. I have a lot of customers who</p>
<p style="text-align: right;">43</p> <p>1 this is the opportunity for the Licensee to make his 2 case as to why the license should be renewed. 3 MR. SHIN: Is it okay to read that thing 4 earlier? 5 CHAIRPERSON MILLER: Yes. 6 MR. SHIN: Okay. 7 CHAIRPERSON MILLER: It's your case. 8 MS. OH: From the beginning or -- 9 CHAIRPERSON MILLER: However you would like. 10 You have an hour and a half to present your case. I 11 don't think it'll be an hour and a half but 12 MR. SHIN: Ready. 13 CHAIRPERSON MILLER: Okay. 14 MR. KIM: My name is Richard Kim. I'm 50 15 year -- 57 years old. I came to United States from -- 16 CHAIRPERSON MILLER: Wait a minute. My 17 colleague has reminded me I need to swear you in like I 18 swore in the investigator. Anyone -- he's testifying? 19 Yeah. Raise your right hand. Do you swear to tell the 20 truth, the whole truth, nothing but the truth? 21 MR. KIM: Yes. 22 CHAIRPERSON MILLER: All right. Thank you.</p>	<p style="text-align: right;">45</p> <p>1 wants to buy liquors. I definitely know well to check 2 ID when sell liquors. I always check their IDs. 3 Unfortunately, I cannot recognize a customer's face -- 4 faces. I didn't have a -- I barely have experience to 5 see or meet the foreign people -- because he was in the 6 construction business for 27 years. So 7 MR. SILVERSTEIN: Can you speak up a little? 8 CHAIRPERSON MILLER: Yeah. 9 MR. SILVERSTEIN: I don't understand what 10 you're saying just before. 11 MS. OH: Pardon me? 12 MR. ALBERTI: Speak up, please. 13 MR. JONES: Just speak up. I -- 14 MS. OH: He has been -- he used to work at -- 15 in the construction business. So he does -- didn't 16 have much experience that -- contact with foreign 17 people. So -- 18 MR. SHIN: Foreigners -- 19 CHAIRPERSON MILLER: Right. 20 MR. SHIN: -- means Americans -- 21 CHAIRPERSON MILLER: He -- so where -- 22 MR. SHIN: -- and people who live --</p>

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<p style="text-align: right;">46</p> <p>1 CHAIRPERSON MILLER: -- did he used to work? 2 He used to work where? 3 MS. OH: Construction business. 4 CHAIRPERSON MILLER: Construction business. 5 MS. OH: Yes. 6 CHAIRPERSON MILLER: Okay. Thank you. 7 MR. KIM: Can you recognize people like us 8 Asian well when you -- 9 MR. SHIN: Compare us. 10 MR. KIM: Beside -- besides it is not easy 11 recognize pictures on the driver's license. 12 CHAIRPERSON MILLER: All right. Let's break 13 for one second then. I'm sorry. We just want to be 14 clear. What's happening with the camera? Yeah. Do -- 15 what? 16 PARTICIPANT: I cannot shoot this now? 17 CHAIRPERSON MILLER: No. I don't think 18 you're allowed to shoot while we have witnesses 19 testifying. I - - okay. You can -- you can double- 20 check with Mr. Masawi (ph) if you need to find out more 21 but that's my understanding. Okay. I'm sorry. Do you 22 want to go back where you were?</p>	<p style="text-align: right;">48</p> <p>1 DC. 2 CHAIRPERSON MILLER: Could -- I didn't get 3 that report because why? Can you state that again? 4 No, no. I -- read that sentence again. 5 MR. SHIN: Oh, he went to the last court 6 trial, which is at Superior Court in downtown DC. He 7 was at the trial. 8 CHAIRPERSON MILLER: Right. The last what 9 trial? 10 MR. SHIN: Which is his sale to minor case in 11 a court case. 12 CHAIRPERSON MILLER: Okay. Superior Court. 13 MR. SHIN: Yeah, that's the case. And 14 there's defend lawyers and prosecutor telling me, "This 15 is the first time happening to you so we're going to 16 just charge you \$250. I think that's usual case." And 17 all of a sudden they came back to me, "No, we can't do 18 this. We take you to this case." 19 MR. ALBERTI: Madam Chair? 20 CHAIRPERSON MILLER: What? 21 MR. ALBERTI: Who's testifying here? 22 CHAIRPERSON MILLER: He is --</p>
<p style="text-align: right;">47</p> <p>1 MR. KIM: I do not want to make a mistake 2 again like this. That's why I got the -- I get 3 education from the ABC. And I bought the ID checker, 4 which is more than \$10,000 -- \$1000. Now, I always ask 5 to customer their -- the birthday and a name. I try to 6 hard thing -- try to - - hard to not happen the things 7 like this. 8 I definitely would like to say this. I think 9 this case is too overexacerbate -- exacerbate [sic]. 10 Due to the Board casting involved in this case, 11 everything is not fair for me. Last trial -- in last 12 trial, the prosecutor and the lawyer said this is a 13 layer case. So they -- that court charge the fine 14 \$250. 15 MR. SHIN: Can I edit a little bit? I mean, 16 she's -- 17 CHAIRPERSON MILLER: You -- it's your case. 18 MR. SHIN: Okay. 19 CHAIRPERSON MILLER: Yeah. 20 MR. SHIN: He state, "I think this is a very 21 exaggerated case." That's because he went to the last 22 -- the court, which is the Superior Court in downtown</p>	<p style="text-align: right;">49</p> <p>1 MR. ROSS: Well, I was just going to say, I 2 believe we have a translator who was appointed by you 3 all the last time we were here. 4 BOARD MEMBER: Yes. 5 MR. ROSS: And I believe that she's the 6 proper person to translate because, obviously, this is 7 one of his parishioners. And I think that's what -- 8 the concern I had once last time. 9 MR. KIM: I don't know how -- 10 CHAIRPERSON MILLER: Okay. 11 MR. ROSS: Whether it's a parishioner or a 12 friend -- 13 CHAIRPERSON MILLER: I don't -- 14 MR. ROSS: -- I believe it's the same. 15 MR. SHIN: He's saying is he'd like to be 16 comfortable with me so he wanted me as translator. 17 CHAIRPERSON MILLER: I don't see a problem 18 with that. 19 MR. ALBERTI: Well -- 20 CHAIRPERSON MILLER: Do you -- do you want to -- 21 MR. ALBERTI: Actually -- 22 CHAIRPERSON MILLER: -- have -- he's</p>

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<p style="text-align: right;">50</p> <p>1 translating the letter. I don't see a problem with it 2 unless the -- the person who's being translated thinks 3 that there's a problem. It's their case. 4 MR. ROSS: Well, because -- 5 CHAIRPERSON MILLER: What's the problem? 6 MR. ROSS: My problem -- 7 CHAIRPERSON MILLER: Yeah. 8 MR. ROSS: -- is the fact that I don't speak 9 Korean. 10 CHAIRPERSON MILLER: Right. 11 MR. ROSS: And therefore, I thought in an 12 instance like this, that you shouldn't have a friend 13 who is doing the translating for you. You should have 14 someone who is an appointed, independent translator. 15 And that was what I asked for the last time we were 16 here. 17 CHAIRPERSON MILLER: Okay. So -- 18 MR. ROSS: I'm not trying to make trouble. 19 And if you -- if you want to let this gentleman -- I 20 mean, it's -- 21 CHAIRPERSON MILLER: Uh-huh. Right. 22 MR. ROSS: -- it's up to you all but I would</p>	<p style="text-align: right;">52</p> <p>1 MR. ALBERTI: Madam Chair, I'm with 2 (inaudible) -- 3 CHAIRPERSON MILLER: You know -- 4 MR. ALBERTI: I have no -- fine. Go ahead. 5 I will -- 6 CHAIRPERSON MILLER: Would you raise your 7 hand, please? 8 MR. ALBERTI: I'll hold my -- hold my 9 comments. 10 MR. SHIN: Yes. 11 CHAIRPERSON MILLER: Do you swear to the 12 truth, the whole truth and nothing but the truth? 13 MR. SHIN: I do. 14 CHAIRPERSON MILLER: Okay. And could you -- 15 I'm sorry, we also have to have transfers -- translate 16 faithfully from English into Korean and Korean into 17 English. Do you swear to do that? 18 MR. SHIN: Yes, I do. 19 CHAIRPERSON MILLER: Okay. 20 MR. SHIN: And I just want to take this -- 21 the letter home and go over it. 22 CHAIRPERSON MILLER: Okay. So explain what,</p>
<p style="text-align: right;">51</p> <p>1 oppose it. 2 CHAIRPERSON MILLER: It's okay. Let me ask 3 why -- what's happening here. Is it that you're not 4 translating his -- 5 MS. OH: No. I had a question about some 6 sentence in Korean. So I asked him and he knows the 7 case more than me. So -- 8 CHAIRPERSON MILLER: Right. 9 MS. OH: -- that's why I think he kind of -- 10 I mean, that's -- 11 MR. SHIN: Yeah, he had slight trouble with 12 the understanding this. 13 CHAIRPERSON MILLER: I have done -- I would 14 like to swear you in though, sir, because -- 15 MR. SHIN: Okay. 16 CHAIRPERSON MILLER: -- If you are going to 17 also be participating in the testimony -- 18 MR. SHIN: That's fine. 19 CHAIRPERSON MILLER: -- then let's -- 20 MR. SHIN: That's what he wants. 21 CHAIRPERSON MILLER: -- at least swear you 22 in. Okay?</p>	<p style="text-align: right;">53</p> <p>1 again, is going -- what -- why we're doing this. Why 2 is it, sir? What's your name? 3 MR. SHIN: My name's James. 4 CHAIRPERSON MILLER: James. Mr. James or 5 James? 6 MR. SHIN: Shin. 7 CHAIRPERSON MILLER: Shin. Okay. Why -- 8 tell us again so we understand. Maybe it's, you know, 9 how Korean translates into English why you are going to 10 do -- 11 MR. SHIN: I'm not trying to be -- put her 12 down but the way she translate -- like, what he's 13 saying is -- it's not the way he meant to say. 14 CHAIRPERSON MILLER: Okay. 15 MR. SHIN: So there's something language and 16 different impressions using a different word. 17 CHAIRPERSON MILLER: Okay. 18 MR. SHIN: So she selected something word not 19 his -- not the intent to say. 20 CHAIRPERSON MILLER: Okay. 21 MR. SHIN: But in English words? Yes, we 22 might be able to understand that but the frustration,</p>

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<p style="text-align: right;">54</p> <p>1 the trying to understand what the background -- he 2 wants to use a certain word. 3 CHAIRPERSON MILLER: Okay. 4 MR. SHIN: So that's why I was just jumping 5 in a little bit because, you know, I want to make this 6 fair. 7 MR. SILVERSTEIN: Mr. Shin? 8 MR. SHIN: Yes, sir. 9 MR. SILVERSTEIN: I just want to make sure 10 your job here then is to translate his -- 11 MR. SHIN: I do. I just want to -- 12 MR. SILVERSTEIN: Do not explain -- 13 MR. SHIN: I understand. 14 MR. SILVERSTEIN: -- word for word. 15 MR. SHIN: I understand, sir. 16 MR. SILVERSTEIN: It's his testimony, not 17 yours, right? 18 MR. SHIN: Yes, sir. 19 MR. SILVERSTEIN: As long as that's 20 understood, we're good. 21 MR. ALBERTI: Wait, wait. Before we can 22 begin, I don't know what -- I believe there's an</p>	<p style="text-align: right;">56</p> <p>1 This is kind of usual case." 2 And they came back -- just defense lawyer. 3 Suddenly he say, "I don't think we happen this way. We 4 have to continue this case." I felt it's not fair 5 trial. And there was media. And the court, they say 6 Montgomery County issued citation -- number of 40. But 7 I find out there's 14 for the 9th. This is very 8 intentionally media tried to let the people know I was 9 a bad person. 10 I don't think this is fair to me. I wouldn't 11 have see that large a ticket. But my neighbors, they 12 understand me and they're very -- they know me very 13 well. And they know that thankful me -- thanks to me -- 14 because my store, we try to obey compliant agency law. 15 And we are quiet. We are very clean. We are very kind 16 and we supply all the convenience for the neighbors. 17 Yes, I will supply all the neighbors what they need. 18 I like to be the fair life. Thank you very 19 much. 20 CHAIRPERSON MILLER: Okay. Thank you. Does 21 that conclude his testimony? Ms. Oh, excuse me? 22 MR. KIM: I don't know why this too much</p>
<p style="text-align: right;">55</p> <p>1 objection on the -- on -- out here and I don't know 2 whether we've ruled on it. Mr. Ross, what's your -- 3 what's your understanding of that? 4 MR. ROSS: As a -- as a result of what Mr. 5 Silverstein said to the -- to the new -- newly sworn-in 6 witness, I'm fine with it. I think we should move 7 forward. 8 MR. ALBERTI: Okay. So you're withdrawing 9 your objection? 10 MR. ROSS: Yes. I withdraw -- 11 MR. ALBERTI: Thank you. 12 MR. ROSS: -- my objection. 13 MR. ALBERTI: Thank you for clarifying that. 14 Thank you. 15 MR. ROSS: Uh-huh. 16 MR. KIM: I think this incident is very 17 exaggerated because the media was involved. Since 18 then, I don't think I have a fair trial. Last the 19 court and trial -- the hearing day, the prosecutor and 20 the defendant lawyer told me, "This is the first time 21 happening to you, selling the alcohol to the minor. 22 Why don't we pay \$250, the fine, and we'll let it go?</p>	<p style="text-align: right;">57</p> <p>1 ticket. 2 CHAIRPERSON MILLER: Is there more testimony 3 to be translated for all of us or what -- or no? 4 MS. OH: He was saying about that problem. 5 MR. ROSS: Could you speak up a little? 6 MS. OH: Yeah. Problem -- 7 MR. ROSS: Into the mike? 8 MS. OH: Okay. Problem that the previous 9 owner didn't let him know about the -- I think it's 10 about the selling -- not selling the wine or beer, the 11 two pack or three pack, something like that -- the less 12 than six packs. So he -- after that, he -- the 13 previous owner didn't mention about to him. So he 14 didn't know. So -- yeah. Yeah. Even though that had 15 -- he had the problem, ANC people never say -- never 16 have -- has say bad things to him. 17 So they didn't say anything about that, 18 "You're wrong," or, "You're against the law about 19 something." So even though that why this is happened, 20 he just said some -- 21 CHAIRPERSON MILLER: Okay. Because when he's 22 done, then he is subject to questions, cross-</p>

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<p style="text-align: right;">58</p> <p>1 examination by Mr. Ross and questions by the Board. So 2 I just want to make sure he's -- make sure he's 3 finished. Okay. And -- okay. Mr. Ross, based on his 4 testimony, do you have questions for him? 5 MR. ROSS: Yes, I do. 6 CHAIRPERSON MILLER: Okay. 7 MR. ROSS: But not many. 8 CHAIRPERSON MILLER: Okay. 9 MR. ROSS: Would you please ask him if he was 10 present at the ANC meeting when his case was discussed 11 and unanimously voted on to protest? 12 MS. OH: Okay. 13 MR. ROSS: Was he there? 14 MS. OH: He says he was. 15 MR. ROSS: No further questions. 16 CHAIRPERSON MILLER: I'm sorry; I didn't hear 17 the answer. 18 MR. ROSS: Yes. He said, yes, he was. 19 CHAIRPERSON MILLER: Okay. Thank you. Do 20 Board members have questions? Okay. Go ahead. 21 MR. ALBERTI: Mr. Kim? 22 MR. KIM: Yes.</p>	<p style="text-align: right;">60</p> <p>1 what are - what are the difficulties? What makes it 2 difficult? I know it's -- I know that's a -- I know 3 that's a tough question. I know it's a very difficult 4 question. 5 MR. KIM: When the present person hairstyle 6 is different from the ID picture, sometimes the -- as I 7 just mentioned, you know, sometimes it -- they wearing 8 glasses but the picture is not. 9 MR. ALBERTI: Is it more difficult with males 10 or females? 11 MS. OH: He can recognize, yeah, woman or a 12 man. 13 MR. ALBERTI: Pardon? 14 MS. OH: Yes, yes. 15 MR. ALBERTI: No. That's not what I meant. 16 Is it more difficult to connect the fact on the license 17 with the face of the owner -- with the presenter when 18 it -- when it's a male or when it's a female? 19 MS. OH: Yeah, he can recognize it. Yeah, at 20 least it's a woman or man. 21 MR. ALBERTI: I'll move on. Who else in his 22 store is responsible for dealing with customers selling</p>
<p style="text-align: right;">59</p> <p>1 MR. ALBERTI: Earlier you spoke about your 2 ability to recognize photos; is that correct? 3 MS. OH: Yeah, he has said that. 4 MR. ALBERTI: I'm trying to understand what 5 you were trying -- what you were telling us. Would you 6 -- would you translate for that for him, please? Thank 7 you. I have a question. 8 MS. OH: Okay. 9 MR. ALBERTI: When someone presents you or 10 shows you a driver's license, do you have a difficult 11 time deciding whether or not the picture on the 12 driver's license matches the face of the person showing 13 you the driver's license? 14 MS. OH: It's not easy for him. It's not 15 easy for him. It was -- the hairstyle and haircut is 16 different so it isn't -- it is not easy for him. 17 MR. ALBERTI: Okay. Tell me what he said, 18 please. 19 MR. KIM: Yes. Sometimes the picture was 20 wearing glasses but the present person is not. So 21 sorry. 22 MR. ALBERTI: Beyond what he just told me,</p>	<p style="text-align: right;">61</p> <p>1 alcohol? 2 MS. OH: You mean, who works there? 3 MR. ALBERTI: Yes. Who else in the store 4 sells alcohol? 5 MS. OH: Sometimes in the morning time, her 6 daughter -- his daughter help him. He -- she's in the 7 -- in the store. But he -- she leaves usually 3:00. 8 MR. ALBERTI: 3:00? 9 MS. OH: Uh-huh. 10 MR. ALBERTI: And from 3:00 until -- he's 11 open until 10:00, I believe; is that correct? 12 MR. KIM: Yes. 13 MR. ALBERTI: And from 3:00 to 10:00 is there 14 anyone else besides himself? 15 MR. KIM: No. 16 MR. ALBERTI: Before he was charged with sale 17 to minors by the -- by the District police, what steps 18 was he taking to ensure that the -- that he was selling 19 to people who are legally of age? 20 MS. OH: Okay. You mean before is a -- 21 before February 16th, 2012? 22 MR. BROOKS: February 18th.</p>

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<p style="text-align: right;">62</p> <p>1 MR. ALBERTI: Yes, before that. 2 MS. OH: 18th? Okay. 3 MR. ALBERTI: Before February. Thank you. 4 MS. OH: He's give people -- 5 MR. SHIN: I think he had -- can you repeat 6 one more time? I think interpreter had a little 7 trouble understanding -- 8 MR. ALBERTI: Okay. 9 MR. SHIN: -- what the questions are. 10 MR. ALBERTI: Before February of this year -- 11 MS. OH: Uh-huh. 12 MR. ALBERTI: -- what steps was he taking to 13 make sure that the person buying alcohol was 21 years 14 old? 15 MS. OH: He just checked the driver's 16 license. 17 MR. ALBERTI: What did he look for on the 18 driver's license to make sure the person was 21? 19 MS. OH: He always check the age. 20 MR. ALBERTI: Did he do anything else? 21 MS. OH: No. 22 MR. ALBERTI: Did he check to make sure it</p>	<p style="text-align: right;">64</p> <p>1 MS. OH: Okay. 2 MR. ALBERTI: -- okay -- what steps does -- 3 what steps did you take -- I'm sorry, Mr. Kim, what 4 steps -- what -- since March of this year, what steps 5 do you take to make sure the person buying alcohol is 6 21 years old? 7 MR. ROSS: Could you translate, please? 8 MS. OH: Okay. I will. 9 MR. ALBERTI: Mr. Ross, please. 10 MR. ROSS: I'm sorry. 11 MR. ALBERTI: She's getting it. 12 MS. OH: Whenever he sell the liquor and he 13 ask the ID from the customers and -- 14 MR. ALBERTI: Speak to me, please. 15 CHAIRPERSON MILLER: Tell that into the mike? 16 MR. ALBERTI: Yeah, into the mike. 17 MS. OH: He checked the faces, ages and he 18 used the eye -- or the -- yeah. He checked the faces - 19 - I mean, the picture and the name, the birth date. 20 Yeah, and he used the ID scanner. 21 MR. ALBERTI: What does the scanner tell you? 22 MS. OH: If it's a fake ID, it says, "Fake</p>
<p style="text-align: right;">63</p> <p>1 was a valid -- good driver's license? 2 MS. OH: As long as -- he checked everything, 3 as long as everything's okay. But he cannot recognize 4 it's a fake or not. So 5 MR. ALBERTI: He claims that he is not able - 6 - are you -- what I understand you just told me is that 7 you are unable to tell whether it's a fake ID; is that 8 correct? 9 MS. OH: He cannot recognize it's fake or 10 not. 11 MR. ALBERTI: Okay. 12 MR. ROSS: I didn't quite hear that. I could 13 not -- 14 MS. OH: He cannot recognize a fake or not. 15 MR. ALBERTI: Okay. 16 MR. ROSS: Thank you. 17 MR. ALBERTI: Okay. 18 MR. KIM: Hard. 19 MR. ALBERTI: Now, I want to make this very 20 clear, what time period I'm talking about. I'm talking 21 about after February -- after -- let's see. From March 22 forward --</p>	<p style="text-align: right;">65</p> <p>1 ID." And if the ID holder cannot buy cigarette -- no 2 cigarette -- cannot buy the alcohol -- no alcohol, like 3 that. 4 MR. ALBERTI: Okay. Thank you. Mr. Kim, are 5 you aware that ABRA provides free of charge ID 6 reference books that -- 7 MR. KIM: Yes. 8 MR. ALBERTI: -- tell you what the IDs look 9 like for each state? You want me to repeat that, Ms. 10 Oh? 11 MS. OH: Yeah, yeah. 12 MR. SHIN: He says he has it. 13 MS. OH: He has the ID check book you just 14 mentioned. Yeah. He always use the book for check ID. 15 Sometimes the -- even though the (inaudible) the United 16 States are US citizens but came from the Guam, Samoa, 17 somewhere. 18 MR. ALBERTI: Okay. 19 MS. OH: Yeah. So he used the book to -- for 20 checking the ID that come from the -- 21 MR. ALBERTI: Okay. So does he use -- does 22 he use this book regularly?</p>

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<p style="text-align: right;">66</p> <p>1 MR. KIM: Yes. 2 MR. ALBERTI: Other than age -- other than 3 checking the age and checking the picture, what sorts 4 of things does he look for? Other than the face, other 5 than the picture? 6 MS. OH: Yeah, face is shaved. 7 MR. ALBERTI: No, no, no. Other than the 8 picture, other than the age -- 9 MS. OH: Oh, okay. 10 MR. ALBERTI: -- what does he -- what 11 features does he look for? What things on the -- on 12 the license does he look for? 13 MS. OH: People who is under 21, they try to 14 not to have eye contact with him. 15 MR. ALBERTI: Okay. Thank you. I'm going -- 16 maybe one just last question. Let me put that back one 17 up. Mr. Kim, what do you do when you are unsure that 18 the person who's showing you the license matches the 19 picture? 20 MS. OH: First he check the -- he use the ID 21 scanner and then he ask the address and name, 22 everything. If he cannot -- it's the -- there is a</p>	<p style="text-align: right;">68</p> <p>1 And he got educated. And he used different math now 2 than before. 3 CHAIRPERSON MILLER: Okay. Say that again. 4 MR. SHIN: See, he ask the names. 5 CHAIRPERSON MILLER: He asks the name now. 6 MR. SHIN: Use the scanner and -- 7 CHAIRPERSON MILLER: Use the scanners. 8 MR. SHIN: Uh-huh. Use the scanners. 9 CHAIRPERSON MILLER: Scanner. 10 MR. SHIN: And then look at their reactions 11 when he ask the names. 12 CHAIRPERSON MILLER: Okay. 13 MR. SHIN: But he learned from the ABC 14 education. 15 CHAIRPERSON MILLER: Things he'd learned from 16 the ABC training? 17 MR. SHIN: That's what make the difference, 18 yes. 19 CHAIRPERSON MILLER: Which was -- one of 20 them, which was looking at their reaction? 21 MR. SHIN: Yeah, that's -- yeah, that's what 22 they --</p>
<p style="text-align: right;">67</p> <p>1 mismatch, he just refuse to sell the alcohol. 2 MR. ALBERTI: Okay. I have no further 3 questions for now. Thank you. 4 CHAIRPERSON MILLER: Other Board members? I 5 just have one follow-up. Is it true that since 6 February 18 Mr. Kim has not sold any alcohol to minors? 7 MR. KIM: Never. 8 CHAIRPERSON MILLER: Okay. So what's the -- 9 what's -- just to get it in a nutshell, what's the 10 difference? What -- that now, since February, no sales 11 to minors; before that there were some sales to minors, 12 correct? What's the difference? Why? Why now? Now, 13 he can -- now, he can handle the licenses? Now, he can 14 -- what's different? Mr. Alberti talked about a lot of 15 different things, like what does he look at. But 16 what's made the difference now that he's not selling to 17 minors, whereas, before he was? 18 MS. OH: Oh, okay. His business is going 19 down. 20 MR. SHIN: No, no. Just -- okay. I've got 21 to -- I'm sorry. I'm sorry. I've got to -- he asks - 22 - he asks his name, address -- ask him the address.</p>	<p style="text-align: right;">69</p> <p>1 CHAIRPERSON MILLER: Okay. 2 MR. SHIN: Mr. Kim told me what that -- teach 3 kind of stuff if you kind of have difficulty, help 4 identify the face that sometimes you'll ask name, birth 5 date. 6 CHAIRPERSON MILLER: Right. 7 MR. SHIN: Some people act different. 8 CHAIRPERSON MILLER: Okay, okay. Thank you. 9 All right. All right. Any other Board questions? Mr. 10 Ross, do you have any redirect based on our Board 11 questions? 12 MR. ROSS: No, I do not. 13 CHAIRPERSON MILLER: Okay. All right. Then 14 that completes Mr. Kim's testimony and cross. Do you 15 have any other witnesses? 16 MR. KIM: No. 17 CHAIRPERSON MILLER: No, okay. And any other 18 documents or anything that wish to put into evidence 19 for your case? 20 MR. KIM: No. 21 CHAIRPERSON MILLER: Okay. Okay. 22 MR. ALBERTI: I'm just asking.</p>

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<p style="text-align: right;">70</p> <p>1 CHAIRPERSON MILLER: We can. So the next is 2 for the protestants to put on their case. Would you 3 like a five-minute break or so before or would you like 4 to just keep going? 5 MR. ROSS: I'm ready to go. 6 CHAIRPERSON MILLER: Ready to go. Let's go 7 then. 8 MR. ROSS: If that's okay with you all. 9 CHAIRPERSON MILLER: Is that all right? 10 MR. ALBERTI: Yeah, that's fine. 11 CHAIRPERSON MILLER: Okay. Okay. 12 MR. ROSS: I'd like to call as our first 13 witness Aaron Bailey. 14 CHAIRPERSON MILLER: Do you swear to tell the 15 truth, the whole truth and nothing but the truth? 16 MR. BAILEY: (Inaudible). 17 CHAIRPERSON MILLER: Okay. Thank you. Have 18 a seat. And go on. 19 MR. ROSS: Mr. Bailey, would you state your 20 name again for the record and would you spell it, 21 please? 22 MR. BAILEY: Aaron Bailey, A-A-R-O-N, B-A-I-</p>	<p style="text-align: right;">72</p> <p>1 MR. ROSS: And that would be Town Square 2 Gourmet? 3 MR. BAILEY: Yes, I'm sorry. The Town Square 4 Gourmet. 5 MR. ROSS: How many members of this task 6 force were there? 7 MR. BAILEY: Depending on the time of the 8 month, we had between 12 and 16 working in both 9 plainclothes and uniform capacity. 10 MR. ROSS: And were you -- 11 MR. ALBERTI: Can we just hold just for a 12 moment? I don't see any translation going on. 13 MS. OH: Oh, I'm sorry. 14 MR. ALBERTI: So I'm a little worried that 15 Mr. Kim is understanding these proceedings. 16 MS. OH: Okay. Let me explain. 17 CHAIRPERSON MILLER: Okay. I'm glad that Mr. 18 Alberti spoke up. 19 MR. ROSS: All right. I'll slow down a 20 little bit -- 21 CHAIRPERSON MILLER: Okay. 22 MR. ROSS: -- so that she can translate.</p>
<p style="text-align: right;">71</p> <p>1 L-E-Y. 2 MR. ROSS: And would you tell the panel where 3 you are employed? 4 MR. BAILEY: I'm employed by Montgomery 5 County Police, Special Operations. 6 MR. ROSS: Do you have your shield with you? 7 MR. BAILEY: (shows shield) 8 MR. ROSS: Thank you very much. He was very 9 worried that he's coming down here without his uniform 10 on and so -- and your shield's not there. And you have 11 to leave it with us now. 12 Could you tell us how you first became aware 13 of Town Square Gourmet in your capacity as a Montgomery 14 County police officer? 15 MR. BAILEY: Yes. In 2011 here we form a 16 holiday task force that specifically deals with DWI and 17 underage drinking. Those are our two big issues. We 18 received intelligence via interviews with kids that 19 were in possession that they were able to procure 20 liquor without ID outside of an establishment in 21 Georgetown. Through continued investigation, we 22 identified that location, the Town Square.</p>	<p style="text-align: right;">73</p> <p>1 CHAIRPERSON MILLER: So -- 2 MR. ROSS: It's my fault. 3 MR. ALBERTI: No, that's fine. 4 MS. OH: He has some -- 5 CHAIRPERSON MILLER: Real -- 6 MS. OH: -- some questions but can he just -- 7 can he ask -- 8 CHAIRPERSON MILLER: He can't now. 9 MS. OH: Oh, not now. 10 MR. SHIN: No, not now. 11 MS. OH: Okay. 12 CHAIRPERSON MILLER: He may ask questions of 13 Mr. -- Detective Bailey when he's finished with his 14 testimony. 15 MR. ROSS: So you said there were 14 to 16 16 people? 17 MR. BAILEY: Yes, sir. Approximately. 18 MR. ROSS: And can you tell us the first time 19 -- well, tell us what you did -- what your role was and 20 how that role was employed at Town Square Gourmet. 21 MR. BAILEY: I was -- 22 MR. ROSS: And give us a period of time.</p>

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<p style="text-align: right;">74</p> <p>1 MR. BAILEY: Throughout -- we start off at 2 around Thanksgiving. We call it the Turkey Chase and - 3 - because the highest percentage of DWI is the night 4 before Thanksgiving. So that's when we start. I 5 served in plainclothes capacity just based on my 6 background, helping other officers, like, DWIs, also 7 doing controlled dispersals at underage parties. 8 And in regards to this, I was sent down -- 9 CHAIRPERSON MILLER: That's okay. I just -- 10 MR. ROSS: Do you -- 11 CHAIRPERSON MILLER: Can Mr. Kim understand 12 or -- 13 MS. OH: Yeah, no, no. 14 MR. SHIN: Well, you know, he's -- 15 CHAIRPERSON MILLER: We don't hear any 16 translating. 17 MR. SHIN: Yeah, he was so fast. 18 MS. OH: Oh, okay. 19 MR. SHIN: So can we just go by sentence? 20 CHAIRPERSON MILLER: By sentence? 21 MR. SHIN: Yeah. I mean, she will explain to 22 him.</p>	<p style="text-align: right;">76</p> <p>1 these traffic stops, the investigating officer would 2 obtain consent or would find in their -- in their view 3 -- plain view sight alcohol. They were issued 4 citations and they were questioned as to their 5 activities in terms of where they obtained this 6 alcohol. 7 MR. ROSS: Did you participate in those 8 interviews also? 9 MR. BAILEY: I did. 10 MR. ROSS: And could you describe whether or 11 not the people who were -- received citations had -- 12 strike that. 13 You were -- when you provided -- when you 14 were monitoring the store and someone pulled away with 15 a Maryland driver's license -- 16 MR. BAILEY: Yes. 17 MR. ROSS: -- with a Maryland license plate, 18 would you follow that car immediately? 19 MR. BAILEY: Myself and one of the other 20 people that were in plainclothes. We would, yes. 21 MR. ROSS: And you -- 22 MR. ALBERTI: Excuse me, Mr. Ross. Could I</p>
<p style="text-align: right;">75</p> <p>1 MR. BAILEY: I apologize. 2 CHAIRPERSON MILLER: Okay. Go ahead. So 3 you're talking about the night before Thanksgiving 4 being -- 5 MR. BAILEY: The night before Thanksgiving 6 tends to be the highest level of DWIs in this country. 7 That is when we began this task force. 8 MS. OH: Pardon me? 9 MR. BAILEY: Is when we began this task 10 force. As part of this task force, we began to conduct -- 11 MS. OH: You can finish the -- 12 MR. BAILEY: I'm sorry. We began to conduct 13 plainclothes surveillance at this location. Upon our 14 initial surveillance, it was apparent that there were a 15 great number of Maryland and Virginia registered 16 vehicles. It was also observed that the majority of 17 these drivers appeared to be underage. In our 18 surveillance, we began to follow out some of these 19 vehicles in Maryland -- that were listed as Maryland 20 licenses. 21 Upon crossing into Montgomery County, 22 probably cause was developed for a traffic stop. Upon</p>	<p style="text-align: right;">77</p> <p>1 interrupt you there? 2 MR. ROSS: Sure. 3 MR. ALBERTI: We just had an exchange here 4 and it wasn't translated. 5 MR. ROSS: I didn't -- 6 MR. ALBERTI: I'm getting very nervous about 7 these proceedings, Ms. Oh. 8 MS. OH: Yeah. 9 MR. ALBERTI: And if -- and I don't -- I'm -- 10 Madam Chair, I ask that you -- that either we go back 11 and we talk about this or some actions taken because 12 Ms. -- 13 CHAIRPERSON MILLER: Okay. I -- 14 MR. ALBERTI: Because we just -- well, this 15 is the second exchange that it happened here and I 16 don't see a translation. And I'm very -- I'm very 17 concerned about the integrity of these proceedings. 18 CHAIRPERSON MILLER: Ms. Oh, can you address -- 19 MS. OH: Okay. 20 CHAIRPERSON MILLER: -- why at times there's 21 no translation going? 22 MS. OH: Okay. Let me -- let me translate --</p>

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78	<p>1 he mentioned --</p> <p>2 CHAIRPERSON MILLER: Okay. Go ahead. Ms.</p> <p>3 Oh, so you're caught up with the translating?</p> <p>4 MS. OH: Uh-huh.</p> <p>5 CHAIRPERSON MILLER: Mr. Alberti was</p> <p>6 concerned that there seemed to be times when there's no</p> <p>7 translating going on.</p> <p>8 MS. OH: Okay.</p> <p>9 CHAIRPERSON MILLER: Can you address why that</p> <p>10 would be so, that you wouldn't be translating for your</p> <p>11 client?</p> <p>12 MS. OH: Okay. If he say -- was the --</p> <p>13 finish the fully sentence, let me translate to him.</p> <p>14 Because he's kind of -- he just says, oh, something</p> <p>15 about something so I just kind of lost --</p> <p>16 CHAIRPERSON MILLER: Okay. So is it that --</p> <p>17 because he was continuing, you were continuing to</p> <p>18 follow him and hadn't had a chance to --</p> <p>19 MS. OH: Yeah. Well, sentence by sentence is</p> <p>20 better for me.</p> <p>21 CHAIRPERSON MILLER: I'm sorry, what?</p> <p>22 MS. OH: Sentence by sentence is better for</p>	80	<p>1 CHAIRPERSON MILLER: All right. I --</p> <p>2 MR. ROSS: Mr. Bailey?</p> <p>3 MR. BAILEY: Yes, sir.</p> <p>4 MR. ROSS: How was it that you knew that</p> <p>5 these youth with alcohol came from Town Square Gourmet</p> <p>6 when they were pulled over?</p> <p>7 MR. BAILEY: I personally observed them.</p> <p>8 MR. ROSS: And were they ever out of -- was</p> <p>9 the car ever out of your sight from the time the car</p> <p>10 pulled out, headed for Maryland?</p> <p>11 MR. BAILEY: No.</p> <p>12 MR. ROSS: Can you estimate the number of</p> <p>13 times that you yourself were at Town Square Gourmet</p> <p>14 and, if so, the number of times that there were sales</p> <p>15 of alcohol to minors which you subsequently discovered?</p> <p>16 MR. BAILEY: I was there approximately five</p> <p>17 to six times (inaudible) surveillance and before being</p> <p>18 called off, there were violations.</p> <p>19 CHAIRPERSON MILLER: Could you -- could you</p> <p>20 say that again? Were there five to six times? What?</p> <p>21 Wait, Ms. Oh. I wanted him to repeat it for me when I</p> <p>22 didn't catch the whole answer. You were there --</p>
79	<p>1 me.</p> <p>2 CHAIRPERSON MILLER: Sentence by sentence.</p> <p>3 Okay.</p> <p>4 MS. OH: Yeah.</p> <p>5 MR. ALBERTI: May I make a suggestion? Mr.</p> <p>6 Ross, after you finish your question, you pause. Ms.</p> <p>7 Oh, you translate the question. Then we can have the</p> <p>8 response. Translate it. And we'll sort of go in that</p> <p>9 sequence. Would that be helpful to the parties? Thank</p> <p>10 you.</p> <p>11 CHAIRPERSON MILLER: She's also requested the</p> <p>12 answer sentence by sentence, if I understand it. Yeah.</p> <p>13 MR. SILVERSTEIN: Honestly, Ms. Oh, if you</p> <p>14 feel as though you need stops, raise your hand like</p> <p>15 this and we'll stop to make sure that Mr. Kim can have</p> <p>16 the proper translation.</p> <p>17 MS. OH: Okay.</p> <p>18 MR. SILVERSTEIN: Just raise your hand.</p> <p>19 MS. OH: I'll --</p> <p>20 MR. SILVERSTEIN: Don't -- and don't feel as</p> <p>21 though you're imposing on us. Thank you. Go ahead,</p> <p>22 Madam Chair.</p>	81	<p>1 MR. BAILEY: I'm sorry.</p> <p>2 CHAIRPERSON MILLER: You were there five to</p> <p>3 six times?</p> <p>4 MR. BAILEY: I was there approximately five</p> <p>5 to six times on surveillance.</p> <p>6 CHAIRPERSON MILLER: Okay.</p> <p>7 MR. BAILEY: On each one of those occasions,</p> <p>8 violations were observed and were cited.</p> <p>9 MR. ROSS: And the witness has documented it.</p> <p>10 CHAIRPERSON MILLER: Show the other side as</p> <p>11 well. Raise your hand there.</p> <p>12 MR. ROSS: Sure. I'm going to show him --</p> <p>13 CHAIRPERSON MILLER: Uh-huh.</p> <p>14 MR. ROSS: -- these citations.</p> <p>15 CHAIRPERSON MILLER: OKAY.</p> <p>16 MR. ROSS: I think you've had --</p> <p>17 MR. BAILEY: Yeah, you get -- hey, I've got</p> <p>18 it.</p> <p>19 MR. ROSS: And that's on Page 4. Show you</p> <p>20 these citations, which I know you've reviewed</p> <p>21 previously. Are they Montgomery County citations?</p> <p>22 MR. BAILEY: I believe it's Montgomery County</p>

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<p style="text-align: right;">82</p> <p>1 official copy of that. 2 MR. NOPHLIN: Excuse me, Madam Chair? 3 CHAIRPERSON MILLER: Yes. 4 MR. NOPHLIN: What document is he reading 5 from and the page, please? 6 MR. ROSS: That would be Case Report No. 2. 7 I'm going by Exhibit 6 in the first citation, I 8 believe. 9 CHAIRPERSON MILLER: But why are you 10 referring to it as Exhibit 6? 11 MR. ROSS: That's (inaudible). 12 MR. ALBERTI: This is the -- just for the 13 record this is Exhibit 6 to the ABRA report that's 14 labeled Case Report No. 2 by the protestant. 15 MR. ROSS: Yes, and they are Montgomery 16 County. I'm talking now about the nine listings on Page 17 4. 18 MR. BAILEY: Yes, they are. 19 MR. ROSS: Thank you. Who are the other 20 members of the task force that you worked with on the 21 Town Square Gourmet monitoring? 22 MR. BAILEY: The primary four detectives that</p>	<p style="text-align: right;">84</p> <p>1 MR. ROSS: Did they -- did they have any 2 identity cards? 3 MR. BAILEY: Yes. 4 MR. ROSS: Could you give me an example? 5 MR. BAILEY: They -- to the best of my 6 knowledge in all stops they had Maryland driver's 7 licenses. 8 MR. ROSS: And they were minors? 9 CHAIRPERSON MILLER: What was the question, 10 Mr. Ross? Could you repeat the question? Your voice 11 dropped. We couldn't all hear you. 12 MR. ROSS: I'm sorry. They were -- they were 13 minors who had Maryland driver's licenses; is that 14 correct? 15 (No audible response.) 16 MR. ROSS: Did they tell you whether or not 17 Mr. Kim asked for identification? 18 MR. BAILEY: The interviews that I took place 19 in, the individuals indicated that they did not need to 20 show ID and have (inaudible). 21 MR. ROSS: Well, I have no further questions 22 for the witness, Your Honor.</p>
<p style="text-align: right;">83</p> <p>1 are familiar with this type of investigation were 2 myself, Detective Sergeant Mark White, Officer Bill 3 Morrison and Detective Nick Augustine (ph). 4 MR. ROSS: So -- excuse me. Is it your 5 testimony that the nine citations on Page 4 are 6 Montgomery County citations which directly relate to 7 the purchase of alcohol by a minor in Town Square 8 Gourmet? 9 MR. BAILEY: It is my testimony that they're 10 not for purchase, per se, but for possession. 11 MR. ROSS: Excuse me. 12 MR. BAILEY: Yes. That cannot -- 13 MR. SHIN: He said -- he's saying is this is 14 what the ticket come from -- about -- from -- 15 MR. ROSS: Do you recall any conversations 16 with the individuals who were cited and did you 17 participate in interviewing them? 18 MR. BAILEY: Yes. 19 MR. ROSS: Did they -- did they have false 20 identity cards that you confiscated? Did they have 21 false identity cards that you confiscated? 22 MR. BAILEY: No.</p>	<p style="text-align: right;">85</p> <p>1 CHAIRPERSON MILLER: Detective Bailey, I 2 think your voice might have dropped. And did you say 3 they -- individuals said they did not show ID and what? 4 MR. BAILEY: Ma'am, what I said was is that 5 they stated that they did not need to show ID. 6 CHAIRPERSON MILLER: They did not need to 7 show ID. 8 MR. BAILEY: They were in possession of ID. 9 They did not need to show it. 10 CHAIRPERSON MILLER: Okay. Thank you. So 11 you have an opportunity now to ask questions of Dr. 12 Bailey -- I mean, Detective Bailey based on his 13 testimony that he just presented. 14 MS. OH: According to the interview, you just 15 said no minor (inaudible) who doesn't have a -- the 16 under -- minor said -- you know, they said that they 17 bought the liquors from the -- from the -- his store, 18 right? 19 MR. BAILEY: Yes, which I observed. 20 MS. OH: Okay. Is there any proof of that, 21 such as a receipt or -- physically -- yeah, he meant? 22 MR. BAILEY: I don't have any receipts to put</p>

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86	<p>1 into evidence, no. 2 MS. OH: What distance between the Town 3 Square Gourmet and the Maryland, which you work -- the 4 -- where the -- you -- 5 MR. SHIN: State line? 6 MR. BAILEY: Where is my jurisdiction? 7 MS. OH: Your -- I mean, the -- 8 MR. SHIN: Distance? 9 MS. OH: -- distance? 10 MR. BAILEY: What is the distance? 11 MS. OH: The distance of the -- between -- 12 MR. BAILEY: From where about -- 13 MR. SHIN: From the store to the Maryland 14 line. 15 MS. OH: Store and Maryland -- you work? 16 MR. BAILEY: About a 10 to a 15-minute drive. 17 MR. SHIN: What? He asked the distance, how 18 many miles? 19 MR. KIM: How many store, liquor store, wine, 20 beer? How many store have -- 21 MS. OH: Do you know how many liquor stores 22 are between the -- his store and Maryland -- you work?</p>
87	<p>1 MR. BAILEY: I know there are liquor stores 2 in Montgomery County that are far more accessible in 3 Friendship Heights and Bethesda. But I'm not sure why 4 I would go to DC for that. 5 MR. SHIN: Okay. The question was, how many 6 liquor store are there from his store to the Maryland? 7 Do you know about this, how many stores -- there are 8 liquor stores between Georgetown liquor store to state 9 line? 10 MR. BAILEY: I don't know if there are any. 11 MR. KIM: I think 20 some store. 12 CHAIRPERSON MILLER: Wait. What did -- 13 MS. OH: Why did you -- why did you just -- 14 you said that you're watching his store and that you 15 actually see -- saw that the minors are -- buy some 16 liquors somewhere. Why -- he's questioning as to why 17 you did that. 18 MR. BAILEY: We actually observed a number of 19 locations during that time period. This one turned out 20 to be the most prominent in terms of interviews and 21 intelligence from underage drinking arrests. 22 MR. ALBERTI: Well, wait, wait, wait. Ms.</p>
88	<p>1 Oh, would you please translate that -- 2 MS. OH: Okay. 3 MR. ALBERTI: -- before you have another 4 question? 5 MS. OH: Okay. 6 MR. ALBERTI: No. Translate that for Mr. 7 Kim, please, too. 8 MS. OH: Okay. I was asking you could you 9 please speak again. 10 MR. ALBERTI: Okay. 11 MR. BAILEY: Okay. We watched -- 12 MS. OH: Yeah, okay. 13 MR. BAILEY: -- several establishments. 14 MS. OH: Okay. 15 MR. BAILEY: The reason why time was 16 dedicated to that establishment is because of so much 17 evidence arrived from our intelligence that suggested 18 that there is that degree of underage sales. 19 MS. OH: From his store? 20 MR. BAILEY: From his store. 21 MS. OH: Why -- you're the -- you're the 22 police officer from Maryland, right?</p>
89	<p>1 MR. BAILEY: Well, that's one way to put it, 2 yes. 3 MS. OH: Yeah. But why you are -- you work 4 at - - you're -- why you are watching the store that -- 5 in DC -- located at DC? 6 MR. BAILEY: Because we have a mutual aid 7 agreement. 8 MS. OH: Okay. What's that? 9 MR. BAILEY: It basically means that they can 10 conduct operations in our area and we can conduct 11 operations in their area. This is a civil case. 12 CHAIRPERSON MILLER: But do you want to 13 translate that and then hand it to me? 14 MR. ALBERTI: Yeah. Oh, yeah, I'm sorry. 15 MS. OH: Okay. Have you ever seen the busy 16 (inaudible) near his store? 17 MR. BAILEY: No, I guess I haven't. 18 MR. KIM: My store is -- this is police two 19 time coming. In one week I get two of my police, they 20 here. 21 CHAIRPERSON MILLER: This isn't the time for 22 his testimony. Does he have more questions?</p>

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90	<p>1 MR. KIM: No further questions.</p> <p>2 CHAIRPERSON MILLER: Do you have redirect?</p> <p>3 BOARD MEMBER: The Board --</p> <p>4 CHAIRPERSON MILLER: You know, we haven't</p> <p>5 done Board questions. Can you hold up?</p> <p>6 MR. BAILEY: Yes, I can.</p> <p>7 CHAIRPERSON MILLER: Okay. Mr. Silverstein,</p> <p>8 do you have a question?</p> <p>9 MR. SILVERSTEIN: Yes. Thank you, Detective</p> <p>10 Bailey. So you're saying that every time that you</p> <p>11 surveilled this establishment, you saw the liquor</p> <p>12 being --</p> <p>13 CHAIRPERSON MILLER: Oh, wait. Hold it, Mr.</p> <p>14 Silverstein. The transcriber has -- is having</p> <p>15 problems. So can you hold it for a minute?</p> <p>16 MR. SILVERSTEIN: Sure.</p> <p>17 MR. ALBERTI: Can we find out how long it --</p> <p>18 we expect it to be?</p> <p>19 CHAIRPERSON MILLER: Just --</p> <p>20 COURT REPORTER: Be one minute.</p> <p>21 CHAIRPERSON MILLER: Okay.</p> <p>22 (WHEREUPON, at 3:50 p.m., the hearing went</p>	92
91	<p>1 off record until 3:50 p.m.)</p> <p>2 CHAIRPERSON MILLER: Okay. We're back on the</p> <p>3 record. Mr. Silverstein?</p> <p>4 MR. SILVERSTEIN: Thank you for your service,</p> <p>5 Detective. You're saying that each time that you</p> <p>6 surveilled Town Square Gourmet, you saw the liquor</p> <p>7 being sold to the individuals who were then followed in</p> <p>8 their cars, the 2.9 miles, my Google tells me, down</p> <p>9 MacArthur Boulevard into Maryland? Is that -- is that</p> <p>10 your testimony?</p> <p>11 MR. BAILEY: Yes.</p> <p>12 MR. ALBERTI: Can we have the translation of</p> <p>13 that first?</p> <p>14 MR. BAILEY: My answer is, "Yes."</p> <p>15 MR. SILVERSTEIN: There's a couple of issues</p> <p>16 here, Detective, one of which is the sale and the other</p> <p>17 we all have to concern ourselves with is that of public</p> <p>18 safety, danger to the community, things like that that</p> <p>19 we have to take into account. What is the concern of</p> <p>20 Maryland to what goes on in DC? Could you explain</p> <p>21 that?</p> <p>22 CHAIRPERSON MILLER: Oh, wait. Go ahead.</p>	93

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<p style="text-align: right;">94</p> <p>1 a party or somewhere in Maryland? 2 MR. BAILEY: For the most part that's 3 absolutely true. There were some vehicles that 4 remained in the District of which we have no authority 5 (inaudible) traffic stop. 6 MR. SILVERSTEIN: From your knowledge, how 7 widely known -- 8 CHAIRPERSON MILLER: I'm sorry. 9 MR. SILVERSTEIN: I'm sorry. 10 MS. OH: I get that. Okay. 11 CHAIRPERSON MILLER: Go ahead. 12 MR. SILVERSTEIN: From your knowledge, how 13 widely known was it that this was a place where you 14 could go and get beer without being carded? 15 MR. BAILEY: Can I put forth an opinion? 16 MR. SILVERSTEIN: Please. 17 MR. BAILEY: Since it's Shark Week on the 18 Discovery, this was a feeding frenzy. 19 MR. SILVERSTEIN: Say again, please. 20 MR. BAILEY: Since this is Shark Week on the 21 Discovery, this was a feeding frenzy. My first 22 surveillance there, there were at least eight cars that</p>	<p style="text-align: right;">96</p> <p>1 So to answer your question, we were there for a brief 2 amount of time for the three-month stand. But it 3 wasn't something that we were doing every day for ten 4 hours a day, if that makes sense. 5 MR. NOPHLIN: Yes. 6 MR. BAILEY: Maybe two to four days a week at 7 best. And that's reflected in the citation. 8 MR. NOPHLIN: Citations? 9 MR. BAILEY: Yes, sir. 10 MR. NOPHLIN: One more question. Go ahead. 11 CHAIRPERSON MILLER: Did you have another 12 question? 13 MR. NOPHLIN: Yeah, I have one more. I was 14 waiting for her to translate. 15 CHAIRPERSON MILLER: Translating. 16 MR. SHIN: Okay. 17 MR. NOPHLIN: Translate. I'm sorry. I got - 18 - I got the idea now. Then the citations aren't 19 necessarily all in one -- of one kind? They're 20 different citations, are they -- the ones that are 21 recorded here? They have different dates? 22 MR. BAILEY: Yes, sir.</p>
<p style="text-align: right;">95</p> <p>1 had Maryland tags on them. 2 MS. OH: What was the answer? 3 MR. BAILEY: There were a legion of 4 violations. 5 MR. SILVERSTEIN: Thank you, Madam Chair. I 6 don't think I can top Shark Week. 7 CHAIRPERSON MILLER: Okay. Other Board 8 questions? 9 MR. NOPHLIN: Mr. Nophlin. 10 CHAIRPERSON MILLER: Mr. Nophlin? 11 MR. ALBERTI: Oh, please, go ahead. Mr. 12 Nophlin, please, go ahead. 13 MR. NOPHLIN: Excuse me. How many of these 14 operations were done? Were there different ones 15 besides the one you participated in? 16 MR. BAILEY: This holiday task force focuses 17 between Thanksgiving and February. 18 MR. NOPHLIN: Yes. 19 MR. BAILEY: And this became an area of 20 concern as well -- as well as other establishments. 21 And we were to conduct limited surveillance there for a 22 time frame before we were really out doing (inaudible).</p>	<p style="text-align: right;">97</p> <p>1 MR. NOPHLIN: So at different times? That's 2 what I'm referring to. 3 MR. BAILEY: Yes, sir. 4 MR. NOPHLIN: And they're not all by your 5 operation? There could be other people involved? 6 MR. BAILEY: These are -- these are our 7 service -- 8 MR. NOPHLIN: No. I mean you specifically. 9 It's not your specific -- 10 MR. BAILEY: Oh, it's -- I may have not been 11 what we call the hive, the person that actually 12 observed the violation. Somebody else may have. But, 13 I mean, it was part of this team. It was not outside 14 these team efforts. 15 MR. SILVERSTEIN: Okay. All right. I 16 understand. Thank you, Madam Chair. 17 CHAIRPERSON MILLER: Okay. You're welcome. 18 I thought -- okay. You have a follow up? 19 MR. SILVERSTEIN: Yes. 20 CHAIRPERSON MILLER: Mr. Silverstein? 21 MR. SILVERSTEIN: Thank you. I'm sorry I 22 didn't ask this. Well, we'll wait.</p>

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98	1 CHAIRPERSON MILLER: Are you ready for -- 2 MS. OH: Yeah. 3 CHAIRPERSON MILLER: -- Mr. Silverstein? 4 Okay. 5 MR. SILVERSTEIN: I'm sorry I didn't ask 6 this, which I didn't -- you said you witnessed the 7 transactions in the store? 8 MR. BAILEY: Yes. 9 MR. SILVERSTEIN: Did you ever see any of the 10 young people pull out an ID and show it to whoever? 11 MR. BAILEY: No. 12 MR. SILVERSTEIN: Is there -- I'm sorry, go 13 ahead. Is there any reason to believe that any of them 14 was ever asked for an ID or for their age? 15 MR. BAILEY: Not in my experience, no. 16 MR. SILVERSTEIN: I have no further 17 questions, Madam Chair. 18 CHAIRPERSON MILLER: Okay. Other Board 19 members? 20 MR. ALBERTI: Detective Bailey, thank you for 21 coming. 22 MR. BAILEY: Yes, sir.	100	1 February of 2012 has the Montgomery County Police 2 Department focused any investigations on this 3 establishment? 4 MR. BAILEY: We have not. 5 MR. ALBERTI: Do you have any knowledge of 6 any underage sales -- do you have any knowledge of any 7 underage sales since February at this store that has 8 been relayed to you or your department directly, not 9 just you've read in the paper, but reported to you or 10 your department directly? 11 MR. BAILEY: I know of no violations. 12 MR. ALBERTI: Okay. Thank you. Was this 13 information about -- was the result of this 14 investigation ever reported to the District of Columbia 15 Alcoholic Beverage Regulatory Administration? 16 MR. BAILEY: Me and Officer Bill Morrison had 17 some contact with -- we called the (inaudible) that's 18 called ABRA. 19 MR. ALBERTI: ABRA. 20 MR. BAILEY: I believe that's it. 21 MR. ALBERTI: Yes, yes. 22 MR. BAILEY: I can't --
99	1 MR. ALBERTI: Well, let's follow -- I'm going 2 to follow up on Mr. Silverstein's question. When you 3 observed the sale of alcohol to a minor in Town Square 4 Gourmet, could you identify who made the sale? 5 MR. BAILEY: The majority of the time, yes. 6 MS. OH: What was your answer? 7 MR. BAILEY: The majority of the time, based 8 on where I was situated -- based on where I was 9 situated, I could see right into the store. It was 10 very -- 11 MR. ALBERTI: And who was that? 12 MR. BAILEY: That was the owner. 13 MR. ALBERTI: The gentleman identified Mr. 14 Kim. On any occasion do you -- did you identify someone 15 -- but who -- then could you identify -- did you see 16 someone other than Mr. Kim that you were sure wasn't 17 Mr. Kim sell alcohol to somebody? 18 MR. BAILEY: No. 19 MR. SHIN: He's -- I don't know if she heard 20 the answer that you gave. 21 CHAIRPERSON MILLER: Could you repeat your -- 22 MR. ALBERTI: The answer was, "No." Since	101	1 MR. ALBERTI: That's who I'm referring to 2 now. 3 MR. BAILEY: Okay. Yes. 4 MR. ALBERTI: Okay. When would -- when did 5 that happen? 6 MR. BAILEY: I believe that's on our report. 7 MR. ALBERTI: Okay. 8 MR. BAILEY: I mean, I believe it's in the 9 confines of this report but -- I mean, I can refer to 10 that but -- 11 MR. ALBERTI: Okay. But other than -- okay. 12 I can find it in this report is what you're saying? 13 MR. BAILEY: Yes, sir. I know -- I believe 14 it's in there. 15 MR. ALBERTI: I can read. Thank you. I have 16 no further questions. 17 CHAIRPERSON MILLER: Okay. Other questions? 18 Okay. I have a few -- 19 MR. BAILEY: Yes, ma'am. 20 CHAIRPERSON MILLER: -- clean-up questions, I 21 guess. I just want to understand your operations a 22 little better.

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102	1 MR. BAILEY: Yes. 2 CHAIRPERSON MILLER: You said you actually -- 3 you yourself were in the store and you would observe 4 the -- no? Okay. 5 MR. BAILEY: Unh-unh. 6 CHAIRPERSON MILLER: Where were you then when 7 you made your observations? Okay. Wait, wait. 8 MS. OH: What was your answer? 9 CHAIRPERSON MILLER: He didn't answer yet. 10 We're waiting. 11 MR. SHIN: Okay. 12 CHAIRPERSON MILLER: I wanted you to get the 13 question. Okay. Where were you? 14 MR. BAILEY: Without having a dry erase board 15 -- because the store was kind of at an angle. And 16 there's kind of a triangle like this. This goes around 17 into a parking lot. This is the store front. You can 18 sit here and see into the door. 19 CHAIRPERSON MILLER: Sit here. So -- 20 MR. BAILEY: Sit on the triangle on this 21 corner. You're -- 22 CHAIRPERSON MILLER: You would --
103	1 MR. BAILEY: If you're in a plainclothes 2 vehicle and you're doing surveillance, then you can 3 look like you're doing something else. And that was 4 our tack. (Inaudible) now? 5 CHAIRPERSON MILLER: Unh-unh. Not yet -- not 6 yet though. Okay. So you were in your car. Okay. 7 MR. BAILEY: I -- there were times that 8 myself or somebody else would do a walk-by just to see 9 what was going on but we did not enter. 10 CHAIRPERSON MILLER: Okay. So you're in your 11 car. 12 MR. BAILEY: Uh-huh. 13 CHAIRPERSON MILLER: And I don't know how 14 many feet away that is -- do you -- from where the 15 counter is -- where -- 16 MR. BAILEY: I don't but we had -- I don't 17 (Inaudible). 18 CHAIRPERSON MILLER: What? 19 MR. BAILEY: I don't but we have binoculars. 20 CHAIRPERSON MILLER: You have binoculars -- 21 use binoculars? 22 MR. BAILEY: And spotting scopes, yes.
104	1 CHAIRPERSON MILLER: Okay. So you used 2 binoculars and spotting scopes. Okay. So could -- 3 what could you see with respect to the sale -- and 4 let's show -- you just saw that they didn't take ID? 5 MR. BAILEY: That they were taking things to 6 the counter -- 7 CHAIRPERSON MILLER: Okay. 8 MR. BAILEY: -- and that cash or whatever was 9 being exchanged. 10 CHAIRPERSON MILLER: Okay. 11 MR. BAILEY: At that point, we've already got 12 our circumstantial in order to follow up on. So I'm 13 not concerned -- or we weren't concerned with every 14 time IDing each person before things went down. It's 15 the matter of the fact that we've got possession. 16 We've got it. So 17 CHAIRPERSON MILLER: Okay. So you're sitting 18 in your car, waiting for minors to go into the store, 19 correct? 20 MR. BAILEY: Uh-huh. 21 CHAIRPERSON MILLER: Okay. So is it that you 22 see someone that looks like a minor to you buys
105	1 alcohol, comes out, goes to a car, and you follow that 2 car across the border? 3 MR. BAILEY: We follow a car with Maryland 4 registration, yes. 5 CHAIRPERSON MILLER: And then does another 6 car stop the minor's car or what? 7 MR. BAILEY: My job as the eye -- 8 CHAIRPERSON MILLER: Yeah. 9 MR. BAILEY: -- as it's called (inaudible) is 10 to constantly monitor them so they don't stop off 11 somewhere and drop off the beer, pick something else, 12 that we can attest to the fact that they made no other 13 stops -- 14 CHAIRPERSON MILLER: Okay. 15 MR. BAILEY: -- and follow them to an area 16 where we've got -- 17 MR. ALBERTI: You need to slow down. 18 MR. BAILEY: I'm sorry. We follow them to 19 the Montgomery County line. At this point a marked car 20 will begin surveillance and we'll establish probable 21 cause. If they cross the double-yellow line, if they're 22 speeding, if they, you know, do a California stop

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106	1 through a stop sign and they're not stopping, that's 2 where they get the probable cause to stop. 3 CHAIRPERSON MILLER: Okay. 4 MR. BAILEY: The citation itself, the charge 5 of possession of alcohol by someone under 21, is a 6 civil citation. It's, in other words, a secondary 7 charge. Therefore PC has to develop. 8 CHAIRPERSON MILLER: Okay. Wait, hold it. 9 MR. BAILEY: Or -- I'm sorry. 10 CHAIRPERSON MILLER: Okay. Did you have more 11 to say that you recall? 12 MR. BAILEY: I -- if you have any further 13 question about that, how we -- 14 CHAIRPERSON MILLER: Okay. That's -- I got 15 my answer basically. 16 MR. BAILEY: Okay. 17 CHAIRPERSON MILLER: And do you recall if any 18 of the cars that were stopped actually were not driven 19 by minors? 20 MR. BAILEY: No. They all -- 21 CHAIRPERSON MILLER: They all. And the 22 period of time in which you did the surveillance was	108	1 CHAIRPERSON MILLER: Oh, wow. All right. 2 Let's see if I have anything else. 3 MR. SILVERSTEIN: I didn't hear what you 4 said. 5 MR. BAILEY: Sir, the quality of fake IDs -- 6 just on the computer, you spend \$200, send your 7 information -- they're coming -- primarily in China and 8 get a license that can fool most police officers. If a 9 police officer runs it, it will not come up good, but 10 it'll fool any bouncer or any bartender or any liquor 11 store. 12 CHAIRPERSON MILLER: You said -- I thought 13 you said -- wait. Did you get that? 14 MR. SHIN: Yeah. 15 CHAIRPERSON MILLER: Okay. I thought you 16 said it would fool the police offer too. 17 MR. BAILEY: Initially it would. 18 CHAIRPERSON MILLER: Okay. 19 MR. BAILEY: But if I ran -- let's say that 20 you changed your date of birth by one year. Once I run 21 it and it comes back, it should -- if the holograms 22 match up and everything else matches up. Pretty scary.
107	1 from the day before Thanksgiving, 2011 through February 2 18, 2012 or is that not correct? 3 MR. BAILEY: Approximately, yes. 4 CHAIRPERSON MILLER: And why haven't you done 5 any surveillance or this type of operation since then? 6 MR. BAILEY: We've had no further 7 intelligence that something's going on -- amiss. And 8 if you look at the news, kids have better ways to make 9 fake IDs. 10 CHAIRPERSON MILLER: I got that first part 11 but not the second. 12 MR. BAILEY: I'm sorry. It's a hornet's 13 nest. Basically IDs coming from China are being 14 (inaudible) and they're so good that they can fool a 15 cop. 16 CHAIRPERSON MILLER: Oh, they could fool you 17 all even -- 18 MR. BAILEY: You'll be -- you'll be seeing 19 that soon. 20 CHAIRPERSON MILLER: I think I saw it on 60 21 Minutes. Okay. 22 MR. BAILEY: So that's the next thing.	109	1 CHAIRPERSON MILLER: Okay. Thank you. Mr. 2 Alberti, did you have a follow-up question? 3 MR. ALBERTI: No. I've -- you just followed 4 up my question. 5 MR. NOPHLIN: Madam Chair, I have one 6 question. 7 CHAIRPERSON MILLER: Yes, Mr. Nophlin. Yes? 8 MR. NOPHLIN: Real quick. May I ask you 9 another question, please? 10 MR. BAILEY: I'm sorry. 11 MR. NOPHLIN: That's okay. Were there any 12 adults involved in the cars or they were just 13 individuals -- sorry, was it just one person in the car 14 or was it two people in the car? 15 MR. BAILEY: It varied between more -- one 16 and multiple. But on all of our stops there were no 17 adults. 18 MR. NOPHLIN: No adults. Thank you, Madam 19 Chair. 20 CHAIRPERSON MILLER: Any other questions? 21 MR. ALBERTI: Well, I'm just going to ask a 22 quick question just so we know for the record what -- I

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110	<p>1 see several of these citations where the individuals 2 appear to be -- if I had done my math right -- are 18 3 years old. 4 MR. BAILEY: Yes. 5 MR. ALBERTI: Is that correct? 6 MR. BAILEY: Yes. 7 MR. ALBERTI: Okay. 8 MR. BAILEY: We're not allowed to share 9 juvenile citations, I don't think, with you. 10 MR. ALBERTI: Oh, so all of these are over -- 11 all of these are over 18? 12 MR. BAILEY: Actually it looks like some of 13 them are redacted. Let me amend that. The ones that 14 are redacted were probably juvenile. The ones that -- 15 actually they're all redacted. 16 MR. ALBERTI: Yeah, maybe their date of birth 17 there. The names are redacted. So I'm looking at date 18 of birth. 19 MR. BAILEY: All right. Let me just take a 20 quick peek through this. 21 MR. ALBERTI: And I'm -- 22 MR. BAILEY: These appear to be -- all be --</p>	112	<p>1 follow-up question. There's a list of nine citations 2 on Page 4 of the Case Report No. 2, which is 12-251- 3 00107. 4 MR. SHIN: What papers? 5 CHAIRPERSON MILLER: Four. 6 MR. SHIN: Oh, Page 4. 7 CHAIRPERSON MILLER: Are these just the -- 8 are these all the citations that you're aware of or 9 there are more? 10 MR. BAILEY: No, ma'am. 11 CHAIRPERSON MILLER: There are -- 12 MR. BAILEY: There are more that have not 13 been issued yet. 14 CHAIRPERSON MILLER: Okay. 15 MR. BAILEY: And I can't comment as to how 16 many that is because I don't know. 17 CHAIRPERSON MILLER: Okay. And you were not 18 interviewed for this report; is that correct? Oh, 19 sorry. 20 MS. OH: Excuse me? 21 CHAIRPERSON MILLER: I just am asking 22 Detective Bailey if he was interviewed for the report</p>
111	<p>1 MR. ALBERTI: It appears that there -- at 2 least some of these are -- 3 MR. SHIN: Is 20 years old. 4 MR. ALBERTI: -- are 18 years old -- 5 MR. SHIN: It's '93. Nineteen. 6 MR. ALBERTI: -- or just barely 19. 7 MR. SHIN: Yeah. 8 MR. BAILEY: I believe they probably do 9 privacy only, like -- 10 MR. ALBERTI: Or just barely 18. 11 MR. SHIN: Eighteen. 12 MR. ALBERTI: Some of them are just 18 years 13 old. 14 MR. BAILEY: Right. 15 CHAIRPERSON MILLER: Now, let's -- are you 16 with us? 17 MR. SHIN: Yeah. 18 CHAIRPERSON MILLER: Okay. 19 MR. BAILEY: Yes, sir. 20 MR. ALBERTI: Thank you. I wanted to get 21 that for that record. Thank you. 22 CHAIRPERSON MILLER: I guess I have another</p>	113	<p>1 that's in evidence. It's Case Report No. 2. 2 MR. BAILEY: Okay. So again we're talking 3 about the citations that are issued here? 4 CHAIRPERSON MILLER: No. I just meant the 5 report in general. Were you inter -- 6 MR. BAILEY: Oh, I was never -- no. I was 7 never interviewed, no. 8 CHAIRPERSON MILLER: Any other questions? 9 Okay. Redirect? 10 MR. ROSS: Yes. 11 CHAIRPERSON MILLER: Mr. Ross? 12 MR. ROSS: Would you name once again your 13 colleagues that you believe had some interchange with 14 ABRA individuals? 15 MR. BAILEY: Most likely Bill Morrison, 16 potentially Sergeant Mark White. 17 MR. ROSS: Last question. If you went out 18 Canal Road from Town Square -- was at the bottom of the 19 hill when you went out Canal Road and you got the 20 Maryland line, is there a liquor store in-between Town 21 Square and the Maryland line if you go out Canal Road 22 at Clara Barton Parkway?</p>

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<p style="text-align: right;">114</p> <p>1 MR. BAILEY: I don't know of any liquor 2 store, no. 3 MR. ROSS: Thank you. 4 CHAIRPERSON MILLER: Did you get his answer 5 as well? Okay. 6 MR. ROSS: I had no further questions. 7 CHAIRPERSON MILLER: Okay. Then that 8 concludes -- 9 MR. ROSS: Yes. 10 CHAIRPERSON MILLER: -- recross. Hold on. 11 We'll just -- did you have a question? 12 MR. SHIN: They have one question. May I ask 13 him? 14 CHAIRPERSON MILLER: Okay. 15 MR. SHIN: Officer, do you -- when you 16 followed this car -- I understand when I was 21, some 17 kid wants to buy the liquor. And if I do that, I'm 18 just -- if I do that, they'll give you a beer. So 19 sometime I buy the liquor. That was a long time ago. 20 And I drop them off. And then I find out they got 21 caught. Then they still -- they get a ticket. I 22 wasn't -- I mean, I buy for them.</p>	<p style="text-align: right;">116</p> <p>1 MR. ALBERTI: Ms. Oh, can you translate what 2 was just -- the exchange? 3 MR. ROSS: Excuse me, but I think that should 4 be stricken from the record. This gentleman was -- 5 CHAIRPERSON MILLER: It's not really 6 relevant. 7 MR. ROSS: -- is -- 8 MR. SHIN: It's really -- that's why I was 9 doing the question. 10 CHAIRPERSON MILLER: That's not really 11 relevant. 12 MS. OH: What'd he say? 13 MR. ROSS: This gentleman is an interpreter 14 and he's asking questions? I think that should be 15 stricken, Your Honor. 16 MR. SHIN: I'm just -- was just wondering. 17 CHAIRPERSON MILLER: So just wondering. Yes, 18 we can strike that. Do you have an objection? Do you 19 have a response to being stricken from the record since 20 it's not relevant to the case? Okay. Do you -- is -- 21 are there any -- 22 MR. SHIN: No question.</p>
<p style="text-align: right;">115</p> <p>1 MR. BAILEY: Are you speaking about yourself, 2 sir, or in general? 3 MR. SHIN: No. 4 MR. BAILEY: Okay. So you're saying that if 5 you were 21 and you purchased beer and you subsequently 6 gave it to somebody that was underage and they were 7 caught, could they be -- yes. You could -- 8 MR. SHIN: What about me? 9 MR. BAILEY: Yes. 10 MR. SHIN: Okay. 11 MR. BAILEY: They could be cited if they were 12 apart from you. 13 MR. SHIN: Okay. 14 MR. BAILEY: If they were in the same car, 15 then probably not. If they were apart from you -- 16 let's say that you had let them go and they're walking 17 on their way. They can be cited and you can be cited. 18 MR. SHIN: Okay. So my last question is, 19 did -- 20 MR. ALBERTI: Wait, wait, wait. I don't 21 think I heard a translation of that -- of that at all. 22 MR. SHIN: That was my question.</p>	<p style="text-align: right;">117</p> <p>1 CHAIRPERSON MILLER: I thought we were 2 finished anyway. Okay. So that does conclude your 3 testimony here today. Thank you very much for coming -- 4 MR. BAILEY: Thank you for your time. 5 CHAIRPERSON MILLER: -- all this way. 6 MR. ALBERTI: Drive safely. 7 MR. BAILEY: All right. 8 CHAIRPERSON MILLER: All right. That takes 9 us where -- yes? 10 MR. SHIN: We are done? 11 CHAIRPERSON MILLER: We are almost done. We 12 are now at closing arguments. So -- I'm sorry, I 13 thought you were done. 14 MR. ROSS: I don't have any objection. 15 CHAIRPERSON MILLER: Have you rested your 16 case (inaudible)? It's my understanding you are but if 17 you have something else? 18 MR. ROSS: That's fine. No. 19 CHAIRPERSON MILLER: Okay. 20 MR. ROSS: The only other thing I would -- I 21 would do would be I would give you all another exhibit, 22 which is the previous violation report, which took</p>

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118	<p>1 place in 2010 on December 9th. And he paid a \$500 fine 2 -- well, I shouldn't say a fine. He had a -- I don't 3 know whether it was a mediation solution or not. He 4 had sold beer in less than a six pack and was charged 5 for that. 6 CHAIRPERSON MILLER: I -- what document are 7 you -- are you referring to that you would like to 8 offer into evidence? 9 MR. ROSS: Investigation No. 10-CMP-00797, 10 involving Town Square Gourmet, taking place on December 11 9th, 2010. And as I said, it was a matter that was 12 resolved. And the transcript of the resolution between 13 then-Chairman Brodsky is present in this, if you all 14 wish to see it. 15 CHAIRPERSON MILLER: Well, I'm not sure what 16 you're asking. You want to -- 17 MR. ROSS: Well -- 18 CHAIRPERSON MILLER: -- put something into 19 evidence and do not want us to take judicial notice of 20 something in it? 21 MR. ROSS: Well, it's your -- it's your 22 actual proceeding. And I was just reminding you of it.</p>	120	<p>1 sold the six pack. 2 CHAIRPERSON MILLER: He didn't sell or -- 3 MS. OH: No, NO. 4 CHAIRPERSON MILLER: -- he sold because he 5 didn't know it was illegal? 6 MS. OH: He didn't. He never sold the four 7 pack of the beer. 8 CHAIRPERSON MILLER: Okay. What's the date 9 of this record that you're -- 10 MR. ROSS: December 9th, 2010. I wanted to 11 fill out the record on the history of this institution. 12 And I'm happy -- 13 CHAIRPERSON MILLER: Okay. 14 MR. ROSS: -- to bring this up. 15 CHAIRPERSON MILLER: We just want to know 16 what you're asking us to take notice of so that I'm 17 sure I have the right -- December 9th, 2010 is what? 18 It's a citation? It's a transcription? It's a -- what 19 is it? 20 MR. ROSS: It was a complaint. 21 CHAIRPERSON MILLER: It's a complaint? 22 MR. ROSS: Investigator Vincent Parker was</p>
119	<p>1 And now, you've got it so I don't think you have to do 2 anything else. And that would be to fill out. 3 CHAIRPERSON MILLER: Okay. Have you -- have 4 you shown what you're referring to the applicant? 5 MR. ROSS: No, I'm happy to. I -- 6 MR. SHIN: We have a copy. 7 MR. ROSS: You have a copy. 8 MR. SHIN: Yeah. 9 CHAIRPERSON MILLER: Okay. Do you note any 10 objection or anything? 11 MS. OH: When he start to operate the store, 12 he never got information about that. He -- it's -- it 13 is violation that sell the six packs of beer. So the 14 previous owner display the -- that stuff and he never 15 sell -- never sell. 16 MR. SHIN: Just display here. 17 MS. OH: Yeah, so in some -- inspector take 18 picture. So he -- at that point he realizes the -- 19 against the law so he just gathered up the six -- 20 MR. SHIN: Yeah, he never sold. It's 21 display. 22 MS. OH: Yeah, yeah. Never sold -- never</p>	121	<p>1 able to determine that Town Square Gourmet, located at 2 -- was in violation of their voluntary agreement on 3 December 9th, 2010. Specifically, the establishment 4 had a four pack of beer on display for sale. 5 CHAIRPERSON MILLER: Oh -- 6 MR. ALBERTI: This -- Madam Chair, may I ask 7 one clarifying question to Mr. Kim? 8 CHAIRPERSON MILLER: Yes, go ahead. 9 MR. ALBERTI: Mr. Kim -- Mr. Kim? 10 MR. KIM: Yes. 11 MR. ALBERTI: When did you begin operating 12 this store? 13 MR. KIM: It has been operating for three 14 years. Ninth of September, '09. 15 MR. ALBERTI: Some time in two -- 16 MR. KIM: Six -- 17 MR. ALBERTI: Some time in 2009, correct? 18 MR. KIM: In 2009. 19 MR. ALBERTI: Okay. Thank you. And I will 20 just note that the infraction that Mr. Ross noted 21 occurred in December of 2010 -- 22 MR. ROSS: Thank you.</p>

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<p style="text-align: right;">122</p> <p>1 MR. ALBERTI: -- just for the record. Thank 2 you. 3 CHAIRPERSON MILLER: The -- and when was the 4 citation as well? 5 MR. ALBERTI: 2010. The citation was -- 6 MR. ROSS: December -- the date of 7 occurrence, December 9th, 2010. 8 CHAIRPERSON MILLER: Okay. Did you also make 9 reference to a citation that was issued or no? 10 MR. ROSS: No. I said that I thought this 11 was worked out in either mediation or some fine. And 12 he paid \$500. 13 CHAIRPERSON MILLER: Okay. And that's 14 reflected in some document you have there? 15 MR. ROSS: It was a fine. 16 CHAIRPERSON MILLER: Where is it reflected? 17 MR. ALBERTI: Madam Chair, it's reflected in 18 our records. And it reflected that an OIC was accepted 19 for \$500 for Case No. 10-CMP-00797. The date of 20 occurrence in my record that I have here is December 21 23rd, 2010. 22 CHAIRPERSON MILLER: Okay.</p>	<p style="text-align: right;">124</p> <p>1 your license renewed. 2 MS. OH: He definitely check the ID and sell 3 -- he sells liquors. And if it happened again, it's 4 okay. He goes to jail -- something. 5 MR. SHIN: He say he don't mind going to 6 jail. Bottom line, he doesn't want nothing to happen. 7 MS. OH: Which means that he's not going to - 8 - he will never, never do that again. 9 MR. NOPHLIN: Bring the microphone closer to 10 her. 11 MR. SHIN: I think this is -- 12 MR. NOPHLIN: Okay. 13 MR. SHIN: -- far more than it can come. 14 CHAIRPERSON MILLER: Okay. 15 MR. SHIN: Okay. 16 MS. OH: That's it. 17 CHAIRPERSON MILLER: Okay. Thank you. 18 MR. KIM: Thank you. 19 CHAIRPERSON MILLER: Now, my mike's not on. 20 Thank you. 21 COURT REPORTER: Oh, I can hear you. 22 CHAIRPERSON MILLER: Okay. Mr. Ross?</p>
<p style="text-align: right;">123</p> <p>1 MR. ALBERTI: We will take -- 2 CHAIRPERSON MILLER: Did -- 3 MR. ALBERTI: I should just be taking 4 judicial notice of that. 5 CHAIRPERSON MILLER: Did you all get that 6 down? 7 MR. SHIN: Yeah. 8 CHAIRPERSON MILLER: Okay. All right. And 9 you've spoken to it and it is -- it is in our ABRA 10 official records. So we will take judicial notice of 11 that. Okay. Does that complete your case, Mr. Ross? 12 MR. ROSS: Yes, it does. 13 CHAIRPERSON MILLER: All right. Then we are 14 at closing arguments. And the applicant will go first. 15 MR. SHIN: Are we done? 16 CHAIRPERSON MILLER: And closing -- no. This 17 is an opportunity now, if you want -- it's voluntary. 18 It's kind of like the opening statement. It's the 19 closing statement. You can address the Board and tell 20 us what you've shown to make your case. It's not any 21 new evidence. Let's just talk about why, you know, 22 you've met your burden, you know, that you should get</p>	<p style="text-align: right;">125</p> <p>1 MR. ROSS: Ladies and gentlemen, I believe 2 that this is a very, very serious matter, that we had 3 testimony of someone who participated in a task force 4 that told us that this store was the place to be. I'm 5 sorry that this all happened. I don't think we can 6 ignore it. I think it calls for strong action on your 7 part. We had ten sales of liquor to minors in roughly 8 two and a half months if you count the one on the 18th 9 and nine citations. 10 You heard it from the detective's mouth, the 11 way they operated. You also had a criminal conviction 12 and you had one -- oh, I'm sorry. It's hard to do that 13 in the closing argument, you know. I'm sorry. I 14 apologize. 15 CHAIRPERSON MILLER: It's okay. 16 MR. ROSS: As I said, we're user friendly to 17 restaurants and liquor stores in the Palisades and in 18 ANC 3D. But I think that this is a situation which 19 cries out for you all to not renew this lease. It's a 20 strict penalty but I believe that the evidence proves 21 that it is deserved in this case. Selling liquor to 22 minors -- you all -- strike that.</p>

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<p style="text-align: right;">126</p> <p>1 We are very, very lucky that nothing really 2 tragic happened. And I think that the ten that I said 3 that had been testified to today -- and I think Mr. 4 Bailey, when he left, said that there were more. And 5 you have to remember that Bailey's unit was Town Square 6 unit. So there are more out there. It's a pretty bad 7 situation. 8 And I believe that the evidence exists to 9 deny a renewal motion and I do that on behalf of my 10 constituents and all the other constituents in the ANC. 11 Thank you very much for your attention. 12 CHAIRPERSON MILLER: Thank you. Okay. At 13 this point then we've heard testimony and received 14 evidence into the record. And I can be closing the 15 record now so no more evidence will be considered by 16 the Board. You have one final option and that is if 17 you want to submit proposed findings and conclusions of 18 law. It's an option and -- 19 MR. ROSS: I'm happy to waive that option. 20 CHAIRPERSON MILLER: Okay. Many parties 21 waive that option. 22 MR. SHIN: What is it?</p>	<p style="text-align: right;">128</p> <p>1 MR. NOPHLIN: Second. 2 CHAIRPERSON MILLER: The motion's been 3 seconded by Mr. Nophlin. I'll now take a roll call 4 vote on the motion. Mr. Nophlin? 5 MR. NOPHLIN: I agree. 6 CHAIRPERSON MILLER: Mr. Brooks? 7 MR. BROOKS: I agree. 8 CHAIRPERSON MILLER: Mr. Alberti? 9 MR. ALBERTI: I agree. 10 CHAIRPERSON MILLER: Ms. Miller agrees. Mr. 11 Silverstein? 12 MR. SILVERSTEIN: I agree. 13 CHAIRPERSON MILLER: Mr. Jones? 14 MR. JONES: I agree. 15 CHAIRPERSON MILLER: The motion passes by a 16 vote of 6-0. I hereby give notice that the ABC Board 17 will hold a closed meeting in the ABC Board conference 18 room today or soon after pursuant to the Open Meetings 19 Amendment Act of 2010 and issue an order within 90 20 days. 21 So that concludes this case. Thank you very 22 much.</p>
<p style="text-align: right;">127</p> <p>1 CHAIRPERSON MILLER: And I wanted to let you 2 have it. So he'll waive it? 3 MR. SHIN: It's fine. 4 CHAIRPERSON MILLER: Yeah, okay. So the 5 Board will review the evidence and -- 6 MR. SHIN: Yes, ma'am. 7 CHAIRPERSON MILLER: -- draw its conclusions. 8 Okay. And finally, what I'm going to do is read the 9 instructions to the Board for closing the meeting to -- 10 for deliberations in accordance with the Open Meetings 11 Act because this will be deliberated on a later time. 12 As Chairperson of the Alcoholic Beverage 13 Control Board for the District of Columbia and in 14 accordance with Section 405 of the Open Meetings 15 Amendment Act of 2010, I move that the ABC Board hold a 16 closed meeting for the purpose of seeking legal advice 17 from our counsel on Case No. 12-PRO-00022, Town Square 18 Gourmet, per Section 405(b)(4) of the Open Meetings 19 Amendment Act of 2010 and deliberating upon this case 20 for the reasons cited in Section 405(b)(13) of the Open 21 Meetings Amendment Act of 2010. 22 Is there a second?</p>	<p style="text-align: right;">129</p> <p>1 MR. ROSS: Thank you so much. 2 (WHEREUPON, at 4:27 p.m., the hearing was 3 concluded.) 4 5 6 7 8 9 10 11 12 13 14 15</p>

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