

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

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6 IN THE MATTER OF: :

7 Restaurante Piccolo, Inc: # 16-CMP-00447

8 t/a Ristorante Piccolo :

9 1068 31st Street NW :

10 License # 14125 :

11 Retailer CR :

12 ANC 2E :

13 Failed File Quarterly Statements:

14 - - - - -X

15 Wednesday, November 2, 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.

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2 BOARD MEMBERS PRESENT

3 NICK ALBERTI, BOARD MEMBER

4 JAMES SHORT, BOARD MEMBER

5 MIKE SILVERSTEIN, BOARD MEMBER

6 JAKE PERRY, BOARD MEMBER

7

8 ALSO PRESENT:

9 AMY SCHMIDT

10 MONICA CLARK

11 DIANE KOWKABI

12

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

2

3 CHAIRPERSON ANDERSON: The next case on
4 our calendar is case #16-CMP-00447, Ristorante
5 Piccolo, license #14125. Will the parties please
6 approach and identify themselves for the record,
7 please?

8 MS. KOWKABI: Good morning, Diane Kowkabi.

9 CHAIRPERSON ANDERSON: How do you spell your
10 last name, ma'am?

11 MS. KOWKABI: K-O-W-K-A-B-I.

12 CHAIRPERSON ANDERSON: I'm sorry, K-O-W --

13 MS. KOWKABI: K-O-W-K-A-B- like Boy, I.
14 Kowkabi.

15 CHAIRPERSON ANDERSON: Kowkabi.

16 MS. KOWKABI: Yeah.

17 CHAIRPERSON ANDERSON: And what is your name?

18 MS. SCHMIDT: Good morning, Amy Schmidt,
19 Assistant Attorney General, on behalf of the
20 District of Columbia.

21 CHAIRPERSON ANDERSON: Good morning Ms.
22 Schmidt. Are there any preliminary matters in

1 this case?

2 MS. SCHMIDT: None from the government.

3 CHAIRPERSON ANDERSON: Does the government
4 wish to make an opening statement?

5 MS. SCHMIDT: Yes, very briefly. Today, we
6 are before this tribunal to show that the
7 licensee of the Ristorante Piccolo failed to file
8 the fourth quarter -- the fourth quarter closed
9 for October 2015 to December 2015. You'll hear
10 testimony from my client, Monica Clark, who will
11 show that this office never received -- that ABRA
12 never received that filing.

13 CHAIRPERSON ANDERSON: Do you wish to make an
14 opening statement, ma'am, or do you wish to do it
15 after she presents the case? You can make an
16 opening statement now or you can decide to defer
17 until you hear the facts of the case.

18 MS. KOWKABI: I don't completely understand
19 the difference.

20 CHAIRPERSON ANDERSON: Well, the government
21 has the burden to prove their case, so the
22 government goes first and you go second. You

1 have the option to make an opening statement now
2 or you can defer to once the government has
3 presented their case, and when you're ready to
4 present your case then you can make an opening
5 statement and then you can present your case.

6 MS. KOWKABI: Okay, I'll just wait then.

7 CHAIRPERSON ANDERSON: So you'll defer?
8 Fine. Does the government wish to call the first
9 witness. Does the government have a witness to
10 call?

11 MS. SCHMIDT: Yes, the government calls ABRA
12 analyst Monica Clark.

13 CHAIRPERSON ANDERSON: Who? Oh, Monica
14 Clark. Yes, Ms. Clark, can you raise your right
15 hand, please? Do you swear or affirm to tell the
16 truth and nothing but the truth?

17 MS. CLARK: I do.

18 CHAIRPERSON ANDERSON: Thank you, have a
19 seat.

20 MS. SCHMIDT: Good morning, Ms. Clark. Could
21 you please state your name for the record?

22 MS. CLARK: Monica Clark.

1 MS. SCHMIDT: And how long have you worked
2 for and what do you do for your employer?

3 MS. CLARK: I have been employed by the
4 Alcoholic Beverage Regulation Administration as a
5 client analyst and I receive, review and report
6 quarterly statements for licensees within the
7 District of Columbia.

8 MS. SCHMIDT: Are you familiar with the
9 Ristorante Piccolo?

10 MS. CLARK: Yes, I am.

11 MS. SCHMIDT: And how are you familiar with
12 them in this context?

13 MS. CLARK: Well, in this particular
14 establishment I did not receive the quarterly
15 statement for 2015 for the fourth quarter in a
16 timely manner.

17 MS. SCHMIDT: And how do you show that you
18 did not receive that statement?

19 MS. CLARK: Once the quarter is complete, I
20 do an analysis of the reports that I have
21 received and determine which ones have not been
22 received in the office, and then compile a report

1 and pass that on to the investigators who, in
2 turn, go out and write citations for those
3 particular individuals.

4 MS. SCHMIDT: And are you familiar who wrote
5 the citation for this?

6 MS. CLARK: At this time I don't remember the
7 exact investigator that wrote that citation.

8 MS. SCHMIDT: But you are aware that those
9 are passed on to the investigator?

10 MS. CLARK: Yes, I am.

11 MS. SCHMIDT: And did you ever contact Ms.
12 Kowkabi about this discrepancy.

13 MS. CLARK: Actually, I was contacted by Ms.
14 Kowkabi. I was advised to the citation. Once
15 she received the citation she gave me a call and
16 I informed her that I had not received that
17 quarterly statement.

18 MS. SCHMIDT: And when did [inaudible 59:09]?

19 MS. CLARK: This was sometime in June of
20 2016.

21 MS. SCHMIDT: What did she say about that?

22 MS. CLARK: She informed me that she had sent

1 it by fax; however, I informed her that I had not
2 received that fax. At that time she said that
3 she would get the quarterly statement to me and
4 as of 06/26/2016 as an attachment to an e-mail.

5 MS. SCHMIDT: And what is the office's policy
6 about whether to credit an attachment to a fax.

7 MS. CLARK: In regard to faxes, if the
8 individual can show proof that the fax was,
9 indeed, sent within the time frame that they
10 would get credit for it. However, she was not
11 able to produce that proof. Her identification
12 didn't show the date that the fax was sent.

13 MS. SCHMIDT: No further questions at this
14 time.

15 CHAIRPERSON ANDERSON: All right, hold on a
16 second. You can ask her questions based on that
17 questions that were asked in the testimony.

18 MS. KOWKABI: Just, I can ask questions only?
19 Because --

20 CHAIRPERSON ANDERSON: Or you can make your
21 case and you can give an explanation.

22 MS. KOWKABI: Okay, so I'm not at that point

1 yet.

2 CHAIRPERSON ANDERSON: Right, so right now
3 she testified and the government asked her some
4 questions so you can ask her based on the
5 questions that were asked -- you can ask her
6 whatever questions you have about she said she
7 had a conversation with you, you could ask her
8 about the conversation, whatever the conversation
9 was, and I think she stated she faxed the
10 quarterly statement that day, so you can ask her
11 about what she said about that.

12 MS. KOWKABI: Well, everything she said is
13 accurate. I did e-mail it to her and at that
14 point we spoke, she said there was nothing she
15 could do.

16 CHAIRPERSON ANDERSON: But, you have to ask
17 her --

18 MS. KOWKABI: Oh, okay.

19 CHAIRPERSON ANDERSON: You have to ask her.

20 MS. KOWKABI: I don't have any questions.

21 CHAIRPERSON ANDERSON: I know this might be
22 new for you, so you can, when you present your

1 case what I'll do is [inaudible 1:01] and it
2 doesn't appear you have witnesses, so you can
3 give your explanation. So you don't have any
4 direct questions to ask this person?

5 MS. KOWKABI: No, I don't.

6 CHAIRPERSON ANDERSON: Are there questions by
7 any board members to Ms. Clark based on the
8 conversation so far. Just a question for you,
9 Mr. Alberti.

10 UNKNOWN: When was the report due?

11 MS. CLARK: It was due by January 30, 2016.

12 UNKNOWN: January 30th.

13 MS. CLARK: Mm hmm.

14 CHAIRPERSON ANDERSON: Are there any other
15 questions by any other board members?

16 MR. ALBERTI: So, do you know in the past how
17 this licensee has filed their quarterly reports?
18 Was it done by fax? Was it done by mail? Has it
19 been online?

20 MS. CLARK: Well, she's actually done both
21 online and by fax, probably more so by fax, more
22 of the time.

1 MR. ALBERTI: Okay, thank you.

2 CHAIRPERSON ANDERSON: You have the
3 opportunity to now ask her questions based on the
4 questions that the board asked, so based on their
5 questions do you have any questions to ask?

6 MS. KOWKABI: Okay, when you, in the past,
7 received everything faxed, did you -- were you
8 able to confirm receipt of those faxes?

9 MS. CLARK: Generally I don't save the report
10 confirmation for a fax unless it was a mistake
11 and it was actually late. If it's received on
12 the day, at the designated time, then I don't
13 look for confirmation.

14 MS. KOWKABI: Did you call after not
15 receiving this fax by the end of January to me
16 then?

17 MS. CLARK: No, it's not our practice to call
18 at the end of the quarter if the quarterly
19 statement hasn't been received. Unfortunately,
20 there's not time.

21 MS. KOWKABI: But you just said that if you
22 don't normally get the fax then when it's late,

1 then --

2 MS. CLARK: That compiled report.

3 MS. KOWKABI: The compiled report, but you
4 don't send a copy of the report to the
5 restaurant.

6 MS. CLARK: Not to the restaurant. That's
7 [inaudible 1:03:48].

8 CHAIRPERSON ANDERSON: Okay, you don't have
9 any other questions, correct?

10 MS. KOWKABI: No. But I would like to talk.

11 CHAIRPERSON ANDERSON: I know -- you're going
12 -- I'm going to give you as much time to talk as
13 you -- All right, Ms. Schmidt?

14 MS. SCHMIDT: No further questions.

15 CHAIRPERSON ANDERSON: Does the government
16 have any other witnesses?

17 MS. SCHMIDT: No, we move to enter the
18 investigative report into evidence.

19 CHAIRPERSON ANDERSON: Ms. Kowkabi, I'm not
20 even going to try pronounce your name -- Kowabi?

21 MS. KOWKABI: Kowkabi.

22 CHAIRPERSON ANDERSON: Kowkabi. The

1 government wishes to move the report -- I think
2 you have a copy of the report in front of you --
3 do you have a copy of the report?

4 MS. KOWKABI: Yes.

5 CHAIRPERSON ANDERSON: The government wishes
6 to move that into evidence. Do you have any
7 objection to admitting the report?

8 MS. KOWKABI: No.

9 CHAIRPERSON ANDERSON: Okay, so moved. All
10 right, does the government rest?

11 MS. SCHMIDT: Yes, the government rests.

12 CHAIRPERSON ANDERSON: So, do you have
13 witnesses or you're the only person that's
14 speaking?

15 MS. KOWKABI: I guess I'm the person.

16 CHAIRPERSON ANDERSON: All right, can you
17 raise your right hand? Do you swear or affirm to
18 tell the truth and nothing but the truth?

19 MS. KOWKABI: I do.

20 CHAIRPERSON ANDERSON: All right. Normally,
21 if you had a witness I would do that for a
22 witness, therefore you -- since you are your own

1 attorney and your witness, that's why I am
2 swearing you in, and so you can explain your
3 position, and once you explain your position, Ms.
4 Schmidt will cross examine you based on what you
5 said, so be careful of what you say because she
6 has an opportunity to ask you questions based on
7 them and the case you make to the board and then
8 the board will also have an opportunity to ask
9 you questions if they need to again, so you can
10 now tell us how is it that you're here?

11 MS. KOWKABI: Okay, well, first of all, we've
12 had this restaurant for 30 years and I don't
13 believe that the quarterly reports have ever been
14 late. Many years ago, you used to have a system
15 where you would immediately give back a
16 confirmation receipt when I scanned and e-mailed
17 it in. That stopped. Then I started faxing it
18 because I wasn't sure if the e-mails were going
19 anywhere and I had an old fax machine which
20 normally you could push a button and get a report
21 back showing proof that it was faxed over. This
22 particular day I don't know about whatever but I

1 did not scan and e-mail, I faxed it again, even
2 though I could no longer get that report showing
3 that it went, that it got faxed and to who, I
4 didn't get that report anymore.

5 Anyway, I thought that, you know, everything
6 was fine because I never heard anything from all
7 the other quarters, until the ABRA officer came
8 over to the restaurant in May and cited us. And
9 as soon as I got a copy of the citation, I
10 contacted Monica Clark and I sent her a copy -- I
11 scanned and sent her a copy of the same report
12 which I faxed on the 29th and I called her back
13 as she asked me to, to confirm that she did,
14 indeed, receive it and then she told me that now
15 ABRA has a new online reporting which is much
16 easier and you get an instant confirmation back
17 so that's what I've been doing all of 2016. I do
18 it online, through their link, and it gets
19 instant back confirmation which you get a
20 printout of your entire report.

21 So, honestly, I think that ABRA knew that
22 they had a problem previously with confirmation

1 receipts and things like that so it's just --
2 it's a matter of he said, she said right now and
3 I don't think it's fair that I be charged a fine
4 of \$500. I would like for you to reduce it, at
5 least. I have no proof that it printed.

6 CHAIRPERSON ANDERSON: Okay. Do you have
7 questions?

8 MS. SCHMIDT: No, I don't have questions.

9 CHAIRPERSON ANDERSON: Well, I have a
10 question for you. I've been reviewing your
11 investigative history and I see that in May of
12 2014 that you were given a warning that you had
13 not filed your quarterly report. Do you recall
14 that happening?

15 MS. KOWKABI: No, I mean those things happen
16 like that, too, but then I got a warning and I
17 must have submitted it. But at this point I
18 didn't get any warning either.

19 CHAIRPERSON ANDERSON: No, I'm saying you got
20 a warning because it was the first time, so that
21 would be that this time you would get a ticket
22 because it was a warning the first time. So I'm

1 asking do you recall, this is the third year,
2 that this happened, do you recall whether it
3 happened one of the last times do you recall why
4 it was that the report was not filed on time?

5 MS. KOWKABI: Maybe I was sick or something,
6 I don't know.

7 CHAIRPERSON ANDERSON: You don't know.

8 MS. KOWKABI: I don't know.

9 CHAIRPERSON ANDERSON: All right, any other
10 questions by any board members? Mr. Silverstein.

11 MR. SILVERSTEIN: Ms. Kowkabi, in previous
12 years you had filed by faxes or a mixture? Could
13 you please clarify that?

14 MS. KOWKABI: Yes, I did mixtures. Sometimes
15 -- it depended on where I happen to be at the end
16 of the month, and which office I was in, you know
17 and what times of day it was. Like I said, I
18 used to do only scanning and e-mailing because
19 you get an instant confirmation back, but that
20 stopped all of a sudden. And then I called
21 actually the office and I said 'how come this
22 doesn't happen anymore?' And they said 'oh, I

1 don't really know, and perhaps you should call
2 after you send it in' but, you know, I don't --
3 it's not something that I remember to do all of
4 the time.

5 MR. SILVERSTEIN: When you were informed that
6 they had not received a quarterly report from
7 you, what was your immediate response and how
8 long did it take you to send the report?

9 MS. KOWKABI: Well, my manager is the one who
10 received the citation. It took him a while to
11 bring it to me.

12 MR. SILVERSTEIN: How long?

13 MS. KOWKABI: He only comes to our office
14 once a week and I don't know, when Timothy
15 brought it to me is when I found out that Monica
16 and then I sent it to her.

17 MR. SILVERSTEIN: As soon as he gave it to
18 you, you sent the report --

19 MS. KOWKABI: Again, I talked to Monica Clark
20 and I scanned it and e-mailed it in then.

21 MR. SILVERSTEIN: Thank you. Nothing
22 further.

1 CHAIRPERSON ANDERSON: Are there any other
2 questions by any other board members? Yes, Mr.
3 Short?

4 MR. SHORT: Good morning, ma'am.

5 MS. KOWKABI: Good morning.

6 MR. SHORT: You asked the question that I
7 guess I need an answer to, but anyway, you said
8 the first time you were given a warning and you
9 wondered why you didn't get a warning this time.

10 MS. KOWKABI: Well, because I sent it in, so
11 I wasn't expecting to hear anything, but, you
12 know, all of a sudden you get a surprise in May
13 from the ABRA officer, that's why.

14 MR. SHORT: Okay, so you got the warning in
15 May.

16 MS. KOWKABI: No, that was a different year.

17 MR. SHORT: Okay. So, in 2014 you got a
18 warning so you knew you had a warning and that's
19 the statute. Are you familiar with the statutes?

20 MS. KOWKABI: No. I mean, I know I have to
21 submit the quarterly reports.

22 MR. SHORT: Can I make a recommendation?

1 This is to do with the regulation for alcoholic
2 beverages, statutes in Washington, D.C. I would
3 think you'd want to add this copy to your place
4 that your employees would know the rules and
5 regulations.

6 MS. KOWKABI: Well, I know the rules and
7 regulations, I just didn't know the second
8 warning rule, that's all.

9 MR. SHORT: You thought you knew it but you
10 didn't know it.

11 MS. KOWKABI: We have the book there, and,
12 you know, we know how to serve alcohol, in fact
13 we got several commendations from your sting
14 operations where they were not successful and we
15 got commendations from you guys.

16 MR. SHORT: You're to be commended for that,
17 but the city needs to know how much alcohol you
18 are selling and if you're in compliance with
19 regulations.

20 MS. KOWKABI: Of course.

21 MR. SHORT: And the only way to know that is
22 when you send your paperwork in appropriately.

1 MS. KOWKABI: Right.

2 MR. SHORT: So when you go to the city's
3 office of tax and revenue and other people are
4 saying 'well, these persons are already paying
5 it,' they actually are paying it.' So, the only
6 way the city knows in Ms. Clark's office, is
7 those files, those forms sitting there, and then
8 you wouldn't be sitting before us unless that
9 signaled a second time, it's

10 is saying that you have a problem. And
11 you're saying that one question you ask is why
12 \$500? Why did you ask that question?

13 MS. KOWKABI: I have to file what? I'm
14 sorry.

15 MR. SHORT: You had a question about how much
16 money the fine would be. Didn't you question
17 that?

18 MS. KOWKABI: I am imploring you to please
19 lower it. Is that -- I didn't know until Ms.
20 Schmidt told me how much the fine was.

21 MS. SCHMIDT: That was off the cuff. For
22 the record, there's no offer in compromise, so

1 it's not necessarily the fine, it's just a range
2 of fines, it was off the cuff on my part, just a
3 range of files.

4 MR. SHORT: But I'm not sure she understands
5 that whole process and how to navigate it.
6 Hopefully, we won't see her again.

7 MS. KOWKABI: No, you won't because now we
8 have a new system in place and it works much
9 better.

10 MR. SHORT: Thank you, that's all I have, Mr.
11 Chair.

12 CHAIRPERSON ANDERSON: Are there any other
13 questions by any other board members? Do you
14 recall the morning that the ABRA office called?

15 MS. KOWKABI: Yes, June 6th.

16 CHAIRPERSON ANDERSON: June 6th. And you
17 know it was almost a month after the ticket,
18 right?

19 MS. KOWKABI: Right. My manager was late
20 bringing it to me. He couldn't explain exactly
21 what the fine was. He had to find it, bring it
22 to me. I knew that they had something from ABRA

1 and I didn't take the call so I waited until he
2 brought me that paper.

3 CHAIRPERSON ANDERSON: He said you had
4 something from ABRA. Why did you wait?

5 MS. KOWKABI: That they came over and I said
6 to them 'is it to do with your license?' and said
7 'do you know if the license is involved?' He
8 said it was something to do with some filing.

9 CHAIRPERSON ANDERSON: You something ticket

10 MS. KOWKABI: Yes, ticket

11 CHAIRPERSON ANDERSON: This is what your
12 manager told you, but you didn't know, you
13 weren't there when the ABRA investigator came so
14 you're just saying that your manager stated that
15 an ABRA person came but you weren't sure what the
16 person wanted.

17 MS. KOWKABI: Yes. I have to think it is a
18 violation of serving alcohol or could be a
19 violation of your manager's license for serving
20 alcohol.

21 CHAIRPERSON ANDERSON: All right. Yes, Mr.
22 Silverstein?

1 MR. SILVERSTEIN: How long have your family
2 and you owned this restaurant?

3 MS. KOWKABI: It's been in our family since
4 1986, June.

5 MR. SILVERSTEIN: Have you ever been found
6 guilty of a primary violation?

7 MS. KOWKABI: I don't think so.

8 MR. SILVERSTEIN: And it is your testimony
9 that you personally attempted to fax this report
10 on a timely basis to this agency?

11 MS. KOWKABI: That's correct. Like I do
12 every quarter and we've had this restaurant for
13 30 years and every quarter I'm the one who
14 submits these things.

15 MR. SILVERSTEIN: Okay.

16 CHAIRPERSON ANDERSON: When was it that this
17 report was due?

18 MS. KOWKABI: January 30th, and I sent it on
19 the 29th.

20 CHAIRPERSON ANDERSON: How do recall that
21 time?

22 MS. KOWKABI: Well, that's when I signed it,

1 and that's normally the time that I send it.

2 CHAIRPERSON ANDERSON: Do you have anything
3 else to say?

4 MS. KOWKABI: No.

5 CHAIRPERSON ANDERSON: Do you have any
6 documents that you would like for the court to
7 consider?

8 MS. KOWKABI: Like I said my fax machine is
9 old and I no longer have that capability of
10 printing out, you know normally I do that, I
11 would push a button and it would print out a
12 report showing the date, the telephone number
13 that it was faxed to and how many minutes it
14 took. But my machine is old now and I can't
15 figure out how many times I've tried -- I've
16 tried almost every one to get it printed out, but
17 it didn't do it.

18 CHAIRPERSON ANDERSON: Did -- in June when
19 you spoke to Ms. Clark, did you try to do that in
20 June, to give her proof that it was sent?

21 MS. KOWKABI: Yes.

22 CHAIRPERSON ANDERSON: Do you have a copy of

1 the e-mail that you said you sent it to Ms. Clark
2 by e-mail -- do you have a copy of the e-mail
3 that you sent to her?

4 MS. KOWKABI: Yes, I do.

5 CHAIRPERSON ANDERSON: Do you want to admit
6 that into evidence? I would like to see it. Do
7 you have it, Ms. Schmidt?

8 MS. SCHMIDT: I have a copy of that.

9 CHAIRPERSON ANDERSON: You have a copy? I
10 would like a copy of the e-mail that was sent, so
11 if you can get another copy of it --

12 MS. SCHMIDT: You can have mine.

13 CHAIRPERSON ANDERSON: All right, so we can
14 have that document as you submit it. So, we have
15 one exhibit from you [inaudible 1:19:30]. I
16 will share it with you when we deliberate this
17 matter. I will share it with you. Do the
18 parties wish to file proposed findings of fact
19 and conclusions of law or waive their right to do
20 so?

21 MS. SCHMIDT: The government waives its
22 right.

1 CHAIRPERSON ANDERSON: So, basically do you
2 want to write something? Wait for the transcript
3 and write something, or do you just want us to
4 make a decision on what's presented today?

5 MS. KOWKABI: Just please make a decision.

6 MS. SCHMIDT: I didn't get that. You want to
7 waive?

8 CHAIRPERSON ANDERSON: Yes, she waives also.
9 All right. As chairperson of the Alcoholic
10 Beverage Control Board for the District of
11 Columbia and in accordance with Section 405 of
12 the Open Meetings Amendment Act of 2010, I move
13 that the ABC Board hold a closed meeting for the
14 purpose of seeking legal advice from our counsel
15 on case #16-CMP-00447, Ristorante Piccolo,
16 license #14125, per section 405-B4 of the Open
17 Meetings Amendment Act of 2010 and deliberating
18 upon case #16-CMP-0000447, Ristorante Piccolo,
19 for the reasons cited in section 405-B13 of the
20 Open Meetings Amendment Act of 2010. Is there a
21 second?

22 MR. SILVERSTEIN: Second.

1 CHAIRPERSON ANDERSON: Mr. Silverstein has
2 seconded the motion. I will now take a roll call
3 vote on the motion before us now that it has been
4 seconded. Mr. Perry?

5 MR. PERRY: I agree.

6 CHAIRPERSON ANDERSON: Mr. Alberti?

7 MR. ALBERTI: I agree.

8 CHAIRPERSON ANDERSON: Mr. Short?

9 MR. SHORT: I agree.

10 CHAIRPERSON ANDERSON: Mr. Silverstein?

11 MR. SHORT: I agree.

12 CHAIRPERSON ANDERSON: Ms. Hobson?

13 MS. HOBSON: I agree.

14 CHAIRPERSON ANDERSON: Mr. Anderson? I
15 agree. As it appears that the motion has passed,
16 I hereby give notice that the ABC Board will hold
17 a closed meeting in the ABC Board conference room
18 today pursuant to the Open Meetings Amendment
19 Act. Thank you very much. We will consider the
20 presentation that was made by you and we will
21 notify you.

22 MS. KOWKABI: Thank you.

1 CHAIRPERSON ANDERSON: It is now 11:39 and
2 the board will be in recess until our fact
3 finding hearing at 1:30.

4

5 (Whereupon, the above-entitled matter was
6 concluded.)

7