

Capital Reporting Company

In the Matter of: Soloman Enterprises, LLC t/a Climax Restaurant & Hookah Bar 07-11-2012

1

DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :
: :
Solomon Enterprises, LLC :
t/a Climax Restaurant & Hookah :
Bar :
900 Florida Avenue, NW :
Retailer CT : Fact Finding
License No. 88290 : Hearing
ANC 1B :
Operating After Hours :
-----x

July 11, 2012

The Alcoholic Beverage Control

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

PRESENT

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

HERMAN JONES, Member

CALVIN NOPHLIN, Member

MIKE SILVERSTEIN, Member

ALSO PRESENT

VINCENT PARKER, ABRA

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<p style="text-align: right;">2</p> <p>1 PROCEEDINGS 2 2:08 p.m. 3 CHAIRPERSON MILLER: Good afternoon. We're 4 back on the record for a fact finding hearing. And 5 first of all, I want to say thank you very much for 6 waiting. I'm sorry we're starting this one a little 7 later because our morning went longer this morning. 8 Okay. So this is Case No. 12-CMP-00106, 9 Climax Restaurant & Hookah Bar, located at 900 Florida 10 Avenue, N.W., License No. 88290, and ANC 1B. Would the 11 -- looks like the party could come forward to the 12 table. And did you sign in? There's a piece of paper 13 there for you to sign in so we get the spelling of your 14 name right. And then could you identify yourself for 15 the record? 16 MR. YEGZAW: Right. I'm Solomon Yegzaw, the 17 owner of the Climax -- 18 CHAIRPERSON MILLER: Okay. 19 MR. YEGZAW: -- Restaurant. 20 MR. NOPHLIN: Do me a favor. Put that 21 microphone up near you. 22 MR. YEGZAW: It's on. It's on. Right.</p>	<p style="text-align: right;">4</p> <p>1 I was driving in the area near Climax Restaurant & 2 Hookah Bar, located at 900 Florida Avenue, N.W. As I 3 was driving past the front of the establishment, I 4 observed two females enter the establishment and go up 5 the stairs to the second floor of the establishment. I 6 then parked my vehicle up the block near the gas 7 station and walked down towards Climax. 8 I got to the front door of the establishment 9 and there were three security guards standing outside. 10 I identified myself to the three security guards and 11 requested to see the ABC manager or owner. One of the 12 security guards immediately, upon seeing my badge and 13 hearing my identification, ran upstairs to the second 14 floor of the establishment. I followed up the -- up 15 the stairs to the second floor of the establishment. 16 And on the second floor of the establishment 17 I observed approximately 15 patrons inside the 18 establishment. There was a bottle of alcohol on the 19 table. I reached for my camera, tried to take a 20 picture. The people started to scurry out of the way 21 and move. It was relatively dark inside of the 22 establishment. But I did observe the alcoholic</p>
<p style="text-align: right;">3</p> <p>1 MR. NOPHLIN: Thank you. 2 CHAIRPERSON MILLER: Okay. And, Mr. Parker, 3 would you identify yourself? 4 MR. PARKER: My name is Vincent Parker. I'm 5 an ABRA investigator. 6 CHAIRPERSON MILLER: Okay. As I stated, 7 this is a fact finding hearing. We don't take evidence 8 or sworn testimony. At these types of hearings we just 9 take in information, statements people want to make, or 10 ask questions, to determine whether or not either no 11 further action should be taken, that we're settled that 12 this was okay, or whether we may send it to the Office 13 of Attorney General for them to determine whether a 14 Show Cause Hearing is necessary. 15 So for now, I think we'll start with our 16 investigator to hear what this is about. And you can 17 ask him questions and then the Board can ask him 18 questions. And then if you have any statements you want 19 to make, you'll have that opportunity too. Okay. Why 20 don't we start with Mr. Parker then? 21 MR. PARKER: Thank you, Madam Chair. On 22 Sunday, February 26th, 2012, at approximately 3:15 a.m.</p>	<p style="text-align: right;">5</p> <p>1 beverage being consumed. 2 After I had snapped the picture, which is 3 attached to my report as Exhibit No. 2, I talked to the 4 security guard, who I had seen run up the stairs, and 5 asked him where was the ABC manager or owner. He 6 stated he did not know. I asked loudly to the group, 7 was the ABC manager or owner present. No one 8 responded. And then I turned to exit the 9 establishment. As I was exiting the establishment, I 10 indentified a male who I had met at Climax Restaurant & 11 Hookah previously. 12 I spoke to the male and asked him was the ABC 13 manager or owner present. He basically ignored my 14 question and stated he didn't know -- or he expressed 15 that he didn't understand my question when I had spoken 16 to him previously. So I just left the establishment. 17 The next day, being Monday, February 27th, I returned 18 to Climax Restaurant & Hookah. I entered the 19 establishment and I saw the same male who had ignored 20 my previous question on the night before or the 21 Saturday night before Sunday night. 22 I saw him at the establishment working. I</p>

Capital Reporting Company

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6	<p>1 advised him that I was an ABRA investigator and asked 2 for the ABC manager or owner. He then telephoned a 3 male who identified himself as Mr. Solomon, last name, 4 Y-E-G-Z-A- W. Mr. Solomon stated that -- on the 5 telephone to me stated that he was the owner of the 6 establishment. And at that time I telephonically 7 notified Mr. Solomon that on the night before, Climax 8 was observed operating after the ABC Board -- ABC 9 Board-approved hours.</p> <p>10 In addition to operating after the ABC Board- 11 approved hours, which end at 3:00 a.m., Climax 12 Restaurant & Hookah Bar were also in violation of the 13 voluntary agreement, which is on file for the 14 establishment. The voluntary agreement, which is on 15 file for Climax Restaurant & Hookah Bar was actually 16 signed by the previous owner, who operated the 17 establishment known as Bella.</p> <p>18 On February 1st, 2012, there was a transfer 19 from Bella to Climax Restaurant & Hookah Bar. And as a 20 common practice, the voluntary agreement also 21 transferred as part of that transfer and does apply. 22 The voluntary agreement states that the applicant</p>	8
7	<p>1 agrees that the establishment will be shut down and 2 completely vacated, except for routine maintenance and 3 clean up, by closing time each night.</p> <p>4 Applicant agrees that there will be no after- 5 hours activity in the establishment. And, like I said, 6 that voluntary agreement was signed by Michael, last 7 name, N-A-I-Z-G-H-I, who operated Bella at the same 8 location as Climax.</p> <p>9 As I'm here today, I have Exhibit 2 in my 10 investigative report, which is the photograph. And it 11 appears that one of the males on the photograph is 12 sitting here next to me. And the male in the white 13 shirt's standing here. In the picture -- in the middle 14 of the picture is the gentleman who identified himself 15 as Mr. Solomon, sitting here now.</p> <p>16 CHAIRPERSON MILLER: Does he have your 17 investigative report?</p> <p>18 MR. PARKER: He would have been served with 19 the report when he was issued notice of this hearing.</p> <p>20 CHAIRPERSON MILLER: Okay. Good. Mr. 21 Solomon, did you --</p> <p>22 MR. YEGZAW: Yeah.</p>	9
6	<p>1 CHAIRPERSON MILLER: Okay. You saw the 2 report?</p> <p>3 MR. YEGZAW: Right. I remember that day.</p> <p>4 CHAIRPERSON MILLER: Do you want to him 5 questions or anything or do you want to just speak?</p> <p>6 MR. YEGZAW: Well, yeah. I'll make an 7 assessment.</p> <p>8 CHAIRPERSON MILLER: Oh, I'm sorry. Would 9 you hold on a minute? Mr. Alberti wants to ask Mr. 10 Parker some questions first.</p> <p>11 MR. YEGZAW: Sure.</p> <p>12 MR. ALBERTI: Mr. Parker, the picture that 13 you took that's attached to your report that was taken 14 the night of your first visit?</p> <p>15 MR. PARKER: Yes, yes.</p> <p>16 MR. ALBERTI: Okay.</p> <p>17 MR. PARKER: At 3:15.</p> <p>18 MR. ALBERTI: And the night of your second 19 visit -- and so then did this individual talk to you 20 that night?</p> <p>21 MR. PARKER: Well, the second visit was 22 during the day on Monday.</p>	8
7	<p>1 MR. ALBERTI: No, but this first visit. Did 2 --</p> <p>3 MR. PARKER: The first visit, the gentleman 4 in the white shirt I didn't talk to. I talked to the 5 other gentleman, who I had met previously at Climax.</p> <p>6 MR. ALBERTI: Was it your impression that 7 this gentleman standing in this picture, who was not 8 only sitting here, was --</p> <p>9 MR. PARKER: It's my impression now. At the 10 time, I didn't know he --</p> <p>11 MR. ALBERTI: No. But that evening -- was it 12 your impression that evening that he heard you and was 13 aware of your presence?</p> <p>14 MR. PARKER: Yes, sir. He was aware of my 15 presence. And he heard what I was saying.</p> <p>16 MR. ALBERTI: Okay. Your second visit, was 17 that during operating hours?</p> <p>18 MR. PARKER: There weren't any patrons inside 19 the establishment when I came back on Monday. There 20 was -- there was primarily staff. And they were, I 21 guess, cleaning or watching TV or something.</p> <p>22 MR. ALBERTI: Okay. Thank you.</p>	9

Capital Reporting Company

In the Matter of: Soloman Enterprises, LLC t/a Climax Restaurant & Hookah Bar 07-11-2012

10	<p>1 CHAIRPERSON MILLER: Other? I'll just ask a 2 couple right now then, too. Did you ask who was -- "Is 3 the owner here," or "Who's the owner," and 4 MR. PARKER: Yes. I asked it loudly to the 5 group. I initially asked the security guard, who I'd 6 seen run up the stairs. I asked him was the ABC 7 manager on the premises. He said he didn't know. Then 8 I asked the group, "Is the ABC manager on the present?" 9 CHAIRPERSON MILLER: Okay. 10 MR. PARKER: "Is anyone here the owner? 11 Who's in charge" -- 12 CHAIRPERSON MILLER: Okay. 13 MR. PARKER: -- those kind of questions. And 14 there wasn't any response. 15 CHAIRPERSON MILLER: Okay. And then also you 16 said that there was alcohol being served? 17 MR. PARKER: Well, they were -- they were 18 sitting at the table consuming it. 19 CHAIRPERSON MILLER: And what was -- 20 MR. PARKER: There was a -- there was a 21 bottle. The picture -- once I got there and started 22 taking pictures, people started moving around. And it</p>	12
11	<p>1 wasn't clear for me to get a picture of the alcoholic 2 beverage but they were consuming alcohol from a bottle 3 into cups -- in glasses. 4 CHAIRPERSON MILLER: Do you know what it was? 5 MR. PARKER: I don't recall. 6 CHAIRPERSON MILLER: I mean, do you think it 7 was, like, wine versus -- 8 MR. PARKER: I think it was spirits. It was 9 possibly Johnnie Walker. I don't know. I'm not sure 10 of that. 11 CHAIRPERSON MILLER: Okay. Any other 12 questions? Okay. Mr. Jones? 13 MR. JONES: Thank you, Madam Chair. Was the 14 only activity going on upstairs in that area the 15 consumption of alcoholic beverage or were they engaged 16 in other activities as well, such as, perchance was 17 there a DJ? Was there music playing, any dancing, any 18 smoking, any activities other than what you noted? 19 MR. PARKER: I focused on the alcohol 20 service. But I -- it appears from the picture that 21 there are hookah pipes on the table. I don't remember 22 the music being playing -- being loud at that time.</p>	13
10	<p>1 MR. JONES: Okay. 2 MR. PARKER: Could have been background music 3 but I do observe the hookah pipes being in the picture. 4 MR. JONES: Okay. So there are hookah pipes 5 there. There are -- you -- are you making the 6 statement that you believe the hookah pipes were being 7 used? 8 MR. PARKER: Yes. 9 MR. JONES: Okay. So the activity engaged 10 in, consumption of alcoholic beverage, hookah pipes 11 were being engaged as well. So it seemed fairly clear, 12 in your estimation, that they were in operation? 13 MR. PARKER: Yes, sir. Definitely. 14 MR. JONES: Okay. Or at least they were in a 15 stance of being in operation? 16 MR. PARKER: Yes, sir. 17 MR. JONES: Okay. Thank you. Thank you, 18 Madam Chair. 19 MR. NOPHLIN: Madam Chair? 20 CHAIRPERSON MILLER: Yes, Mr. Nophlin? 21 PARTICIPANT: Oh, I'm sorry. 22 MR. NOPHLIN: Okay. And Vincent Parker, to</p>	12

Capital Reporting Company

In the Matter of: Soloman Enterprises, LLC t/a Climax Restaurant & Hookah Bar 07-11-2012

14	<p>1 wasn't -- that's why --</p> <p>2 MR. NOPHLIN: The group -- the group in the</p> <p>3 pictures here?</p> <p>4 MR. PARKER: Yes. And there were -- there</p> <p>5 were other patrons off to the right of this picture.</p> <p>6 It's relatively dark in that area. So there are other</p> <p>7 people inside this establishment other than the ones</p> <p>8 sitting here. And I asked loudly or, you know, in a</p> <p>9 clear voice, "Is the ABC manager or owner here," to the</p> <p>10 group. And no one responded.</p> <p>11 MR. NOPHLIN: About how many people would you</p> <p>12 say were there?</p> <p>13 MR. PARKER: I think it was close to 15 --</p> <p>14 approximately 15.</p> <p>15 MR. NOPHLIN: And so the facility itself was</p> <p>16 upstairs, at least --</p> <p>17 MR. PARKER: Well, there's an upstairs and a</p> <p>18 downstairs.</p> <p>19 MR. NOPHLIN: Was anybody downstairs?</p> <p>20 MR. PARKER: No, sir.</p> <p>21 MR. NOPHLIN: Oh, okay. And then the person</p> <p>22 that's here now is a person that you saw there that was</p>	16
15	<p>1 in the picture?</p> <p>2 MR. PARKER: Well, I'll say he appears to be</p> <p>3 the same person that's photographed in my Exhibit 2.</p> <p>4 He resembles the person in Exhibit 2. And I'd, like,</p> <p>5 you know, to ask him if that was him.</p> <p>6 MR. NOPHLIN: Okay. Did he identify</p> <p>7 himself?</p> <p>8 MR. PARKER: No, he didn't. When I asked the</p> <p>9 question to the group, he didn't say anything.</p> <p>10 MR. NOPHLIN: He didn't say -- he didn't</p> <p>11 respond to you?</p> <p>12 MR. PARKER: No, this gentleman did not. No,</p> <p>13 sir.</p> <p>14 MR. NOPHLIN: Okay. Thank you, Madam Chair.</p> <p>15 CHAIRPERSON MILLER: Thank you. And I want</p> <p>16 to welcome Mr. Silverstein who has just joined us.</p> <p>17 MR. SILVERSTEIN: Thank you, Madam Chair.</p> <p>18 CHAIRPERSON MILLER: Okay. And so the</p> <p>19 picture was taken around 3:15, 3:20, something like</p> <p>20 that?</p> <p>21 MR. PARKER: Yeah, it would be after 3:15.</p> <p>22 CHAIRPERSON MILLER: After -- little after</p>	17
16	<p>1 3:15? Okay.</p> <p>2 MR. PARKER: Yeah.</p> <p>3 CHAIRPERSON MILLER: All right. Any other</p> <p>4 questions? Okay. You pronounce your last name Yegzaw</p> <p>5 or</p> <p>6 MR. YEGZAW: Yeah.</p> <p>7 CHAIRPERSON MILLER: Okay. So now, I'll turn</p> <p>8 to you. You can ask Mr. Parker some questions. You</p> <p>9 can tell us your side of the story, whatever -- however</p> <p>10 you choose.</p> <p>11 MR. YEGZAW: Yeah, the first question -- we</p> <p>12 met before. I believe he knows me and that I know him,</p> <p>13 which is before February 26th. So what I saw at that</p> <p>14 time, he just walking upstairs with two -- I think two</p> <p>15 other ABRA officers -- and two females, walking</p> <p>16 upstairs, and start taking a photo. And we were taking</p> <p>17 alcohols out of there. We had, like, 99, almost 100</p> <p>18 people that night. It was about 3:09.</p> <p>19 So we were taking -- we push all the people</p> <p>20 out. And we were taking all the bottles -- we were</p> <p>21 cleaning. You don't see any things up there. Probably</p> <p>22 see six, seven peoples, which is -- those are my</p>	18
17	<p>1 managers, my promoters, and some assistant managers.</p> <p>2 So there is no customers. It's still running security.</p> <p>3 That's not -- nobody coming inside. That's why you saw</p> <p>4 -- he saw three securities out there. I never run</p> <p>5 after -- or I never serve liquor after my time.</p> <p>6 So that was empty bottles. There is no</p> <p>7 alcohol in it. So we just -- what we did always --</p> <p>8 first, I take all the customers and then my promoters</p> <p>9 and my peoples and then I take the letter. When I say,</p> <p>10 "Letters," before I end at the time -- so it wasn't --</p> <p>11 it wasn't after hour. And also, I didn't hear what he</p> <p>12 sound, "Where is the manager? Where is the ABC</p> <p>13 agents?"</p> <p>14 BOARD MEMBER: Right.</p> <p>15 MR. YEGZAW: I didn't heard that. And also,</p> <p>16 security know me. I'm the owner. And he knows me.</p> <p>17 I'm the ABC license manager, so -- which is Mr.</p> <p>18 (inaudible) and him, they came many times over there.</p> <p>19 We met them. So they definitely know me and then I know</p> <p>20 them too. Security also know who's the owner and the</p> <p>21 manager license but I don't know why that doesn't came</p> <p>22 up.</p>	19

Capital Reporting Company

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18	<p>1 I'm not -- I'm not sure. And also, I'm not 2 sure who he asked -- the girl. I'm not sure. But 3 everybody knows me who work over there. They know me. 4 CHAIRPERSON MILLER: Did you say you know -- 5 you knew Mr. Parker? 6 MR. YEGZAW: Yeah, I know him before February 7 26th. 8 CHAIRPERSON MILLER: So - 9 MR. YEGZAW: Right. We met -- we met in the 10 Climax before that. 11 CHAIRPERSON MILLER: Okay. So when he came 12 up, you didn't go talk to him though? 13 MR. YEGZAW: As soon as he came, he took a 14 shot and then left immediately. And then I went back. 15 I went back. I said -- I asked the security and, "Were 16 are they go?" They park right in front of the door. 17 And they gear it. I'm trying to reach them. But they 18 left sort of quick. And he didn't even -- I mean, I 19 didn't even hear anything -- any words. 20 He say that he want to talk to a manager 21 license. I didn't even hear. What -- they spent 22 probably three or four seconds in there, take a picture</p>	20	<p>1 MR. YEGZAW: -- I don't see new people in the 2 picture. 3 MR. BROOKS: Right. And do you have a copy 4 of this picture? 5 MR. YEGZAW: I don't. 6 MR. BROOKS: Okay. Show him the picture. 7 Okay. 8 MR. YEGZAW: Yeah, that's all the people who 9 work -- 10 MR. BROOKS: Is that you there -- 11 MR. YEGZAW: Yeah. 12 MR. BROOKS: -- in the picture? 13 MR. YEGZAW: Yeah. 14 MR. BROOKS: Okay. 15 MR. YEGZAW: I was the one here taking -- 16 MR. BROOKS: Yeah. And the rest of the 17 people there are your employees and managers? 18 MR. YEGZAW: Yeah, assistant manager and 19 promoter. 20 MR. BROOKS: And they're all sitting around 21 the table? 22 MR. YEGZAW: Sitting around the table, right.</p>
19	<p>1 and left back. That's where I saw. And, no, so I 2 never refused any officers come through in Climax. I 3 always represent after that and before that too. 4 CHAIRPERSON MILLER: Now, Mr. Brooks? 5 MR. BROOKS: Yeah. Oh, thank you, Madam 6 Chair. I just want to be clear, sir. You said that the 7 people that he saw were your managers? 8 MR. YEGZAW: Yeah. 9 MR. BROOKS: Okay. 10 MR. YEGZAW: This is the manager (inaudible). 11 MR. BROOKS: And how many do you have? 12 MR. YEGZAW: Well, I have two. 13 MR. BROOKS: You have two managers? 14 MR. YEGZAW: Yeah. 15 MR. BROOKS: But now, he said he saw 15 16 people there. 17 MR. YEGZAW: I don't think so -- it was 15 18 people over there. 19 MR. BROOKS: Okay. 20 MR. YEGZAW: It might have included servers 21 and stuff like that but -- 22 MR. BROOKS: Okay.</p>	21	<p>1 MR. BROOKS: I see. Okay. Thank you, Madam 2 Chair. 3 CHAIRPERSON MILLER: Mr. Alberti? 4 MR. ALBERTI: All right. Is it Mr. Solomon? 5 MR. YEGZAW: Yes. 6 MR. ALBERTI: Is that your -- Mr. Solomon? 7 Okay. When Mr. Parker came in, did you recognize him? 8 MR. YEGZAW: Yeah, I did. 9 MR. ALBERTI: Okay. And did you know that he 10 was an ABRA employee -- 11 MR. YEGZAW: Yeah. 12 MR. ALBERTI: -- an investigator? 13 MR. YEGZAW: Yeah. 14 MR. ALBERTI: So you knew that, right? 15 MR. YEGZAW: I knew. 16 MR. ALBERTI: All right. So he's standing 17 there, taking a picture obviously, right? 18 MR. YEGZAW: Right. 19 MR. ALBERTI: You agree with that, right? 20 MR. YEGZAW: Yeah. 21 MR. ALBERTI: You're in the picture. He was 22 taking a picture.</p>

Capital Reporting Company

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<p style="text-align: right;">22</p> <p>1 MR. YEGZAW: Right. 2 MR. ALBERTI: You knew he was an ABRA 3 investigator? 4 MR. YEGZAW: Well, I didn't expect that, I 5 mean 6 -- 7 MR. ALBERTI: Wait, wait, wait, wait. You 8 knew he was an ABRA -- right? 9 MR. YEGZAW: Right. 10 MR. ALBERTI: And you want us to believe that 11 you did not engage him at that point? Is that what 12 you're asking us to believe? 13 MR. YEGZAW: No. The -- what I'm saying is - 14 - 15 MR. ALBERTI: Do you understand my question? 16 MR. YEGZAW: Yeah. 17 MR. ALBERTI: Okay. Go ahead. 18 MR. YEGZAW: Right. The first time when he 19 came upstairs -- and we were farther, from here up to 20 there. It was a little far. He right in front of the 21 door. And I was all the way in the corner between this 22 -- over that wall -- the distance. So he take the shot</p>	<p style="text-align: right;">24</p> <p>1 determination it was time to leave. I was with two 2 training investigators, as he stated, who were the 3 females. They're not listed on the report because they 4 were trainees at the time. 5 But one thing I would like to add is that -- 6 one to thing to clarify is he mentioned a female I 7 talked to but I actually spoke to a male, the male who 8 I met at Climax, who identified himself previously as 9 the manager. I don't remember Mr. Solomon. I remember 10 speaking to the male prior to February 26th, the other 11 male. I'm not sure if they're related or what. And 12 that was the one who I asked -- who I approached and 13 said, "Is the ABC manager or owner here?" And he said 14 he didn't know. 15 So I didn't talk to Mr. Solomon. I will 16 confirm that I wasn't there more than two minutes. 17 Once I got to the top of the stairs and started taking 18 pictures and people started moving around and I make 19 the request, "Is the ABC manager or owner here," the 20 security guard said he didn't know. I said it to the 21 group, "Is the ABC manager or owner here?" There 22 wasn't any response.</p>
<p style="text-align: right;">23</p> <p>1 and then left back with two (inaudible). So I was 2 standing and follow him out. That's why the picture is 3 -- I was standing to reach him. 4 So within two or three seconds to get in the 5 car and pull over. So that's why I was standing to 6 talk to him. 7 MR. ALBERTI: So Mr. Parker ran down the 8 stairs so quickly that you couldn't catch him? 9 MR. YEGZAW: I couldn't catch him. 10 MR. ALBERTI: All right. 11 MR. YEGZAW: Two, three seconds. Taking a 12 picture and he left, no sounds. I didn't even hear it. 13 MR. ALBERTI: I'll be honest with you, Mr. 14 Solomon. I'm not believing a word of it. 15 CHAIRPERSON MILLER: Mr. Parker, do you want 16 to respond at all -- 17 MR. PARKER: One thing I'll -- 18 CHAIRPERSON MILLER: -- to how long you were 19 there? 20 MR. PARKER: I was there probably -- it was 21 brief. But after I had made the request for a manager 22 or owner and there wasn't any response, I made a</p>	<p style="text-align: right;">25</p> <p>1 On my way out I saw the gentleman, who I knew 2 to be the manager. And I talked to him and said, "Is 3 the ABC manager or owner here?" Once he said he didn't 4 know, then I just made the determination that I had 5 enough evidence to leave at that time. 6 CHAIRPERSON MILLER: Okay. Do you know 7 anything -- Mr. Solomon, you know anything about those 8 people saying they didn't know if you were there? 9 MR. YEGZAW: No. The only -- the manager is 10 my brother. So he wasn't there at that time. So the 11 other manager -- 12 CHAIRPERSON MILLER: He's the ABC manager 13 other than you; is that it? 14 MR. YEGZAW: The other manager -- 15 CHAIRPERSON MILLER: Yeah. 16 MR. YEGZAW: -- who was sitting was me. 17 CHAIRPERSON MILLER: Uh-huh. 18 MR. YEGZAW: So I guess he didn't go to them 19 because they were with me. 20 MR. PARKER: Well, can I ask? When I came 21 back and they called you the day -- the next day, on 22 Monday, who was the person that called you? Was that</p>

Capital Reporting Company

In the Matter of: Soloman Enterprises, LLC t/a Climax Restaurant & Hookah Bar 07-11-2012

<p style="text-align: right;">26</p> <p>1 your brother? 2 MR. YEGZAW: Daytime? 3 MR. PARKER: On Monday, when they called you 4 and I told you that I came there because there was a 5 violation, you were after hours, when we talked on the 6 phone -- when I came to Climax on Monday, the next day, 7 and said -- I had them call you on the phone, who was 8 the person that called you on the phone? That was your 9 brother, right? 10 MR. YEGZAW: Really I don't remember but, 11 usually, if I'm not there, my brother is there. 12 MR. PARKER: Right. And he confirmed at the 13 time that he was there the night before. And I asked 14 him, "Why didn't you talk to me?" And he said -- well, 15 he wasn't answering any of my questions and he just 16 called you. 17 MR. YEGZAW: Well, we usually -- how we work 18 is if I'm there, he's gone home. If he's there, I'm 19 gone home. So, I mean, we work together. 20 CHAIRPERSON MILLER: Mr. Solomon, are you 21 familiar with the voluntary agreement that Mr. Parker 22 cites?</p>	<p style="text-align: right;">28</p> <p>1 MR. YEGZAW: Mainly clean up and taking the 2 staffs away. I was one of those -- 3 CHAIRPERSON MILLER: There were no patrons in 4 your establishment, no clients, no customers? 5 MR. YEGZAW: No, no customers, no clients. I 6 can bring those people. And they've been promote in DC 7 area for a long time. So -- 8 MR. PARKER: I have -- I have a question. 9 MR. YEGZAW: -- we do -- 10 CHAIRPERSON MILLER: Okay. 11 MR. YEGZAW: When we finish and we do the 12 paperwork together and then, you know, they get whoever 13 there with them. 14 CHAIRPERSON MILLER: What were you doing, 15 paperwork and what? 16 MR. YEGZAW: After we clean up and we do 17 paperwork, that's why we stay a little bit late with 18 them. 19 CHAIRPERSON MILLER: Okay. 20 MR. YEGZAW: So 21 CHAIRPERSON MILLER: Mr. Jones? 22 MR. JONES: Thank you, Madam Chair. So</p>
<p style="text-align: right;">27</p> <p>1 MR. YEGZAW: Yeah. 2 CHAIRPERSON MILLER: So it sounds like you 3 were doing more than -- well, do you think you were 4 compliant with that -- the provision that says, 5 "Applicant agrees that the establishment will be shut 6 down and completely vacated, except for routine 7 maintenance and clean up, by closing time each night? 8 Applicant agrees that there will be no after-hours 9 activities in the establishment?" So 10 MR. YEGZAW: Yeah, I agree with that. 11 CHAIRPERSON MILLER: You -- do you agree that 12 you were in compliance with that? 13 MR. YEGZAW: Right. But there is -- there is 14 no after-hour activities. But Avi was the (inaudible). 15 CHAIRPERSON MILLER: So -- 16 MR. YEGZAW: But I didn't do any after-hour 17 activities. 18 CHAIRPERSON MILLER: You're saying -- 19 MR. YEGZAW: I never did. 20 CHAIRPERSON MILLER: -- that the only thing 21 that was going on was routine maintenance and clean up 22 by your staff?</p>	<p style="text-align: right;">29</p> <p>1 you've seen this picture that we're referring to? It's 2 Exhibit -- or Item 2 of the report. Haven't you seen 3 the picture? 4 MR. YEGZAW: No, I haven't seen it. 5 MR. JONES: Okay. Mr. Investigator Parker - 6 do you mind? 7 MR. YEGZAW: I just -- I just saw it. 8 MR. JONES: Okay. So does this -- does this 9 picture -- is this picture representative of the second 10 floor of your establishment or the -- where the -- 11 where Investigator Parker indicated he was talking a 12 picture? Does this look like -- does this look familiar 13 to you? 14 MR. YEGZAW: Yeah, yeah. 15 MR. JONES: Okay. 16 MR. YEGZAW: This is the wall where -- 17 MR. JONES: Is this your establishment? 18 MR. YEGZAW: Yeah. 19 MR. JONES: This is the establishment of 20 which you are the owner? 21 MR. YEGZAW: Yeah. 22 MR. JONES: Okay. Do you recall Mr.</p>

Capital Reporting Company

In the Matter of: Soloman Enterprises, LLC t/a Climax Restaurant & Hookah Bar 07-11-2012

30	<p>1 Investigator Parker being in your establishment, taking 2 this photograph? 3 MR. YEGZAW: Uh-huh. 4 MR. JONES: Okay. So we don't debate that at 5 all? 6 MR. YEGZAW: Right. I mean, yeah, I believe 7 he was there and then he took that picture. 8 MR. JONES: Did you see Investigator Parker 9 taking a picture of your establishment? 10 MR. YEGZAW: Yes. 11 MR. JONES: Does this look like your 12 establishment? 13 MR. YEGZAW: Yeah. 14 MR. JONES: Is this you in this picture? 15 MR. YEGZAW: Yeah. 16 MR. JONES: So are you debating that this is 17 representative of a picture of your establishment? 18 MR. YEGZAW: Well, I agree with that. 19 MR. JONES: Okay. Cool. So this is by -- 20 Investigator Parker is indicating that he took this 21 picture after appropriate hours for the service of 22 alcohol. Okay? So that's his statement. When you saw</p>	32	<p>1 MR. JONES: -- were you supposed to close 2 that night? 3 MR. YEGZAW: 2:00. 4 MR. JONES: 2:00? 5 MR. YEGZAW: Yeah. 6 MR. JONES: Okay. So it was 2:09? 7 MR. YEGZAW: 2:09. 8 MR. JONES: Okay. And you're also indicating 9 to me that all these individuals were employees of your 10 establishment? 11 MR. YEGZAW: Yeah, my promoters and my 12 employees, my assistant manager. 13 MR. JONES: Is your -- is a promoter an 14 employee of your establishment? 15 MR. YEGZAW: Yeah. 16 MR. JONES: He is -- or he or she is? 17 MR. YEGZAW: In the picture? 18 MR. JONES: Yes. 19 MR. YEGZAW: Yeah. 20 MR. JONES: Okay. So these are all employees 21 of your establishment? 22 MR. YEGZAW: All employees, right.</p>
31	<p>1 Investigator Parker, do you happen to remember what 2 time it was? 3 MR. YEGZAW: 2:09. 4 MR. JONES: It was 2:09? 5 MR. YEGZAW: It was 2:09. It wasn't 2:15. 6 It's not after 2:15. 2:09. 7 MR. JONES: Okay. 8 MR. YEGZAW: I remember that. 9 MR. JONES: All right. 10 MR. YEGZAW: And then I came in the next day. 11 And then we worked that -- 2:09 -- we have -- 12 MR. JONES: And you know how? 13 MR. YEGZAW: How? 14 MR. JONES: Yes. How do you know -- how do 15 you definitely know that it was 2:09? 16 MR. YEGZAW: Because we always close 15 17 minutes early. We stop the music. We stop serving on 18 2:30. I mean, if it is 2:00, we stop the serving it at 19 1:30. So as you see, and nobody -- 20 MR. JONES: So what time do you close that 21 night? What time -- 22 MR. YEGZAW: 2:00.</p>	33	<p>1 MR. JONES: So how many people were upstairs 2 that night or how many people were involved in this 3 activity that was occurring that night? 4 MR. YEGZAW: Five -- maybe five or six. No 5 more than six people. 6 MR. JONES: Not more than six? 7 MR. YEGZAW: Not more than six. 8 MR. JONES: Does that include yourself? 9 MR. YEGZAW: Including myself. 10 MR. JONES: Include yourself. Okay. So I 11 see -- at a minimum I'm counting seven people in the 12 photograph. 13 MR. YEGZAW: Let's see. One, two, three, 14 four, five, six. 15 MR. JONES: There are six people sitting, two 16 that are facing the camera, three with their backs to 17 the camera, and you standing. 18 MR. YEGZAW: Yeah, I was standing. One, two, 19 three, four, five, six. With the head of the other guy 20 in the back, seven. Yeah, well, I believe -- I know 21 those people -- those people. 22 MR. JONES: You know those people?</p>

Capital Reporting Company

In the Matter of: Soloman Enterprises, LLC t/a Climax Restaurant & Hookah Bar 07-11-2012

34	<p>1 MR. YEGZAW: Yeah.</p> <p>2 MR. JONES: Okay. And you're saying that all</p> <p>3 these people were employees of your establishment?</p> <p>4 MR. YEGZAW: Yeah.</p> <p>5 MR. JONES: Okay. Could you do me a favor?</p> <p>6 What I would like for you to do for me is identify by</p> <p>7 name, first name and last name. Since they're</p> <p>8 employees of your establishment, I'm assuming you pay</p> <p>9 them in some form, whether it's check or otherwise, or</p> <p>10 you have a W-2 or W-4 or some type of tax record</p> <p>11 associated with their employment. I want you to</p> <p>12 identify by first name and last name each one of the</p> <p>13 individuals in this photograph.</p> <p>14 MR. YEGZAW: Okay. Well, three of them, it's</p> <p>15 the promoters.</p> <p>16 MR. JONES: Identify each of them --</p> <p>17 MR. YEGZAW: Okay. Let me start --</p> <p>18 MR. JONES: -- by first name and last name.</p> <p>19 Let's start with the individuals that are facing the</p> <p>20 camera.</p> <p>21 MR. YEGZAW: With the white shirt?</p> <p>22 MR. JONES: So the individuals that are face</p>	36	<p>1 MR. YEGZAW: Tizita Grima.</p> <p>2 MR. JONES: Okay.</p> <p>3 MR. YEGZAW: And Fifi.</p> <p>4 MR. JONES: Last name?</p> <p>5 MR. YEGZAW: Fifi. I don't remember her last</p> <p>6 name.</p> <p>7 MR. JONES: Who is she? Which one is she in</p> <p>8 the picture?</p> <p>9 MR. YEGZAW: She's the promoter in the red</p> <p>10 shirt.</p> <p>11 MR. JONES: So there are --</p> <p>12 MR. YEGZAW: The red.</p> <p>13 MR. JONES: -- three young ladies with red</p> <p>14 shirts. Is she the one facing --</p> <p>15 MR. YEGZAW: Was the --</p> <p>16 MR. JONES: -- the camera?</p> <p>17 MR. YEGZAW: Yeah.</p> <p>18 MR. JONES: Okay. So Fifi?</p> <p>19 MR. YEGZAW: Fifi.</p> <p>20 MR. JONES: Okay. That's what you write on</p> <p>21 the check when you write her a check?</p> <p>22 MR. YEGZAW: She's a promoter.</p>
35	<p>1 -- individuals -- I can see their faces. They're</p> <p>2 facing the camera.</p> <p>3 MR. YEGZAW: Okay. Marmay, Devon (ph).</p> <p>4 MR. JONES: Which one is that?</p> <p>5 MR. YEGZAW: Well, facing the camera with the</p> <p>6 red shirt.</p> <p>7 MR. JONES: Okay.</p> <p>8 MR. YEGZAW: And next is me.</p> <p>9 MR. JONES: Okay.</p> <p>10 MR. YEGZAW: Next with the hair -- long hair</p> <p>11 is Tizita Grima (ph). And next is Fifi. The next is -</p> <p>12 -</p> <p>13 MR. JONES: Last name?</p> <p>14 MR. YEGZAW: -- Avi.</p> <p>15 MR. JONES: Well, wait. You didn't give us</p> <p>16 the last name.</p> <p>17 MR. YEGZAW: The promoter? I only know --</p> <p>18 MR. JONES: No, no, no, no. You -- the woman</p> <p>19 with the red shirt with the long hair, is that the one</p> <p>20 you were identifying?</p> <p>21 MR. YEGZAW: Tizita Grima.</p> <p>22 MR. JONES: Pardon?</p>	37	<p>1 MR. JONES: You don't pay her?</p> <p>2 MR. YEGZAW: Well, we pay them when they</p> <p>3 reach their bar maximum.</p> <p>4 MR. JONES: Okay. How do you pay them?</p> <p>5 MR. YEGZAW: I give them a check when they</p> <p>6 reach</p> <p>7 --</p> <p>8 MR. JONES: Okay. Do you keep tax records of</p> <p>9 what you pay them?</p> <p>10 MR. YEGZAW: Yeah, I can try.</p> <p>11 MR. JONES: Okay. So how do you keep</p> <p>12 records? Is she -- is she a company? What's the name</p> <p>13 of her company?</p> <p>14 MR. YEGZAW: Yeah. Her -- I think Five Star</p> <p>15 Entertainment Promoters.</p> <p>16 MR. JONES: Okay. So you have a cancelled</p> <p>17 check to that effect that will represent that?</p> <p>18 MR. YEGZAW: Well, yeah. We usually give</p> <p>19 them the cash. And then I present them the check.</p> <p>20 MR. JONES: Okay. Did --</p> <p>21 MR. YEGZAW: When there's more than 100</p> <p>22 people, I give them the check.</p>

Capital Reporting Company

In the Matter of: Soloman Enterprises, LLC t/a Climax Restaurant & Hookah Bar 07-11-2012

38	<p>1 MR. JONES: You're digging, but okay. Keep 2 going. 3 MR. YEGZAW: And Avi Pegeshall (ph), next in 4 the white shirt. 5 MR. JONES: Okay. So you've named how many 6 individuals? I've counted five so far. 7 MR. YEGZAW: Okay. And the other guy, his 8 name is Alex. 9 MR. JONES: Which other guy? There are two 10 other guys -- 11 MR. YEGZAW: Okay. 12 MR. JONES: -- that haven't been named yet to 13 my knowledge. 14 MR. YEGZAW: I can't really see who's that 15 guy. I can't really -- 16 MR. JONES: But he's an employee, correct? 17 MR. YEGZAW: Well, I have -- I can't even see 18 clearly his face. So I don't want to give you a wrong 19 name. 20 MR. JONES: Well, I see enough to know that 21 he's wearing glasses. He's black with a short haircut. 22 And he appears to be sitting behind a guy with a gray</p>	40	<p>1 promoters but they -- 2 MR. JONES: Of all the individuals that are 3 here, how many are promoters? 4 MR. YEGZAW: Three of them. 5 MR. JONES: Three of them? 6 MR. YEGZAW: Yeah. 7 8 MR. JONES: Okay. And what is the function 9 of the other individuals? 10 MR. YEGZAW: The guy -- he's Avi -- is 11 assistant manager. 12 MR. JONES: Okay. 13 MR. YEGZAW: And Tizita is -- she used to 14 work with me. And at -- 15 MR. JONES: So she used to work with you? 16 MR. YEGZAW: Yeah. 17 MR. JONES: What is her role now at your 18 establishment? 19 MR. YEGZAW: I call her sometimes when I need 20 help. 21 MR. JONES: What is her role? Is she an 22 assistant manager? Is she a part owner?</p>
39	<p>1 shirt. So how many guys do you have on your staff that 2 kind of meet that profile? 3 MR. YEGZAW: Well, the promoters, it's a big 4 company. Sometimes it comes with different people. 5 They promote my establishment and they promote some 6 other -- some other -- 7 MR. JONES: Okay. So you can't identify that 8 person? 9 MR. YEGZAW: I can't identify. 10 MR. JONES: Is that what you're telling me? 11 Okay. What about the gentleman that appears to be in 12 more of the foreground who has the gray shirt and his 13 head is turned? 14 MR. YEGZAW: Alex. 15 MR. JONES: Alex? Do you know his last name? 16 MR. YEGZAW: I don't know his last name. 17 MR. JONES: You know -- and he's one of your 18 promoters? 19 MR. YEGZAW: Yeah, one of my promoters. 20 MR. JONES: Okay. So of all these 21 individuals, how many of them are promoters? 22 MR. YEGZAW: The -- it's a company of</p>	41	<p>1 MR. YEGZAW: No, server. Server. 2 MR. JONES: She's a server. Okay. 3 MR. YEGZAW: Yeah. 4 MR. JONES: That was her role that night? 5 MR. YEGZAW: Right. Yeah. 6 MR. JONES: Okay. 7 MR. YEGZAW: So I call her. When I need 8 help, I call her up. 9 MR. JONES: Okay. 10 MR. YEGZAW: Right. 11 MR. JONES: And there's one other person. So 12 you said three people were promoters? 13 MR. YEGZAW: Uh-huh. 14 MR. JONES: You've identified two employees, 15 yourself as the owner. 16 MR. YEGZAW: Yeah. 17 MR. JONES: So I need one more. 18 MR. YEGZAW: Right. Fifi also promoter. 19 MR. JONES: Oh, oh, so there's actually four 20 promoters? 21 MR. YEGZAW: Yeah, four, Marmay, Devon, Alex. 22 MR. JONES: Okay. And --</p>

Capital Reporting Company

In the Matter of: Soloman Enterprises, LLC t/a Climax Restaurant & Hookah Bar 07-11-2012

42	1 MR. YEGZAW: And -- 2 MR. JONES: -- were any of these -- were any 3 of these individuals consuming alcoholic beverages? 4 MR. YEGZAW: No. We weren't drink. 5 MR. JONES: No drinks were being consumed? 6 MR. YEGZAW: After that time, no. 7 MR. JONES: After -- 8 MR. YEGZAW: after 2:00. 9 MR. JONES: Okay. So were any drinks on the 10 table? 11 MR. YEGZAW: Empty bottles. 12 MR. JONES: Empty bottles? 13 MR. YEGZAW: Which is -- we -- yeah, which is 14 we'd taken them off, empty glass, empty bottles. 15 MR. JONES: You took -- you took them up 16 where? 17 MR. YEGZAW: To -- inside in the bar, which 18 is - - we were on the table. So we're not supposed to 19 be there. 20 MR. JONES: So are -- in this picture you're 21 saying there are no -- there are no glasses on the 22 table?	44	1 MR. YEGZAW: Uh-huh. Yeah, they were there. 2 MR. JONES: And they were here at this time? 3 MR. YEGZAW: Yeah. 4 MR. JONES: So why at 2:09 were the tables 5 not clear if the servers were doing their job? 6 MR. YEGZAW: That -- yeah, that's why they're 7 trying to do. Because a lot of people -- only four 8 servers try to take the stuff away. That's why. 9 MR. JONES: Say that one more -- 10 MR. YEGZAW: We had more peoples that night 11 who hadn't (inaudible) so it took us a little more time 12 to clean up. That's why they get them a little bit 13 late. 14 MR. JONES: Okay. Thank you, Madam Chair. 15 CHAIRPERSON MILLER: Uh-huh. Any other 16 questions? 17 MR. ALBERTI: I guess I'm confused, Madam 18 Chair. 19 CHAIRPERSON MILLER: Yeah, go ahead. 20 MR. ALBERTI: Mr. Solomon, these people were 21 cleaning up -- helping you clean up? 22 MR. YEGZAW: No, no. This -- the other
43	1 MR. YEGZAW: No. It is all glasses but all 2 empties, which is -- the servers coming around and 3 taking the stuff away. 4 MR. JONES: So if the servers are coming 5 around and taking the stuff away, I'm just -- I'm just 6 trying to follow the sequence -- why are there still 7 glasses on the table? Because you mentioned one person 8 was your server. Of all the people that you named, one 9 person was the server. And if it appears as if that 10 person is sitting down. It doesn't appear that that 11 person is actively clearing the table. 12 MR. YEGZAW: Well, beside these people, we -- 13 I have, like, four or five servers. 14 MR. JONES: Oh, so this isn't representative 15 of everyone that was there that night? 16 MR. YEGZAW: No. They represent but they 17 promoters. After they promote, we sit over there. 18 They don't clean. They don't take the stuff away. 19 Servers -- other servers, they do their job. 20 MR. JONES: Okay. So are they here? 21 MR. YEGZAW: Clean -- 22 MR. JONES: Were they here that night?	45	1 servers 2 -- 3 MR. ALBERTI: How? 4 MR. YEGZAW: The other servers, they're 5 working -- they -- we're just sitting over there and 6 they come and get it. 7 MR. ALBERTI: All right. But they were 8 consuming alcohol, right? 9 MR. YEGZAW: No, no. We -- after 2:00 we 10 didn't order alcohol. We didn't drink. This has been 11 before that. We order before 2:00 but it's still 12 sitting there until we get a server to get it. 13 MR. ALBERTI: Okay. Mr. Parker, I'm a bit 14 confused. Your report says, "3:15." 15 MR. PARKER: Yeah, he's -- may say, "2:00." 16 But he's -- I think he means 3:00 because it was a 17 Saturday night. 18 MR. YEGZAW: Yeah. 19 MR. ALBERTI: Mr. Solomon? 20 MR. YEGZAW: I mean to say 3:00 -- 21 CHAIRPERSON MILLER: Okay. 22 MR. YEGZAW: -- when I -- yeah, I'm so sorry.

Capital Reporting Company

In the Matter of: Soloman Enterprises, LLC t/a Climax Restaurant & Hookah Bar 07-11-2012

<p style="text-align: right;">46</p> <p>1 MR. ALBERTI: Okay. Great. 2 MR. YEGZAW: 3:09. 3 CHAIRPERSON MILLER: Mr. Parker, did you 4 actually see someone drinking alcohol? 5 MR. PARKER: Yes, I did. Yes, I did. 6 CHAIRPERSON MILLER: Who? 7 MR. PARKER: So as I got to the top of the 8 stairs, the people were -- I don't know the description 9 of what they were doing -- obviously scurrying, you 10 know, moving the -- because the security guard had 11 gotten to the top of the stairs. And I guess he 12 advised everyone of my presence. So I got to the top 13 of the steps right after him. And everyone was moving 14 around. 15 And I observed patrons drinking from a glass. 16 So at that time I did observe -- there were -- there 17 were bottles -- when I got to the top of the steps, 18 there were bottles and glasses on this table with ice 19 in them. But as Mr. Solomon described, there were 20 other patrons -- or other individuals inside the 21 establishment at this time, which got to my number of 22 15.</p>	<p style="text-align: right;">48</p> <p>1 CHAIRPERSON MILLER: Well, and you said you 2 thought it was spirits? 3 MR. PARKER: Yes. 4 CHAIRPERSON MILLER: Because spirits are in a 5 certain shaped bottle? 6 MR. PARKER: Well, I just identified it being 7 a clear bottle. And it had the -- I believe it had the 8 pourer on the top of the bottle. That's why I made the 9 determination that was some of spirit. The jizzer 10 [sic], I think, is the name for it bartenders use -- 11 I'm sure of the exact name -- but the shot-measuring 12 device. 13 CHAIRPERSON MILLER: Yes. 14 MR. YEGZAW: I don't see where is the bottle 15 is. But I see the bottle watering cups. But I don't 16 see where is the -- a bottle in the -- in the picture. 17 CHAIRPERSON MILLER: Right. I think Mr. 18 Parker said it was removed while he was trying to -- 19 MR. YEGZAW: After he took the picture or 20 before 21 -- 22 CHAIRPERSON MILLER: Before.</p>
<p style="text-align: right;">47</p> <p>1 And those people were going to clear the 2 table and get rid of some of the alcoholic beverages 3 that were on the table. So 4 CHAIRPERSON MILLER: Okay. So I asked you 5 this before. I just want to ask you one more time. 6 You say that they were alcohol but you couldn't tell me 7 what kind of alcohol. So how do you know it was 8 alcohol as opposed to something else? 9 MR. PARKER: I observed the -- they had a 10 bottle on the table, a bottle of spirit. There was -- 11 like I said, of course, the photograph is -- doesn't 12 display. It was dark in the establishment at this time. 13 So this picture was taken actually with my flash. 14 So the bottle was -- by the time I walked 15 over to the table, the bottle wasn't there because of 16 the individuals moving around clean -- clearing the 17 table, cleaning up the establishment, trying to -- I 18 don't know the description -- scurry or clean up 19 whatever they were doing before I got up there. 20 CHAIRPERSON MILLER: So you saw a bottle from 21 a distance that looked like -- 22 MR. PARKER: Yes.</p>	<p style="text-align: right;">49</p> <p>1 MR. YEGZAW: -- he took the picture? 2 MR. PARKER: It was probably -- it must have 3 -- it could have been after I'd taken the picture or 4 before. I take -- I've taken -- I took more than this 5 picture on that night. But since it was dark, I'm 6 flashing my camera. All the pictures weren't 7 presentable for a case but this one was. So this is 8 the one I included. 9 MR. YEGZAW: If it is after the picture, it 10 should be in that picture -- the bottle. But I don't 11 see no bottle. But I see plastic cup, plastic -- water 12 and some cups. I don't -- I don't see where is the 13 bottle. I don't see where is the alcoholic. 14 CHAIRPERSON MILLER: But what -- do you 15 recollect what was being drunk? 16 MR. YEGZAW: A glass -- 17 CHAIRPERSON MILLER: And -- 18 MR. YEGZAW: -- and a cup was there, but no 19 drink on it. 20 CHAIRPERSON MILLER: And what was in the 21 cups? 22 MR. YEGZAW: Yeah. And see, two cups in here</p>

Capital Reporting Company

In the Matter of: Soloman Enterprises, LLC t/a Climax Restaurant & Hookah Bar 07-11-2012

50	<p>1 and --</p> <p>2 MR. ALBERTI: No. I think the question was,</p> <p>3 "What was in -- what was in the cups?"</p> <p>4 MR. YEGZAW: It was alcohol on it but when we</p> <p>5 allowed to serve.</p> <p>6 CHAIRPERSON MILLER: Oh, right.</p> <p>7 MR. YEGZAW: But after that, completely all.</p> <p>8 MR. ALBERTI: But there</p> <p>9 CHAIRPERSON MILLER: Okay. So your testimony</p> <p>10 is that there was some alcohol in those cups that were</p> <p>11 being</p> <p>12 --</p> <p>13 MR. YEGZAW: Served.</p> <p>14 CHAIRPERSON MILLER: -- cleaned up -- to be</p> <p>15 cleaned up? It was old from before 2:00 -- 3:00; is</p> <p>16 that correct?</p> <p>17 MR. YEGZAW: Yeah.</p> <p>18 CHAIRPERSON MILLER: Okay. And just to be</p> <p>19 clear, Mr. Parker, did you see any patrons coming into</p> <p>20 the establishment?</p> <p>21 MR. PARKER: What triggered my attention to</p> <p>22 the establishment was two females entering the</p>	52	<p>1 go somewhere else?</p> <p>2 MR. PARKER: They went upstairs into the</p> <p>3 establishment. They didn't come out.</p> <p>4 MR. YEGZAW: So they're not here in the</p> <p>5 picture?</p> <p>6 MR. PARKER: I'm not sure what they had on on</p> <p>7 the night that I saw them. I was just driving when I</p> <p>8 saw them -- when I parked. Because that's when I made</p> <p>9 contact with the security guard and then he ran</p> <p>10 upstairs.</p> <p>11 MR. YEGZAW: Well, I don't think -- I never</p> <p>12 let after we closed -- security never let anybody</p> <p>13 unless officers. Nobody comes after we close, which is</p> <p>14 after operating hours. So I don't know. I don't know.</p> <p>15 He's talking about two females. I don't see them --</p> <p>16 those people. They were before over there but I don't</p> <p>17 see nobody's coming after 3:00.</p> <p>18 CHAIRPERSON MILLER: Okay. And Mr. Parker,</p> <p>19 you didn't see them again? You saw them come in. That</p> <p>20 got your attention. And then you don't know what</p> <p>21 happened to them?</p> <p>22 MR. PARKER: Well, I didn't focus on those</p>
51	<p>1 establishment at 3:15.</p> <p>2 CHAIRPERSON MILLER: Right.</p> <p>3 MR. PARKER: So that's why initially stopped.</p> <p>4 The security guards being out front wouldn't have been</p> <p>5 that much of a red flag for me as much as the patrons.</p> <p>6 And when I saw two females enter the establishment,</p> <p>7 that's when I parked there and went in.</p> <p>8 CHAIRPERSON MILLER: Right. Mr. -- is it</p> <p>9 Yegzaw or Solomon? How should we --</p> <p>10 MR. YEGZAW: Either.</p> <p>11 CHAIRPERSON MILLER: Either one? Okay. Go</p> <p>12 ahead.</p> <p>13 MR. YEGZAW: All right. Where are they? Are</p> <p>14 those two peoples coming in inside or where'd they go,</p> <p>15 those two people you saw?</p> <p>16 MR. PARKER: I don't recall what they had on</p> <p>17 that night.</p> <p>18 MR. YEGZAW: So you following them and then</p> <p>19 you go upstairs with them, right? So</p> <p>20 MR. PARKER: Well, the security guard ran</p> <p>21 upstairs first. And then I followed them.</p> <p>22 MR. YEGZAW: So did they join us or did they</p>	53	<p>1 two once I got inside.</p> <p>2 CHAIRPERSON MILLER: Uh-huh.</p> <p>3 MR. PARKER: I was trying to -- to be honest,</p> <p>4 I was trying to get a picture, advise of a violation to</p> <p>5 leave. So I wasn't focused on where those two females</p> <p>6 had gone. I just noticed that they weren't security</p> <p>7 guards and they were going into the establishment. So</p> <p>8 I parked there and went in.</p> <p>9 CHAIRPERSON MILLER: And did you try to find</p> <p>10 the bottle that you were trying to take a picture of?</p> <p>11 MR. PARKER: At that time, no. I'd observed</p> <p>12 the alcoholic beverage. So I attempted to photograph</p> <p>13 it the best I could. But I just documented the</p> <p>14 violation on my phone. So that time-stamped it. And</p> <p>15 then I left the establishment, after I didn't get a</p> <p>16 response from the ABC manager.</p> <p>17 CHAIRPERSON MILLER: Okay. Mr. Jones?</p> <p>18 MR. JONES: Thank you, Madam Chair. Mr.</p> <p>19 Investigator Parker, how did you get in?</p> <p>20 MR. PARKER: The door was open to the</p> <p>21 establishment. So there -- like I said, there were</p> <p>22 three security guards. I presented my ID to the group</p>

Capital Reporting Company

In the Matter of: Soloman Enterprises, LLC t/a Climax Restaurant & Hookah Bar 07-11-2012

<p style="text-align: right;">54</p> <p>1 of three. I asked for the ABC manager or owner. One 2 of the three security guards outside ran up the stairs 3 so that - - you can get to the stairs immediately from 4 the street. There was door which goes to the first 5 floor of the establishment and there's a door which 6 just goes directly to a stairwell to the second floor 7 of the establishment. 8 So one of the male security guards 9 immediately ran into the doorway, up the stairs. And I 10 followed up the stairs. 11 MR. JONES: Okay. So as you approached the 12 establishment, was the door open or was it unlocked, I 13 guess? 14 MR. PARKER: It was unlocked. 15 MR. JONES: Unlocked. Okay. 16 MR. PARKER: Yeah. 17 MR. JONES: So as you approached the front 18 door of the -- or the front of the establishment, there 19 are three security individuals out in front of the 20 establishment. When you identified yourself as an 21 investigator with ABRA, at that point one of the 22 security individuals proceeded to go upstairs, through</p>	<p style="text-align: right;">56</p> <p>1 establishment through unlocked doors? 2 MR. PARKER: Yes, sir. 3 MR. JONES: Okay. Thank you. When you 4 close, what's your procedure? 5 MR. YEGZAW: When we close, we have to close 6 -- we have to shut it down 3:00. Then after we close, 7 we're supposed to clean up and do the paperworks. 8 That's what we always do. 9 MR. JONES: So clarification question, if you 10 think you close at 3:00 -- and do you feel it's your 11 responsibility to have all of your patrons out of your 12 establishment by 3:00 or do you feel like it's okay to 13 have your establishment -- your patrons out by 3:15? 14 MR. YEGZAW: I'm not familiar with the word, 15 that patrons but -- 16 MR. JONES: Your customers. 17 MR. YEGZAW: Yeah, customers. Yeah. 18 MR. JONES: So what time must they be out of 19 the establishment? 20 MR. YEGZAW: Before 3:00. 21 MR. JONES: Before 3:00? 22 MR. YEGZAW: Yeah.</p>
<p style="text-align: right;">55</p> <p>1 the door that led to the upstairs area? 2 MR. PARKER: Yes, sir. 3 MR. JONES: Correct? Did the doors have to 4 be unlocked -- for either doors, did they have to be 5 unlocked? 6 MR. PARKER: No, they didn't have to be 7 unlocked. 8 MR. JONES: Didn't have to be unlocked. 9 Okay. And this was at -- what time are you saying you 10 approached? 11 MR. PARKER: 3:15. 12 MR. JONES: 3:15. You approached the 13 establishment at 3:15? 14 MR. PARKER: Well, I observed the females at 15 3:15. And then I probably parked within a minute and 16 was at the door within a few seconds. 17 MR. JONES: Within a few seconds, so roughly 18 around 3:15 -- 19 MR. PARKER: Yes. 20 MR. JONES: -- to 3:20 -- 21 MR. PARKER: Yes. 22 MR. JONES: -- you were entering the</p>	<p style="text-align: right;">57</p> <p>1 MR. JONES: And at what point do you close? 2 MR. YEGZAW: Like, we shut down the musics 3 2:30 and the alcohol 2:30. 4 MR. JONES: Right. 5 MR. YEGZAW: So we let the people -- then 6 after that, we let them pay. Some people have a 7 problem with the credit card, debit card, stuff like 8 that. So that's why we give them 30 minutes to pay 9 their tabs. Then by 3:00 -- between 2:30 to 3:00, the 10 -- everybody has to go. 11 MR. JONES: Oh, so everyone's out of the 12 establishment? The only people that are left are 13 employees, correct? 14 MR. YEGZAW: The employ -- 15 MR. JONES: At what point do you lock the 16 doors? 17 MR. YEGZAW: Oh, at 3:00. 18 MR. JONES: You lock the doors at 3:00? 19 MR. YEGZAW: Yeah, we always lock the door. 20 MR. JONES: So why was it that the doors were 21 not locked when Investigator Parker went up to the 22 doors at 3:15, according to his statements?</p>

Capital Reporting Company

In the Matter of: Soloman Enterprises, LLC t/a Climax Restaurant & Hookah Bar 07-11-2012

<p style="text-align: right;">58</p> <p>1 MR. YEGZAW: In that point, I'm not sure how 2 did he get in. Because I was after still sitting there 3 but the door is downstairs. Security is over there. 4 Security stay there until we go out, which is -- they 5 wait, like, 20-30 minutes. So I'm not sure I can tell 6 you how did he get in. He might knocked the door and 7 showed the badge or securities -- one of the securities 8 might even open the door. 9 MR. JONES: Okay. Understood. But you're 10 saying at 3:00 the doors should have been locked? So 11 if Investigator Parker was able to get in through an 12 unlocked door, then something wasn't happening there 13 that is in accordance with your procedure? 14 MR. YEGZAW: Well, it should be locked. But 15 it might -- some servers might leave early. When they 16 do their paperwork -- or leave -- they leave early. 17 Maybe - 18 - 19 MR. JONES: Understood. But if they leave 20 through a locked door, I'm assuming that the door would 21 be locked after they left. 22 MR. YEGZAW: Yeah, it should be locked.</p>	<p style="text-align: right;">60</p> <p>1 So I don't know how he get in. 2 MR. JONES: Okay. Understood. And I'm just 3 trying to get -- I know Board Member Alberti asked you 4 this question but I guess I didn't get a clear enough 5 answer. Did you hear Investigator Parker ask for the 6 owner or ABC manager? 7 MR. YEGZAW: I swear, I never heard. 8 MR. JONES: You never heard? 9 MR. YEGZAW: I didn't hear it. 10 MR. JONES: Okay. 11 MR. YEGZAW: If I heard him, I'll represent. 12 MR. JONES: How far away was Investigator 13 Parker from you -- 14 MR. YEGZAW: Well, my lounge is -- 15 MR. JONES: -- when you observed him? 16 MR. YEGZAW: Okay. My lounge is about this 17 and that door. That's too -- it's too big. So we were 18 right here in the corner. He was right there. 19 MR. JONES: Where is right there, I'm sorry? 20 Are you saying where those individuals are sitting -- 21 MR. YEGZAW: Probably -- 22 MR. JONES: -- in the back?</p>
<p style="text-align: right;">59</p> <p>1 MR. JONES: Should be locked, right? 2 MR. YEGZAW: Should be locked, right. 3 MR. JONES: So that's one inconsistency that 4 I'm seeing in terms of what your procedure is and what 5 Investigator Parker observed and what he was able to 6 do. Did you observe Investigator Parker inside of your 7 establishment on that night? 8 MR. YEGZAW: Yeah, in -- I saw him inside. 9 MR. JONES: Okay. And you're saying that you 10 observed him inside of your establishment at 2:09? 11 MR. YEGZAW: 2:09. I mean, 3:09. 12 MR. JONES: So this was after -- was -- would 13 have been after which -- 3:09, sorry -- which would 14 have been after 3:00, which should have been after the 15 time that the doors were closed -- or should have been 16 locked? 17 MR. YEGZAW: It should be locked but I can't 18 tell you how he did get in. 19 MR. JONES: Understood. I'm just -- 20 MR. YEGZAW: He -- officers -- I mean, my 21 securities, when he showed them his badge, they always 22 come in. Police, ABRA officers, they always come in.</p>	<p style="text-align: right;">61</p> <p>1 MR. YEGZAW: Probably he were -- right. The 2 first of the chair over there. That's how much far is 3 between I am him. 4 MR. JONES: Okay. And you're saying that you 5 recognized him as Investigator Parker -- 6 MR. YEGZAW: Yeah. 7 MR. JONES: -- as an ABC manager? 8 MR. YEGZAW: Yes. 9 MR. JONES: And you had no reason in your 10 mind, as the owner of a licensed establishment, to 11 inquire as to why Investigator Parker was in your 12 establishment? 13 MR. YEGZAW: Well, I recognized him and then 14 I stand up. And, you know, as you see, three peoples 15 were in front of me. So I have to jump them -- or I 16 have to make a way to go out. That's why you see me on 17 the picture standing. Because I saw him and trying to 18 reach him. It's like this block -- three peoples were 19 in front of me. So I have to find some ways to go. 20 And I find some ways. 21 By that time, when I go downstairs on -- down 22 the stairs, he left.</p>

Capital Reporting Company

In the Matter of: Soloman Enterprises, LLC t/a Climax Restaurant & Hookah Bar 07-11-2012

<p style="text-align: right;">62</p> <p>1 MR. JONES: Okay. Thank you. 2 MR. YEGZAW: I saw his cars -- white cars 3 driving over. 4 MR. JONES: Okay. 5 MR. YEGZAW: But I can't -- I couldn't reach 6 him. 7 MR. JONES: And Investigator Parker, what 8 type of camera were you using? 9 MR. PARKER: The aberration (ph) camera. So, 10 I'm sorry, I -- 11 MR. JONES: Was it a -- did it have a 12 telephoto lens on it? 13 MR. PARKER: This picture's not zoomed but it 14 was a digital camera. 15 MR. JONES: Okay. 16 MR. PARKER: It did have capability, yes. 17 MR. JONES: So it wasn't zoomed? 18 MR. PARKER: No, sir. 19 MR. JONES: So approximately how far away 20 were you from the owner of the establishment when you 21 took this picture? 22 MR. PARKER: Approximately from where I'm</p>	<p style="text-align: right;">64</p> <p>1 Okay. I think, you know, we've heard the facts. And at 2 least, you know, for this level, we're just gathering 3 facts. We're not making any findings about whether 4 you're guilty or not guilty or exactly what happened. 5 The only determination is, you know, is there 6 enough to send this to the Office of Attorney General 7 for them to look into whether or not this should be a 8 Show Cause against you for violation of, you know, 9 either serving alcohol after hours or -- basically 10 that's the major one -- or violation of your voluntary 11 agreement. 12 So -- and we haven't heard any testimony 13 under oath or anything like that. Okay. And I can 14 look at your picture and hear what you're saying and 15 come to -- that there's a reasonable possibility that 16 the alcohol was there before or you weren't -- neither 17 -- that you were there with promoters and no patrons 18 and employees. And therefore, you weren't violating, 19 you know, the voluntary agreement or whatever. 20 And then there are all these unanswered 21 questions about why did the two young ladies get in at 22 that hour and, you know, and Mr. Parker's testimony</p>
<p style="text-align: right;">63</p> <p>1 sitting to the dais, I would say, where you -- 2 MR. JONES: From where you are to me? 3 MR. PARKER: Yes, sir. 4 MR. JONES: Okay. Thank you. Thank you, 5 Madam Chair. 6 CHAIRPERSON MILLER: Okay. Anybody else? 7 MR. YEGZAW: Can I say something -- one 8 question? 9 CHAIRPERSON MILLER: Yeah, sure. 10 MR. YEGZAW: All right. Well, this is -- 11 this is my first business in DC. It's been, like, 12 eight months since I established this business. So 13 even though this happens only one time, the -- always, 14 you know, police officers, ABRA license come all the 15 time, they never see anything. They always wear me 16 down. Everything's clear. But in eight months almost 17 they come two, three times a week. They never see 18 anything moving in my establishment. 19 This is the first happened that they saw. 20 But always I'm doing by the law, never involved after 21 hour. I don't 22 CHAIRPERSON MILLER: Okay. You're back.</p>	<p style="text-align: right;">65</p> <p>1 about seeing a bottle there and then taken away. And, 2 you know, so it's just -- I think -- well, I would say 3 to you at this point I wouldn't say you're guilty, you 4 know -- just based on what I hear -- you're guilty at 5 all. 6 But I think it's the sentiment of the Board 7 that there's enough question that this should just go 8 to the Office of Attorney General and they can look at 9 it further. It's not like we'd looked at it and, oh, 10 we understand everything and, you know, we're sure 11 about that there's nothing. So, you know, that being 12 said, you know -- and I really, really -- you know, and 13 I understand what you're saying. 14 I think just it's the sentiment of the Board, 15 that I will move on behalf of the Board that we send 16 this to Show Cause for the Attorney General to 17 investigate further. 18 MR. SILVERSTEIN: Second. 19 CHAIRPERSON MILLER: Okay. Mr. Silverstein 20 seconded that motion. Does anybody else want to make 21 any comments? Okay. Then this motion has been 22 seconded.</p>

Capital Reporting Company

In the Matter of: Soloman Enterprises, LLC t/a Climax Restaurant & Hookah Bar 07-11-2012

66	1 All those in favor, say aye? 2 (Chorus of ayes.) 3 CHAIRPERSON MILLER: All those opposed? 4 (No audible response.) 5 CHAIRPERSON MILLER: All those abstaining? 6 (No audible response.) 7 CHAIRPERSON MILLER: I got it from Mike. 8 Okay. Then the vote is 6-0-0. The -- we're just going 9 to send it to the Office of Attorney General and let 10 them look further into the matter. Okay. Thank you. 11 (WHEREUPON, at 3:00 p.m., the hearing was 12 concluded.) 13 14 15 16 17 18 19 20 21 22	68	1 CERTIFICATE OF TRANSCRIPTION 2 3 I, MIRANDA PENNACHI, hereby certify that I am not 4 the Court Reporter who reported the following 5 proceeding and that I have typed the transcript of this 6 proceeding using the Court Reporter's notes and 7 recordings. The foregoing/attached transcript is a 8 true, correct and complete transcription of said 9 proceeding. 10 11 12 13 14 _____ 15 Date MIRANDA PENNACHI 16 Transcriptionist 17 18 19 20 21 22
67	1 CERTIFICATE OF NOTARY PUBLIC 2 3 I, NATALIA THOMAS, the officer before whom the 4 foregoing hearing was taken, do hereby certify that the 5 testimony appearing in the foregoing transcript was 6 recorded by me and thereafter reduced to typewriting 7 under my direction; that said transcription is a true 8 record of the testimony given by said parties; that I 9 am neither counsel for, related to, nor employed by any 10 of the parties to the action in which this was taken; 11 and, further, that I am not a relative or employee of 12 any counsel or attorney employed by the parties hereto, 13 nor financially or otherwise interested in the outcome 14 of this action. 15 16 17 18 19 _____ 20 NATALIA THOMAS 21 Notary Public in and for 22 DISTRICT OF COLUMBIA		

<p><u>1</u> 1:30 31:19 100 16:17 37:21 11 1:10 12-CMP-00106 2:8 14th 1:13 15 4:17 14:13,14 19:15,17 31:16 46:22 1B 1:8 2:10 1st 6:18 <hr/> <u>2</u> 2 5:3 7:9 15:3,4 29:2 2:00 31:18,22 32:3,4 42:8 45:9,11,15 50:15 2:08 2:2 2:09 31:3,4,5,6,11,15 32:6,7 44:4 59:10,11 2:15 31:5,6 2:30 31:18 57:3,9 2000 1:13 2012 1:10 3:22 6:18 20-30 58:5 26th 3:22 16:13 18:7 24:10 27th 5:17 <hr/> <u>3</u> 3:00 6:11 45:16,20 50:15 52:17 56:6,10,12,20,21 57:9,17,18 58:10 59:14 66:11</p>	<p>3:09 16:18 46:2 59:11,13 3:15 3:22 8:17 15:19,21 16:1 45:14 51:1 55:11,12,13,15,1 8 56:13 57:22 3:20 15:19 55:20 30 57:8 <hr/> <u>6</u> 6-0-0 66:8 <hr/> <u>8</u> 88290 1:8 2:10 <hr/> <u>9</u> 900 1:7 2:9 4:2 99 16:17 <hr/> <u>A</u> a.m 3:22 6:11 ABC 4:11 5:5,7,12 6:2,8,10 10:6,8 13:11 14:9 17:12,17 24:13,19,21 25:3,12 53:16 54:1 60:6 61:7 aberration 62:9 able 58:11 59:5 ABRA 1:18 3:5 6:1 16:15 21:10 22:2,8 54:21 59:22 63:14 abstaining 66:5 accordance 58:13 according 57:22 action 3:11 67:10,14 actively 43:11</p>	<p>activities 11:16,18 27:9,14,17 activity 7:5 11:14 12:9 33:3 actually 6:15 24:7 41:19 46:4 47:13 add 24:5 addition 6:10 advise 53:4 advised 6:1 46:12 after-hour 27:14,16 after-hours 27:8 afternoon 2:3 against 64:8 agents 17:13 agreement 6:13,14,20,22 7:6 26:21 64:11,19 ahead 22:17 44:19 51:12 Alberti 1:15 8:9,12,16,18 9:1,6,11,16,22 21:3,4,6,9,12,14, 16,19,21 22:2,7,10,15,17 23:7,10,13 44:17,20 45:3,7,13,19 46:1 50:2,8 60:3 alcohol 4:18 10:16 11:2,19 17:7 30:22 45:8,10 46:4 47:6,7,8 50:4,10 57:3 64:9,16 alcoholic 1:2,11,12 4:22 11:1,15 12:10 42:3 47:2</p>	<p>49:13 53:12 alcohols 16:17 Alex 38:8 39:14,15 41:21 allowed 50:5 am 61:3 67:9,11 68:3 ANC 1:8 2:10 answer 60:5 answering 26:15 anybody 14:19 52:12 63:6 65:20 anyone 10:10 anything 8:5 15:9 18:19 25:7 63:15,18 64:13 appear 43:10 appearing 67:5 appears 7:11 11:20 15:2 38:22 39:11 43:9 applicant 6:22 7:4 27:5,8 apply 6:21 approached 24:12 54:11,17 55:10,12 appropriate 30:21 approved 6:11 approximately 3:22 4:17 14:14 62:19,22 area 4:1 11:14 14:6 28:7 55:1 assessment 8:7 assistant 17:1 20:18 32:12 40:11,22</p>
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<p>associated 34:11</p> <p>assuming 34:8 58:20</p> <p>attached 5:3 8:13</p> <p>attempted 53:12</p> <p>attention 50:21 52:20</p> <p>attorney 3:13 64:6 65:8,16 66:9 67:12</p> <p>audible 66:4,6</p> <p>Avenue 1:7 2:10 4:2</p> <p>Avi 27:14 35:14 38:3 40:10</p> <p>aware 9:13,14</p> <p>away 28:2 43:3,5,18 44:8 60:12 62:19 65:1</p> <p>aye 66:1</p> <p>eyes 66:2</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>background 12:2</p> <p>backs 33:16</p> <p>badge 4:12 58:7 59:21</p> <p>bar 1:6 2:9 4:2 6:12,15,19 37:3 42:17</p> <p>bartenders 48:10</p> <p>based 65:4</p> <p>basically 5:13 64:9</p> <p>behalf 65:15</p> <p>behind 38:22</p> <p>believe 12:6 16:12 22:10,12 30:6 33:20 48:7</p>	<p>believing 23:14</p> <p>Bella 6:17,19 7:7</p> <p>beside 43:12</p> <p>best 53:13</p> <p>beverage 1:2,11,12 5:1 11:2,15 12:10 53:12</p> <p>beverages 42:3 47:2</p> <p>bit 28:17 44:12 45:13</p> <p>black 38:21</p> <p>block 4:6 61:18</p> <p>Board 1:2,12 3:17 6:8,10 17:14 60:3 65:6,14,15</p> <p>Board-approved 6:9</p> <p>Board's 13:1</p> <p>bottle 4:18 10:21 11:2 47:10,14,15,20 48:5,7,8,14,15,1 6 49:10,11,13 53:10 65:1</p> <p>bottles 16:20 17:6 42:11,12,14 46:17,18</p> <p>brief 23:21</p> <p>bring 28:6</p> <p>Brooks 1:16 19:4,5,9,11,13,1 5,19,22 20:3,6,10,12,14, 16,20 21:1</p> <p>brother 25:10 26:1,9,11</p> <p>Building 1:13</p> <p>business 63:11,12</p>	<hr/> <p style="text-align: center;">C</p> <hr/> <p>CALVIN 1:17</p> <p>camera 4:19 33:16,17 34:20 35:2,5 36:16 49:6 62:8,9,14</p> <p>cancelled 37:16</p> <p>capability 62:16</p> <p>car 23:5</p> <p>card 57:7</p> <p>cars 62:2</p> <p>case 2:8 49:7</p> <p>cash 37:19</p> <p>catch 23:8,9</p> <p>Cause 3:14 64:8 65:16</p> <p>certain 48:5</p> <p>CERTIFICATE 67:1 68:1</p> <p>certify 67:4 68:3</p> <p>chair 3:21 11:13 12:18,19 15:14,17 19:6 21:2 28:22 44:14,18 53:18 61:2 63:5</p> <p>Chairperson 1:13,15 2:3,18 3:2,6 7:16,20 8:1,4,8 10:1,9,12,15,19 11:4,6,11 12:20 15:15,18,22 16:3,7 18:4,8,11 19:4 21:3 23:15,18 25:6,12,15,17 26:20 27:2,11,15,18,20 28:3,10,14,19,21 44:15,19 45:21</p>	<p>46:3,6 47:4,20 48:1,4,13,17,22 49:14,17,20 50:6,9,14,18 51:2,8,11 52:18 53:2,9,17 63:6,9,22 65:19 66:3,5,7</p> <p>charge 10:11</p> <p>check 34:9 36:21 37:5,17,19,22</p> <p>choose 16:10</p> <p>Chorus 66:2</p> <p>cites 26:22</p> <p>clarification 56:9</p> <p>clarify 24:6</p> <p>clean 7:3 27:7,21 28:1,16 43:18,21 44:12,21 47:16,18 56:7</p> <p>cleaned 50:14,15</p> <p>cleaning 9:21 16:21 44:21 47:17</p> <p>clear 11:1 12:11 14:9 19:6 44:5 47:1 48:7 50:19 60:4 63:16</p> <p>clearing 43:11 47:16</p> <p>clearly 38:18</p> <p>clients 28:4,5</p> <p>Climax 1:6 2:9,17 4:1,7 5:10,18 6:7,11,15,19 7:8 9:5 18:10 19:2 24:8 26:6</p> <p>close 14:13 31:16,20 32:1 52:13 56:4,5,6,10 57:1</p>
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<p>closed 52:12 59:15 closing 7:3 27:7 COLUMBIA 1:1 67:21 comes 39:4 52:13 coming 17:3 43:2,4 50:19 51:14 52:17 comments 65:21 common 6:20 company 37:12,13 39:4,22 complete 68:8 completely 7:2 27:6 50:7 compliance 27:12 compliant 27:4 concluded 66:12 confirm 24:16 confirmed 26:12 confused 44:17 45:14 consumed 5:1 42:5 consuming 10:18 11:2 42:3 45:8 consumption 11:15 12:10 contact 52:9 Control 1:2,11,12 Cool 30:19 copy 20:3 corner 22:21 60:18 correct 38:16 50:16 55:3 57:13 68:8 counsel 67:9,12</p>	<p>counted 38:6 counting 33:11 couple 10:2 course 47:11 Court 68:4,6 credit 57:7 CT 1:7 cup 49:11,18 cups 11:3 48:15 49:12,21,22 50:3,10 customers 17:2,8 28:4,5 56:16,17</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>D.C 1:13 dais 63:1 dancing 11:17 dark 4:21 14:6 47:12 49:5 Date 68:15 day 5:17 8:3,22 25:21 26:6 31:10 Daytime 26:2 DC 28:6 63:11 debate 30:4 debating 30:16 debit 57:7 definitely 12:13 17:19 31:15 described 46:19 description 46:8 47:18 determination 24:1 25:4 48:9 64:5 determine 3:10,13</p>	<p>device 48:12 Devon 35:3 41:21 different 39:4 digging 38:1 digital 62:14 direction 67:7 directly 54:6 display 47:12 distance 22:22 47:21 DISTRICT 1:1 67:21 DJ 11:17 documented 53:13 DONALD 1:16 door 4:8 18:16 22:21 53:20 54:4,5,12,18 55:1,16 57:19 58:3,6,8,12,20 60:17 doors 55:3,4 56:1 57:16,18,20,22 58:10 59:15 doorway 54:9 downstairs 14:18,19 58:3 61:21 drink 42:4 45:10 49:19 drinking 46:4,15 drinks 42:5,9 driving 4:1,3 52:7 62:3 drunk 49:15 during 8:22 9:17</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>early 31:17</p>	<p>58:15,16 effect 37:17 eight 63:12,16 either 3:10 51:10,11 55:4 64:9 else 47:8 52:1 63:6 65:20 employ 57:14 employed 67:9,12 employee 21:10 32:14 38:16 67:11 employees 20:17 32:9,12,20,22 34:3,8 41:14 57:13 64:18 employment 34:11 empties 43:2 empty 17:6 42:11,12,14 engage 22:11 engaged 11:15 12:9,11 enter 4:4 51:6 entered 5:18 entering 50:22 55:22 Enterprises 1:5 Entertainment 37:15 established 63:12 establishment 4:3,4,5,8,14,15,1 6,18,22 5:9,16,19,22 6:6,14,17 7:1,5 9:19 13:10 14:7 27:5,9 28:4 29:10,17,19</p>
---	---	--	---

<p>30:1,9,12,17 32:10,14,21 34:3,8 39:5 40:18 46:21 47:12,17 50:20,22 51:1,6 52:3 53:7,15,21 54:5,7,12,18,20 55:13 56:1,12,13,19 57:12 59:7,10 61:10,12 62:20 63:18</p> <p>estimation 12:12 evening 9:11,12 everybody 18:3 57:10 everyone 43:15 46:12,13 everyone's 57:11 everything 65:10 Everything's 63:16 evidence 3:7 25:5 exact 48:11 exactly 64:4 except 7:2 27:6 Exhibit 5:3 7:9 15:3,4 29:2 exit 5:8 exiting 5:9 expect 22:4 expressed 5:14</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>face 34:22 38:18 faces 35:1 facility 14:15 facing 33:16 34:19 35:2,5 36:14</p>	<p>fact 1:7 2:4 3:7 facts 64:1,3 fairly 12:11 familiar 26:21 29:12 56:14 farther 22:19 favor 2:20 34:5 66:1 February 3:22 5:17 6:18 16:13 18:6 24:10 feel 56:10,12 female 24:6 females 4:4 16:15 24:3 50:22 51:6 52:15 53:5 55:14 Fifi 35:11 36:3,5,18,19 41:18 file 6:13,15 financially 67:13 finding 1:7 2:4 3:7 findings 64:3 finish 28:11 first 2:5 8:10,14 9:1,3 16:11 17:8 22:18 34:7,12,18 51:21 54:4 61:2 63:11,19 five 33:4,14,19 37:14 38:6 43:13 flag 51:5 flash 47:13 flashing 49:6 floor 4:5,14,15,16 29:10 54:5,6 Florida 1:7 2:9 4:2 focus 52:22</p>	<p>focused 11:19 53:5 foregoing 67:4,5 foregoing/ attached 68:7 foreground 39:12 form 34:9 forward 2:11 front 4:3,8 18:16 22:20 51:4 54:17,18,19 61:15,19 function 40:8</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>gas 4:6 gathering 64:2 gear 18:17 General 3:13 64:6 65:8,16 66:9 gentleman 7:14 9:3,5,7 15:12 25:1 39:11 girl 18:2 given 67:8 glass 42:14 46:15 49:16 glasses 11:3 38:21 42:21 43:1,7 46:18 gone 26:18,19 53:6 gotten 46:11 gray 38:22 39:12 Great 46:1 Grima 35:11,21 36:1 group 5:6 10:5,8 13:22 14:2,10 15:9 24:21 53:22 guard 5:4 10:5</p>	<p>13:10,15 24:20 46:10 51:20 52:9 guards 4:9,10,12 51:4 53:7,22 54:2,8 guess 9:21 25:18 44:17 46:11 54:13 60:4 guilty 64:4 65:3,4 guy 33:19 38:7,9,15,22 40:10 guys 38:10 39:1</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>hair 35:10,19 haircut 38:21 happen 31:1 happened 13:19 52:21 63:19 64:4 happens 63:13 haven't 29:2,4 38:12 64:12 head 33:19 39:13 hear 3:16 17:11 18:19,21 23:12 60:5,9 64:14 65:4 heard 9:12,15 17:15 60:7,8,11 64:1,12 hearing 1:8,12 2:4 3:7,14 4:13 7:19 66:11 67:4 hearings 3:8 help 40:20 41:8 helping 44:21 hereby 67:4 68:3 hereto 67:12</p>
--	---	---	---

<p>HERMAN 1:16 he's 21:16 25:12 26:18 38:16,21 39:17 40:10 45:15,16 52:15 hold 8:9 home 26:18,19 honest 23:13 53:3 hookah 1:6 2:9 4:2 5:11,18 6:12,15,19 11:21 12:3,4,6,10 hour 17:11 63:21 64:22 hours 1:9 6:9,11 7:5 9:17 26:5 30:21 52:14 64:9</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>ice 46:18 I'd 10:5 15:4 49:3 53:11 ID 53:22 identification 4:13 identified 4:10 6:3 7:14 24:8 41:14 48:6 54:20 identify 2:14 3:3 34:6,12,16 39:7,9 identifying 35:20 ignored 5:13,19 I'll 8:6 10:1 15:2 16:7 23:13,17 60:11 I'm 2:6,16 3:4 7:9 8:8 11:9 12:21 17:16,17 18:1,2,17 22:13 23:14 24:11 26:11,18 33:11</p>	<p>34:8 43:5 44:17 45:13,22 48:11 49:5 52:6 56:14 58:1,5,20 59:4,19 60:2,19 62:10,22 63:20 immediately 4:12 18:14 54:3,9 impression 9:6,9,12 inaudible 17:18 19:10 23:1 27:14 44:11 include 33:8,10 included 19:20 49:8 Including 33:9 inconsistency 59:3 identified 5:10 indentify 15:6 indicated 29:11 indicating 30:20 32:8 individual 8:19 individuals 32:9 34:13,19,22 35:1 38:6 39:21 40:2,9 42:3 46:20 47:16 54:19,22 60:20 information 3:9 initially 10:5 51:3 inquire 61:11 inside 4:17,21 9:18 13:9 14:7 17:3 42:17 46:20 51:14 53:1 59:6,8,10 interested 67:13 investigate 65:17</p>	<p>investigative 7:10,17 investigator 3:5,16 6:1 21:12 22:3 29:5,11 30:1,8,20 31:1 53:19 54:21 57:21 58:11 59:5,6 60:5,12 61:5,11 62:7 investigators 24:2 involved 33:2 63:20 isn't 43:14 issued 7:19 Item 29:2 it's 2:22 9:9 14:6 17:2 29:1 31:6 34:9,14 39:3,22 45:11 56:10,12 60:17 61:18 63:11 65:2,6,9,14 I've 38:6 49:4</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>jizzer 48:9 job 43:19 44:5 Johnnie 11:9 join 51:22 joined 15:16 Jones 1:16 11:12,13 12:1,4,9,14,17 28:21,22 29:5,8,15,17,19, 22 30:4,8,11,14,16, 19 31:4,7,9,12,14,2 0 32:1,4,6,8,13,16,</p>	<p>18,20 33:1,6,8,10,15,2 2 34:2,5,16,18,22 35:4,7,9,13,15,1 8,22 36:2,4,7,11,13,1 6,18,20 37:1,4,8,11,16,2 0 38:1,5,9,12,16,2 0 39:7,10,15,17,20 40:2,5,8,12,15,1 7,21 41:2,4,6,9,11,14, 17,19,22 42:2,5,7,9,12,15, 20 43:4,14,20,22 44:2,4,9,14 53:17,18 54:11,15,17 55:3,8,12,17,20, 22 56:3,9,16,18,21 57:1,4,11,15,18, 20 58:9,19 59:1,3,9,12,19 60:2,8,10,12,15, 19,22 61:4,7,9 62:1,4,7,11,15,1 7,19 63:2,4</p> <p>July 1:10 jump 61:15</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>knew 18:5 21:14,15 22:2,8 25:1 knocked 58:6 knowledge 38:13 known 6:17</p> <hr/> <p style="text-align: center;">L</p> <hr/>
---	---	--	---

<p>ladies 36:13 64:21</p> <p>last 6:3 7:6 16:4 34:7,12,18 35:13,16 36:4,5 39:15,16</p> <p>late 28:17 44:13</p> <p>later 2:7</p> <p>law 63:20</p> <p>least 12:14 14:16 64:2</p> <p>leave 24:1 25:5 53:5 58:15,16,19</p> <p>led 55:1</p> <p>lens 62:12</p> <p>Let's 33:13 34:19</p> <p>letter 17:9</p> <p>Letters 17:10</p> <p>level 64:2</p> <p>license 1:8 2:10 17:17,21 18:21 63:14</p> <p>licensed 61:10</p> <p>liquor 17:5</p> <p>listed 24:3</p> <p>little 2:6 15:22 22:20 28:17 44:11,12</p> <p>LLC 1:5</p> <p>located 2:9 4:2</p> <p>location 7:8</p> <p>lock 57:15,18,19</p> <p>locked 57:21 58:10,14,20,21,2 2 59:1,2,16,17</p> <p>long 23:18 28:7 35:10,19</p> <p>longer 2:7</p> <p>lot 44:7</p>	<p>loud 11:22</p> <p>loudly 5:6 10:4 14:8</p> <p>lounge 60:14,16</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>Madam 3:21 11:13 12:18,19 15:14,17 19:5 21:1 28:22 44:14,17 53:18 63:5</p> <p>Mainly 28:1</p> <p>maintenance 7:2 27:7,21</p> <p>major 64:10</p> <p>male 5:10,12,19 6:3 7:12 24:7,10,11 54:8</p> <p>males 7:11</p> <p>manager 4:11 5:5,7,13 6:2 10:7,8 13:11 14:9 17:12,17,21 18:20 19:10 20:18 23:21 24:9,13,19,21 25:2,3,9,11,12,1 4 32:12 40:11,22 53:16 54:1 60:6 61:7</p> <p>managers 17:1 19:7,13 20:17</p> <p>Marmay 35:3 41:21</p> <p>matter 1:4 66:10</p> <p>maximum 37:3</p> <p>may 3:12 45:15</p> <p>maybe 33:4 58:17</p> <p>mean 11:6 18:18 22:5 26:19 30:6</p>	<p>31:18 45:20 59:11,20</p> <p>means 45:16</p> <p>meet 39:2</p> <p>MEETING 1:3</p> <p>Member 1:15,16,17 17:14 60:3</p> <p>mentioned 24:6 43:7</p> <p>met 1:12 5:10 9:5 16:12 17:19 18:9 24:8</p> <p>Michael 7:6</p> <p>microphone 2:21</p> <p>middle 7:13</p> <p>Mike 1:17 66:7</p> <p>Miller 1:13,15 2:3,18 3:2,6 7:16,20 8:1,4,8 10:1,9,12,15,19 11:4,6,11 12:20 15:15,18,22 16:3,7 18:4,8,11 19:4 21:3 23:15,18 25:6,12,15,17 26:20 27:2,11,15,18,20 28:3,10,14,19,21 44:15,19 45:21 46:3,6 47:4,20 48:1,4,13,17,22 49:14,17,20 50:6,9,14,18 51:2,8,11 52:18 53:2,9,17 63:6,9,22 65:19 66:3,5,7</p> <p>mind 29:6 61:10</p> <p>minimum 33:11</p> <p>minute 8:9 55:15</p>	<p>minutes 24:16 31:17 57:8 58:5</p> <p>MIRANDA 68:3,15</p> <p>Monday 5:17 8:22 9:19 25:22 26:3,6</p> <p>months 63:12,16</p> <p>morning 2:7</p> <p>motion 65:20,21</p> <p>move 4:21 65:15</p> <p>moving 10:22 24:18 46:10,13 47:16 63:18</p> <p>music 11:17,22 12:2 31:17</p> <p>musics 57:2</p> <p>myself 4:10 33:9</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>N.W 1:13 2:10 4:2</p> <p>N-A-I-Z-G-H-I 7:7</p> <p>NATALIA 67:3,19</p> <p>necessary 3:14</p> <p>neither 64:16 67:9</p> <p>NICK 1:15</p> <p>night 5:20,21 6:7 7:3 8:14,18,20 16:18 26:13 27:7 31:21 32:2 33:2,3 41:4 43:15,22 44:10 45:17 49:5 51:17 52:7 59:7</p> <p>nobody 17:3 31:19 52:13</p> <p>nobody's 52:17</p> <p>Nophlin 1:17 2:20</p>
---	--	--	--

<p>3:1 12:19,20,22 13:4,6,13,15,19 14:2,11,15,19,21 15:6,10,14</p> <p>nor 67:9,13</p> <p>Notary 67:1,20</p> <p>noted 11:18</p> <p>notes 68:6</p> <p>nothing 65:11</p> <p>notice 7:19</p> <p>noticed 53:6</p> <p>notified 6:7</p> <p>NW 1:7</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>oath 64:13</p> <p>obviously 21:17 46:9</p> <p>occurring 33:3</p> <p>Office 3:12 64:6 65:8 66:9</p> <p>officer 67:3</p> <p>officers 16:15 19:2 52:13 59:20,22 63:14</p> <p>oh 8:8 12:21 14:21 19:5 41:19 43:14 50:6 57:11,17 65:9</p> <p>old 50:15</p> <p>ones 14:7</p> <p>open 53:20 54:12 58:8</p> <p>operated 6:16 7:7</p> <p>operating 1:9 6:8,10 9:17 52:14</p> <p>operation 12:12,15</p>	<p>opportunity 3:19</p> <p>opposed 47:8 66:3</p> <p>order 45:10,11</p> <p>otherwise 34:9 67:13</p> <p>outcome 67:13</p> <p>outside 4:9 54:2</p> <p>owner 2:17 4:11 5:5,7,13 6:2,5,16 10:3,10 13:11 14:9 17:16,20 23:22 24:13,19,21 25:3 29:20 40:22 41:15 54:1 60:6 61:10 62:20</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>p.m 2:2 66:11</p> <p>paper 2:12</p> <p>paperwork 28:12,15,17 58:16</p> <p>paperworks 56:7</p> <p>Pardon 35:22</p> <p>park 18:16</p> <p>parked 4:6 51:7 52:8 53:8 55:15</p> <p>Parker 1:18 3:2,4,20,21 7:18 8:10,12,15,17,21 9:3,9,14,18 10:4,10,13,17,20 11:5,8,19 12:2,8,13,16,22 13:3,5,8,14,17,2 1 14:4,13,17,20 15:2,8,12,21 16:2,8 18:5 21:7 23:7,15,17,20 25:20 26:3,12,21 28:8 29:5,11</p>	<p>30:1,8,20 31:1 45:13,15 46:3,5,7 47:9,22 48:3,6,18 49:2 50:19,21 51:3,16,20 52:2,6,18,22 53:3,11,19,20 54:14,16 55:2,6,11,14,19, 21 56:2 57:21 58:11 59:5,6 60:5,13 61:5,11 62:7,9,13,16,18, 22 63:3</p> <p>Parker's 64:22</p> <p>PARTICIPANT 12:21</p> <p>parties 67:8,10,12</p> <p>party 2:11</p> <p>past 4:3</p> <p>patrons 4:17 9:18 14:5 28:3 46:15,20 50:19 51:5 56:11,13,15 64:17</p> <p>pay 34:8 37:1,2,4,9 57:6,8</p> <p>Pegeshall 38:3</p> <p>PENNACHI 68:3,15</p> <p>people 3:9 4:20 10:22 13:9 14:7,11 16:18,19 19:7,16,18 20:1,8,17 24:18 25:8 28:6 33:1,2,5,11,15,2 1,22 34:3 37:22 39:4 41:12 43:8,12 44:7,20 46:8 47:1 51:15 52:16 57:5,6,12</p>	<p>peoples 16:22 17:9 44:10 51:14 61:14,18</p> <p>perchance 11:16</p> <p>person 13:6 14:21,22 15:3,4 25:22 26:8 39:8 41:11 43:7,9,10,11</p> <p>ph 35:3,11 38:3 62:9</p> <p>phone 26:6,7,8 53:14</p> <p>photo 16:16</p> <p>photograph 7:10,11 30:2 33:12 34:13 47:11 53:12</p> <p>photographed 15:3</p> <p>picture 4:20 5:2 7:13,14 8:12 9:7 10:21 11:1,20 12:3 13:9 14:5 15:1,19 18:22 20:2,4,6,12 21:17,21,22 23:2,12 29:1,3,9,12 30:7,9,14,17,21 32:17 36:8 42:20 47:13 48:16,19 49:1,3,5,9,10 52:5 53:4,10 61:17 62:21 64:14</p> <p>pictures 10:22 14:3 24:18 49:6</p> <p>picture's 62:13</p> <p>piece 2:12</p> <p>piggyback 13:1</p> <p>pipes 11:21</p>
---	---	---	---

<p>12:3,4,6,10 plastic 49:11 playing 11:17,22 point 22:11 54:21 57:1,15 58:1 65:3 police 59:22 63:14 possibility 64:15 possibly 11:9 pourer 48:8 practice 6:20 premises 10:7 presence 9:13,15 46:12 present 1:14,18 5:7,13 10:8 37:19 presentable 49:7 presented 53:22 presiding 1:13 previous 5:20 6:16 previously 5:11,16 9:5 24:8 primarily 9:20 prior 24:10 probably 16:21 18:22 23:20 49:2 55:15 60:21 61:1 problem 57:7 procedure 56:4 58:13 59:4 proceeded 54:22 proceeding 68:5,6,9 profile 39:2 promote 28:6 39:5 43:17 promoter 20:19</p>	<p>32:13 35:17 36:9,22 41:18 promoters 17:1,8 32:11 34:15 37:15 39:3,18,19,21 40:1,3 41:12,20 43:17 64:17 pronounce 16:4 provision 27:4 Public 67:1,20 pull 23:5 push 16:19</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>question 5:14,15,20 13:1 15:9 16:11 22:15 28:8 50:2 56:9 60:4 63:8 65:7</p> <p>questions 3:10,17,18 8:5,10 10:13 11:12 16:4,8 26:15 44:16 64:21</p> <p>quick 18:18 quickly 23:8</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>ran 4:13 23:7 51:20 52:9 54:2,9 reach 18:17 23:3 37:3,6 61:18 62:5 reached 4:19 really 26:10 38:14,15 65:12 reason 61:9 reasonable 64:15</p>	<p>recall 11:5 29:22 51:16 recognize 21:7 recognized 61:5,13 recollect 49:15 record 2:4,15 34:10 67:8 recorded 67:6 recordings 68:7 records 37:8,12 red 35:6,19 36:9,12,13 51:5 reduced 67:6 Reeves 1:13 referring 29:1 refused 13:6 19:2 related 24:11 67:9 relative 67:11 relatively 4:21 14:6 remember 8:3 11:21 24:9 26:10 31:1,8 36:5 removed 48:18 report 5:3 7:10,17,19 8:2,13 24:3 29:2 45:14 reported 68:4 Reporter 68:4 Reporter's 68:6 represent 19:3 37:17 43:16 60:11 representative 29:9 30:17 43:14 request 23:21</p>	<p>24:19 requested 4:11 resembles 15:4 respond 15:11 23:16 responded 5:8 14:10 response 10:14 23:22 24:22 53:16 66:4,6 responsibility 56:11 rest 20:16 Restaurant 1:6 2:9,19 4:1 5:10,18 6:12,15,19 Retailer 1:7 returned 5:17 rid 47:2 role 40:17,21 41:4 Room 1:12 roughly 55:17 routine 7:2 27:6,21 run 5:4 10:6 13:2 17:4 running 17:2 Ruthanne 1:13,15</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>Saturday 5:21 45:17 saw 5:19,22 8:1 13:2 14:22 16:13 17:3,4 19:1,7,15 25:1 29:7 30:22 47:20 51:6,15 52:7,8,19 59:8 61:17 62:2 63:19</p>
--	--	--	---

<p>scurry 4:20 47:18</p> <p>scurrying 46:9</p> <p>second 4:5,13,15,16 8:18,21 9:16 29:9 54:6 65:18</p> <p>seconded 65:20,22</p> <p>seconds 18:22 23:4,11 55:16,17</p> <p>securities 17:4 58:7 59:21</p> <p>security 4:9,10,12 5:4 10:5 13:10,15 17:2,16,20 18:15 24:20 46:10 51:4,20 52:9,12 53:6,22 54:2,8,19,22 58:3,4</p> <p>seeing 4:12 59:4 65:1</p> <p>seemed 12:11</p> <p>seen 5:4 10:6 29:1,2,4</p> <p>send 3:12 64:6 65:15 66:9</p> <p>sentiment 65:6,14</p> <p>sequence 43:6</p> <p>serve 17:5 50:5</p> <p>served 7:18 10:16 50:13</p> <p>server 41:1,2 43:8,9 45:12</p> <p>servers 19:20 43:2,4,13,19 44:5,8 45:1,4 58:15</p> <p>service 11:20 30:21</p> <p>serving 31:17,18</p>	<p>64:9</p> <p>settled 3:11</p> <p>seven 16:22 33:11,20</p> <p>shaped 48:5</p> <p>She's 36:9,22 41:2</p> <p>shirt 9:4 34:21 35:6,19 36:10 38:4 39:1,12</p> <p>shirts 36:14</p> <p>shirt's 7:13</p> <p>short 38:21</p> <p>shot 18:14 22:22</p> <p>shot-measuring 48:11</p> <p>showed 58:7 59:21</p> <p>shut 7:1 27:5 56:6 57:2</p> <p>sic 48:10</p> <p>sign 2:12,13</p> <p>signed 6:16 7:6</p> <p>Silverstein 1:17 15:16,17 65:18,19</p> <p>sir 9:14 12:13,16 13:3,5 14:20 15:13 19:6 55:2 56:2 62:18 63:3</p> <p>sit 43:17</p> <p>sitting 7:12,15 9:8 10:18 14:8 20:20,22 25:16 33:15 38:22 43:10 45:5,12 58:2 60:20 63:1</p> <p>six 16:22 33:4,5,6,7,14,15, 19</p> <p>smoking 11:18</p>	<p>snapped 5:2</p> <p>Solomon 1:5 2:16 6:3,4,7 7:15,21 21:4,6 23:14 24:9,15 25:7 26:20 44:20 45:19 46:19 51:9</p> <p>somebody 13:2</p> <p>someone 46:4</p> <p>somewhere 52:1</p> <p>sorry 2:6 8:8 12:21 45:22 59:13 60:19 62:10</p> <p>sort 18:18</p> <p>sound 17:12</p> <p>sounds 23:12 27:2</p> <p>speak 8:5</p> <p>speaking 24:10</p> <p>spelling 2:13</p> <p>spent 18:21</p> <p>spirit 47:10 48:9</p> <p>spirits 11:8 48:2,4</p> <p>spoke 5:12 24:7</p> <p>spoken 5:15</p> <p>staff 9:20 27:22 39:1</p> <p>staffs 28:2</p> <p>stairs 4:5,15 5:4 10:6 23:8 24:17 46:8,11 54:2,3,9,10 61:22</p> <p>stairwell 54:6</p> <p>stance 12:15</p> <p>stand 61:14</p> <p>standing 4:9 7:13 9:7 21:16 23:2,3,5</p>	<p>33:17,18 61:17</p> <p>Star 37:14</p> <p>start 3:15,20 16:16 34:17,19</p> <p>started 4:20 10:21,22 24:17,18</p> <p>starting 2:6</p> <p>stated 3:6 5:6,14 6:4,5 13:11 24:2</p> <p>statement 12:6 13:22 30:22</p> <p>statements 3:9,18 57:22</p> <p>states 6:22</p> <p>station 4:7</p> <p>stay 28:17 58:4</p> <p>steps 13:2,16 46:13,17</p> <p>stop 31:17,18</p> <p>stopped 51:3</p> <p>story 16:9</p> <p>street 1:13 54:4</p> <p>stuff 19:21 43:3,5,18 44:8 57:7</p> <p>Sunday 3:22 5:21</p> <p>supposed 32:1 42:18 56:7</p> <p>sure 8:11 11:9 18:1,2 24:11 48:11 52:6 58:1,5 63:9 65:10</p> <p>swear 60:7</p> <p>sworn 3:8</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>t/a 1:6</p>
--	---	--	---

<p>table 2:12 4:19 10:18 11:21 20:21,22 42:10,18,22 43:7,11 46:18 47:2,3,10,15,17</p> <p>tables 44:4</p> <p>tabs 57:9</p> <p>taking 10:22 16:16,19,20 20:15 21:17,22 23:11 24:17 28:1 30:1,9 43:3,5</p> <p>talk 8:19 9:4 13:6 18:12,20 23:6 24:15 26:14</p> <p>talked 5:3 9:4 24:7 25:2 26:5</p> <p>talking 29:11 52:15</p> <p>tax 34:10 37:8</p> <p>telephone 6:5</p> <p>telephoned 6:2</p> <p>telephonically 6:6</p> <p>telephoto 62:12</p> <p>terms 59:4</p> <p>testimony 3:8 50:9 64:12,22 67:5,8</p> <p>thank 2:5 3:1,21 9:22 11:13 12:17 15:14,15,17 19:5 21:1 28:22 44:14 53:18 56:3 62:1 63:4 66:10</p> <p>that's 8:13 14:1,22 15:3 17:3 19:1 20:8 23:2,5 28:17 30:22 36:20 44:6,8,12 48:8 51:3,7 52:8 56:8 57:8 59:3 60:17 61:2,16</p>	<p>64:10</p> <p>thereafter 67:6</p> <p>therefore 64:18</p> <p>there's 2:12 14:17 37:21 41:11,19 54:5 64:15 65:7,11</p> <p>they're 20:20 24:3,11 34:7 35:1 44:6 45:4 52:4</p> <p>they've 28:6</p> <p>THOMAS 67:3,19</p> <p>time-stamped 53:14</p> <p>Tizita 35:11,21 36:1 40:13</p> <p>today 7:9</p> <p>top 13:16 24:17 46:7,11,12,17 48:8</p> <p>towards 4:7</p> <p>trainees 24:4</p> <p>training 24:2</p> <p>transcript 67:5 68:5,7</p> <p>transcription 67:7 68:1,8</p> <p>Transcriptionist 68:16</p> <p>transfer 6:18,21</p> <p>transferred 6:21</p> <p>tried 4:19 13:9</p> <p>triggered 50:21</p> <p>true 67:7 68:8</p> <p>try 37:10 44:8 53:9</p> <p>trying 18:17 43:6 44:7 47:17 48:18 53:3,4,10 60:3</p>	<p>61:17</p> <p>turn 16:7</p> <p>turned 5:8 13:10 39:13</p> <p>TV 9:21</p> <p>type 34:10 62:8</p> <p>typed 68:5</p> <p>types 3:8</p> <p>typewriting 67:6</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>Uh-huh 25:17 30:3 41:13 44:1,15 53:2</p> <p>unanswered 64:20</p> <p>understand 5:15 22:15 65:10,13</p> <p>Understood 58:9,19 59:19 60:2</p> <p>unless 52:13</p> <p>unlocked 54:12,14,15 55:4,5,7,8 56:1 58:12</p> <p>upon 4:12</p> <p>upstairs 4:13 11:14 13:18 14:16,17 16:14,16 22:19 33:1 51:19,21 52:2,10 54:22 55:1</p> <p>usually 26:11,17 37:18</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>vacated 7:2 27:6</p> <p>vehicle 4:6</p> <p>versus 11:7</p>	<p>Vincent 1:18 3:4 12:22</p> <p>violating 64:18</p> <p>violation 6:12 26:5 53:4,14 64:8,10</p> <p>visit 8:14,19,21 9:1,3,16</p> <p>voice 14:9</p> <p>voluntary 6:13,14,20,22 7:6 26:21 64:10,19</p> <p>vote 66:8</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>W-2 34:10</p> <p>W-4 34:10</p> <p>wait 22:7 35:15 58:5</p> <p>waiting 2:6</p> <p>walked 4:7 47:14</p> <p>Walker 11:9</p> <p>walking 16:14,15</p> <p>wall 22:22 29:16</p> <p>Washington 1:13</p> <p>wasn't 10:14 11:1 14:1 17:10,11 23:22 24:16,22 25:10 26:15 31:5 47:15 53:5 58:12 62:17</p> <p>watching 9:21</p> <p>water 49:11</p> <p>watering 48:15</p> <p>ways 61:19,20</p> <p>wear 63:15</p> <p>wearing 38:21</p> <p>we'd 42:14 65:9</p>
---	--	---	--

week 63:17	,20	59:2,8,11,17,20	
welcome 15:16	20:1,5,8,11,13,1	60:7,9,11,14,16,	
we'll 3:15	5,18,22	21 61:1,6,8,13	
we're 2:3,6 3:11	21:5,8,11,13,15,	62:2,5 63:7,10	
29:1 42:18 45:5	18,20	yet 38:12	
56:7 64:2,3	22:1,4,9,13,16,1	you'll 3:19	
65:10 66:8	8 23:9,11	young 36:13 64:21	
we've 64:1	25:9,14,16,18	yourself 2:14 3:3	
whatever 16:9	26:2,10,17	33:8,10 41:15	
47:19 64:19	27:1,10,13,16,19	54:20	
where'd 51:14	28:1,5,9,11,16,2	you've 29:1 38:5	
WHEREUPON	0	41:14	
66:11	29:4,7,14,16,18,	<hr/>	
whether	21	Z	
3:10,12,13 34:9	30:3,6,10,13,15,	<hr/>	
64:3,7	18	zoomed 62:13,17	
white 7:12 9:4	31:3,5,8,10,13,1		
34:21 38:4 62:2	6,22		
whoever 28:12	32:3,5,7,11,15,1		
whom 67:3	7,19,22		
who's 10:3,11	33:4,7,9,13,18		
17:20 38:14	34:1,4,14,17,21		
wine 11:7	35:3,5,8,10,14,1		
woman 35:18	7,21		
work 18:3 20:9	36:1,3,5,9,12,15,		
26:17,19	17,19,22		
40:14,15	37:2,5,10,14,18,		
worked 31:11	21		
working 5:22 45:5	38:3,7,11,14,17		
write 36:20,21	39:3,9,14,16,19,		
wrong 38:18	22		
<hr/>	40:4,6,10,13,16,		
Y	19		
Y-E-G-Z-A 6:4	41:1,3,5,7,10,13,		
Yegzaw 2:16,19,22	16,18,21		
7:22 8:3,6,11	42:1,4,6,8,11,13,		
16:4,6,11 17:15	17 43:1,12,16,21		
18:6,9,13	44:1,3,6,10,22		
19:8,10,12,14,17	45:4,9,18,20,22		
	46:2 48:14,19		
	49:1,9,16,18,22		
	50:4,7,13,17		
	51:9,10,13,18,22		
	52:4,11		
	56:5,14,17,20,22		
	57:2,5,14,17,19		
	58:1,14,22		