

1 BOARD'S AGENT:

2 DONOVAN ANDERSON, Presiding

3

4 Board MEMBERS

5 RUTHANNE MILLER

6 NICK ALBERTI

7 MIKE SILVERSTEIN

8 JAMES SHORT

9

10 ALSO PRESENT:

11 LOUISE PHILLIPS

12 WENDELL ROBINSON

13 MESKREM MEHRI

14 MEDA ODESSA

15 SHAWN TOWNSEND

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

2 SHOW CAUSE HEARING

3 CHAIRPERSON ANDERSON: The next case on
4 our Show Cause Hearing calendar is case #15-CMP-
5 00272, Lucky 7 Liquor, license #90270. Will the
6 parties please approach.

7 MS. PHILLIPS: Good morning, Louise
8 Phillips, Assistant Attorney General for the
9 District of Columbia.

10 CHAIRPERSON ANDERSON: Good morning, Ms.
11 Phillips.

12 MR. ROBINSON: Good morning, Wendell
13 Robinson on behalf of Lucky 7.

14 CHAIRPERSON ANDERSON: Good morning, Mr.
15 Robinson.

16 MR. ROBINSON: With me is Meskrem Mehri.

17 MR. MEHRI: Meskrem Mehri.

18 CHAIRPERSON ANDERSON: I did not hear
19 anything, madam.

20 MS. MEHRI: My name is Meskrem Mehri.

21 CHAIRPERSON ANDERSON: Good morning.

22 MR. ODESSA: My name is Meda Odessa.

1 CHAIRPERSON ANDERSON: All right, there
2 is a sign-in sheet could you also please put your
3 information on the record please. Are there any
4 preliminary matters in this case?

5 MS. PHILLIPS: No, Mr. Chair, there are
6 not.

7 CHAIRPERSON ANDERSON: All right.

8 MR. ROBINSON: The only one I'd like to
9 raise, Mr. Chairman, is that this hearing was
10 rescheduled after you vacated the order of
11 judgment against my client because when I entered
12 my appearance requesting the date and time for
13 the hearing be sent to me was not sent to me. I
14 got the first word of the judgment when the
15 client indicated that a judgment had been
16 entered. I called down to the staff of the Board
17 and I indicated that they had not sent it to me,
18 however the motion to vacate instead assigned and
19 that was what was done. That's why this hearing
20 is set forth. During the interim, the letter
21 that sent out setting up the hearing today was
22 not sent to me, it was sent to my client and I

1 told my client be very careful if anything comes
2 to you make sure you give it to me in the event I
3 don't get notice. So, the notice of this hearing
4 was not sent to me again, it was sent to my
5 client and my client promptly gave it to me
6 although my appearance that I entered in this
7 case. Indulge me for a second, Mr. Chairman. It
8 was April 20, 2015 was that in question and
9 notice of the hearing not being sent to my
10 office, but, nevertheless, we are here and
11 prepared to go forward.

12 CHAIRPERSON ANDERSON: All right, so, I
13 know the agency is checking to see. Were you --
14 did you receive notice -- so you received notice
15 that the hearing -- that the Board had vacated
16 its decision?

17 MR. ROBINSON: I didn't get the notice on
18 time and he also should have a copy of the Board
19 that vacated, I didn't get a copy --

20 CHAIRPERSON ANDERSON: So, you never got
21 a copy?

22 MR. ROBINSON: I never got a copy. My

1 client brought it to me and I made a copy and I
2 think the Board, when I called down there, they
3 faxed me also a copy, and that the basis of my
4 motions to not file.

5 MS. PHILLIPS: Just a point of interest,
6 Mr. Chair.

7 CHAIRPERSON ANDERSON: Yes, Ms. Phillips.

8 MS. PHILLIPS: I notice -- you know that
9 I as counsel of record don't always attend the
10 statuses, but I see a note from the status
11 attorney who handled the status on October 7th,
12 2015, it says no licensee today -- no licensee
13 appeared -- Wendell Robinson, attorney, wants to
14 set the show cause dates for status. I agreed,
15 so 11/04 is now the status date and so I
16 understand that people who put in notices should
17 get notice by mail from the agency or from the
18 court, but I also know, not from this agency,
19 actually, but from the court, if I attend a
20 status and the judge gives me a date and doesn't
21 send me a notice, I'm supposed to be there.

22 MR. ROBINSON: Yeah, I think what

1 happened on that at a different time I had the
2 chairperson with his first day on the Board,
3 because I had to appear in court. He said that a
4 new date would be sent out and that's how that
5 happened.

6 CHAIRPERSON ANDERSON: Yeah, I know there
7 were some concerns. But let me ask you this, Mr.
8 Robinson, is your address 7600 Georgia Ave,
9 Northwest, Suite 203, Washington, D.C., 20012?

10 MR. ROBINSON: It is.

11 CHAIRPERSON ANDERSON: Do you have
12 problem receiving letters -- do you have -- all
13 right, and is your e-mail address, sir,
14 grindstonelaw@aol.com?

15 MR. ROBINSON: My e-mail is
16 grindstonelaw@aol.

17 CHAIRPERSON ANDERSON: It's
18 grindstonelaw@aol.com. Well the Board issued --
19 the Board -- a copy -- I have in my possession
20 that on April 28, 2016, the Board sent you a
21 letter to Wendell C. Robinson, 7600 Georgia Ave,
22 Northwest, Suite 203, Washington, D.C., 20012, to

1 inform you of the date and time of the hearing
2 that we were having this hearing today at 10:00
3 and that same -- on that same day Ms. Walker, the
4 legal assistant for the ABC Board, also -- legal
5 administrative specialist -- also sent you an e-
6 mail to the grindstonelaw@aol.com address also on
7 April 28, 2016, at 1:40 to inform you to provide
8 your copy of the Board order and also to provide
9 you notice of this hearing.

10 MR. ROBINSON: Your Honor, Mr. Chairman,
11 what I'm telling you is that the actual letter
12 that was sent out on April 28th did not come to
13 me. I got e-mails, but that was after I had
14 filed my motion to stay on April 8, 2016, but
15 prior to that I did not. So, if you look at the
16 motions I filed those motions were dated April
17 8th.

18 CHAIRPERSON ANDERSON: I thought you
19 stated and what I'm responding to for today's
20 hearing. The Board -- we got your motion, it was
21 discussed and based on the notice the Board
22 decided to remand so we'd have another hearing.

1 So that's fine. I'm talking about today's
2 hearing. I thought you stated that you did not
3 get notice for today's hearing.

4 MR. ROBINSON: No, I got notice of
5 today's hearing. The only thing I'm saying is I
6 got it through my client, but it --

7 CHAIRPERSON ANDERSON: Hold on -- hold
8 on. I want -- this is what I want the record to
9 be clear. Where's the document? I want the
10 record to be clear for today's hearing, for
11 today's hearing, on April 28, 2016, the Board
12 sent a letter to Wendell C. Robinson, address
13 7600 Georgia Avenue Northwest, Suite 2003,
14 Washington D.C., 20012. Mr. Robinson has
15 confirmed that that is his mailing address, is
16 that correct?

17 MR. ROBINSON: The suite is not 2003, Mr.
18 Chairman.

19 CHAIRPERSON ANDERSON: What is your suite
20 number, sir?

21 MR. ROBINSON: 203.

22 CHAIRPERSON ANDERSON: I'm sorry, 203,

1 that's what the letter said, that was my -- all
2 right, so I just want the record to reflect that
3 on April 28th, the Board sent notice of today's
4 hearing to Wendell C. Robinson, address 7600
5 Georgia Avenue Northwest, Suite 2003, Washington
6 D.C., 20012. A letter was sent to Mr. Robinson:
7 Dear Mr. Robinson: Please be advised that the
8 ABC Board has scheduled the above referenced
9 matter and the matter is case #15-CMP-00272, the
10 Show Cause Hearing will be held on May 11, 2016,
11 at 10:00 a.m. which is today. On the same day,
12 the Board also sent Mr. Robinson an e-mail to
13 grindstonelaw@aol.com that Mr. Robinson had
14 confirmed today that it's his e-mail address.
15 And this Board order was also submitted, so I
16 want the record to reflect that for the hearing,
17 the Show Cause Hearing that's scheduled for
18 today, counsel for Lucky 7 was served by two
19 means, by postal mail and also by e-mail. So, I
20 want the record to reflect that. All right. So,
21 let's move forward with the hearing. Does the
22 government wish to make an opening statement?

1 MS. PHILLIPS: Just briefly. This matter
2 comes before the Board, a two-charge notice. The
3 first charge is failure to have a Board-approved
4 manager on site, and this particular incident was
5 on March 21, 2015, at approximately 10:40 p.m.
6 when the investigator came in and made such an
7 observation, and then on that same date and time
8 I believe they noticed that there was not a
9 proper name or names of the licensee and the
10 class and number of the license on the window or
11 the front door. These are two violations and the
12 investigator will so testify and I believe at the
13 end of this matter you will find with the
14 District of Columbia and against the
15 establishment on these two counts.

16 CHAIRPERSON ANDERSON: Thank you. Mr.
17 Robinson, do you wish to make an opening
18 statement at this juncture?

19 MR. ROBINSON: Not at this juncture.

20 CHAIRPERSON ANDERSON: All right, fine.
21 Would the government call its first witness?

22 MS. PHILLIPS: Thank you, the government

1 calls Investigator, Shawn Townsend.

2 CHAIRPERSON ANDERSON: Good morning, Mr.
3 Townsend. Do you swear or affirm to tell the
4 truth and nothing but the truth?

5 MR. TOWNSEND: Yes.

6 CHAIRPERSON ANDERSON: Thank you, have a
7 seat please. Your witness.

8 MS. PHILLIPS: Thank you Mr. Chair. I
9 would like to approach the witness and hand him a
10 copy of the investigation report.

11 CHAIRPERSON ANDERSON: Yes, please go
12 ahead.

13 MS. PHILLIPS: I'm handing one to counsel
14 for the establishment as well. Can you state
15 your name for the record, please?

16 MR. TOWNSEND: Shawn Townsend. S-H-A-W-
17 N, T-O-W-N-S-E-N-D.

18 MS. PHILLIPS: You anticipated the next
19 question. And what is your occupation, sir?

20 MR. TOWNSEND: Investigator.

21 MS. PHILLIPS: And in your capacity as an
22 investigator, briefly what do you do?

1 MR. TOWNSEND: Conduct investigations and
2 inspections of licensed establishments in the
3 District of Columbia.

4 MS. PHILLIPS: Of which Lucky 7 Liquor is
5 one, correct?

6 MR. TOWNSEND: Correct.

7 MS. PHILLIPS: And when you conduct an
8 investigation, do you subsequently write a
9 report?

10 MR. TOWNSEND: Yes.

11 MS. PHILLIPS: And I have handed you what
12 purports to be an Alcoholic Beverage Regulation
13 Administration case report. Is that one that you
14 wrote in this particular matter?

15 MR. TOWNSEND: Yes.

16 MS. PHILLIPS: And did you sign it on
17 page 3?

18 MR. TOWNSEND: Yes, I did.

19 MS. PHILLIPS: And who else signed it?

20 MR. TOWNSEND: Chief Johnny Jackson.

21 MS. PHILLIPS: Okay. And prior to -- oh,
22 how long have you been with the Alcoholic

1 Beverage Regulation Administration?

2 MR. TOWNSEND: A little over two years.

3 MS. PHILLIPS: So, at the time of the
4 incident maybe it was one year?

5 MR. TOWNSEND: Yes -- yes, that's
6 correct.

7 MS. PHILLIPS: And prior to your
8 appointment as an ABRA investigator had you had
9 occasion in your previous working career to
10 conduct investigations and write investigation
11 reports along lines with this sort of thing that
12 you did here today?

13 MR. TOWNSEND: Yes.

14 MS. PHILLIPS: And, in what capacity did
15 you do those investigative work?

16 MR. TOWNSEND: As an investigator with
17 the D.C. Public Schools as well as the office of
18 police complaints here in D.C.

19 MS. PHILLIPS: And total, with both
20 agencies, how long did you pursue an
21 investigative career with those two agencies?

22 MR. TOWNSEND: Approximately four years.

1 MS. PHILLIPS: And did you write
2 investigative reports for those two agencies at
3 the culmination of your investigations?

4 MR. TOWNSEND: Yes, ma'am.

5 MS. PHILLIPS: All right, would you
6 please tell me what brought you to this
7 establishment and what you found when you got
8 there?

9 MR. TOWNSEND: I arrived at Lucky 7
10 Liquor on March 21st to conduct a regulatory
11 inspection. I entered the establishment and I --

12 MR. ROBINSON: I'm going to object. Is
13 he testifying from memory or is he reading a
14 document up there?

15 MS. PHILLIPS: In an administrative
16 hearing one does not have to testify from memory.
17 I can certainly have him do that but that's not a
18 requirement of this body.

19 MR. ROBINSON: I understand that, but
20 even in an administrative hearing there must be
21 an admissible amount of legally admissible
22 evidence for the Board to make its resolution.

1 I'm just asking if he's testifying based upon
2 reading or from his memory.

3 CHAIRPERSON ANDERSON: I mean, there are
4 -- I guess, is it an objection or is there a
5 question?

6 MR. ROBINSON: Objection.

7 CHAIRPERSON ANDERSON: And --

8 MS. PHILLIPS: I've responded to that
9 objection now that it's been an objection versus
10 a question. I can repeat that if you'd like, Mr.
11 Chair.

12 CHAIRPERSON ANDERSON: Why don't you ask
13 Mr. Townsend if he needs to testify from the
14 report to refresh his recollection? I would
15 answer that. Why don't you just -- it's the
16 report that Mr. Townsend wrote. I know that.

17 MR. ROBINSON: I understand, Mr.
18 Chairperson.

19 CHAIRPERSON ANDERSON: So, Ms. Phillips,
20 since it's an objection, I'm not overruling the
21 objection but what I am saying, just --

22 MS. PHILLIPS: So, you're sustaining the

1 objection?

2 CHAIRPERSON ANDERSON: I'm sorry, all
3 right, maybe I'm confused myself. All right, I'm
4 sustaining the objection in the sense that maybe
5 you can ask the witness whether or not he needs
6 to testify -- does he need the report to refresh
7 his recollection?

8 MS. PHILLIPS: So, before I do that, Mr.
9 Chair, you have already told me you wrote this
10 report after you had the investigation, is that
11 correct?

12 MR. TOWNSEND: Yes ma'am.

13 MS. PHILLIPS: So we can get that on the
14 record.

15 MR. TOWNSEND: Yes.

16 MS. PHILLIPS: Okay, I would move for the
17 admission of the investigation report at this
18 time.

19 CHAIRPERSON ANDERSON: Do you have any
20 objections, sir?

21 MR. ROBINSON: I do have an objection.
22 Could the Board reserve that until cross

1 examination?

2 CHAIRPERSON ANDERSON: What's the nature
3 of your objection, sir?

4 MR. ROBINSON: My objection is that if
5 you look at Exhibit #3 and if you look at Exhibit
6 #4, Exhibits #3 and #4 are the same date, time
7 and location, but if you look at Exhibit #3 and
8 you look at the section that is secondary it
9 notes down there at 2571 when posting [inaudible
10 1:23] license, there's a fine of \$750, and
11 legible lettering. Now turn the page and go to
12 Exhibit #4, it's the exact same business and now
13 it's 2579 and says the business will post the
14 licensing but down in the total fine it says zero
15 where it's the same violation on the other page
16 and it's \$750. So, I'm trying to find out if
17 these are the same as each other and it's the
18 zero as compared to saying it's \$750. That seems
19 to be two different fees for the violation, one
20 says \$750 and one says zero, so which is it?

21 MS. PHILLIPS: That's cross examination
22 and not anything about admitting it or what the

1 report says, that has to be identified.

2 CHAIRPERSON ANDERSON: I guess, Mr.
3 Robinson, and I mean -- I'm going to allow the
4 document in at this juncture, but I want to make
5 sure that I'm looking at the same document that
6 you're looking at, I'm looking at Exhibit #3 and
7 Exhibit #4, one document says \$1500 and the other
8 one says zero, so I don't see a document that
9 says \$750 so I just want to make sure that the
10 document you are referencing is the same document
11 that I have in front of me.

12 MR. ROBINSON: It is the same document,
13 Mr. Chairperson, but if you took a look at the
14 violation --

15 CHAIRPERSON ANDERSON: No, but I'm saying
16 -- I know, but I'm just saying to you I don't see
17 a document that says \$750.

18 MR. ROBINSON: Well, the document, it's
19 checked over the \$750.

20 CHAIRPERSON ANDERSON: I'm talking about
21 the bottom -- that's what I'm saying, at the
22 bottom of the document I don't see -- I want to

1 make sure that whatever document that you are
2 looking at is the same document that I have in
3 front of me.

4 MR. ROBINSON: It is.

5 CHAIRPERSON ANDERSON: Okay, I'm going to
6 allow the document in. Go ahead, Ms. Phillips.

7 MS. PHILLIPS: Thank you, Mr. Chair.
8 Now, back to the original question posed by Mr.
9 Robinson and affirm the objection. Do you need
10 to use your investigative report to refresh your
11 recollection on certain things or all things?

12 MR. TOWNSEND: Considering that this was
13 March 21 of 2015, I would probably need the
14 report to recall some things that occurred on
15 that day.

16 MS. PHILLIPS: May I continue?

17 CHAIRPERSON ANDERSON: Yes, go ahead Ms.
18 Phillips.

19 MS. PHILLIPS: So, I believe we have on
20 the record that you went to the establishment on
21 March 21, 2015, at approximately 10:40 p.m. to
22 conduct a regulatory inspection. Did I get that

1 correct?

2 MR. TOWNSEND: Yes, ma'am.

3 MS. PHILLIPS: All right, what took you
4 to this particular establishment? Was it part of
5 a night-long regulatory inspection or were you
6 called to this particular establishment?

7 MR. TOWNSEND: I was -- every month my
8 supervisor prints out the -- assigns us
9 preprinted regulatory inspections and that
10 particular month Lucky 7 was in my stack of
11 regulatory inspections to complete.

12 MS. PHILLIPS: Okay. So, when you
13 entered the establishment -- well, I assume you
14 entered the establishment at 10:40. Did I get
15 that right?

16 MR. TOWNSEND: Yes, ma'am.

17 MS. PHILLIPS: What did you find?

18 MR. TOWNSEND: I found the female clerk.
19 She was behind the cashier counter.

20 MS. PHILLIPS: And what was her name?

21 MR. TOWNSEND: Her name was Miss Nelia
22 Drummond.

1 MS. PHILLIPS: Would you spell that for
2 the record, please.

3 MR. TOWNSEND: The first name is N-E-I-L-
4 I-A, last name Drummond, D-R-U-M-M-O-N-D.

5 MS. PHILLIPS: Now, did you confirm that
6 this was actually her name by some source?

7 MR. TOWNSEND: I checked her Maryland
8 driver's license and recorded her driver's
9 license number which is reflected in my
10 investigative report.

11 MS. PHILLIPS: And did you ask Ms.
12 Drummond any questions.

13 MR. TOWNSEND: Yes, ma'am, I identified
14 myself to Ms. Drummond initially and informed her
15 I was there to do a regulatory inspection, I
16 proceeded to ask her if she was an owner or ABC
17 manager, she said she was not. I continued to
18 conduct the investigation -- I mean, the
19 regulatory inspection, and at the conclusion of
20 the inspection I informed Ms. Drummond of the
21 violations that I observed.

22 MS. PHILLIPS: Did you ask Ms. Drummond

1 if there was an owner or ABC manager in the
2 establishment when you arrived?

3 MR. TOWNSEND: Yes.

4 MS. PHILLIPS: What did she tell you?

5 MR. TOWNSEND: She said no.

6 MS. PHILLIPS: How long do you think it
7 took you to conduct the regulatory inspection?

8 MR. TOWNSEND: According to Exhibit #1 of
9 the investigative report my entry time was 10:40
10 p.m. and my exit time was 11:10 p.m.

11 MR. ROBINSON: I'm sorry, I couldn't hear
12 that. What time?

13 MR. TOWNSEND: 10:40 p.m. to 11:10 p.m.

14 MR. ROBINSON: Okay, thank you.

15 MS. PHILLIPS: Was that 30 minutes?

16 MR. TOWNSEND: Approximately.

17 MS. PHILLIPS: All right. What sort of
18 violations did you find when you conducted the
19 regulatory inspection other than the fact that
20 there was no ABC manager or owner present when
21 you entered the establishment?

22 MR. TOWNSEND: The establishment did not

1 have legible lettering posted on the front
2 entrance or windows of the establishment as well
3 as the ABC license was not posted in a
4 conspicuous location.

5 MS. PHILLIPS: Did you inform Ms.
6 Drummond that there were ABC licensure
7 violations?

8 MR. TOWNSEND: Yes, ma'am.

9 MS. PHILLIPS: Did you tell her what they
10 were?

11 MR. TOWNSEND: Yes.

12 MS. PHILLIPS: Did you do anything else
13 with regard to the violations that you found?

14 MR. TOWNSEND: No. Well, Ms. Drummond
15 then contacted the owner, Ms. Meskrem Mehri, on
16 the phone.

17 MS. PHILLIPS: Would you spell that name
18 for the record please?

19 MR. TOWNSEND: M-E-S-K-R-E-M, last name
20 is M-E-H-R-I.

21 MS. PHILLIPS: Did Ms. Drummond tell you
22 that she was able to reach the owner when she

1 telephoned her?

2 MR. TOWNSEND: Yes.

3 MS. PHILLIPS: And did she tell you the
4 essence of their conversation.

5 MR. TOWNSEND: I actually spoke to Ms.
6 Mehri.

7 MS. PHILLIPS: Tell us what -- what
8 happened during that conversation.

9 MR. TOWNSEND: I informed Ms. Mehri of
10 the violations that I observed during my
11 regulatory inspection and told her that there
12 will be -- you know -- there will be a report
13 conducted based on my findings.

14 MS. PHILLIPS: Did you tell the owner
15 that you would be back subsequently?

16 MR. TOWNSEND: Yes.

17 MS. PHILLIPS: And what did you tell --
18 did you tell the owner or did you tell the clerk
19 that you'd be back?

20 MR. TOWNSEND: I told the owner on the
21 phone and I also told the clerk to inform the
22 owner that I would be back.

1 MS. PHILLIPS: Okay, and did you give a
2 date certain?

3 MR. TOWNSEND: I did not.

4 MS. PHILLIPS: Did you say within a
5 certain time period?

6 MR. TOWNSEND: I did not -- I don't
7 recall that I did.

8 MS. PHILLIPS: Okay. Do you fill out
9 contemporaneous paperwork while you're in the
10 establishment?

11 MR. TOWNSEND: Other than the regulatory
12 inspection?

13 MS. PHILLIPS: No?

14 MR. TOWNSEND: No.

15 MS. PHILLIPS: No, so you fill out --
16 while you're in the establishment you fill out
17 the regulatory inspection paperwork, is that
18 fair?

19 MR. TOWNSEND: Correct.

20 MR. ROBINSON: Mr. Chair, I know this is
21 administrative but counsel's consistently
22 leading, she's basically testifying and he's just

1 saying yes or no.

2 CHAIRPERSON ANDERSON: I mean, I know
3 administrative hearings are not as formal due
4 process -- as, I'm sorry -- court cases so I'll
5 give them some leeway so -- it's --

6 MS. PHILLIPS: I really am having trouble
7 hearing, I'm sorry. I'm sorry, but a delicate
8 voice --

9 CHAIRPERSON ANDERSON: I am sorry. All
10 right I'm sorry. Overruled.

11 MS. PHILLIPS: Thank you. So, is there a
12 copy of the regulatory inspection paperwork
13 contained within your report which we've admitted
14 into evidence at this time?

15 MR. TOWNSEND: Yes.

16 MS. PHILLIPS: And what exhibit is that?

17 MR. TOWNSEND: Exhibit 1.

18 MS. PHILLIPS: And please describe
19 briefly what that entails, Exhibit 1.

20 MR. TOWNSEND: It is basically
21 information that is listed on the establishment's
22 ABC license, Certificate of Occupancy, there's a

1 list of items that I check for during an
2 inspection and at the bottom is a comment section
3 where I normally list any violations observed or
4 any notes that I want to document, as well as
5 whenever there's a case where there's no owner or
6 ABC manager I will copy that person's information
7 into that box and have them sign instead of
8 signing on the ABC approved manager or owner's
9 signature line down at the bottom.

10 MS. PHILLIPS: So, basically this is a
11 preprinted form, is that correct?

12 MR. TOWNSEND: Yes, ma'am.

13 MS. PHILLIPS: And you list what you
14 find. Let's just go under the remarks section.
15 What did you write down under the remarks
16 section?

17 MR. TOWNSEND: My violations that I
18 observed as well as notes, so "license not
19 posted," which is the ABC license not posted, the
20 Certificate of Occupancy was not posted, no ABC
21 manager or owner present while alcohol being
22 sold, I in fact did observe Ms. Drummond serve

1 alcoholic beverages to a customer, there was no
2 window lettering, I also provided Ms. Drummond
3 temporary window lettering, and I also stated a
4 note down here to reinspect for books and records
5 because Ms. Drummond was unable to locate
6 alcoholic beverage invoices, and below that is
7 Ms. Drummond's signature with her driver's
8 license number.

9 MS. PHILLIPS: Okay. Let me ask you
10 this. I see right under "reinspect for books and
11 records, unable to access office," I see what
12 looks to me like a scribble but could be a
13 signature, is that Ms. Drummond's signature?

14 MR. TOWNSEND: Yes, ma'am.

15 MS. PHILLIPS: And then beneath that is
16 her name written in non-cursive and her license
17 number and expiration of the license number. Is
18 that your handwriting below that writes out her
19 name so it's legible?

20 MR. TOWNSEND: That's correct.

21 MS. PHILLIPS: And is that your signature
22 down at the bottom under investigator?

1 MR. TOWNSEND: Yes, ma'am.

2 MS. PHILLIPS: Let's turn to Exhibit #2,
3 what is that?

4 MR. TOWNSEND: Exhibit #2 is a photo --

5 MS. PHILLIPS: I have a better picture,
6 your honor.

7 CHAIRPERSON ANDERSON: Thank you.

8 MS. PHILLIPS: Mr. Robinson, I was only
9 able to print out in black and white but I have
10 an extra color picture for you to look at.

11 MR. ROBINSON: Thank you.

12 MS. PHILLIPS: What is that picture?

13 MR. TOWNSEND: I am behind the cashier
14 counter and Ms. Drummond -- she had just received
15 money from a customer who was purchasing
16 alcoholic beverages, so the bottle or bottles
17 that you see on the counter she was selling to a
18 customer.

19 MS. PHILLIPS: Okay. Do you have a time,
20 did you take this when you first entered the
21 establishment or half way in between, or as you
22 were leaving thirty minutes later? Or do you

1 recollect?

2 MR. TOWNSEND: I can't recall. It was
3 definitely between 10:40 and 11:10 p.m.

4 MS. PHILLIPS: During the time you were
5 in the establishment did an owner or ABC manager
6 ever appear?

7 MR. TOWNSEND: No ma'am.

8 MS. PHILLIPS: Did Ms. -- did the owner
9 when you spoke to her on the phone tell you where
10 she was?

11 MR. TOWNSEND: I believe she mentioned --
12 I can't recall where she told me she was. I do
13 recall her saying that she was somewhere, and
14 initially when Ms. Drummond handed me the phone
15 and said it was the owner, it was a male and I
16 asked this male on the phone if he was the owner
17 and he said no, and I, you know, well is the
18 owner with you? And then he I guess handed the
19 phone to Ms. Murray, and that's who I spoke to
20 the rest of the conversation.

21 MS. PHILLIPS: Prior to exiting the
22 establishment on the 21st did you fill out any

1 other paperwork or take any other pictures other
2 than Exhibit #1 and Exhibits #2.

3 MR. TOWNSEND: No. Prior to the 21st?
4 No.

5 MS. PHILLIPS: During the 21st, did you
6 do anything else on the 21st other than Exhibit
7 #1 and Exhibit #2?

8 MR. TOWNSEND: No.

9 MS. PHILLIPS: And conducted regulatory
10 inspection?

11 MR. TOWNSEND: No.

12 MS. PHILLIPS: All right. You returned
13 to the establishment when?

14 MR. TOWNSEND: On March 27th, 2015.

15 MS. PHILLIPS: At what time?

16 MR. TOWNSEND: At approximately 11:50
17 a.m.

18 MS. PHILLIPS: Okay and what did you do
19 when you arrived at the establishment on March
20 27th?

21 MR. TOWNSEND: I issued two citations,
22 one for -- which is on Exhibit #3, citation

1 #5151. There was one citation issued for no ABC
2 manager which with a fine of \$750 and citation
3 for No legible lettering with a fine of \$750,
4 totaling \$1500 and these were both third offenses
5 of a secondary tier violation. I also issued a
6 warning citation for not having the license
7 posted.

8 MS. PHILLIPS: So, in other words these
9 two citations issued on your second visit
10 document three violations, two of which called
11 for fines, one of which called for a warning. Is
12 that correct?

13 MR. TOWNSEND: That's correct.

14 MS. PHILLIPS: So, the warning was
15 citation #5152 which is Exhibit #4, is that
16 correct?

17 MR. TOWNSEND: Yes.

18 MS. PHILLIPS: And the other two
19 violations which called for fines. And the other
20 is #5151, is that correct?

21 MR. TOWNSEND: Yes.

22 MR. ROBINSON: I'm going to object. The

1 document has been admitted and speaks to itself,
2 but the counsel is still going on about him
3 testifying here.

4 CHAIRPERSON ANDERSON: Mr. Robinson, the
5 question was asked if you had an objection, you
6 have the object at the beginning not after the
7 witness answers the question, so we'll move on.
8 Ms. Phillips.

9 MS. PHILLIPS: Thank you. Now, let's
10 discuss the Exhibit #3 and Exhibit #4 and let's
11 discuss the signatures that are contained therein
12 at the bottom. Start with #3 and tell me what
13 those signatures represent.

14 MR. TOWNSEND: On Exhibit #3 is my
15 signature on the left-hand side in the ABRA
16 investigator box and on the right side
17 acknowledging receipt of the notice of violation
18 is Ms. Murray's signature, who is listed as the
19 managing member.

20 MS. PHILLIPS: Okay. And Exhibit #4 is
21 it the same thing?

22 MR. TOWNSEND: Yes, ma'am.

1 MS. PHILLIPS: And I have an Exhibit #5,
2 what's that?

3 MR. TOWNSEND: Exhibit #5 is a copy of
4 the establishment's Certificate of Occupancy
5 when, on both occasions -- on both visits to the
6 establishment, neither Ms. Drummond nor Ms.
7 Murray could locate it during my visit, so I
8 checked the ABRA records to confirm that they, in
9 fact, did have one and I just included it as an
10 exhibit.

11 MS. PHILLIPS: Did you do anything else
12 on the 27th while you were at the establishment?

13 MR. TOWNSEND: I believe I checked the --
14 her books and records to confirm that she had
15 adequate alcoholic beverages invoices, but other
16 than that, I believe that was it.

17 MS. PHILLIPS: Is that contained within
18 the report? Or did I just miss it?

19 MR. TOWNSEND: No, ma'am.

20 MS. PHILLIPS: Okay, so that's a
21 recollection that you had outside of the report?

22 MR. TOWNSEND: Yes.

1 MS. PHILLIPS: And other than the
2 violations on the 24th, I mean on the 21st, did
3 she have continuing violations on the 27th or had
4 she fixed, she fixed the no ABC manager or -- ABC
5 manager or owner violation -- had she fixed the
6 other violation?

7 MR. TOWNSEND: Yes, the ABC license was
8 posted as well as the temporary lettering that I
9 provided Ms. Drummond.

10 MS. PHILLIPS: Was placed appropriately
11 or?

12 MR. TOWNSEND: Yes, ma'am.

13 MS. PHILLIPS: And so, do you know how
14 long you were at the establishment during the
15 second visit?

16 MR. TOWNSEND: I do not recall.

17 MS. PHILLIPS: Does it say on your little
18 citations? On Exhibit #3 or #4?

19 MR. TOWNSEND: It just lists the time
20 that I arrived to issue the citation.

21 MS. PHILLIPS: Oh, okay, I see that.
22 Thank you. Is there anything else you did before

1 leaving the establishment?

2 MR. TOWNSEND: No, ma'am.

3 MS. PHILLIPS: And then when you -- when
4 did you write the report?

5 MR. TOWNSEND: I can't recall. It was
6 definitely after March 27th. I believe it might
7 have been the same day.

8 MS. PHILLIPS: Okay. So is it your usual
9 custom and practice to write the report as soon
10 after you've completed the investigation as
11 possible?

12 MR. TOWNSEND: Yes, ma'am.

13 MS. PHILLIPS: Okay, all right, I have no
14 further questions since the investigative report
15 is admitted.

16 CHAIRPERSON ANDERSON: Your witness, Mr.
17 Robinson. Do you have any questions for the
18 witness?

19 MR. ROBINSON: I do. Good afternoon,
20 Mr. Townsend.

21 MR. TOWNSEND: Good afternoon.

22 MR. ROBINSON: You have indicated that

1 you spoke to the owner on the telephone.

2 MR. TOWNSEND: Yes, sir.

3 MR. ROBINSON: But you couldn't recall
4 what she said, correct?

5 MR. TOWNSEND: I said I couldn't recall
6 where she told me that she was.

7 MR. ROBINSON: Okay. What did she -- did
8 you ask her why she wasn't at the facility?

9 MR. TOWNSEND: I don't think so, I don't
10 recall.

11 MR. ROBINSON: Well, did she tell you why
12 she wasn't there?

13 MR. TOWNSEND: I don't recall.

14 MR. ROBINSON: Well, let me refresh your
15 recollection. Did she tell you that she had an
16 emergency with a child and that she had to leave
17 the facility very quickly?

18 MR. TOWNSEND: I don't recall that.

19 MR. ROBINSON: Okay, well what do you
20 recall if you don't recall that?

21 MR. TOWNSEND: I recall informing her of
22 the violations that I observed on my regulatory

1 inspection.

2 MR. ROBINSON: Okay, I understand. But
3 you don't recall anything that she responded why
4 she wasn't there and you don't recall that she
5 told you that she had to leave because of an
6 emergency with her child?

7 MS. PHILLIPS: Objection, compound and
8 asked and answered.

9 MR. ROBINSON: I'll withdraw. You don't
10 recall if she told you why she wasn't at the
11 facility, right?

12 MS. PHILLIPS: Objection. Asked and
13 answered.

14 MR. ROBINSON: Sorry, Mr. Chairman.

15 CHAIRPERSON ANDERSON: It's sustained.

16 MR. ROBINSON: Have you -- do you have
17 anything written in your report -- I'm sorry, Mr.
18 Chairman, were you finished?

19 CHAIRPERSON ANDERSON: I'm done.

20 MR. ROBINSON: Do you have anything
21 written in your report that indicates why Mrs. --
22 the owner was not on the location at the time you

1 were there?

2 MR. TOWNSEND: No, I do not.

3 MR. ROBINSON: Now, with respect to the
4 second -- you went back for a reinspection on
5 March 27th, is that right?

6 MR. TOWNSEND: I went back to issue
7 citations.

8 MR. ROBINSON: Okay, But when you went
9 back you found that with respect to the manager's
10 license that had been corrected, is that correct?

11 MR. TOWNSEND: The owner was present,
12 correct.

13 MR. ROBINSON: I understand. But the
14 citation was for the previous inspection when she
15 was not in, is that correct?

16 MR. TOWNSEND: Correct.

17 MR. ROBINSON: I see. With respect to
18 the posting requirements, when you went back for
19 the reinspection you -- those were in compliance
20 is that correct?

21 MR. TOWNSEND: Yes, sir.

22 MR. ROBINSON: But you still issued it

1 because it wasn't in compliance on the 21st, is
2 that correct?

3 MR. TOWNSEND: Correct.

4 MR. ROBINSON: Now, I'm -- since we're in
5 an administrative hearing, so if Mrs. -- the
6 owner -- had told you on the phone that she had
7 to leave on an emergency to take care of her
8 child would you still have issued a violation?

9 MS. PHILLIPS: Objection. Relevance.

10 MR. ROBINSON: Administrative hearing, he
11 can stated based upon experience whether or not
12 there would be an exception to issuing a warning
13 for a manager not being there.

14 CHAIRPERSON ANDERSON: Objection is
15 sustained. It's not relevant whether or not --

16 MR. ROBINSON: Very well. If I can
17 direct your attention to Exhibit #4, and if you
18 could -- and if you could, if you could just tell
19 me from #3 and #4, and take a look at the second
20 page of both, do you see that sir?

21 MR. TOWNSEND: Yes.

22 MR. ROBINSON: And it says 25-71, and

1 over to the far right you have a fine of \$750,
2 right sir?

3 MR. TOWNSEND: You're referring to
4 Citation #5151?

5 MR. ROBINSON: Yes, sir. Exhibit #3.

6 MR. TOWNSEND: Okay.

7 MR. ROBINSON: Now, and you checked down
8 at the bottom there "legible letter."

9 MR. TOWNSEND: Yes, yes.

10 MR. ROBINSON: That's a violation, right?

11 MR. TOWNSEND: Correct.

12 MR. ROBINSON: Now, at the time you were
13 there with the latest violation was there also a
14 violation for visible posting of license?

15 MR. TOWNSEND: On the 21st? Or March?

16 MR. ROBINSON: In Exhibit #3 you didn't
17 check that. But was there a violation for that?

18 MR. TOWNSEND: Yes.

19 MR. ROBINSON: But you didn't check it?

20 MR. TOWNSEND: Correct.

21 MR. ROBINSON: Okay. Now, look at
22 Exhibit #4.

1 MR. TOWNSEND: Okay.

2 MR. ROBINSON: Now, on Exhibit #4 the
3 same section, secondary, where it says 25-711,
4 you checked "visible posted license" -- you see
5 that sir?

6 MR. TOWNSEND: Yes.

7 MR. ROBINSON: But that's just a warning.

8 MR. TOWNSEND: Correct.

9 MR. ROBINSON: So, based upon your
10 experience as an investigator there why didn't
11 you charge them with a violation that you found
12 that existed but did not charge it, but on other
13 ones you found it existed, you charged.

14 MR. TOWNSEND: Because it's -- if I'm --
15 so for the visible posted license warning --

16 MR. ROBINSON: Yes, sir.

17 MR. TOWNSEND: A warning was issued
18 because there was no prior history of this
19 violation.

20 MR. ROBINSON: Was there a prior history
21 of a violation of not having a manager --
22 licensed and on duty?

1 MS. PHILLIPS: I'm going to object that
2 that's not the criteria used for determining
3 violations. It's the number of secondary
4 violations. So, it's a foundational objection,
5 really, I guess.

6 MR. ROBINSON: I just asked him the
7 question and he responded. I just asked him.

8 CHAIRPERSON ANDERSON: I'm going to
9 overrule the objection. Go ahead.

10 MR. TOWNSEND: According to the history
11 on the investigative report there was not a prior
12 history of no ABC manager, however there is a
13 history of secondary tier violations, and --

14 MR. ROBINSON: But the question to you,
15 sir, was not about secondary violations but
16 whether or not you knew there was a history of a
17 manager not being on duty because you said that
18 was the basis for you citing them, and at the
19 time you cited them, there was no history was
20 there, that you know of? Is that correct? Is
21 that correct?

22 MR. TOWNSEND: Correct.

1 MR. ROBINSON: Okay, now if I could
2 direct your attention to -- indulge me, Mr.
3 Chairperson and the Board -- now you said that
4 you did not prepare these reports simultaneously,
5 so did you prepare your prepare your report when
6 you got back to your office or did you prepare it
7 when you got I your car after you left the
8 building?

9 MR. TOWNSEND: I prepared all of my
10 reports in the office.

11 MR. ROBINSON: And, now if I can direct
12 your attention to Exhibit #1, what time did you
13 prepare that report?

14 MR. TOWNSEND: Exhibit #1 is the
15 regulatory inspection, that was conducted at
16 10:40 p.m. on March 21st.

17 MR. ROBINSON: No, but my question was
18 when did you prepare that report, not when you
19 conducted the inspection. I'm asking you if you
20 waited until you got back to the office.

21 MR. TOWNSEND: I prepared the
22 investigative report when I got back to the

1 office, but this regulatory inspection is
2 conducted inside of the establishment during the
3 inspection.

4 MR. ROBINSON: So, this is #1, you filled
5 all this out while you were on the -- at the
6 establishment, is that correct?

7 MR. TOWNSEND: That's correct.

8 MR. ROBINSON: Okay, now with respect to
9 Exhibit #3 and #4, where did you complete those?

10 MR. TOWNSEND: I believe I may have
11 written the citations out prior to visiting the
12 establishment on March 27th, but the bottom, the
13 signatures were completed during my visit on
14 March 27th in front of the owner.

15 MR. ROBINSON: Okay, but what I'm asking
16 is they didn't fill this out blank did they? Had
17 you already filled this in?

18 MS. PHILLIPS: Asked and answered.

19 MR. ROBINSON: Well, I don't think I
20 asked that, Mr. Chairperson.

21 MS. PHILLIPS: That's just my response to
22 the question as an objection, I'm sorry.

1 MR. ROBINSON: I'll rephrase my question.
2 Look at Exhibits #3 and #4. The signatures that
3 appear on there, are those signatures there after
4 the forms been completed? On these exhibits?

5 MR. TOWNSEND: After what forms?

6 MR. ROBINSON: Well, Exhibit #3 is the
7 form Notice of Violation and Exhibit #4 is a
8 Notice of Violation. My question to you is the
9 signatures that appear at the bottom, were they
10 completed after the top portions of the forms
11 were completed?

12 MR. TOWNSEND: Yes.

13 MR. ROBINSON: Okay, thank you. Mr.
14 Chairman, I don't have any other questions.

15 CHAIRPERSON ANDERSON: Do you have any
16 questions on the Board, Board members, of the
17 witness? Yes, Mr. Alberti?

18 MR. ALBERTI: Okay, so I want to go to
19 Exhibit #3 --

20 MR. TOWNSEND: Yes sir.

21 MR. ALBERTI: Thank you for your report,
22 by the way, and so the violation, the second

1 violation posting and carrying licenses, you
2 checked off -- I'm sorry, let's go to Exhibit #4.
3 I'm sorry. On posting and carrying license you
4 checked off "visible posted license" correct?

5 MR. TOWNSEND: Yes.

6 MR. ALBERTI: And the way I understand
7 this notice of violation, you issued a warning
8 for that?

9 MR. TOWNSEND: Yes.

10 MR. ALBERTI: All right. And I think you
11 stated that you issued a warning for that because
12 there were no prior violations for that.

13 MR. TOWNSEND: Correct.

14 MR. ALBERTI: Violation. In your
15 training are you trained on which violations
16 require mandatory warnings?

17 MR. TOWNSEND: Yes, I am.

18 MR. ALBERTI: And that requires a
19 mandatory warning for a first violation?

20 MR. TOWNSEND: It does, yes sir.

21 MR. ALBERTI: Okay, and is that why you
22 gave them a warning for this?

1 MR. TOWNSEND: That's correct.

2 MR. ALBERTI: All right. On Exhibit #3,
3 posting and carrying license you checked
4 [inaudible 28:48].

5 MR. TOWNSEND: Yes.

6 MR. ALBERTI: When you came back to the
7 office, did you check their investigative
8 history?

9 MR. TOWNSEND: Yes.

10 MR. ALBERTI: Okay. Did you note in the
11 investigative history that there was a prior
12 violation for legible lettering?

13 MR. TOWNSEND: Yes.

14 MR. ALBERTI: Okay. You have the
15 investigative report there, so I will ask you,
16 and there's an investigative history there, can
17 you cite the case number of the prior violation,
18 the case number for that legible lettering.

19 MR. TOWNSEND: Case #14-CMP-00455.

20 MR. ALBERTI: And what was the fine or
21 was there a fine for that?

22 MR. TOWNSEND: No, sir, a warning was

1 issued.

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

4 CHAIRPERSON ANDERSON: Any other Board
5 members with questions? Mr. Robinson do you have
6 any questions based on the questions that were
7 asked by Mr. Alberti?

8 MR. ROBINSON: No, Mr. Chairman.

9 CHAIRPERSON ANDERSON: So, is there a
10 redirect? Witness to question?

11 MS. PHILLIPS: Investigator Townsend, do
12 you construct your fining level based on the
13 investigative history --

14 MR. TOWNSEND: Yes --

15 MS. PHILLIPS: -- of the establishment?

16 MR. TOWNSEND: -- that's correct. And is
17 --

18 MR. ROBINSON: Objection. It goes beyond
19 the scope of my cross. I didn't ask anything
20 about the investigative history at all.

21 MR. ALBERTI: I did.

22 MS. PHILLIPS: The Board did.

1 CHAIRPERSON ANDERSON: The question --
2 the round of questions is based on the questions
3 that were asked by the Board, so that's what I'm
4 asking, if you had.

5 MR. ROBINSON: I thought you said
6 redirect.

7 CHAIRPERSON ANDERSON: No, what I did --
8 I'd asked you did you have any questions to ask
9 based on the questions of the Board. You said
10 no, you didn't have any questions and then I
11 asked for, since it is her witness then she has
12 the last go-round to ask questions based on the
13 questions asked by the Board. Go ahead, Ms.
14 Phillips.

15 MS. PHILLIPS: And so you looked at the
16 number of secondary violations in order to
17 compose the fine?

18 MR. TOWNSEND: Yes.

19 MS. PHILLIPS: Is that based on a
20 regulation?

21 MR. TOWNSEND: Yes it is.

22 MS. PHILLIPS: Okay. I have no further

1 questions based on the cross of the
2 establishment's counsel or the questions of the
3 Board. Thank you.

4 CHAIRPERSON ANDERSON: Thank you, Ms.
5 Phillips. Mr. Townsend, thank you for your
6 testimony.

7 MR. TOWNSEND: Thank you.

8 CHAIRPERSON ANDERSON: You may step down.
9 Does the government have any other witnesses?

10 MS. PHILLIPS: The government has no
11 other witnesses, thank you, sir, the government
12 rests.

13 CHAIRPERSON ANDERSON: Thank you. Mr.
14 Robinson, do you wish to make an opening
15 statement?

16 MR. ROBINSON: No. I'll just waive but
17 I'd like to call my witness.

18 CHAIRPERSON ANDERSON: And who's your
19 first witness?

20 MR. ROBINSON: Ms. Meskrem Mehri -- if I
21 mispronounce the name, I apologize.

22 CHAIRPERSON ANDERSON: You may go to the

1 witness stand please. Can you raise your right
2 hand, please. Do you swear or affirm to tell the
3 truth and nothing but the truth? You need to
4 vocalize.

5 MS. MEHRI: I will tell the truth.

6 CHAIRPERSON ANDERSON: Okay, thank you.
7 Have a seat, and when you speak, speak close to
8 the microphone so it will pick up your voice,
9 okay?

10 MS. MEHRI: Okay.

11 CHAIRPERSON ANDERSON: All right. Thank
12 you.

13 MR. ROBINSON: May I proceed?

14 CHAIRPERSON ANDERSON: Go ahead.

15 MR. ROBINSON: In a loud, clear voice I
16 want you to state your name and spell it.

17 MS. MEHRI: My name is Meskrem Mehri: M-
18 E-S-K-R-E-M, M-E-H-R-I.

19 MR. ROBINSON: I want you to do it a
20 little slower okay? First name, and then your
21 last name.

22 MS. MEHRI: My name is Meskrem Mehri: M-

1 E-S-K-R-E-M, M-E-H-R-I.

2 MR. ROBINSON: Okay. And are you the
3 owner of Lucky 7?

4 MS. MEHRI: Yes.

5 MR. ROBINSON: How long have you owned
6 it?

7 MS. MEHRI: Three years and a half.

8 MR. ROBINSON: Okay, I want you to repeat
9 that, keep your voice up. Now, you heard the
10 investigator testify that they came to your
11 facility and you weren't there on March 21st. You
12 heard that testimony?

13 MS. MEHRI: Yes.

14 MR. ROBINSON: Did you speak with him on
15 the telephone that you can recall?

16 MS. MEHRI: Yes, I spoke to him.

17 MR. ROBINSON: Did you tell him why you
18 were not there?

19 MS. MEHRI: I told him.

20 MR. ROBINSON: Why weren't you there?

21 MS. MEHRI: My son, he called me like
22 around 10:30. He is going to University of

1 Maryland. From my store to the University of
2 Maryland is like 15 minutes' drive. He was sick
3 and then I said, "okay, I'll be there," and then
4 the lady she was in the store and then I said
5 "I'll be back in just with the store" and she
6 said okay. I got there and I think after I left,
7 just 10 minutes later the guy, the investigator,
8 is coming in my store and then she call me, "the
9 investigator is here." And I said, "let me spoke
10 to him" and then I told him "I will be back as
11 soon as possible" and then he said, "Where are
12 you?" and then I told him about my reason, and my
13 son was sick, he is in the university. And then
14 I go there and take him and come back. When I
15 come back around might be 11:20, something, and
16 he had already left. I spoke to him after he
17 left while I'm in the store.

18 MR. ROBINSON: And what did he say to you
19 when you told him you were in the store?

20 MS. MEHRI: He said "I'm going to check
21 everything" and then there is no need to see my
22 manager and then I told him.

1 MR. SILVERSTEIN: Ma'am please face us
2 when you speak so we can hear you. It's
3 important that we hear you.

4 MR. ROBINSON: Tell the Board again when
5 you spoke to him after you came to the store, but
6 speak loud and into the microphone.

7 MS. MEHRI: I spoke to him.

8 MR. ROBINSON: Okay and what did you tell
9 him?

10 MS. MEHRI: I told him I'm in the store
11 and then he said he already left.

12 MR. ROBINSON: Okay. Nothing further?

13 CHAIRPERSON ANDERSON: Your witness, Ms.
14 Phillips.

15 MS. PHILLIPS: Thank you, Mr. Chair.
16 Good afternoon.

17 MS. MEHRI: Hi.

18 MS. PHILLIPS: I think it's afternoon.
19 No, it's morning. Good morning. You said you'd
20 owned this establishment for three and a half
21 years?

22 MS. MEHRI: I think so, yeah. I think,

1 2012 we open in 2012, something.

2 MS. PHILLIPS: And did you, when you
3 opened the store did you familiarize yourself
4 with the rules and regulations regarding having
5 an alcohol establishment?

6 MS. MEHRI: Actually, I don't know about
7 anything about the ruling, no one's guide me, I
8 don't have any book, I don't get nothing, so...

9 MS. PHILLIPS: Did you seek education
10 from the Alcoholic Beverage Regulation
11 Administration?

12 MS. MEHRI: Did you what?

13 MS. PHILLIPS: Did you seek information
14 from them about how to run your store legally and
15 carefully?

16 MR. ROBINSON: Objection. Beyond the
17 scope of direct.

18 CHAIRPERSON ANDERSON: Go ahead, Ms.
19 Phillips.

20 MS. PHILLIPS: I'm just trying to elicit
21 information for the Board about what she did to
22 learn the regulations which she broke.

1 MR. ROBINSON: That's beyond the scope of
2 my direct examination, Mr. Chairman.

3 CHAIRPERSON ANDERSON: Well, I'm going to
4 overrule the objection and I think part of the
5 issue is that you're asking questions -- I'm
6 overruling the objection. Go ahead.

7 MS. PHILLIPS: Did you get an ABC
8 manager's license for Ms. Drummond, your clerk?

9 MS. MEHRI: No, she don't have it.

10 MS. PHILLIPS: Did you know that you
11 could get her one?

12 MS. MEHRI: Yes, she was trying to get it
13 but I think that last time she was [inaudible
14 37:05].

15 MS. PHILLIPS: So, she has one now? Is
16 that what you're telling me?

17 MS. MEHRI: Yeah, she has one now.

18 MS. PHILLIPS: Okay. Was your son okay?

19 MS. MEHRI: I'm so glad.

20 MS. PHILLIPS: He's better?

21 MS. MEHRI: He's fine.

22 MS. PHILLIPS: Okay. Good. You know

1 that the option that you have under the rules is
2 to close your establishment if you can't be there
3 and you have no ABC managers in an emergency.

4 MS. MEHRI: After he came back in my store
5 he told me that.

6 MS. PHILLIPS: So, you didn't know that
7 before?

8 MS. MEHRI: He came in -- actually I
9 don't know that, but she was there and it isn't
10 far away from my store to University of Maryland.
11 I just -- to see him.

12 MS. PHILLIPS: It's all right, you're a
13 mother, I understand, I'm a mother too.

14 MS. MEHRI: I mean, when something is
15 heard I mean I was -- I working for my sons, I
16 not working for me, I kill myself for my family,
17 so --

18 MS. PHILLIPS: Exactly.

19 MS. MEHRI: I was saying I was so upset
20 when he come in even when I see him after a week
21 I was so upset I said, I come back in and all
22 that and he said that's the regulation and we

1 have to do this one, and then I say it's because
2 of my son.

3 MS. PHILLIPS: Right.

4 MS. MEHRI: I'm not going anywhere. I've
5 been -- that's for day and night I'm working by
6 myself almost. And my store is now closing
7 because --

8 MS. PHILLIPS: You're here.

9 MS. MEHRI: I'm here.

10 MS. PHILLIPS: Right. So, I told him --
11 anyway.

12 MS. PHILLIPS: Okay. Thank you. I have
13 no further questions.

14 CHAIRPERSON ANDERSON: Questions from
15 Board members? Mr. Alberti go ahead.

16 MR. ALBERTI: Good morning Ms. Mehri.

17 MS. MEHRI: Good morning.

18 MR. ALBERTI: So, March 21st, the date of
19 the violation, or the alleged violation, you
20 spoke to Investigator Townsend, correct?

21 MS. MEHRI: Yes.

22 MR. ALBERTI: And you spoke to him by

1 phone, is that correct? Where were you when you
2 spoke to him?

3 MS. MEHRI: I was in the -- I told him I
4 was, my son he is sick, I'm coming back.

5 MR. ALBERTI: Where were you?

6 MS. MEHRI: In the University of
7 Maryland?

8 MR. ALBERTI: Where at the University of
9 Maryland?

10 MS. MEHRI: College Park at University of
11 Maryland. Do you know College Park?

12 MR. ALBERTI: But where at the
13 university?

14 MS. MEHRI: University of Maryland. I
15 don't know how I'm going to explain.

16 MR. ALBERTI: But what building? What
17 facility at the University of Maryland? He say,
18 he call me, he was sick and then he's the one is
19 in the parking because he cannot driving and I
20 said okay I'm coming.

21 MR. ALBERTI: Okay. So, you were with
22 your son at the University of Maryland is that

1 correct?

2 MS. MEHRI: Yes.

3 MR. ALBERTI: Okay. Why is -- why was he
4 at the University of Maryland?

5 MS. MEHRI: He's -- he goes to school
6 there.

7 MR. ALBERTI: Okay, so he's going to
8 school there.

9 MS. MEHRI: [inaudible 40:00]

10 MR. ALBERTI: So he's living there?

11 MS. MEHRI: No, he's not.

12 MR. ALBERTI: Pardon?

13 MS. MEHRI: He's not living there.

14 MR. ALBERTI: Okay.

15 MS. MEHRI: But he was in the library
16 that night.

17 MR. ALBERTI: Okay, thank you. The
18 investigator said the first person he spoke to
19 was your husband, is that?

20 MS. MEHRI: Yes, he was my husband.

21 MR. ALBERTI: So that's the first person
22 he spoke with?

1 MS. MEHRI: I think he spoke to him
2 first, yeah, and then I spoke to him after that.

3 MR. ALBERTI: So, where was your husband
4 when the investigator spoke to him?

5 MS. MEHRI: With my son.

6 MR. ALBERTI: With your son.

7 MS. MEHRI: Yeah.

8 MR. ALBERTI: So, you're both with your
9 son.

10 MS. MEHRI: He -- he was in -- he come in
11 by himself, I come by myself.

12 MR. ALBERTI: Okay.

13 MS. MEHRI: So, we meeting each other in
14 the parking lot with my son.

15 MR. ALBERTI: Did you speak to your
16 husband before you got there?

17 MS. MEHRI: Where?

18 MR. ALBERTI: Before you got to your son,
19 did you speak to your husband?

20 MS. MEHRI: Before I got to my son?

21 MR. ALBERTI: Before you got to the
22 University of Maryland did you speak to your

1 husband?

2 MS. MEHRI: My husband, I see him and
3 then with my son.

4 MR. ALBERTI: Did you speak to him before
5 you saw him with your son?

6 MS. MEHRI: I don't speak to my husband,
7 I saw him there.

8 MR. ALBERTI: Okay, I have no further
9 questions, thank you.

10 CHAIRPERSON ANDERSON: Any other? Yes,
11 Mr. Short.

12 MR. SHORT: Good morning.

13 MS. MEHRI: Yes, good morning.

14 MR. SHORT: You've been in business for
15 three years?

16 MS. MEHRI: Yeah, almost.

17 MR. SHORT: How many people in your
18 business have ABC licenses or manager's license
19 or either a business --

20 MS. MEHRI: At my store?

21 MR. SHORT: Yes, at your store.

22 MS. MEHRI: Just two.

1 MR. SHORT: Excuse me?

2 MS. MEHRI: Two persons.

3 MR. SHORT: Who are they?

4 MS. MEHRI: One of them is Salomon; his
5 name is Salomon.

6 MR. SHORT: And who is the other?

7 MS. MEHRI: Nalia.

8 MR. SHORT: So, neither one of them was
9 working on the 21st when the investigator came
10 by?

11 MS. MEHRI: Nalia was working there but
12 she don't have a license that time. She got it
13 after that.

14 MR. SHORT: Okay, how many people had an
15 ABC license or manager's license before that,
16 before you got the citation.

17 MS. MEHRI: Only me.

18 MR. SHORT: Okay, and you've been there
19 for three years?

20 MS. MEHRI: Yeah.

21 MR. SHORT: Have you ever had to leave
22 your business before?

1 MS. MEHRI: I've been working day and
2 night, open to closing I work there.

3 MR. SHORT: Every day?

4 MS. MEHRI: Every day, seven days a week.

5 MR. SHORT: And this was the first time
6 in three years you ever left?

7 MS. MEHRI: The first time leaving for
8 that day, leaving for my son.

9 MR. SHORT: Never happened before.

10 MS. MEHRI: Never.

11 MR. SHORT: Okay, that's all I have, Mr.
12 Chair.

13 CHAIRPERSON ANDERSON: How long were gone
14 for?

15 MS. MEHRI: What did you say?

16 CHAIRPERSON ANDERSON: About how long
17 were you gone for? You had left the
18 establishment?

19 MS. MEHRI: I don't remember but I think
20 I'm coming back around 11:25 to 11:30, I don't
21 remember, something, I'm coming back. As soon as
22 the guy, he called me, I just --

1 CHAIRPERSON ANDERSON: I understand, but
2 do you know how long -- do you know approximately
3 how long you were gone?

4 MS. MEHRI: When I'm coming back? That's
5 my -- I don't understand your question.

6 CHAIRPERSON ANDERSON: No, I'm saying do
7 you know how long -- you left -- you were not in
8 the store?

9 MS. MEHRI: Was it five minutes, ten
10 minutes, 20 minutes, half an hour?

11 MS. MEHRI: No, between that. That day
12 was like might be 40 minutes, let's see.

13 CHAIRPERSON ANDERSON: Any other
14 questions by any other Board members? Thank you
15 for your testimony.

16 MR. ALBERTI: No, no, no, no, no, we got
17 --

18 CHAIRPERSON ANDERSON: I'm sorry.

19 MS. PHILLIPS: I have no questions, thank
20 you.

21 CHAIRPERSON ANDERSON: I'm sorry, Mr.
22 Robinson.

1 MR. ALBERTI: It's getting close to
2 lunch.

3 CHAIRPERSON ANDERSON: Go ahead, Mr.
4 Robinson.

5 MR. ROBINSON: We'll call our next
6 witness.

7 CHAIRPERSON ANDERSON: I'm sorry, do you
8 have any other questions for her?

9 MR. ROBINSON: No, I do not, Mr.
10 Chairman.

11 CHAIRPERSON ANDERSON: Ms. Mehri, thank
12 you for your testimony, you can have a seat,
13 thank you. Do you have another witness, sir?

14 MR. ROBINSON: I do, Mr. Chairman. Mr.
15 Tsegaye.

16 CHAIRPERSON ANDERSON: Call your next
17 witness, please. Do you swear or affirm to tell
18 the truth and nothing but the truth?

19 MR. TADESSE: I do.

20 CHAIRPERSON ANDERSON: Have a seat, and
21 please speak close to the microphone, thanks.
22 Your witness, sir.

1 MR. TADESSE: My name is Tsegaye.

2 MR. ROBINSON: Wait a minute. Would you
3 please state your name and spell your first and
4 last name.

5 MR. TADESSE: T-S-E-G-A-Y-E, first name,
6 and last name T-A-D-E-S-S-E.

7 MR. SILVERSTEIN: Please speak directly
8 into the mic and louder, I can't hear a word
9 you're saying, sir.

10 MR. ROBINSON: Start again and slowly
11 spell your first name and then your last name.

12 MR. TADESSE: My first name is Tsegaye --
13 T-S-E-G-A-Y-E. Last name is Tadesse -- T-A-D-E-
14 S-S-E.

15 MR. ROBINSON: I'm just going to call you
16 Tsegaye. You just heard your wife just
17 previously testify, is that right?

18 MR. TADESSE: Yes.

19 MR. ROBINSON: And she is the owner of
20 the business, not you, is that correct?

21 MR. TADESSE: Yes.

22 MR. ROBINSON: Okay. Now, if I could --

1 Mr. Chairman are the exhibits up there?

2 CHAIRPERSON ANDERSON: No, I have -- you
3 have to show --

4 MR. ROBINSON: May I approach the witness
5 with the exhibits?

6 CHAIRPERSON ANDERSON: You can, and
7 please show Ms. Phillips please.

8 MS. PHILLIPS: That's okay, we can just
9 sit in with the Board, I don't mind. And I have
10 an extra copy so if you need to give him one so
11 you can have one to ask questions, that's fine,
12 also.

13 MR. ROBINSON: Sir, did you hear Mr.
14 Townsend testify to the court on the incident at
15 your wife's location, I want you to go to Exhibit
16 #3. Now, sir, I want you to go to the section of
17 the exhibit that says "secondary." Do you see
18 that? Do you see that, sir, on Exhibit #3?

19 MR. TADESSE: Secondary, okay.

20 MR. ROBINSON: Now, right in that
21 secondary section is two check boxes, two boxes
22 checked. The first one is "no ABC Manager on

1 duty" -- do you see that one?

2 MR. TADESSE: Yes.

3 MR. ROBINSON: Then, go to the next one,
4 check posting carrying of licenses. Now, why
5 weren't the licenses posted on that particular
6 day and time?

7 MR. TADESSE: I took down --

8 MR. ROBINSON: Speak into the mic.

9 MR. TADESSE: I took down the license to
10 renew, that was to renew on time, and that's why
11 the reason I took it off. Then, after that we
12 posted.

13 MR. ROBINSON: Now, were you under the
14 impression that you had to take down your license
15 down for renewals or did you think you could just
16 leave it there and get your renewal?

17 MR. TADESSE: I believe I was trying to
18 get to show the license, the old one, and get new
19 one.

20 MR. ROBINSON: Okay. No further
21 questions.

22 CHAIRPERSON ANDERSON: I did not hear the

1 last thing he said.

2 MR. ROBINSON: Okay, restate -- restate
3 your answer. My question to you was when you
4 attempted to renew your license did you think you
5 had to take the license off your -- ?

6 MR. TADESSE: Yes.

7 MR. ROBINSON: Or down to make the
8 schedule to have it or did you think you could
9 leave it there and go down and get it renewed.

10 MR. TADESSE: I cannot recall but I was
11 trying to show only the license it was about to
12 expire.

13 MR. ROBINSON: Did you think you had to
14 take the license with you?

15 MR. TADESSE: Yeah.

16 MR. ROBINSON: Okay.

17 MR. TADESSE: And after -- and you have
18 to laminate too. I took it to the lamination.

19 MR. ROBINSON: How long were the posters
20 off of the wall in the store?

21 MR. TADESSE: I cannot recall.

22 MR. ROBINSON: Thank you, nothing further

1 Mr. Chairman.

2 CHAIRPERSON ANDERSON: Ms. Phillips?

3 MS. PHILLIPS: No questions.

4 CHAIRPERSON ANDERSON: Questions by other
5 Board members?

6 MR. SHORT: I have one.

7 CHAIRPERSON ANDERSON: Yes, Mr. Short.

8 MR. SHORT: Good morning, still, sir.

9 MR. TADESSE: Good morning.

10 MR. SHORT: So you had been at the
11 business with your wife for the three years the
12 business had been there?

13 MR. TADESSE: On and off. Not regularly
14 working, but I work sometimes.

15 MR. SHORT: Okay, so you help her with
16 the business?

17 MR. TADESSE: Excuse me?

18 MR. SHORT: You do help her with the
19 business?

20 MR. TADESSE: I do what?

21 MR. SHORT: Do you help her with the
22 business?

1 MR. TADESSE: Yeah.

2 MR. SHORT: Are you aware of the rules
3 and regulations that regulate alcoholic beverages
4 that are sold in the District of Columbia?

5 MR. TADESSE: No, I'm not.

6 MR. SHORT: You're not?

7 MR. TADESSE: No. First of all, no
8 training, there is no training.

9 MR. SHORT: Well, I would suggest that
10 you get a copy.

11 MR. TADESSE: No, I don't have.

12 MR. SHORT: Okay, now, also sir I'd like
13 to also ask this question. Every year or every
14 time -- how many renewals have you been through
15 in the two and half or three years you've been
16 there?

17 MR. TADESSE: I think this is the second
18 time if I recall.

19 MR. SHORT: And every time you take it
20 off the wall and take it down to ABRA.

21 MR. TADESSE: No, there is one, which she
22 bought the license. After that expired and,

1 that's what I called, and I took it off to the
2 new, and you can see the evidence that it is a
3 renewed at that moment. I don't know the time
4 elapse but it was renewed. That was the reason
5 we took it off. And if you see, there is no --
6 it's paid. But it was not posted because we took
7 it off, I took the old one and put the new one.
8 That's the reason.

9 MR. SHORT: Okay, my last question. If
10 you don't have a copy of the law and you don't
11 know the law, do you think that's a good business
12 practice?

13 MR. TADESSE: To be frank with you, this
14 is ABRA's problem.

15 MR. SHORT: Excuse me?

16 MR. TADESSE: This is ABRA problem. To
17 be frank with you. When you -- when you have a
18 new owner you should have a trai -- ABRA should
19 have a training session. We should have a
20 training session and we are aware to run the
21 business. And I don't have -- I don't see the
22 one you showed me, the book, I don't have it, I

1 would like to see it.

2 MR. SHORT: I have no further questions,
3 Mr. Chair. Thank you.

4 MS. PHILLIPS: I have just a couple.

5 CHAIRPERSON ANDERSON: Da, da, da -- I'm
6 not saying that to you, Ms. Miller, I'm trying --
7 I'm sorry, Ms. Phillips. I'm trying to decide if
8 I want to ask a question.

9 MS. PHILLIPS: Okay, I heard something --
10 I thought I heard something.

11 CHAIRPERSON ANDERSON: You hear mumbling
12 up here by Board members, okay.

13 MS. PHILLIPS: Okay, no worries.

14 CHAIRPERSON ANDERSON: Go ahead, Mr.
15 Silverstein, and then Ms. Miller.

16 MR. SILVERSTEIN: Are you aware, sir,
17 that ABRA does have training sessions and these
18 training sessions are held in a variety of
19 languages including Amharic.

20 MR. TADESSE: Not presented to us.

21 MR. SILVERSTEIN: They are. No further
22 questions.

1 CHAIRPERSON ANDERSON: Ms. Miller?

2 MS. PHILLIPS: Okay, I just had a follow-
3 up on that point quickly, that --

4 MR. TADESSE: I can't hear you ma'am.

5 MS. PHILLIPS: I want to follow up Mr.
6 Silverstein's point about ABRA's trainings, that
7 ABRA does have some very good trainings that you
8 could take at any time, and so you don't have to
9 be just new or anything. You can -- I would
10 suggest after this hearing you check at the front
11 desk about the trainings. Or you can go on line,
12 but they have very good trainings.

13 MR. TADESSE: Yeah, but I, okay.

14 MS. MILLER: I want to ask you --

15 MR. TADESSE: My argument is -- this is
16 for the future -0- ABRA should, when a new owner
17 comes, should give training before give a
18 license, that's what -- that's my opinion.

19 MS. MILLER: Okay. Right. I did also
20 want to ask you, did you renew your license?

21 MR. TADESSE: Yes, I did.

22 MS. MILLER: On what day did you do that?

1 Do you remember what day you came down here?

2 MR. TADESSE: I cannot recall but it was
3 almost expired.

4 MS. MILLER: So, was it before the
5 investigator came to the establishment or after?

6 MR. TADESSE: I cannot recall. But I
7 know that it is expired so I took it off.

8 MS. MILLER: But you took it off and did
9 you, was that just all in a day, though, or did
10 it stay off the wall for a period of time for
11 some reason?

12 MR. TADESSE: I have to -- after I get
13 the license I have to laminate it, I took it to
14 the lamination place and I bring it, but I don't
15 know what time -- when it was -- and I think, as
16 the investigator testified, it was posted after
17 [inaudible 53:05] I think before it's expired,
18 but I cannot recall now.

19 MS. MILLER: Okay, okay, thank you.

20 CHAIRPERSON ANDERSON: Any other
21 questions by any other Board members? Ms.
22 Phillips?

1 MS. PHILLIPS: No thank you.

2 CHAIRPERSON ANDERSON: Mr. Robinson?

3 MR. ROBINSON: No thank you Mr. Chairman.

4 CHAIRPERSON ANDERSON: Mr. Tadesse, thank
5 you for your testimony, sir. You can go back to
6 your seat, thank you, sir. Mr. Robinson do you
7 have any other witnesses?

8 MR. ROBINSON: With that we close, Mr.
9 Chairman.

10 CHAIRPERSON ANDERSON: We are -- you have
11 no documents that you're relying on, sir?

12 MR. ROBINSON: No, Mr. Chairperson, we're
13 not -- we [inaudible 53:44].

14 CHAIRPERSON ANDERSON: All right.

15 MR. ROBINSON: So we're just going to go
16 with the documents that have been admitted by Mr.
17 Townsend.

18 CHAIRPERSON ANDERSON: Okay, fine. You
19 wish to make a closing argument?

20 MS. PHILLIPS: Yes, please. Board
21 members: This note -- this is a notice of two
22 violations and apparently a violation with a

1 warning. Since it was a warning, I didn't write
2 it up on the notice. One only writes up for
3 violations, not for warnings. The government has
4 proved that there was no ABC Manager or owner
5 present on March 21, 2015, at the time the
6 investigator came, both by the testimony of the
7 investigator, the written testimony in his
8 report, and the testimony of the owner, Ms.
9 Mehri. While there are often good reasons for
10 what we do -- why we do things, some of the
11 reasons don't comply with the law. The law is
12 that you have to have an ABC manager there or the
13 owner. Ms. Drummond, who was there, was not an
14 ABC manager. I understand she is now but not at
15 the time. The choice that Ms. Mehri had is a
16 hard choice but not for a mother. You go to your
17 child when your child is ill. Her choice with
18 her establishment was that since she was unable
19 to comply with the law by being there because she
20 must go to her son, was to close her
21 establishment because she could not comply with
22 the laws and the regulations of the District of

1 Columbia. It's a hard choice but it's not a hard
2 choice for a mother. Always go to your child
3 first. Things you have to take care of before
4 you go to your child is you have to notify the
5 court that you're not going to be there because
6 your child is sick, you have to close your
7 licensed establishment -- your alcohol
8 establishment if you can't comply with the rules
9 and regulations that apply. The posting of the
10 signs: My understanding from the testimony was
11 that the license wasn't up because it was being
12 renewed. My understanding of the testimony, and
13 I may be wrong, and the testimony certainly can
14 prove -- but that was a violation that got a
15 warning. The violation that got the fine was the
16 fact that there were no clear and legible proper
17 notifications to be posted on the doors or the
18 windows of the establishment. That's what I
19 understood from the report and the testimony. If
20 that wasn't the testimony and that's not -- my
21 understanding is incorrect, the record speaks for
22 itself. Just in response to a question that's

1 not at issue but was brought up about ABRA
2 needing to train when giving new licenses, I use
3 corollary examples because it's sort of hard with
4 licenses for ephemeral things like selling
5 alcohol: If you go to get a driver's license,
6 they don't issue you a license unless you know
7 the rules and regulations and you have to take a
8 test. ABRA doesn't do that but that doesn't mean
9 that they don't require you to follow the laws of
10 the District of Columbia. It's beholden for the
11 licensees, the people seeking the license, to
12 know the rules and regulations for running their
13 establishment. Had they but asked and told ABRA
14 when they renewed their license, or when they got
15 their first license, 'this is our first license
16 and we have no idea how to run an alcohol
17 establishment, the people at the administration
18 would have provided them with a list of training
19 to take and a copy of the rules. I don't know
20 where the disconnect was, whether they just
21 didn't say that they were brand new owners and
22 had never run a liquor establishment in the

1 District of Columbia before, when they applied
2 for this, or not, but it is beholden of the
3 person who applies for a license to know the
4 rules that govern that license. With that, I
5 believe that the Board should find that there are
6 two violations and should issue a fine of \$1600.
7 Thank you.

8 CHAIRPERSON ANDERSON: All right. Mr.
9 Robinson.

10 MR. ROBINSON: Thank you, Mr. Chairman
11 and members of the Board, thank you very much.
12 This is a clear case of violating the letter but
13 not the spirit of the law. Clearly, counsel
14 makes a good argument that ignorance of the law
15 is no mistake and that if you proceed to run a
16 business without knowing , you proceed at your
17 peril. That's just the way it works. You have
18 to abide by the rules and regulations. But the
19 testimony that you heard was something that the
20 rules and regulations were being complied to with
21 respect to the manager on duty. You heard the
22 testimony of the owner who says 'I'm there all

1 the time.' The only time that I'm not was when
2 my son...' Ms. Phillips' argument is correct.
3 You know, you have to make a choice. In this
4 particular case she says she was upset and she
5 wanted to quickly go and [inaudible 59:50] she
6 said 'I'll be right back.' Clearly that's a
7 violation of the letter, not necessarily the
8 spirit of the law. Her husband testified that
9 the posting information was there but under his
10 understanding and what he wanted to do was to
11 take it down to verify with the renewal people
12 that 'here are my licenses, I just want to renew
13 them' and during that period of time was
14 inspected. And so, I gather if I could make the
15 analogy, if you'll allow me -- if you go out and
16 get a ticket in the District of Columbia with
17 your vehicle and it doesn't involve an accident,
18 they say you can admit, deny or admit with an
19 explanation. And what they now do on those
20 tickets is they let you admit and they'll give
21 you points. So, what I'm bringing to you with my
22 clients here, and I appreciate you vacating and

1 setting aside your order, is for you to look at
2 my clients' credibility and look at them. They
3 are hard-working people who were complying with
4 the law, even though they didn't know it, but
5 because of misunderstanding they violated it.
6 That's a violation of the letter and not the
7 spirit. And I ask you to exercise whatever you
8 discretion you can with respect to the violations
9 and the amount that you impose on them.

10 CHAIRPERSON ANDERSON: Thank you. Do the
11 parties wish to file a proposed findings of fact
12 and conclusions of law or waive the right to do
13 so?

14 MS. PHILLIPS: The District waives.

15 MR. ROBINSON: Would you indulge me for a
16 moment? We would just like to decide and they'll
17 wait.

18 CHAIRPERSON ANDERSON: All right. I'm
19 sorry, you said you're going to waive it also?

20 MR. ROBINSON: Yes, sir, we are.

21 CHAIRPERSON ANDERSON: Okay. The Board
22 will issue a decision within 90 days. As

1 chairperson of the Alcoholic Beverage Control
2 Board for the District of Columbia and in
3 accordance with section 405 of the Open Meetings
4 Act of 2010, I move that the ABC Board hold a
5 closed meeting for the purpose of seeking legal
6 advice from our counsel on Case #15-CMP-00272,
7 Lucky 7 Liquors, for the reasons cited in section
8 405 B13 of the Open Meetings Amendment Act of
9 2010. Is there a second? I'm sorry -- I'm sorry
10 -- and deliberating on Case #15-CMP-00272 Lucky 7
11 Liquors for the reasons cited in section 405 B13
12 of the Open Meetings Amendment Act of 2010. Is
13 there a second?

14 MR. SILVERSTEIN: Second.

15 CHAIRPERSON ANDERSON: Mr. Silverstein
16 has seconded the motion. I will now take a roll
17 call vote on the motion before us now that it has
18 been seconded. Ms. Miller?

19 MS. MILLER: I agree.

20 CHAIRPERSON ANDERSON: Mr. Alberti?

21 MR. ALBERTI: I agree.

22 CHAIRPERSON ANDERSON: Mr. Short?

1 MR. SHORT: I agree.

2 CHAIRPERSON ANDERSON: Mr. Silverstein?

3 MR. SILVERSTEIN: I agree.

4 CHAIRPERSON ANDERSON: Mr. Anderson? I
5 agree. As it appears that the motion has passed,
6 I hereby give notice that the ABC Board will hold
7 a closed meeting in the ABC conference room
8 pursuant to the Open Meetings Amendment Act of
9 2010 and issue an order within 90 days. Thank
10 you very much.

11 MR. ROBINSON: Thank you, Mr. Chairman.

12 MS. PHILLIPS: Thank you, Board members.

13 CHAIRPERSON ANDERSON: All right. We'll
14 take a five minute break prior to our next case,
15 okay? Are the parties here for our other case?

16 MR. RIVERO: Yes.

17 CHAIRPERSON ANDERSON: All right, we'll
18 take a five minute break, okay? Thanks.

19 (whereupon, at 12:11 p.m., the above-
20 entitled matter was concluded.)