

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA  
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
3 ALCOHOLIC BEVERAGE CONTROL BOARD  
4

5 - - - - -X

6 IN THE MATTER OF: :  
7 Queen Bee, LLC. : Case#15-CMP-00801  
8 t/a Quality Convenience Store :  
9 2922 Martin Luther King, Jr. :  
10 Avenue southeast :  
11 License #83074 :  
12 Retailer B :  
13 ANC 8C :

14 - - - - -X

15 Wednesday, May 11, 2016

16  
17 Whereupon, the above-referenced matter  
18 came on for hearing at the Alcoholic Beverage  
19 Control Board, Reeves Center, 2000 14th Street,  
20 N.W., Suite 400S, Washington, D.C. 20009.

21  
22

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2 BOARD'S AGENT:

3 DONOVAN ANDERSON, Presiding

4

5 Board MEMBERS

6 RUTHANNE MILLER

7 NICK ALBERTI

8 MIKE SILVERSTEIN

9 JAMES SHORT

10

11 ALSO PRESENT:

12

13

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

2 SHOW CAUSE HEARING (STATUS)

3 [On the record 1:47 p.m.]

4 CHAIRPERSON ANDERSON: We're back on our  
5 Show Cause Hearing calendar is Case #15-CMP-  
6 00801, Quality Convenience Store, License #83074.  
7 Will the parties please approach and identify  
8 yourselves for the record please.

9 MS. ZANIEL: Good afternoon, Maureen  
10 Zaniel on behalf of the District of Columbia.

11 CHAIRPERSON ANDERSON: Good afternoon,  
12 Ms. Zaniel.

13 MR. TUQADO: Good afternoon, Azeria  
14 Tuqado.

15 CHAIRPERSON ANDERSON: I'm sorry, sir, I  
16 did not hear you.

17 MR. TUQADO: Tuqado, Azeria.

18 CHAIRPERSON ANDERSON: I want to refer to  
19 you so that's why I'm trying to make sure that I  
20 can hear your name so I can pronounce it.

21 MR. TUQADO: Tuqado, T-U-Q-A-D-O, Last  
22 name, first name is A-Z-E-R-I-A.

1 CHAIRPERSON ANDERSON: And who are you,  
2 sir?

3 MR. TUQADO: Manager.

4 CHAIRPERSON ANDERSON: Okay. Thanks. And  
5 you, ma'am?

6 MS. HAGOS: My name is Luula Hagos. I'm  
7 the owner of Quality Convenience Store.

8 CHAIRPERSON ANDERSON: All right, thank  
9 you. Have a seat, please. This is a Show Cause  
10 Hearing. Are there any preliminary matters in  
11 this case?

12 MS. ZANIEL: No, the government believes  
13 the matter is on to a hearing.

14 CHAIRPERSON ANDERSON: All right, thank  
15 you.

16 MR. ALBERTI: Ms. Zaniel, is your mic on?  
17 On the little, yeah there you go. It is now.  
18 Thank you.

19 CHAIRPERSON ANDERSON: Does the  
20 government wish to make an opening statement?

21 MS. ZANIEL: Yes, briefly. This case  
22 involves a sale of Go-Cups which is not allowed

1 in the District of Columbia. The government will  
2 be putting on proof through an investigator and  
3 photographs and will ask at the end of the  
4 government's evidence to find that, indeed, there  
5 has been a violation of Go-Cups -- sales of Go-  
6 Cups.

7 CHAIRPERSON ANDERSON: Do you wish to  
8 make an opening statement at this juncture? Go  
9 ahead, please.

10 MR. TUQADO: I am the manager for Quality  
11 for almost about five years. We have a bad  
12 experience with selling a cup of ice back in  
13 2014. We sell a cup of ice in 2014. For that we  
14 get a fine for \$250 and I paid that fine. After  
15 that day as the manager responsible I [inaudible  
16 04:15] and at the same time [inaudible ] any 20  
17 ounce plain cups from the store. And in 2014 in  
18 December we [inaudible 04:26] ABRA in the store  
19 at 8:35 p.m. that was in the store to give me a  
20 citation for [inaudible ] for the cup of ice he  
21 told me was sold on 09/18/15. I am always  
22 present in the store, 09/18/15. Should have been

1 the morning sign, [inaudible ] the afternoon  
2 sign. So, my presence or her presence, we are  
3 always in the store. We never sold a cup of ice.  
4 So, when he came to give me the citation I asked  
5 him what was the citation of this fine. He told  
6 me you sold a cup of ice. Well who was the  
7 person who sold you the cup of ice? You or any  
8 other ABRA investigator? He said "I don't know  
9 who was the person, but I purchase it from here."  
10 If he purchase from here it could be me, or Ms.  
11 Luula Hagos, but we are always present in the  
12 store. So, I cannot accept this, I cannot agree  
13 to pay this fine.

14 CHAIRPERSON ANDERSON: All right. You're  
15 going to have an opportunity later on -- but I do  
16 get the gist of your opening statement, so what's  
17 going to happen now is the government is going to  
18 -- have you ever been down here before for a  
19 hearing?

20 MS. HAGOS: No.

21 CHAIRPERSON ANDERSON: No, you've never  
22 been here? So, what's going to happen now is

1 that the government is going to call the  
2 investigator. He's going to go on the stand and  
3 when I swear him in the government is going to  
4 ask some questions about the report that the  
5 investigator wrote. Then, once the government  
6 asks questions of the investigator then you have  
7 an opportunity to ask that investigator. I don't  
8 know if the government has any other witnesses,  
9 but after the government has done its case then  
10 you can present your case and call witnesses, so  
11 it's just -- both of you are going to testify?

12 MR. TUQADO: Yes, sir.

13 CHAIRPERSON ANDERSON: So, what I'll do,  
14 when you're ready to present your case, then I'll  
15 swear you in and then you can present your case  
16 but before, once Ms. Zaniel calls the -- her  
17 witness -- the investigator, then you'll have an  
18 opportunity to question him about the report and  
19 what you're saying, okay? All right.

20 MR. TUQADO: Thank you.

21 CHAIRPERSON ANDERSON: All right, you're  
22 welcome. Does the government wish to call its

1 first witness? Does the government wish to call  
2 its first case -- its first witness?

3 MS. ZANIEL: Yes, we call Investigator  
4 Demby, please.

5 CHAIRPERSON ANDERSON: Can you raise your  
6 right hand? Do you swear or affirm to tell the  
7 truth and nothing but the truth?

8 MR. DEMBY: I do, sir.

9 CHAIRPERSON ANDERSON: Thank you, have a  
10 seat. Your witness.

11 MS. ZANIEL: Good afternoon. Please  
12 state and spell your name.

13 MR. DEMBY: Dorshae Demby. First name,  
14 Dorshae, D-O-R-S-H-A-E, last name Demby, D-E-M as  
15 in Mary, B as in boy -Y.

16 MS. ZANIEL: And Investigator Demby,  
17 where are you employed?

18 MR. DEMBY: With the Alcoholic Beverage  
19 Regulation Administration.

20 MS. ZANIEL: In what capacity?

21 MR. DEMBY: As an investigator.

22 MS. ZANIEL: And what are your duties

1 generally as an investigator?

2 MR. DEMBY: To conduct regulatory  
3 inspections and investigations in ABC  
4 establishments throughout the District of  
5 Columbia.

6 MS. ZANIEL: And I'd like to draw your  
7 attention to September 18 of 2015. Were you  
8 employed at ABRA at that time?

9 MR. DEMBY: Yes, ma'am.

10 MS. ZANIEL: How long have you been  
11 employed at ABRA?

12 MR. DEMBY: A little over two years,  
13 ma'am.

14 MS. ZANIEL: And have you done  
15 investigative work apart from ABRA?

16 MR. DEMBY: Yes ma'am.

17 MS. ZANIEL: So, on September 18 of 2015  
18 as an assigned investigator, what did you do that  
19 day?

20 MR. DEMBY: That day we were performing  
21 single cells. That's what we call our undercover  
22 work for attempting to buy alcohol-related items

1 or alcohol itself that establishments are  
2 prohibited from selling in the District of  
3 Columbia.

4 MS. ZANIEL: And can you describe the  
5 nature of the undercover work? How do you go in?

6 MR. DEMBY: Sure. We go in in the  
7 undercover capacity, meaning that we're dressed  
8 to fit the environment that we're going to. We  
9 enter the establishment. We don't make any  
10 purposeful contact with owners or ABC managers we  
11 just go in and conduct ourselves as patrons. In  
12 this particular case -- would you like me to go  
13 into that?

14 MS. ZANIEL: No, that's fine.

15 MR. DEMBY: Okay.

16 MS. ZANIEL: And so on Friday, September  
17 18, 2015, did you happen to go into the Quality  
18 Convenience Store?

19 MR. DEMBY: Yes, ma'am, I did.

20 MS. ZANIEL: And where's that located?

21 MR. DEMBY: On Martin Luther King Avenue.

22 MS. ZANIEL: And I'd like to show you now

1 what's marked as Government Exhibit #1, handing  
2 one to the licensee. I guess the witness wants  
3 one. Can you tell us what that is, please?

4 MR. DEMBY: This is the investigative  
5 report that I completed regarding the incident  
6 that took place at Quality Convenience Store on  
7 September 18, 2015.

8 MS. ZANIEL: And it consists of two  
9 numbered pages and some exhibits?

10 MR. DEMBY: Yes, ma'am.

11 MS. ZANIEL: On the second page, is that  
12 your signature on the report?

13 MR. DEMBY: Yes, ma'am it is.

14 MS. ZANIEL: And have you had an  
15 opportunity to review this report recently?

16 MR. DEMBY: Yes, ma'am I have.

17 MS. ZANIEL: And is the report -- the  
18 contents of the report -- consistent with your  
19 memory on the occasion?

20 MR. DEMBY: Yes, ma'am.

21 MS. ZANIEL: Okay. So, on Friday,  
22 September 18, 2015, tell us now about what you

1 witnessed a Quality Convenience Store and what  
2 happened.

3 MR. DEMBY: Well, I entered the  
4 establishment at approximately 3:50 p.m.,  
5 according to the report. I did so in an  
6 undercover capacity. Once inside of the  
7 establishment I retreated a two-pack of  
8 Mangoritas from a refrigerator located along the  
9 right side of the wall inside of the  
10 establishment. I then took the alcoholic  
11 beverage to the register. There was a male clerk  
12 located behind the counter. I, in general  
13 conversation, asked him for two cups for the  
14 alcohol. He provided me with two white Styrofoam  
15 cups filled with ice, placed them inside of a  
16 black plastic bag with a straw. I then paid for  
17 the alcoholic beverage, collected the alcohol,  
18 the cups, and the straw and exited the  
19 establishment.

20 MS. ZANIEL: And when you left the  
21 establishment, first of all you said it was a  
22 male or a female that sold it?

1 MR. DEMBY: It was a male.

2 MS. ZANIEL: A male person?

3 MR. DEMBY: Yes.

4 MS. ZANIEL: And when you left what did  
5 you leave with?

6 MR. DEMBY: Two Mangoritas, two white  
7 Styrofoam cups filled with ice and a straw and a  
8 black plastic bag.

9 MS. ZANIEL: And where did you go next?

10 MR. DEMBY: I returned to the office to  
11 which I locked the evidence up in the evidence  
12 locker and then it was transmitted through our  
13 proper chain of command. A report was generated  
14 and within the allotted time frame a citation was  
15 issued.

16 MS. ZANIEL: You're getting ahead of me.

17 MR. DEMBY: Sorry.

18 MS. ZANIEL: Let's stop. So you came  
19 back here with the Mangoritas?

20 MR. DEMBY: Yes, ma'am.

21 MS. ZANIEL: The two cups --

22 MR. DEMBY: Yes, ma'am.

1 MS. ZANIEL: -- the plastic bag, and did  
2 there come a time when you took a photograph of  
3 those things?

4 MR. DEMBY: Yes, ma'am.

5 MS. ZANIEL: And I'd like to refer you to  
6 your report. Exhibit #1. Is that the photograph  
7 that you took?

8 MR. DEMBY: That's correct.

9 MS. ZANIEL: And where, specifically in  
10 ABRA, is that taken?

11 MR. DEMBY: On my desk.

12 MS. ZANIEL: Okay. And then tell me what  
13 you did then.

14 MR. DEMBY: I dumped the ice out because  
15 it can't sit in an evidence locker, it would just  
16 run all over the place, so after I got the  
17 picture containing the ice in the cup I discarded  
18 the ice. Everything else was labeled and placed  
19 in the storage locker.

20 MS. ZANIEL: Okay. And did there come a  
21 time when you issued a citation to the Quality  
22 Convenience Store?

1 MR. DEMBY: There was a time when I  
2 prepared a citation but it wasn't delivered by  
3 myself, it was delivered by Investigator House.

4 MS. ZANIEL: Okay. And what did you  
5 prepare on the citation?

6 MR. DEMBY: I believe that --

7 MS. ZANIEL: Or what's the information  
8 that you put?

9 MR. DEMBY: Violation of 25-741  
10 subsection 8 A and B, licensed providing go-cups  
11 and the citation amount was determined based upon  
12 the establishments investigative history.

13 MS. ZANIEL: All right. I'd like to move  
14 into evidence at this time government Exhibit #1.

15 CHAIRPERSON ANDERSON: Do you have any  
16 objections sir? It means that she wants to move  
17 the documents you have into the evidence. Do you  
18 have any objection?

19 MR. TUQADO: I have some questions.

20 CHAIRPERSON ANDERSON: Yeah, well, but  
21 right now you've got no objections, so moved.  
22 Then once she's done with him then you can ask

1 your questions.

2 MS. ZANIEL: And to the best of your  
3 knowledge, investigator, did there come a time  
4 when the citation was served?

5 MR. DEMBY: Yes, ma'am, it was.

6 MS. ZANIEL: And who did that?

7 MR. DEMBY: Investigator Anthony House.

8 MS. ZANIEL: And did Anthony House work  
9 with you at ABRA at that time?

10 MR. DEMBY: Yes, ma'am, he did.

11 MS. ZANIEL: Thank you. No further  
12 questions of this witness.

13 CHAIRPERSON ANDERSON: Yes, you can --  
14 who wants to ask a question?

15 MS. HAGOS: I have a question.

16 CHAIRPERSON ANDERSON: You're -- all  
17 right, you can now ask him questions based on the  
18 report.

19 MS. HAGOS: Based on this report.

20 CHAIRPERSON ANDERSON: Yes.

21 MS. HAGOS: Okay, first of all I want to  
22 ask do you have a receipt?

1 MR. DEMBY: There was no receipt logged  
2 in as evidence, so I would say no.

3 MS. HAGOS: Okay, so you don't have  
4 receipt.

5 MR. DEMBY: That was -- no.

6 MS. HAGOS: Okay. Second --

7 CHAIRPERSON ANDERSON: Hold on -- she  
8 asked if there was a receipt.

9 MS. ZANIEL: Oh, receipt.

10 MS. HAGOS: Receipt, yeah. And second,  
11 you say in this paper that I receive 25 ounce go  
12 cups, right?

13 MR. DEMBY: Say that again?

14 MS. HAGOS: It says in here "25 ounce"  
15 the cups -- the cup size is here 25 ounce, right?

16 MR. DEMBY: Where do you see that ma'am?

17 MS. HAGOS: It's right here on the --

18 MS. HAGOS: Okay, see this on page  
19 [inaudible 14:46] "items" -- it says "two white  
20 cups, 25 ounce."

21 MR. DEMBY: Ma'am, are you talking about  
22 Exhibit #2?

1 MS. HAGOS: I know. What size is the  
2 cups?

3 MR. DEMBY: Are you talking about Exhibit  
4 #2, ma'am?

5 MS. HAGOS: Yeah. Talking about -- yeah.

6 MR. DEMBY: It says "25 ounce mangoritas"  
7 that would be the alcohol.

8 MS. HAGOS: I'm talking about the cup  
9 size.

10 MR. DEMBY: That's not listed here,  
11 ma'am.

12 MS. HAGOS: Okay, and you don't have  
13 receipt.

14 MR. DEMBY: It's -- I'm sorry?

15 MS. HAGOS: You don't have receipt also.

16 MR. DEMBY: No ma'am.

17 MS. HAGOS: Yeah, okay. So, first of  
18 all, I can bring you from the company that we get  
19 it that we never have the cups -- Styrofoam cups  
20 [inaudible 15:25] because we use those cups in  
21 2015, when get fined, we use the cups, that size  
22 cups, only for cup ice. We never order them

1 after that. We don't have that foam kind, the  
2 white foam kind. We have coffee cups, designers,  
3 and we have Slurpee cups also.

4 MS. ZANIEL: It sounds like testimony I'm  
5 not sure there's a question there.

6 CHAIRPERSON ANDERSON: Well, I - I - I --  
7 I know, Ms. Zaniel, but remember they're not  
8 attorneys so I'm going to give them -- I -- I do  
9 know that she's trying to ask him a question but  
10 I do hear your point. What I think I'd ask you  
11 to do, ma'am, and I know that you're not an  
12 attorney, so when you ask the questions, kind of  
13 frame it -- when you ask -- in a question.

14 MS. HAGOS: Okay.

15 CHAIRPERSON ANDERSON: So, when you ask  
16 him -- so, you're fine but just kind of frame it  
17 to ask a question.

18 MS. HAGOS: Okay, so my two questions are  
19 the first one, why you didn't ask for receipt,  
20 okay? And second --

21 CHAIRPERSON ANDERSON: Well, let him  
22 answer the first question before.

1 MS. HAGOS: Okay.

2 CHAIRPERSON ANDERSON: Ask him the first  
3 questions you asked him.

4 MS. HAGOS: Why you didn't ask for a  
5 receipt?

6 MR. DEMBY: It's not a common practice  
7 ma'am.

8 MS. HAGOS: To ask for a receipt?

9 MR. DEMBY: Not when I'm under cover,  
10 ma'am.

11 MS. HAGOS: Okay, and second why do you  
12 have to tell us that after a month? If you  
13 caught us selling cup ice you should tell him  
14 right away and we start working with the ABRA in  
15 telling this, this is illegal and you're going to  
16 get fined. That's what they do if they see  
17 anything, that's what I see. So, he just went  
18 out -- if he buy it in our store -- we don't sell  
19 in our store that cup ice, but even if something  
20 else that's sold in our store, you should right  
21 away you should tell that. After a month there  
22 is a lot of stores along that may sell a cup of

1 ice, stores around us, so I don't know what you  
2 think about that, but for me it's you know --

3 CHAIRPERSON ANDERSON: So, are you asking  
4 him a question?

5 MS. HAGOS: Yeah, this is a question.  
6 Yeah, why do you have to come after a month?

7 MR. DEMBY: Ma'am the violation was on  
8 September 18, 2015, the citation was served to  
9 you on October 15, 2015. It's policy and  
10 procedure here for an investigator to issue a  
11 citation 30 days -- within 30 days of the actual  
12 violation. That was done. So, I came within the  
13 allotted time frame to your establishment and  
14 advised you of the violation.

15 CHAIRPERSON ANDERSON: You can ask  
16 questions. Well, all right fine. Normally I  
17 would just say one person ask the questions, but  
18 since you are not lawyers you can ask him a  
19 question also if you want.

20 MR. TUQADO: Sir, could you please  
21 explain who was the person that served you that  
22 day?

1           MR. DEMBY: According to my report, sir,  
2 it was a male store clerk.

3           MR. TUQADO: Do you have the name of the  
4 person?

5           MR. DEMBY: No, sir. I don't normally  
6 introduce myself to store clerks.

7           MR. TUQADO: Because I am always present  
8 in the store in the evening time. So, that day,  
9 you said you came in the store about 8:35 p.m.

10          MR. DEMBY: That's incorrect, sir.

11          MR. TUQADO: What time did you come in  
12 the store?

13          MR. DEMBY: The report says 3:05 p.m.,  
14 sir.

15          MR. TUQADO: 3:05 p.m.?

16          MR. DEMBY: That's correct, sir.

17          MR. TUQADO: Okay, so one time in p.m.  
18 I'm always present in the store, so I want to  
19 know besides me who was to serve to you a cup of  
20 ice.

21          MR. DEMBY: You would have to look at  
22 your store employee roster to figure that out,

1 sir. It was a male store clerk.

2 MR. TUQADO: You don't know who was the  
3 person.

4 MR. DEMBY: A male store clerk.

5 MR. TUQADO: It was me?

6 MR. DEMBY: A male store clerk. It was  
7 not you.

8 MR. TUQADO: It was not me.

9 MR. DEMBY: No, sir.

10 MR. TUQADO: Besides me, no one is  
11 serving at that time in the store. I don't have  
12 no questions, no questions.

13 MR. DEMBY: Okay.

14 CHAIRPERSON ANDERSON: All right. We  
15 have, yes Mr. Short.

16 MR. SHORT: Good afternoon. How many  
17 years have you been in business?

18 CHAIRPERSON ANDERSON: You're not --

19 MR. SHORT: Florgive me, I'm sorry. Mr.  
20 Demby, again thank you for your report. You say  
21 it was 3:05 in the afternoon.

22 MR. DEMBY: Yes, sir.

1 CHAIRPERSON ANDERSON: The record says  
2 it's 3:50, not 3:05.

3 MR. DEMBY: I misspoke, I apologize.

4 CHAIRPERSON ANDERSON: All right. 3:50.  
5 At least that's what the report states.

6 MR. DEMBY: Yes, 3:50.

7 MR. SHORT: Thank you, I'm trying to find  
8 that. Okay, you were -- you don't normally ask  
9 for a receipt.

10 MR. DEMBY: No, sir.

11 MR. SHORT: And do you know anything  
12 about the business practices of businesses along  
13 that area? Do they normally give receipts to  
14 anyone?

15 MR. DEMBY: Sir, even in my time not with  
16 ABRA I've had the opportunity to be in that  
17 general area and I can't say that I've ever  
18 gotten a receipt from visiting any establishment  
19 in that area. It just doesn't happen and just in  
20 common practice, if I'm offered a receipt I take  
21 it, but there was no need for me to request one  
22 there.

1           MR. SHORT: Okay, and you say that the  
2 gentleman that sold the cup of ice to you, the  
3 Styrofoam cup, could you describe him?

4           MR. DEMBY: I just know that he was a  
5 male, I couldn't give you any distinguishing  
6 features of his face or anything of that nature.

7           MR. SHORT: Was he Caucasian, was he  
8 African-American?

9           MR. DEMBY: No, sir. I believe -- I  
10 don't know if he was African-American but I know  
11 he was of African descent, that's a large compass  
12 so.

13           MR. SHORT: Okay, so there wasn't a lot  
14 of dialogue, you just came in, you got the --

15           MR. DEMBY: I just came in --

16           MR. SHORT: Two containers out of the  
17 refrigerator --

18           MR. DEMBY: Yes, sir.

19           MR. SHORT: You walked to the front.

20           MR. DEMBY: Yes, sir.

21           MR. SHORT: You asked for cups to go  
22 along with the drinks that you had?

1 MR. DEMBY: Yes, sir.

2 MR. SHORT: Which were provided.

3 MR. DEMBY: Yes, sir.

4 MR. SHORT: From behind the counter.

5 MR. DEMBY: Yes, sir.

6 MR. SHORT: And then you paid and you  
7 left?

8 MR. DEMBY: That's it. I wanted  
9 everything to remain as normal a transaction as  
10 possible. I didn't want to draw any unnecessary  
11 attention to myself.

12 MR. SHORT: My last question would be, is  
13 that your normal procedure?

14 MR. DEMBY: Yes, sir.

15 MR. SHORT: When you're doing undercover.

16 MR. DEMBY: Yes, sir.

17 MR. SHORT: Thank you very much for your  
18 report. That's all I have, Mr. Chair.

19 CHAIRPERSON ANDERSON: Any other?

20 MS. HAGOS: Can I ask one question?

21 CHAIRPERSON ANDERSON: Just one minute.

22 MS. HAGOS: Can I ask a question?

1 CHAIRPERSON ANDERSON: No, you're going  
2 to ask a question. Who do you want to ask a  
3 question to?

4 MS. HAGOS: Him.

5 CHAIRPERSON ANDERSON: Once all of us  
6 have asked questions, then you get a chance. So,  
7 if you need to write the question down to  
8 remember, just do that. Yes, Ms. Miller?

9 MS. MILLER: Good afternoon, Ms. Hagos.

10 CHAIRPERSON ANDERSON: I'm sorry. If you  
11 have questions, just jot them down and then when  
12 all of us are done then you can ask questions on  
13 anything that any of us ask.

14 MS. HAGOS: But this question would go  
15 right away with the [inaudible 22:10] I know, so  
16 that's why I'm saying write yourself a note so  
17 you'll remember. I'm serious, write yourself a  
18 note so you'll remember the question, that's what  
19 -- cause you know some of us will forget things  
20 quickly. So, just write yourself a note so --  
21 because it might take a while before we're done  
22 and you get a chance to ask. Okay, go ahead, Ms.

1 Miller.

2 MS. MILLER: Good afternoon, Mr. Demby.

3 I just have a couple of questions for you.

4 MR. DEMBY: Yes, ma'am.

5 MS. MILLER: First question: Do you  
6 recall seeing either of these two individuals who  
7 are here on behalf of the establishment at the  
8 establishment when you made your purchase?

9 MR. DEMBY: No, ma'am. On the day in  
10 question, I do not recall seeing either of the  
11 individuals.

12 MS. MILLER: Okay. Were there any other  
13 individuals in the establishment at the time?

14 MR. DEMBY: There were other individuals  
15 in the store. I couldn't tell you in what  
16 capacity.

17 MS. MILLER: Okay. And is it possible  
18 you couldn't gotten the store mixed up with  
19 another store?

20 MR. DEMBY: No, ma'am.

21 MS. MILLER: Okay. And how is that?

22 MR. DEMBY: This was the only

1 establishment that sold to me on that day.

2 MS. MILLER: And what's your procedure  
3 for ensuring that you've got the right address  
4 when you get back and do your notes?

5 MR. DEMBY: Well, we complete run sheets  
6 daily which would outline exactly where we were,  
7 when we were there. Also on that run sheet  
8 there's a column for violations and if there's no  
9 violation we typically leave it blank. If  
10 there's a violation, we put yes. The right of  
11 the time, the exit time that we leave the  
12 establishment, there's a description box on said  
13 run sheet which will put the violation down just  
14 for record-keeping purposes. In addition to  
15 that, when we get a violation from an  
16 establishment one of our first orders of business  
17 is to find out how much exactly their fine will  
18 be or if it will be a case. So, for that we pull  
19 their investigative history. That's usually done  
20 the same day as the run sheet and is to be turned  
21 in with your run sheet for approval by your  
22 supervisor for the citation amount, so once

1 that's done your clock is still running for your  
2 thirty day time frame to get your report, your  
3 citation, out and everything back and approved.

4 MS. MILLER: Okay, thank you.

5 MR. DEMBY: No problem.

6 CHAIRPERSON ANDERSON: Any other  
7 questions by any of the members? Yes, you can  
8 ask a question now, ma'am.

9 MS. HAGOS: Yeah, my question to you is  
10 where did you get the cup of ice from?

11 MR. DEMBY: Where did I get the cup of  
12 ice from?

13 MS. HAGOS: Yeah.

14 MR. DEMBY: Your establishment, the male  
15 clerk at your establishment provided them.

16 MS. HAGOS: He gave you from behind the  
17 counter, cup of ice?

18 MR. DEMBY: The male -- he handed me the  
19 two cups of ice from behind the counter. He did  
20 not move himself from behind the counter.

21 MS. HAGOS: From behind the counter -- we  
22 have a glass protection, glass --

1 MR. DEMBY: Mm hmm.

2 MS. HAGOS: So that cup of ice is behind  
3 the counter?

4 MR. DEMBY: The male store clerk --

5 MS. HAGOS: We don't serve anything  
6 behind the counter. How can he give you from  
7 behind the counter cup of ice?

8 MR. DEMBY: I'm sorry, I'll allow you to  
9 ask me a question because when I start to answer  
10 --

11 CHAIRPERSON ANDERSON: Hold on a minute.  
12 Let her finish and ask your question again ma'am.

13 MS. HAGOS: Okay. Where did he hand you  
14 -- you say that the cashier hand you the cup of  
15 ice, right?

16 MR. DEMBY: Yes, ma'am.

17 MS. HAGOS: How? From behind the  
18 counter?

19 MR. DEMBY: Yes ma'am. When he handed me  
20 the cups of ice, he got them, he handed it to be  
21 from behind the counter.

22 MS. HAGOS: Yeah, my -- what my question

1 is -- behind the counter -- we have protection  
2 glass.

3 MR. DEMBY: Okay.

4 MS. HAGOS: Behind the counter is a cash  
5 register and cigarettes and small things --

6 MR. DEMBY: Mm hmm.

7 MS. HAGOS: We don't have any freezer.  
8 How can he give you from behind the counter, cup  
9 of ice? When it get melt if he keep it behind  
10 the counter.

11 MR. SILVERSTEIN: Let him answer the  
12 question.

13 CHAIRPERSON ANDERSON: Hold on, Mr.  
14 Silverstein. I think she's -- she's -- I mean  
15 she might be asking a compound question but, yes,  
16 Ms. Zaniel, you think -- you have a question and  
17 you'd like to want to say something?

18 MS. ZANIEL: No, sir.

19 CHAIRPERSON ANDERSON: Okay. Just  
20 rephrase your question ma'am, and what I say to  
21 you is that ask one question, allow him to  
22 answer, don't try to argue with him, so just ask

1 him one question at a time, and you know it's a  
2 cross examination, the best form is how you frame  
3 your questions is fine but just give him an  
4 opportunity to ask, okay? To answer. All right.  
5 So, ask the question again that you're not  
6 getting.

7 MS. HAGOS: Yeah, where did he get the  
8 cup of ice from?

9 MR. DEMBY: He handed me the cup of ice  
10 from behind the counter.

11 MS. HAGOS: From behind the counter.

12 MR. DEMBY: He handed me -- he physically  
13 -- when he got the cups of ice, he handed it to  
14 me over the counter. He was behind the counter,  
15 I was in front of the counter.

16 CHAIRPERSON ANDERSON: If you have other  
17 questions.

18 MS. HAGOS: Because I can't say anything.  
19 That's what

20 CHAIRPERSON ANDERSON: No, you can -- you  
21 can ask him a question if it's --

22 MS. HAGOS: It's weird for me because

1 behind the counter --

2 CHAIRPERSON ANDERSON: Ask him the  
3 question, but do it in a question.

4 MS. HAGOS: Are you sure you were in our  
5 store?

6 MR. DEMBY: Yes, ma'am.

7 MS. HAGOS: It's you see our store --

8 MR. DEMBY: Yes, ma'am.

9 MS. HAGOS: -- we have protection glass  
10 cover the counter --

11 MR. DEMBY: The cash register is on the  
12 left side of your store where you enter your  
13 store.

14 MS. HAGOS: Around the register, yeah.

15 MR. DEMBY: Mm hmm.

16 MS. HAGOS: So, behind the register is --  
17 we have licenses, we have cigarettes, we have  
18 candies and things, that small things that we  
19 keep it behind the counter that we don't want it  
20 to get stole.

21 MR. DEMBY: Mm hmm.

22 MS. HAGOS: How can he keep behind the

1 counter cup ice?

2 MR. DEMBY: That's not a question that I  
3 can answer for you, ma'am. I can only tell you  
4 where he gave it to me from.

5 MS. HAGOS: I have no more questions.

6 CHAIRPERSON ANDERSON: All right, ma'am.  
7 I think -- I think -- I got, at least I got your  
8 point. Go ahead, Ms. Zaniel.

9 MS. ZANIEL: No, she'll have an  
10 opportunity to testify.

11 CHAIRPERSON ANDERSON: No I'm just, No, I  
12 -- I think she's showing her frustration so I'm  
13 just saying to her that I got the point that  
14 she's trying to make. That's all I'm saying.  
15 For you, if you have any other questions.

16 MS. ZANIEL: I have no follow-up  
17 questions.

18 CHAIRPERSON ANDERSON: All right. Thank  
19 you for your testimony.

20 MR. DEMBY: No problem, sir.

21 CHAIRPERSON ANDERSON: You're free to go.  
22 Does the government have any other witnesses?

1 MS. ZANIEL: No.

2 CHAIRPERSON ANDERSON: Does the  
3 government rest?

4 MS. ZANIEL: The government rests with  
5 the testimony of Investigator Demby and Exhibit  
6 #1.

7 CHAIRPERSON ANDERSON: All right. Tell  
8 me how -- how are you going to present your case?  
9 Is one -- I'm sorry, go ahead.

10 MS. ZANIEL: I apologize for interrupting  
11 after I said I was done. I reserve the right to  
12 recall the witness to the extent there is  
13 something unexpected in the testimony.

14 CHAIRPERSON ANDERSON: You can -- I'll  
15 reserve -- you can reserve the right to have --  
16 to call a rebuttal witness, that's fine.

17 MS. ZANIEL: Thank you.

18 CHAIRPERSON ANDERSON: All right, tell me  
19 how you're going to present your case. Is --  
20 are you going to ask one person a question or are  
21 you just going to make a statement so I'll know  
22 what to do. So, are you both going to make

1 statements or are you going -- or one person will  
2 -- tell me how present -- how to plan to present  
3 your case.

4 MS. HAGOS: Yeah, everything what he was  
5 saying is -- it doesn't --

6 CHAIRPERSON ANDERSON: All right, let me.

7 MS. HAGOS: It doesn't look like that --

8 CHAIRPERSON ANDERSON: All right, raise  
9 your right hand, please, both of you, if both of  
10 you are going to testify. Do you swear or affirm  
11 to tell the truth and nothing but the truth?

12 MR. TUQADO: I do.

13 MS. HAGOS: I do.

14 CHAIRPERSON ANDERSON: Okay, fine. Then,  
15 give me your name again for the record one more  
16 time.

17 MS. HAGOS: Luula Hagos.

18 CHAIRPERSON ANDERSON: Okay, all right.

19 MR. ALBERTI: Luula Hagos? Ms. Hagos.

20 Who is Bilen Affa?

21 MS. HAGOS: She is my daughter, yeah.

22 MR. ALBERTI: She's the licensee, right?

1 MS. HAGOS: Yeah.

2 MR. ALBERTI: You're not the licensee.

3 MS. HAGOS: Yeah.

4 MR. ALBERTI: You're not listed as a  
5 licensee, as a member. I'm having a difficulty  
6 here because we don't really have and I'm just  
7 going to say this so Ms. Zaniel can deal with it  
8 however she wants, and the Chair can, but our  
9 records show that 100% ownership is to Bilen Affa  
10 and she is not present here.

11 MS. HAGOS: No.

12 MR. ALBERTI: And we don't have any  
13 documents of representation that she's -- we  
14 don't know officially that -- look, you know, I  
15 can trust you, but we don't have anything  
16 official saying that you can represent her.

17 MS. HAGOS: Yes.

18 MR. ALBERTI: So, I'm going to leave that  
19 up to the Chair and Ms. Zaniel. I'm just  
20 pointing that fact out.

21 MS. HAGOS: Okay, I have the power of  
22 attorney and the one that I ran the store.

1 MR. ALBERTI: Oh, you do? Okay.

2 MS. HAGOS: On the part of my daughter.

3 CHAIRPERSON ANDERSON: Ms. Hagos?

4 MS. HAGOS: Hagos.

5 CHAIRPERSON ANDERSON: Hagos. I do have  
6 a durable power of attorney that Ms. Affa has  
7 appointed her as her attorney in fact to make  
8 representation here today, so --

9 MR. ALBERTI: Are those two copies?

10 CHAIRPERSON ANDERSON: No it's the same  
11 document but I mean it was dated, it was dated in  
12 2014, so I'm -- I'm fine with the document. Can  
13 we keep this or do we need to give it back to  
14 you?

15 MS. HAGOS: You can keep it, I have  
16 copies.

17 CHAIRPERSON ANDERSON: Okay. So, all  
18 right. Go ahead, please.

19 MS. HAGOS: Yeah. I don't mean to  
20 disrespect him. You know, I respect him because  
21 he is an employee here. But I don't see  
22 everything what he's saying is right that happen

1 in my store, because the way that he's talking  
2 that he got the cup of ice behind the counter, we  
3 don't even have space to have freezer or  
4 something to keep cup of ice behind the counter.  
5 Why do -- how did he hand it to him behind the  
6 counter? If he get the beer from back there long  
7 time ago when he give fine in 2014 we used to  
8 sell cup ice at that time, and we have freezer  
9 with the ice -- ice freezer -- we used to keep  
10 the cup ice in there and the customers know, they  
11 pick it and they bring with the beer -- with  
12 anything -- soda or anything, some of them they  
13 just buy cup of ice at that time. We don't even  
14 have that. He say that he got it behind the  
15 counter, the cup ice, so, you know, I don't know,  
16 for me it's totally something that they got it  
17 from around our store, we know that at stores  
18 they sell cup ice still, so maybe they got it  
19 from there or something, I don't know. So, I  
20 don't know what to say. It's very hard for me.

21 CHAIRPERSON ANDERSON: Do you have any  
22 statements that you want to make, sir?

1 MR. TUQADO: I'm not really sure.

2 CHAIRPERSON ANDERSON: Let me ask you a  
3 question. How many employees do you have in your  
4 store?

5 MS. HAGOS: I have one part time  
6 employee, he just do stocks and cleaning and  
7 things.

8 CHAIRPERSON ANDERSON: So, on September  
9 18, 2015. All right I'm sorry, I guess I -- I  
10 apologize. I don't normally ask questions, I  
11 apologize. Do you have anything else that you  
12 want to present to the Board?

13 MS. HAGOS: We have these cups that we  
14 have -- you know the kind of cups.

15 CHAIRPERSON ANDERSON: Show that to Ms.  
16 Zaniel.

17 MS. HAGOS: The kind of cups that we  
18 carry in the store.

19 CHAIRPERSON ANDERSON: Can you bring up a  
20 cup so the Board. Ms. Walker will. So are you  
21 ask -- do you want to move this picture into  
22 evidence? Is that the reason you're bringing

1 this? Do you have a problem with it, Ms. Zaniel?

2 MS. ZANIEL: Well, I have some questions  
3 about it.

4 CHAIRPERSON ANDERSON: All right, so what  
5 are the questions that you have, Ms. Zaniel?

6 MS. ZANIEL: When was this photograph  
7 taken?

8 MS. HAGOS: We taken, when was that?  
9 When we come in here last time. Remember we come  
10 here when he say you come just to represent and  
11 give the appointment. We've been in here a month  
12 ago for this, for the same case.

13 MS. ZANIEL: So, when you came for the  
14 Status Hearing on March 23?

15 MS. HAGOS: Yeah, that's when we took it,  
16 yeah.

17 MS. ZANIEL: And you took the picture?

18 MS. HAGOS: Yeah, otherwise.

19 MS. ZANIEL: Do you have a picture of  
20 anything behind the counter on September 18,  
21 2015?

22 MS. HAGOS: No, we don't have any

1 picture.

2 MS. ZANIEL: I'd object to the photograph  
3 as being not relevant as it's outside the time  
4 frame.

5 CHAIRPERSON ANDERSON: What? I'm sorry.

6 MR. ALBERTI: What area of the store is  
7 this? Where in the store is this?

8 MS. HAGOS: In Quality Convenience Store,  
9 29 --

10 MR. ALBERTI: No, where in the store?

11 MS. HAGOS: Oh, it's behind the counter.  
12 It's plain cups. Yeah.

13 MR. ALBERTI: This is behind the counter?

14 MS. HAGOS: Yeah.

15 MR. ALBERTI: Okay.

16 CHAIRPERSON ANDERSON: Where's your --  
17 where's your ABRA license located in your store?

18 MS. HAGOS: Right there on top of the  
19 cups because we keep the cups in there, we sell  
20 it for coffee and things, because we cannot  
21 control the coffee, the customers they walk in  
22 and make coffee, you know, they don't pay, so

1 that's why we keep just the cups behind the  
2 counter. Then, when they pay for the coffee, we  
3 give them the cups, that's how we do.

4 CHAIRPERSON ANDERSON: Now, is -- if  
5 someone comes in the store will they see if it's  
6 visible that they'll see these cups? Like if I  
7 was to come into your store --

8 MS. HAGOS: Yes --

9 CHAIRPERSON ANDERSON: -- and would I see  
10 these cups?

11 MS. HAGOS: Yes. Because it's glass,  
12 glass -- and they pay for coffee, then we give  
13 them cups.

14 CHAIRPERSON ANDERSON: What I'll do, Ms.  
15 Zaniel, I'm gonna admit it but I'll give you an  
16 opportunity if you want to call investigator to  
17 maybe ask him questions about this layout. I  
18 mean, I know --

19 MS. ZANIEL: I don't have a need to  
20 amplify this particular photograph. My argument  
21 is that it's not relevant. It was taken long  
22 after the events in question.

1 MR. ALBERTI: You can admit it.

2 CHAIRPERSON ANDERSON: Yeah I mean, as I  
3 said before I do recognize the fact that you have  
4 some objections based on the time frame that it  
5 was taken but I will admit it and give it  
6 whatever weight so that the Board might consider  
7 it.

8 MS. ZANIEL: That's fine.

9 CHAIRPERSON ANDERSON: Do you have any  
10 other documents that you wish the Board to  
11 consider? That you want to put up for evidence?  
12 Do you have anything else with you to put on  
13 [inaudible 37:00].

14 MS. HAGOS: No.

15 CHAIRPERSON ANDERSON: Do you have any  
16 opening statement that you want to make to the  
17 Board at this juncture?

18 MS. HAGOS: Okay. What I want to say is  
19 like I said, we used to sell cup ice, like 2014,  
20 before that, and get the fine like December 2014,  
21 we get a fine \$250 for selling cup ice. At that  
22 time when I pay the fine and I know that it's

1 going to be more fines, it's not worth it for me  
2 to sell 50 cents ice for getting fined \$500 and  
3 things, so I stop it all. There is no cup ice in  
4 Quality Convenience Store. You can check anytime  
5 you want. That's it. That's what I can say.  
6 There's nothing I can say after that.

7 CHAIRPERSON ANDERSON: Ms. Zaniel, do you  
8 have any questions that you want to ask?

9 MS. ZANIEL: I do.

10 CHAIRPERSON ANDERSON: Sure, go ahead,  
11 please.

12 MS. ZANIEL: Can you tell me everyone who  
13 works in your -- who was working at Quality  
14 Convenience in September of 2015?

15 MS. HAGOS: Yeah, there was a guy. He  
16 cleaned and -- we have different -- that guy he  
17 go -- there is another one now -- just cleaning  
18 and stocking. We have two people.

19 MS. ZANIEL: That do cleaning and  
20 stocking?

21 MS. HAGOS: Yeah, cleaning and stocking.

22 MS. ZANIEL: And, who runs the cash

1 register?

2 MR. TUQADO: Me.

3 MS. ZANIEL: And what is your name, sir?

4 MR. TUQADO: Tuqado. T-U-Q-A-D-O.

5 That's the last name.

6 MS. ZANIEL: T-U-Q-A-D-O?

7 MR. TUQADO: Yes.

8 MS. ZANIEL: Okay, and your first name,

9 sir?

10 MR. TUQADO: A-Z-E-R-I-A.

11 MS. ZANIEL: I-A. Okay. So, are you an

12 ABC manager?

13 MR. TUQADO: Yes, ma'am.

14 MS. ZANIEL: And you run the place

15 through power of attorney, Ms. Hagos?

16 MS. HAGOS: Yes. And I have ABC license

17 also.

18 MS. ZANIEL: I have no other questions.

19 CHAIRPERSON ANDERSON: So, and I'll just

20 follow up with a question that Ms. Zaniel had

21 asked. On September 15, 2015 -- September 18,

22 2015 -- how many employees did the store have?

1 MS. HAGOS: Which one? In '15?

2 CHAIRPERSON ANDERSON: On September 18,  
3 2015, how many employees did the store have?

4 MS. HAGOS: Three.

5 CHAIRPERSON ANDERSON: And who were the  
6 employees?

7 MS. HAGOS: Okay, me, him and there's  
8 another guy.

9 CHAIRPERSON ANDERSON: And this other  
10 guy, what were his duties and responsibilities?

11 MS. HAGOS: His responsibilities  
12 cleaning, stocking and things like that, yeah.

13 CHAIRPERSON ANDERSON: Does he -- does he  
14 operate the cash register?

15 MS. HAGOS: Sometimes he do, but not that  
16 much. He doesn't know too much. He do lottery  
17 and --

18 CHAIRPERSON ANDERSON: I'm sorry, what?

19 MS. HAGOS: He do lottery -- lottery.

20 CHAIRPERSON ANDERSON: So, but does he  
21 sell, would he -- does he sell -- would he be  
22 selling beer or anything or any other stuff?

1 MR. TUQADO: No.

2 CHAIRPERSON ANDERSON: Why not?

3 MR. TUQADO: Because first of all he is  
4 not expert, second he doesn't have an ABC manager  
5 license. Two reasons, he is not expert, he  
6 doesn't have ABC license, third we hire him just  
7 to do some job like part time, just for reasons  
8 why he cannot work behind the counter being  
9 responsible serving the customers.

10 CHAIRPERSON ANDERSON: Questions by any  
11 Board members? Go ahead, Mr. Alberti.

12 MR. ALBERTI: Ms. Hagos. I'm a little  
13 curious. Did you read the investigative report  
14 before you came?

15 MS. HAGOS: Before I came? Yeah.

16 MR. ALBERTI: Okay. Did you read it  
17 before the status hearing that we had?

18 MS. HAGOS: Yeah.

19 MR. ALBERTI: Okay. So you were aware  
20 what was in here. You were aware -- you were  
21 aware that the investigator was claiming that he  
22 got the -- that the clerk handed him the cups

1 from behind the counter?

2 MS. HAGOS: No.

3 MR. ALBERTI: It's in the report.

4 MS. HAGOS: I didn't notice that word.

5 No, I didn't know.

6 MR. ALBERTI: All right, no further  
7 questions. All right, fine, thank you. I have no  
8 other questions.

9 CHAIRPERSON ANDERSON: Any other  
10 questions by any other Board members? All right.  
11 Ms. Zaniel do you have any questions for them  
12 based on the Board questions?

13 MS. ZANIEL: No.

14 CHAIRPERSON ANDERSON: No? Okay. Do you  
15 guys rest, is that your case?

16 MR. TUQADO: Yes.

17 CHAIRPERSON ANDERSON: This is your case,  
18 you don't have any other witnesses or anything  
19 else to say?

20 MS. HAGOS: Yes.

21 CHAIRPERSON ANDERSON: All right. Ms.  
22 Zaniel, do you wish to recall a witness?

1 MS. ZANIEL: I don't, no. Thank you.

2 CHAIRPERSON ANDERSON: Do you wish to  
3 make a closing statement?

4 MS. ZANIEL: Yes. Members of the Board,  
5 I believe the evidence today shows that there was  
6 a violation at Quality Convenience Store at 2922  
7 Martin Luther King Junior Avenue and that Go Cups  
8 were sold to an undercover ABRA investigator.  
9 The testimony of the investigator was clear and  
10 unambiguous. He followed procedure. He took a  
11 photograph of the items as soon as he returned to  
12 ABRA, as you can see the ice is still in the cup,  
13 and while there may be some testimony that shed  
14 doubt as to whether this was the place where this  
15 was bought, it certainly doesn't defeat the  
16 government's burden of proof by a preponderance  
17 of evidence and indeed a violation was committed  
18 through the sale of go cups and I'll amplify what  
19 the point the member of the Board, Alberti, was  
20 making which is that the photograph by their own  
21 admission was taken subsequent to the status  
22 hearing which was in March -- March 23 of this

1 year. They had already been served with the  
2 report and clearly the report said the ice cups  
3 came from behind the counter and so it looks as  
4 though one could argue that the photograph was  
5 made in order to try to counter that testimony.  
6 I think on balance the testimony shows a  
7 violation. There is a presumption of regularity  
8 with respect to a government employee. He is an  
9 experienced investigator, two years already at  
10 ABRA and more years before that as an  
11 investigator. The government would ask that the  
12 Board find that there was a sale of go cups in  
13 violation of the law.

14 CHAIRPERSON ANDERSON: And what -- is  
15 there a fine range you're asking the Board?

16 MS. ZANIEL: Well, the statute requires a  
17 fine range between \$500 and \$750 and I would ask  
18 for \$700.

19 CHAIRPERSON ANDERSON: Thank you. All  
20 right. Now this is your chance to give a closing  
21 statement so you can make -- say some final words  
22 about what is it that you want the Board to do.

1           MR. TUQADO: Yes, your Honor. I mean  
2 what is said investigator, it is hard to accept  
3 for me because like how I say as the manager I am  
4 responsible for everything in the store that can  
5 happen, so for me it doesn't make sense if I get  
6 a fine back in 2014 for selling a cup of ice,  
7 first of all breaking the law, because if they  
8 say "do not sell this" do not sell it, the  
9 consequence will be not only money it could be  
10 also other customers. Since the first time we  
11 sell a cup of ice because we were not knowing the  
12 cup of ice was not allowed to sell, but to get  
13 the fine \$250, after that we stop selling the cup  
14 of ice. Not only cup ice, we stop also to carry  
15 20 ounce or whatever size it say on the report,  
16 that kind of cups we used to sell before. Now  
17 the investigator he came back again, he say we  
18 were selling cup ice again and he came to store  
19 when I was present in the store for \$500 fine.  
20 So, my -- my -- my premier, or my view is -- I  
21 mean, for me it doesn't make sense, if you see on  
22 the record Quality Convenience Store LLC we

1 didn't have bad record of selling beer or wine or  
2 cigarettes for underage, we always respect the  
3 rules. We always respect the rules. We have  
4 also some compliments from ABRA for being -- for  
5 being pride from the investigator to send in  
6 underage to buying some beer and wine, that's how  
7 much we respect the rules, and that's how much we  
8 respect at the same time also our customers. So,  
9 with this, for me personally it is hard to accept  
10 because I'm always present in the store. I try  
11 my best to take care of my responsibility and at  
12 the same time also quality. So, without my  
13 presence, without my permission, no one can sell  
14 a cup of ice. We don't even carry after we get  
15 the fine for \$250 back in 2014.

16 CHAIRPERSON ANDERSON: Yes, ma'am. You  
17 want to say something?

18 MS. HAGOS: Yeah, I'm saying the same  
19 thing. You know, we can check our record for the  
20 underage selling cigarettes or beer or anything,  
21 we get congratulations and that's all the time,  
22 they try as undercover. We always get

1 congratulations certificates, I have a lot in my  
2 store. So, why do I have to do this for just cup  
3 of ice, you know breaking the rules? I don't  
4 understand this time. That's it, I finish my  
5 case.

6 CHAIRPERSON ANDERSON: All right, well,  
7 thank you very much. Do the parties wish to file  
8 proposed findings of fact or conclusions of law  
9 or waive their right to do so?

10 MS. ZANIEL: I would waive the right.

11 CHAIRPERSON ANDERSON: It means that you  
12 can -- do you want to write -- we can issue a  
13 transcript, you can write proposed findings and  
14 conclusions of law or do you just want us to make  
15 a decision based on what's presented today?

16 MR. TUQADO: Just make a decision on what  
17 was presented today.

18 CHAIRPERSON ANDERSON: Okay, fine, so you  
19 waive your right. The Board will issue a decision  
20 within 90 days. As chairperson of the Alcoholic  
21 Beverage Control Board for the District of  
22 Columbia and in accordance with section 405 of

1 the Open Meetings Amendment Act of 2010 I move  
2 that the ABC Board hold a closed meeting for the  
3 purpose of seeking legal advice from our counsel  
4 on Case #15-CMP-00801, Quality Convenience Store,  
5 per section 405 B4 of the Open Meetings Amendment  
6 Act of 2010 and deliberating upon case #15-CMP-  
7 00801 Quality Convenience Store for the reasons  
8 cited in section 405 B13 of the Open Meetings  
9 Amendment Act of 2010. Is there a second?

10 MR. ALBERTI: Second.

11 CHAIRPERSON ANDERSON: Mr. Alberti has  
12 seconded the motion. I will now take a roll call  
13 vote on the motion before us now that it has been  
14 seconded, Mr. Silverstein?

15 MR. SILVERSTEIN: I agree.

16 CHAIRPERSON ANDERSON: Mr. Short?

17 MR. SHORT: I agree.

18 CHAIRPERSON ANDERSON: Mr. Alberti?

19 MR. ALBERTI: I agree.

20 CHAIRPERSON ANDERSON: Ms. Miller?

21 MS. MILLER: I agree.

22 CHAIRPERSON ANDERSON: Mr. Anderson? I

1 agree. As it appears that the motion has passed  
2 I hereby give notice that the ABC Board will hold  
3 a closed meeting in the ABC Board Conference Room  
4 pursuant to the Open Meetings Amendment Act of  
5 2010 and issue an order within 90 days. Thank  
6 you very much. We'll issue an order within 90  
7 days. Thank you all for being here today.

8 (Whereupon the above-entitled matter was  
9 concluded)