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GOVERNMENT OF THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

- - - - -X

IN THE MATTER OF: :
Lydia Assefa :
t/a Super Saver Grocery & Deli:Case #14-CMP-00740
4413 14th Street Northwest :
License #ABRA-11247 :
Retailer Class B :
ANC 4C :
Sold Go Cups :

- - - - -X

Wednesday, May 25, 2016

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

1

2 BOARD MEMBERS PRESENT

3 NICK ALBERTI, BOARD MEMBER

4 RUTHANNE MILLER, BOARD MEMBER

5 JAMES SHORT, BOARD MEMBER

6 MIKE SILVERSTEIN, BOARD MEMBER

7

8 ALSO PRESENT:

9 ZACHARY SHAPIRO, ESQUIRE

10 SHAWN TOWNSEND

11 LYDIA ASSEFA

12 TSION ASSEFA

13 ALMAZ GEBRE-YOHANES

14

15

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

2 CHAIRPERSON ANDERSON: All right we're
3 back on the record. The next case on our
4 calendar is case #14-CMP-00740, Super Saver
5 Grocery and Deli, license #11247. Will the
6 parties please approach and identify yourselves
7 for the record. There is also a sign-in sheet
8 that I would like you to sign in your name, sign
9 your name in please.

10 MR. SHAPIRO: Thank you and good
11 afternoon, members of the Board. Zachary Shapiro
12 on behalf of the District of Columbia.

13 CHAIRPERSON ANDERSON: Good afternoon,
14 Mr. Shapiro.

15 MS. ASSEFA: My name is Lydia Assefa, I
16 am the owner of Super Saver Grocery and Deli at
17 4413 14th Street.

18 CHAIRPERSON ANDERSON: I'm sorry, I can't
19 hear you ma'am.

20 MS. ASSEFA: My name is Lydia Assefa. I
21 am the owner of Super Saver Grocery and Deli at
22 4413 14th Street.

1 CHAIRPERSON ANDERSON: All right, thank
2 you. Are there any preliminary matters in this
3 case?

4 MR. SHAPIRO: No, Mr. Chair.

5 CHAIRPERSON ANDERSON: Does the
6 government wish to make an opening statement?

7 MR. SHAPIRO: Yes, briefly. This matter
8 arises out of a go cup violation under 25741.
9 The district believes that the evidence presented
10 today will demonstrate that the licensee provided
11 a go cup in violation of the relevant law. The
12 district believes that it will be able to meet
13 its burden to prove a violation charge. Thank
14 you.

15 CHAIRPERSON ANDERSON: Do you wish to
16 make an opening statement now or you can wait
17 until he presents his case or you can present one
18 now.

19 MS. ASSEFA: I can wait, I'll wait.

20 CHAIRPERSON ANDERSON: No, you don't have
21 to. I'm just saying that's your -- I'm just
22 saying that's your option.

1 MS. ASSEFA: Okay. I will -- well it
2 says on November 7, 2014, at approximately 1:35
3 a.m. We were never opened. We close exactly at
4 midnight and we leave the premises at 12:05,
5 12:10, we're out of there every single day, so
6 I'm not quite sure how he received a drink from
7 this premises at 1:35 a.m. and it was two years
8 ago, so that was also a concern for me because I
9 wanted to see and pull video, but video, I cannot
10 see video because video -- it's only three
11 months, every three months it kind of deletes
12 itself and then it redoes it.

13 MR. SHAPIRO: Mr. Chairman, I think we're
14 getting outside of the purview of opening
15 statements.

16 CHAIRPERSON ANDERSON: Well, but I think
17 that as part of her opening statement she's
18 telling us where she's trying to go, I mean she's
19 saying to us first and foremost that the report
20 is wrong. I mean that's -- I think she's telling
21 us as part of her opening where her case is going
22 and so she's stating that it was -- the time is

1 an issue for her, she has stated that it was two
2 years ago, and so, therefore, she wants to put --
3 so, I mean as part of her opening she's telling
4 me what is it -- how she's going to present her
5 case, so I think this is actually in favor of
6 you, sir, because at least you know if you -- if
7 you didn't catch that before now, you know where
8 she's going and so you'll be prepared to --

9 MR. SHAPIRO: She'll be planning on
10 addressing with our witness.

11 CHAIRPERSON ANDERSON: Right, so, I mean,
12 you can do your opening, I mean you're just
13 telling me what your case is -- I didn't take it
14 as an argument, I'm just taking it as her
15 opening. Go ahead.

16 MS. ASSEFA: What was sent to me I
17 actually I was pretty shocked that they would
18 wait two years to say well, this happened. And,
19 with that, I was expecting some kind of at least
20 receipt so that they could say "hey, this has
21 happened at your establishment, therefore," and
22 we give out receipts every single day, we have

1 receipts because everything is scanned through
2 the computer. I would wish that, you know, ABRA
3 would have a receipt so that I can see the date
4 and time that he came into the establishment
5 because when I saw 1:35 a.m. actually I was
6 shocked because we never are open at 1:35 a.m.
7 We close. It's a long day for us.

8 We've been in that neighborhood for a
9 very long time. We've served -- I mean, we've
10 gotten old serving the neighborhood, in that
11 neighborhood. I know that I was 17 when I went
12 there and started working in the store with my
13 mom and now I'm 52 this year, so it's been a long
14 time serving that neighborhood. So, you know
15 through the years you learn things and so when I
16 did see this it was quite shocking for me and I
17 do want to go by the regulations of ABRA. ABRA
18 is not only here to protect the consumers but it
19 also protects the licensees because we are there
20 to follow the regulations set by the District of
21 Columbia and we are doing that on a daily basis.
22 We actually have gotten certificates for underage

1 kids that come through there and we card anybody
2 and everybody who is under 30 years of age we
3 card, so we're very careful in the neighborhood.
4 We have served that neighborhood for over 30
5 years.

6 CHAIRPERSON ANDERSON: All right, thank
7 you. Does the government wish to call its first
8 witness?

9 MR. SHAPIRO: Yes, Mr. Chairman, I call
10 investigator Shawn Townsend. And, Mr. Chairman,
11 I'd also request the rule on witnesses, if the
12 licensee is planning on having any witness in the
13 courtroom, or in the boardroom testify in the
14 case to be excused.

15 CHAIRPERSON ANDERSON: All right. Have a
16 seat for a minute, Mr. Townsend. How many
17 witnesses does the government wish to call?

18 MR. SHAPIRO: Just one, investigator
19 Townsend.

20 CHAIRPERSON ANDERSON: Do you have any
21 witnesses that you're planning to call ma'am.

22 MS. ASSEFA: Well, I do, actually. I

1 have my mother.

2 CHAIRPERSON ANDERSON: Where is she?

3 MS. ASSEFA: My mother is sitting right
4 there.

5 CHAIRPERSON ANDERSON: All right.

6 MS. ASSEFA: She is the one when they
7 told her ABRA they came a week later and said
8 'hey, listen, we're from ABRA and we want you to
9 sign this' she didn't see anything, she says
10 'okay' and she signed the paper -- testify --

11 CHAIRPERSON ANDERSON: All right, so
12 she's going to -- she's the only person who's
13 going to testify and are you going to plan to
14 testify?

15 MS. ASSEFA: No sir, she is.

16 CHAIRPERSON ANDERSON: No, your mother
17 was pointing to someone else so I'm trying to --

18 MS. ASSEFA: No that's my sister.

19 CHAIRPERSON ANDERSON: Oh, no she was
20 like saying like -- all right then.

21 MS. ASSEFA: Oh, okay, she's going to
22 testify as well because she was there.

1 CHAIRPERSON ANDERSON: Okay, so the
2 government has basically stated that the rule on
3 witness, so they have to stay outside the room, I
4 think they don't want --

5 MS. ASSEFA: Okay.

6 CHAIRPERSON ANDERSON: Yeah, so where can
7 they sit? Hold on, we'll find a place for you to
8 sit and then when we're ready to present the case
9 we'll have -- then you can call one at a time.

10 MR. SHAPIRO: Thank you, Mr. Chair.

11 CHAIRPERSON ANDERSON: All right, Mr.
12 Townsend you can. Do you swear or affirm to tell
13 the truth and nothing but the truth? Thank you.
14 Your witness, sir.

15 MR. SHAPIRO: Thank you. Can you please
16 state your full name for the record.

17 MR. TOWNSEND: Shawn Townsend.

18 MR. SHAPIRO: Can you spell your last
19 name?

20 MR. TOWNSEND: T-O-W-N-S-E-N-D.

21 MR. SHAPIRO: Where are you employed?

22 MR. TOWNSEND: ABRA -- Alcoholic Beverage

1 Regulation Administration.

2 MR. SHAPIRO: And what's your position
3 with ABRA?

4 MR. TOWNSEND: Investigator.

5 MR. SHAPIRO: How long have you been
6 employed as an investigator for ABRA?

7 MR. TOWNSEND: A little over two years.

8 MR. SHAPIRO: And can you describe the
9 job functions of an ABRA investigator?

10 MR. TOWNSEND: We conduct investigations
11 and inspections of licensed establishments in the
12 District of Columbia.

13 MR. SHAPIRO: And is part of your job
14 requirement to write investigative reports?

15 MR. TOWNSEND: Yes.

16 MR. SHAPIRO: Before working at ABRA
17 where did you work?

18 MR. TOWNSEND: D.C. Office of Police
19 Complaints for a year and as well as D.C.P.S.,
20 public schools, for three years prior to that.

21 MR. SHAPIRO: Well, let's start with the
22 D.C. Office of Police Complaints. How long did

1 you say you worked there?

2 MR. TOWNSEND: A year.

3 MR. SHAPIRO: What was your position
4 there?

5 MR. TOWNSEND: Investigator.

6 MR. SHAPIRO: Was that similar to your
7 job at ABRA?

8 MR. TOWNSEND: Yes.

9 MR. SHAPIRO: So, for that position did
10 you write reports?

11 MR. TOWNSEND: Yes.

12 MR. SHAPIRO: Did you also do
13 investigations?

14 MR. TOWNSEND: Yes.

15 MR. SHAPIRO: That was in the field?

16 MR. TOWNSEND: Correct.

17 MR. SHAPIRO: And when you worked for
18 DCPS what was your position?

19 MR. TOWNSEND: Investigator.

20 MR. SHAPIRO: And how long did you work
21 for them?

22 MR. TOWNSEND: Three years.

1 MR. SHAPIRO: And were your position with
2 DCPS similar job requirements as the one at ABRA?

3 MR. TOWNSEND: That's correct.

4 MR. SHAPIRO: And what does that include?

5 MR. TOWNSEND: Writing investigative
6 reports, conducting investigations.

7 MR. SHAPIRO: Okay. So, let's talk about
8 the case, why we are sitting here today.

9 MR. TOWNSEND: Okay.

10 MR. SHAPIRO: What happened on November
11 7, 2014?

12 MR. TOWNSEND: I visited Super Saver
13 Grocery and Deli located at 4413 14th Street
14 Northwest in an undercover capacity in an attempt
15 to purchase an alcoholic beverage along with a go
16 cup.

17 MR. SHAPIRO: And, may I approach Mr.
18 Chairman?

19 CHAIRPERSON ANDERSON: Sure.

20 MR. SHAPIRO: I approach with a copy of
21 the investigative report. I've already given a
22 copy to the licensee.

1 MS. ASSEFA: Yes, I've asked for a copy
2 and he gave it to me.

3 MR. SHAPIRO: Would the Board like a
4 copy?

5 MR. ALBERTI: We have, I believe we have
6 copies. We have copies.

7 MR. SHAPIRO: Now, what time did you say
8 that you went to the establishment?

9 MR. TOWNSEND: It was approximately 1:35
10 p.m.

11 MR. SHAPIRO: Okay.

12 MR. TOWNSEND: I know it's a typo in the
13 investigative report that it states it was 1:35
14 a.m., actually p.m.

15 MR. SHAPIRO: Okay. And you said that
16 you went there in an undercover capacity. Is
17 that accurate?

18 MR. TOWNSEND: Yes.

19 MR. SHAPIRO: And how were you dressed
20 when you went in an undercover capacity.

21 MR. TOWNSEND: Usually jeans and a -- and
22 a tee shirt or a hoodie or something like that.

1 MR. SHAPIRO: Okay, but your badge isn't
2 visibly presented?

3 MR. TOWNSEND: No.

4 MR. SHAPIRO: Okay, and then you walked
5 into the store and then can you repeat what
6 happened thereafter?

7 MR. TOWNSEND: I entered the
8 establishment and proceeded to go to the beverage
9 cooler which I believe was in the rear of the
10 store. I pulled out two Bud Lite Mang-o-Ritas
11 and proceeded to go to the cashier counter.
12 There was a female clerk inside behind the
13 counter. I asked for a cup to go along with the
14 alcoholic beverages. At that point the female
15 clerk had reached -- I don't remember if it was
16 underneath the counter or behind her -- but she
17 reached for a styro -- pulled out a Styrofoam cup
18 and proceeded to a freezer where there was a bag
19 of ice and she filled the cup up with ice and
20 returned back to the cashier counter.

21 MR. SHAPIRO: Did she charge you for the
22 cup?

1 MR. TOWNSEND: The cup was 75 cents, a
2 plastic cup of -- I think it was a Styrofoam cup
3 of ice was 75 cents.

4 MR. SHAPIRO: Okay, and then did you
5 complete the transaction with both the alcoholic
6 beverage and the cup?

7 MR. TOWNSEND: Yes.

8 MR. SHAPIRO: And do you recall how much
9 that was for?

10 MR. TOWNSEND: The total was \$6.28.

11 MR. SHAPIRO: Did you receive a receipt?

12 MR. TOWNSEND: I do not believe I
13 received a receipt on this one.

14 MR. SHAPIRO: And, on page 2, may I
15 approach again, Mr. Chair?

16 CHAIRPERSON ANDERSON: Yes.

17 MR. SHAPIRO: At the bottom of page 2,
18 next to investigator's printed name, that's your
19 name right there, Shawn Townsend, right?

20 MR. TOWNSEND: Yes.

21 MR. SHAPIRO: Is that your signature?

22 MR. TOWNSEND: That's correct.

1 MR. SHAPIRO: Okay and what's the date on
2 that?

3 MR. TOWNSEND: December 23, 2014.

4 MR. SHAPIRO: Who is Johnnie Jackson?

5 MR. TOWNSEND: He is the chief of the
6 enforcement division here at ABRA.

7 MR. SHAPIRO: Okay, does he have to sign
8 off on your reports as well?

9 MR. TOWNSEND: Yes.

10 MR. SHAPIRO: Okay. And is that his
11 signature, to your knowledge, on the last line of
12 this page?

13 MR. TOWNSEND: Yes.

14 MR. SHAPIRO: Okay. Now there's a number
15 of exhibits that are attached with that report,
16 correct?

17 MR. TOWNSEND: Correct.

18 MR. SHAPIRO: What's listed as Exhibit
19 #1, that's a black and white picture. Can you
20 describe for the members of the Board what that
21 is?

22 MR. TOWNSEND: Exhibit #1 is a photocopy

1 of the two-pack of Bud Lite Mang-o-Rita as well
2 as the Styrofoam cup that was purchased at Super
3 Saver Grocery and Deli.

4 MR. SHAPIRO: Okay. And just the picture
5 that's described in Exhibit #1, does this
6 accurately depict what you purchased at Super
7 Saver that day?

8 MR. TOWNSEND: Yes.

9 MR. SHAPIRO: Can you describe I guess
10 what happened after you purchased it and left the
11 store, what happened with the evidence?

12 MR. TOWNSEND: The evidence was
13 transported back to ABRA, to the office and it
14 was locked in storage until I was able to submit
15 the evidence to Chief Jackson on November 17,
16 which was reflected in Exhibit #2.

17 MR. SHAPIRO: Okay, so this evidence is,
18 this is still in safekeeping at ABRA?

19 MR. TOWNSEND: Yes.

20 MR. SHAPIRO: In Exhibit 2 you said, can
21 you explain to the members of the Board what that
22 is?

1 MR. TOWNSEND: This is the evidence
2 transmittal form that was submitted to Chief
3 Jackson. It basically describes the
4 establishment information, when it was received,
5 what items were received from the establishment
6 and signatures of myself, investigative Townsend,
7 and Chief Jackson as receiving the evidence.

8 MR. SHAPIRO: And this is just a normal
9 evidence transmittal form that you use to
10 inventory evidence?

11 MR. TOWNSEND: Yes.

12 MR. SHAPIRO: Now Exhibit 3, can you
13 explain to the members of the Board what this is?

14 MR. TOWNSEND: Exhibit 3 is a citation
15 for the establishment providing a go cup. It was
16 issued on December 3rd, 2014, at it looks like
17 12:07 p.m. by investigator John Suero. The date
18 and time of the violation is listed as November
19 7th, 2014, at 1:35 p.m. and it's issued to Super
20 Saver Grocery & Deli for the amount of \$250.

21 MR. SHAPIRO: Okay and this is not a
22 citation that you personally delivered to the

1 Super Saver, correct?

2 MR. TOWNSEND: No sir, investigator Suero
3 delivered it.

4 MR. SHAPIRO: But this is something that
5 is part of your investigative report, correct?

6 MR. TOWNSEND: Yes.

7 MR. SHAPIRO: Okay, and can you just
8 repeat at the top of the citation there's a date
9 and time of the violation. Can you just repeat
10 that for the record?

11 MR. TOWNSEND: It's November 7, 2014, at
12 1:35 p.m.

13 MR. SHAPIRO: And is the citation signed
14 and is there a receipt that it was received by
15 the licensee?

16 MR. TOWNSEND: It is signed down at the
17 bottom by Almais G. Yohanes, who was, according
18 to investigator Suero, was the ABC manager on
19 duty on December 3, 2014, when he visited the
20 establishment to issue the citation.

21 MR. SHAPIRO: Okay, and again to jump
22 back to page 1 of your investigative report, it

1 says that you entered at 1:35 a.m. right?

2 MR. TOWNSEND: Yes.

3 MR. SHAPIRO: That's a typo, though, in
4 your opinion?

5 MR. TOWNSEND: Yes.

6 MR. SHAPIRO: Okay, and this citation was
7 this drafted before you drafted the investigative
8 report?

9 MR. TOWNSEND: This was the citation --

10 MR. SHAPIRO: So, the citations, Exhibit
11 3 of the investigative report, was this before --
12 was this issued before you wrote the
13 investigative report?

14 MR. TOWNSEND: Yes.

15 MR. SHAPIRO: Okay, so you write the --
16 just to understand the timeline of things, going
17 on November 7 and the incident of the go cup
18 happens, correct?

19 MR. TOWNSEND: Right.

20 MR. SHAPIRO: Okay, then the citation is
21 delivered on what date?

22 MR. TOWNSEND: December 3rd, 2014.

1 MR. SHAPIRO: Okay, and then what day do
2 you write the investigative report?

3 MR. TOWNSEND: I believe I wrote the
4 report on December 3rd when investigator Suero
5 returned to the office.

6 MR. SHAPIRO: Okay, and then turning to
7 Exhibit 4 of your investigative report, can you
8 explain to the members of the Board what this is?

9 MR. TOWNSEND: This is a regulatory
10 inspection that was conducted at Super Saver
11 Grocery & Deli by investigative Suero when he
12 visited the establishment on December 3rd to
13 issue the go cup citation.

14 MR. SHAPIRO: Okay, and it says that
15 there's an ABC manager there that accepted
16 receipt?

17 MR. TOWNSEND: Yes.

18 MR. SHAPIRO: Okay, and who was that?

19 MR. TOWNSEND: Ms. Almaz Yohanes.

20 MR. SHAPIRO: Okay, and is that to your
21 understanding the person that signed the citation
22 that's Exhibit 3.

1 MR. TOWNSEND: Yes.

2 MR. SHAPIRO: I'd like to move the
3 investigative report into the record?

4 CHAIRPERSON ANDERSON: Do you have any
5 objection, any objections to moving this document
6 into the record?

7 MS. ASSEFA: Well yeah, I do have an
8 objection.

9 CHAIRPERSON ANDERSON: What's the
10 objection?

11 MS. ASSEFA: Well, finding out all that
12 we have, I don't think it should be in our record
13 at all. I don't.

14 CHAIRPERSON ANDERSON: No, the record for
15 this case, not the record, I'm just saying, I'm -
16 - tell me what problems do you have with this
17 report?

18 MS. ASSEFA: Pretty much everything with
19 it. I have a problem with the date that it was
20 delivered to me.

21 CHAIRPERSON ANDERSON: On cross
22 examination you can ask any questions, and so if

1 it's in the record, I mean you can use it to ask
2 questions of him and try to ask what you want to
3 do with this. I know you're not a lawyer.

4 MS. ASSEFA: I'm not a lawyer.

5 CHAIRPERSON ANDERSON: You try to find --
6 but I'm just saying you try to find holes in it
7 and what's wrong with it, so I will -- it will be
8 a part of the record for this case.

9 MS. ASSEFA: Okay.

10 CHAIRPERSON ANDERSON: But once he's done
11 then you have an opportunity to ask him questions
12 based on this report or based on the testimony
13 that he just gave.

14 MS. ASSEFA: Okay.

15 CHAIRPERSON ANDERSON: It's a part of the
16 record.

17 MR. SHAPIRO: Okay. That's all I have
18 Mr. Chairman and members of the Board.

19 CHAIRPERSON ANDERSON: Okay, now is your
20 opportunity to ask him about anything that's in
21 this report and any questions that Mr. Shapiro
22 just asked him, you have an opportunity to now

1 ask him questions.

2 MS. ASSEFA: Okay. I'm not a lawyer, so
3 I'm going to try to figure this out.

4 MR. TOWNSEND: Okay.

5 MS. ASSEFA: And [inaudible 38:33]

6 MR. TOWNSEND: All right.

7 MS. ASSEFA: The first question I have
8 for you is that he said that you've been an
9 investigator for a long time. Granted, and I do
10 understand some investigation work. I'm not
11 definitely as educated or as knowledgeable of
12 your job.

13 MR. TOWNSEND: Yes ma'am.

14 MS. ASSEFA: So if my [inaudible when I
15 deliver. So, okay, you're looking for fact
16 findings, you've gotten -- you've gotten the two
17 margaritas and you've gotten the cup. Wouldn't
18 you get a receipt in order to staple it together
19 and say, 'okay, this is the establishment and
20 here -- and everything that document is a whole.'
21 Because right now, you see, for me, when I'm
22 sitting here, I'm saying to myself, well did he

1 really come to my establishment? Because this
2 just says Super Saver Grocery & Deli from your
3 end. It does not say Super Saver Grocery & Deli
4 from my end with a receipt.

5 MR. TOWNSEND: Mm hmm.

6 MS. ASSEFA: So, that I have an issue --
7 wouldn't you have, wouldn't you have gotten a
8 receipt?

9 MR. SHAPIRO: Objection.

10 CHAIRPERSON ANDERSON: Hold on, hold on,
11 she's not a lawyer, she's given -- I mean and
12 I'll have Mr. Shapiro object to these things but
13 I'm giving her some leeway because she's coming
14 with a question. So, go ahead, ma'am.

15 MS. ASSEFA: So, why didn't you get a
16 receipt?

17 MR. TOWNSEND: Typically, when I'm in an
18 undercover capacity I don't ask for a receipt.
19 If one is provided to me then it is included in
20 the investigative report and added as evidence of
21 the case, but in this case I was not provided a
22 receipt.

1 MS. ASSEFA: Did you -- so you didn't ask
2 for a receipt?

3 MR. TOWNSEND: No ma'am.

4 MS. ASSEFA: You did not ask for a
5 receipt. So, you said this was a type from 2014,
6 of 1:35 a.m., and you said that it should have
7 been 1:35 p.m.

8 MR. TOWNSEND: Yes, ma'am.

9 MS. ASSEFA: And it's a typo that was
10 made by ABRA or was made by you?

11 MR. TOWNSEND: By me.

12 MS. ASSEFA: By you, okay. How did you
13 pay for the items?

14 MR. TOWNSEND: With case.

15 MS. ASSEFA: So, because if you had paid
16 with a credit card, then I could have trailed it.

17 MR. TOWNSEND: Correct.

18 MS. ASSEFA: I could have found it. I
19 would like to ask why this is being delivered to
20 me three years later?

21 MR. SHAPIRO: Objection.

22 CHAIRPERSON ANDERSON: Overruled.

1 MR. SHAPIRO: Multiple reasons. First
2 off, it wasn't delivered two years later.

3 CHAIRPERSON ANDERSON: Well, I'm sorry,
4 go ahead.

5 MR. SHAPIRO: Number two is he,
6 investigative Townsend isn't in a position to
7 speak as to the time period in which it was
8 delivered to the licensee.

9 CHAIRPERSON ANDERSON: Well, Mr. Shapiro
10 that's the only witness and that's a legitimate
11 question for the licensee, so if he doesn't have
12 an answer, he doesn't have an answer, but I think
13 it's -- the question -- is overruled, so you need
14 to answer the question, sir.

15 MR. TOWNSEND: I'm not sure. My report
16 was submitted in December of 2014.

17 MS. ASSEFA: I have no further questions.

18 CHAIRPERSON ANDERSON: You have no
19 further questions? All right. Do we have any
20 questions by Board members? Yes, Mr.
21 Silverstein.

22 MR. SILVERSTEIN: Mr. Townsend,

1 investigator, when did this occur?

2 MR. TOWNSEND: The violation?

3 MR. SILVERSTEIN: Yes.

4 MR. TOWNSEND: November 7th of 2014.

5 MR. SILVERSTEIN: What time?

6 MR. TOWNSEND: At 1:35 p.m.

7 MR. SILVERSTEIN: p.m.

8 MR. TOWNSEND: Yes, sir.

9 MR. SILVERSTEIN: The case report which
10 was entered into the record says 1:35 a.m. and
11 the charging document notice of status hearing
12 and show cause presented to the licensee shows
13 1:35 a.m.

14 MR. TOWNSEND: Yes.

15 MR. SILVERSTEIN: Is that an error?

16 MR. TOWNSEND: It was an error on my part
17 in the investigative report that says 1:35 a.m.
18 and it should be 1:35 p.m.

19 MR. SILVERSTEIN: Because they are only
20 authorized to sell alcohol until I believe 10:00
21 p.m.

22 MR. TOWNSEND: I don't have that

1 information in front of me at the moment.

2 MR. SILVERSTEIN: So then you do confirm
3 that there is an error here in the charging
4 document.

5 MR. TOWNSEND: If it says 1:35 a.m. on
6 November 7th, 2014, then Yes, sir. It is an
7 error.

8 MR. SILVERSTEIN: No further questions.

9 CHAIRPERSON ANDERSON: Any other
10 questions by the -- yes, Ms. Miller.

11 MS. MILLER: Good afternoon, Mr.
12 Townsend.

13 MR. TOWNSEND: Good afternoon.

14 MS. MILLER: So when did you start with
15 the agency?

16 MR. TOWNSEND: February of 2010.

17 MS. MILLER: Okay, okay. 2014, so you'd
18 been on for a while when you did this
19 investigation.

20 MR. TOWNSEND: Yes.

21 MS. MILLER: Okay.

22 MR. TOWNSEND: Wait, I'm sorry February

1 of 2014.

2 MS. MILLER: Right.

3 MR. TOWNSEND: Yes.

4 MS. MILLER: Okay. Did you take pictures
5 of the ice?

6 MR. TOWNSEND: No, ma'am. I believe that
7 I may have dumped the ice out after leaving the
8 establishment because this wasn't our last stop
9 and so I didn't want the ice to melt and spill
10 out into the vehicle.

11 MS. MILLER: Okay, so you didn't take a
12 picture of the establishment either did you?

13 MR. TOWNSEND: No, ma'am.

14 MS. MILLER: Okay, so your documentation
15 is what we see, the pictures that are in here and
16 then the transmittal form.

17 MR. TOWNSEND: Correct.

18 MS. MILLER: Okay. Because I know that
19 the licensee is questioning whether or not you
20 really went to her establishment.

21 MR. TOWNSEND: Right, well, when I
22 visited the establishment I was in an undercover

1 capacity and I didn't visit the establishment to
2 issue the citation, investigator Suero did, so no
3 I didn't personally take pictures of the
4 establishment.

5 MS. MILLER: Okay. Did you personally
6 label the cans and the cup?

7 MR. TOWNSEND: Yes, I did.

8 MS. MILLER: And when did you do that?

9 MR. TOWNSEND: This was done I believe,
10 if I can recall, it was on the same day, November
11 -- November 7th, 2014.

12 MS. MILLER: Okay, and about how many
13 other establishments did you go to that day?

14 MR. TOWNSEND: Approximately -- I can't
15 recall on that day, but typically it's between
16 eight and ten establishments in total that we try
17 to visit.

18 MS. MILLER: Okay. And do you go to
19 similar type places, do you go to -- like you say
20 eight to ten -- do you go to eight to ten grocery
21 store delis or whatever?

22 MR. TOWNSEND: Yes, I think it's fair to

1 say it would be A and B stores.

2 MS. MILLER: Okay. So, how do you keep
3 track of which ones or which violations?

4 MR. TOWNSEND: We usually -- there's a
5 tracking sheet of establishments that are on the
6 list to visit and from that list based on --
7 depending on what part of the city the
8 establishments are in, we'll select a few to go
9 to and on our one sheet for the day we'll make
10 notes of the establishments that we observe
11 violations at, and in this particular case notes
12 would have been made on that day.

13 MS. MILLER: So, you have a running sheet
14 that's not in evidence that covers all of the
15 different cases, right? Is that what you're
16 saying?

17 MR. TOWNSEND: Daily, a daily run sheet,
18 yes, for myself, yes.

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

20 CHAIRPERSON ANDERSON: Mr. Short.

21 MR. SHORT: Good afternoon.

22 MR. TOWNSEND: How you doing sir?

1 MR. SHORT: Good. You've been with the
2 agency how long?

3 MR. TOWNSEND: Since February 2014.

4 MR. SHORT: In your training it was also
5 [inaudible 47:17] to you the very essence of your
6 reports represent you and the agency and the
7 city, correct?

8 MR. TOWNSEND: Yes, sir.

9 MR. SHORT: Therefore, dates, times, the
10 use of the codes, all those things are very
11 important, correct?

12 MR. TOWNSEND: Correct, yes, sir.

13 MR. SHORT: So, when an investigator
14 doesn't give the proper information to the agency
15 and the city what happens to a report like that?

16 MR. TOWNSEND: Um -- well, I mean, it's
17 an error in the report and --

18 MR. SHORT: So, an investigator's
19 credibility means a lot to the whole process,
20 correct?

21 MR. TOWNSEND: It does.

22 MR. SHORT: Thank you, that's all I have

1 Mr. Chairman.

2 CHAIRPERSON ANDERSON: Mr. Alberti.

3 MR. ALBERTI: Good afternoon,
4 investigator Townsend.

5 MR. TOWNSEND: How you doing, sir?

6 MR. ALBERTI: Thank you for your report.
7 First of all, have you ever delivered a citation?

8 MR. TOWNSEND: Yes.

9 MR. ALBERTI: Okay, so you're familiar
10 with the procedure for delivering a citation.

11 MR. TOWNSEND: Yes, sir.

12 MR. SHORT: Okay. So, are there more
13 than one copies of a citation when it's written
14 out?

15 MR. TOWNSEND: Yes.

16 MR. SHORT: Can you describe to me how
17 those copies are made or how -- you know, what --
18 physically what's a citation look like -- one
19 page, two pages, three pages, what's going on?

20 MR. TOWNSEND: The citation is one page.
21 There's a couple of carbon copies underneath that
22 one page. The original copy, which is the top

1 copy, is issued to the licensee of the
2 establishment where the violation occurred.

3 MR. SHORT: Okay. What happens to -- how
4 many carbon copies are there?

5 MR. TOWNSEND: There are I believe three
6 other carbon copies, two are -- I submit them to
7 my supervisor. From there, I believe they go to
8 licensing or adjudication.

9 MR. SHORT: As far as you know, you
10 submit two to your supervisor.

11 MR. TOWNSEND: Yes, sir.

12 MR. SHORT: Is there an additional copy
13 that goes someplace?

14 MR. TOWNSEND: It's -- I keep it in my
15 citation book. That's my pers -- that's an
16 investigator's --

17 MR. SHORT: So you keep it.

18 MR. TOWNSEND: Yes, sir.

19 MR. SHORT: All right. If you're not the
20 one who issues the citation but you're the one
21 who finds the violation do you keep a copy?

22 MR. TOWNSEND: No, sir.

1 MR. SHORT: Okay, wanted to know. All
2 right. So, as far as you know if the procedures
3 were followed when the citation was issued on
4 12/03/2014, December 3rd, 2014, at 12:07 p.m.
5 whoever signed at the bottom would have been
6 given the top copy, right? Would have been given
7 a copy of the citation.

8 MR. TOWNSEND: Yes, sir.

9 MR. SHORT: Okay, thank you. Now, the
10 citation -- do you have a copy there?

11 MR. TOWNSEND: Yes.

12 MR. SHORT: Exhibit 3, citation. The
13 date and time at the top, what's it say?

14 MR. TOWNSEND: November 7, 2014, at 1:35
15 p.m. is the date and time of the violation.

16 MR. SHORT: Who fills out the top part of
17 that citation -- well, everything except the
18 bottom part, the signature, who fills out the
19 rest of the citation?

20 MR. TOWNSEND: Everything at the -- I
21 filled out everything at the top with the
22 exception of the date and time of service --

1 MR. SHORT: Okay.

2 MR. TOWNSEND: -- as well as the time box
3 next to it which would have been filled out by
4 investigator Suero in this case. When we move
5 down to the body of the citation, I filled out
6 the violation and checked the boxes indicating
7 the violation and the total fine amount.

8 MR. SHORT: Okay, great. So, you would
9 have filled in the trade name and the address and
10 the time and date, correct?

11 MR. TOWNSEND: Yes. And just another
12 note, in this particular case this was the same
13 year that I started so it was -- I wasn't -- I
14 wasn't informed until later that the investigator
15 that issued the citation was to sign it, so in
16 this particular case I signed the citation book
17 of the citation and handed it to investigator
18 Suero to deliver to get a signature from the ABC
19 manager.

20 MR. SHORT: Okay.

21 MR. TOWNSEND: Mm hmm.

22 MR. SHORT: Very good. Thank you for

1 clarifying that. So, this ABRA investigator
2 signature is yours but your testimony is that you
3 gave it to -- you gave the signed citation to Mr.
4 Suero to deliver.

5 MR. TOWNSEND: Correct.

6 MR. SHORT: And it would have been in his
7 book?

8 MR. TOWNSEND: It would have been in my
9 book.

10 MR. SHORT: Okay. Now, where do you get
11 the information to fill this out?

12 MR. TOWNSEND: We check the investigative
13 history --

14 MR. SHORT: No, I meant -- I meant the --
15 the -- the date and time and the address and all
16 of that. So, the date and time, where would you
17 have gotten the date and time from?

18 MR. TOWNSEND: The date and time would
19 have been on either my investigative run sheet
20 for this particular day, November 7th, that's --
21 that's definitely where I would have found it.

22 MR. SHORT: So, how do you, so how does

1 it get onto the investigator run sheet?

2 MR. TOWNSEND: I write it in.

3 MR. SHORT: When do you write it in?

4 When did you write it in? When do you typically
5 write it in?

6 MR. TOWNSEND: When we're doing
7 undercover?

8 MR. SHORT: Yeah.

9 MR. TOWNSEND: Go cups we write it out in
10 the field when we're in the car. So, if we -- if
11 we're keeping track -- when we keep track of the
12 establishments that we visited, we'll write in on
13 the run sheet, you know, the time that we went
14 in, the ward, the establishment as well as if it
15 was a violation or not.

16 MR. SHORT: So, but you're doing eight,
17 so how do you know it was 1:35 for this one?

18 MR. TOWNSEND: Because we wrote the time
19 in, you know, while we were there at the
20 establishment.

21 MR. SHORT: Oh, okay, so you -- you fill
22 out that run sheet while you're at the

1 establishment.

2 MR. TOWNSEND: Yes, sir.

3 MR. SHORT: Okay, great. And you fill it
4 out next to the establishments that you're at.

5 MR. TOWNSEND: Yes, sir.

6 MR. SHORT: So if I looked at the run
7 sheet I would see this time and next to it I
8 would see -- where I'd see this address and next
9 to it I'd see this time. Is that correct?

10 MR. TOWNSEND: Yes.

11 MR. SHORT: Thank you. Are you -- how
12 confident are you that you did that in this
13 investigation? That you would have come out of
14 the store, written the time next to the
15 establishment's name on your run sheet?

16 MR. TOWNSEND: I'm pretty confident.

17 MR. SHORT: Okay.

18 MR. TOWNSEND: Investigator Suero is
19 usually -- he's very specific about documenting
20 the locations during single sales.

21 MR. SHORT: Does anyone check your
22 citation to make sure the information is correct?

1 MR. TOWNSEND: My supervisor would have
2 checked it, yes.

3 MR. SHORT: And how does he check it?

4 MR. TOWNSEND: Before -- so the citation
5 is issued --

6 MR. SHORT: Before the citation is
7 issued.

8 MR. TOWNSEND: He doesn't.

9 MR. SHORT: He doesn't?

10 MR. TOWNSEND: He does not.

11 MR. SHORT: So then Mr. Suero, who
12 delivered this -- right?

13 MR. TOWNSEND: Yes, sir.

14 MR. SHORT: He would have filled out
15 exhibit 4, is that correct?

16 MR. TOWNSEND: Yes.

17 MR. SHORT: So, he would have gone to the
18 establishment using the name and address that are
19 on your -- how does he know who to go to, from
20 the citation or from some other document. Who
21 does he know to go to -- who does he know -- how
22 does he know who he's visiting?

1 MR. TOWNSEND: He would have asked for an
2 owner or ABC manager.

3 MR. SHORT: No, but I mean how does he
4 know which store to go to?

5 MR. TOWNSEND: Based on the citation that
6 was written out.

7 MR. SHORT: So, he looks at that name and
8 address.

9 MR. TOWNSEND: Yes.

10 MR. SHORT: Goes there, and speaks to
11 whomever is there.

12 MR. TOWNSEND: Yes.

13 MR. SHORT: With the inspection.

14 MR. TOWNSEND: Correct.

15 MR. SHORT: All right. And you 've done
16 inspections before?

17 MR. TOWNSEND: Yes, sir.

18 MR. SHORT: So you're familiar with the
19 procedures.

20 MR. TOWNSEND: Yes.

21 MR. SHORT: So, what I described sort of
22 loosely is correct?

1 MR. TOWNSEND: Pretty much, yes sir.

2 MR. SHORT: I have no further questions.

3 Thank you.

4 MR. TOWNSEND: Thank you.

5 CHAIRPERSON ANDERSON: Do we have any
6 other questions by any other Board members? All
7 right, ma'am you have the opportunity to ask him
8 questions based on the questions that the Board
9 just asked. Do you have any questions for him?
10 That's based on the questions that were -- it's
11 your witness so you go last. So, do you have any
12 questions for him based on the questions that the
13 Board just asked him? You don't have to if you
14 don't want.

15 MS. ASSEFA: I don't have any questions.

16 CHAIRPERSON ANDERSON: Okay, fine, Mr.
17 Shapiro.

18 MR. SHAPIRO: Thank you. Have you
19 reviewed your run sheet in preparation for this
20 hearing?

21 MR. TOWNSEND: Yes.

22 MR. SHAPIRO: Okay. Do you remember what

1 time the run sheet indicated that this violation
2 occurred?

3 MR. TOWNSEND: 1:35 p.m. on November 7th.

4 MR. SHAPIRO: And again, just to repeat,
5 the run sheet -- do you use that in drafting the
6 citation?

7 MR. TOWNSEND: Yes.

8 MR. SHAPIRO: And do you use the run
9 sheet as well to fill out the evidence
10 transmittal form which is Exhibit 2 on the
11 investigative report?

12 MR. TOWNSEND: Yes, the run sheet as well
13 as we -- will pull the license to get
14 information.

15 MR. SHAPIRO: Okay. And just from your
16 own memory, do you remember if when you went into
17 the store on November 7, 2014, was it the middle
18 of the night at 1:35 a.m. or was it in the middle
19 of the afternoon at 1:35 p.m. It was never -- no
20 it wasn't. I've never conducted single sales at
21 1:30 in the morning.

22 MR. SHAPIRO: For the record, again,

1 according to your memory was it at 1:35 p.m. or
2 1:35 a.m.?

3 MR. TOWNSEND: 1:35 p.m.

4 MR. SHAPIRO: And just to go over the
5 procedure for, I guess, serving the citation.
6 What's the procedure for serving it within ABRA
7 investigators.

8 MR. TOWNSEND: Typically, well it's -- I
9 would -- I would have asked another investigator
10 to issue a citation because I was in an
11 undercover capacity and couldn't return to the
12 establishment to issue the citation myself
13 because investigator Suero and I teamed up that
14 day to conduct single sales I provided him with
15 the citation, prewritten, minus the time of
16 service, and he would have conducted -- he would
17 have visited the establishment, advised the owner
18 or ABC manager of the violation, conducted a
19 regulatory inspection as well as issue the
20 citation.

21 MR. SHAPIRO: And would Investigator
22 Suero -- is it proper ABRA investigator protocol

1 to explain to the ABC manager or owner what the
2 citation is?

3 MR. TOWNSEND: Yes.

4 MR. SHAPIRO: And would that have
5 included a description of when and -- when the
6 incident occurred?

7 MR. TOWNSEND: Yes.

8 MR. SHAPIRO: Okay. And it's your
9 testimony today that on the citation when it left
10 your hands after you wrote in the top left hand
11 corner of the citation that it said 1:35 p.m.

12 MR. TOWNSEND: Yes.

13 MR. SHAPIRO: Okay. That's never said
14 1:35 a.m.?

15 MR. TOWNSEND: No, no sir.

16 MR. SHAPIRO: And someone from the
17 establishment actually has to sign the receipt
18 for that, correct?

19 MR. TOWNSEND: Yes.

20 MR. SHAPIRO: Okay. That's I have.

21 MS. ASSEFA: Can I ask on question, sir?

22 CHAIRPERSON ANDERSON: Well, normally

1 there's -- normally you've lost your opportunity
2 so I'll ask Mr. Shapiro.

3 MR. SHAPIRO: I object to another
4 question being asked.

5 CHAIRPERSON ANDERSON: I'm sorry sir?

6 MR. SHAPIRO: I said I'll object to
7 another question being asked.

8 CHAIRPERSON ANDERSON: You can't ask
9 another question. You cannot. Because, that's
10 one of the reasons why I asked you first if you
11 wanted to ask him a question. Thank you. You
12 can step down.

13 MR. SHAPIRO: That's the District's case.

14 CHAIRPERSON ANDERSON: The question I
15 want to ask you, Mr. Shapiro. The charging
16 document that was filed against the government,
17 that the government have -- well, all right --

18 MR. ALBERTI: Can I ask her if she wants
19 to move for dismissal? Give her the opportunity.

20 CHAIRPERSON ANDERSON: Ms. -- Ms. Who?

21 MS. ASSEFA: You can call me Lydia.

22 CHAIRPERSON ANDERSON: Ms. Lydia.

1 MS. ASSEFA: Yes.

2 CHAIRPERSON ANDERSON: What is it that
3 from your perspective were you charged with? I
4 know you're not a lawyer so I'm asking you this,
5 that's why I'm asking the question this way,
6 yeah.

7 MS. ASSEFA: Okay. Well, from what I'm
8 reading they're saying that three years ago I
9 sold them something out of my establishment at
10 1:30 a.m. -- at 1:35 a.m. in the morning.

11 CHAIRPERSON ANDERSON: Okay. And what is
12 your time of -- I'm sorry -- so since it says
13 that it was --

14 MR. ALBERTI: I think she could get a
15 motion and then we'll get a chance to ask
16 questions --

17 CHAIRPERSON ANDERSON: Yeah, so go ahead
18 ma'am.

19 MS. ASSEFA: So, I believe, if this was,
20 you know, it had actual sense to it I would have
21 -- if there was a violation I would not want to
22 address it two years later. My mother is getting

1 older. She just signed a piece of paper because
2 it came from ABRA. I should have been given this
3 paperwork by ABRA -- I would say probably within
4 a couple of days. Now, if he's saying at 1:35
5 and then it's a week later that we're going to
6 have my mother sign and they're telling her well,
7 you have to sign this piece of paperwork, you
8 have to get it, because it's coming Alcoholic
9 Beverage Regulations, obviously to get the
10 paperwork and see what it is, she's just going to
11 sign it. I said, "mom, did you see what it was?"
12 She said, "No, I signed it for him because he
13 told me that I have to sign it in order for her
14 to get the paperwork."

15 CHAIRPERSON ANDERSON: So, what is it
16 you're asking us to do?

17 MR. ALBERTI: May I ask her a question.

18 CHAIRPERSON ANDERSON: Go ahead, go
19 ahead.

20 MR. ALBERTI: Ms. Assefa, so in your
21 opening statement, you raised objections to the
22 time recorded in the charging document as 1:35

1 a.m. correct?

2 MS. ASSEFA: Yes, correct.

3 MR. ALBERTI: You raised objection, you
4 said you weren't open at that time, right?

5 MS. ASSEFA: Yes, yes.

6 MR. ALBERTI: We've heard testimony that
7 that's an error.

8 MS. ASSEFA: Yes.

9 MR. ALBERTI: Are you making a motion to
10 this Board that we dismiss the case based on that
11 error?

12 MS. ASSEFA: Correct.

13 MR. ALBERTI: All right, so I think we
14 should deal with that motion.

15 CHAIRPERSON ANDERSON: Thank you, Mr.
16 Alberti, I was trying not to --

17 MR. ALBERTI: She's not a lawyer and you
18 can cut to the chase.

19 CHAIRPERSON ANDERSON: I -- I -- I know
20 she's not a lawyer and I'm trying also to be
21 sensitive to the government.

22 MR. ALBERTI: I understand.

1 CHAIRPERSON ANDERSON: If I try to -- so
2 Mr. Shapiro, the motion, the applicant -- the
3 licensee is basically stating that the charging
4 documents charged her with committing a violation
5 at 1:35 a.m., that's what the charging document
6 states. What is -- and is therefore asking us to
7 dismiss the charge based on the time factor. How
8 does the government respond to that?

9 MR. SHAPIRO: With several points. Is
10 that from what I understand in her opening
11 statement, Ms. Assefa said that she was
12 completely unaware that this happened. I
13 presented evidence, the citation signed by an ABC
14 manager that does clearly indicate that this
15 happened at 1:35 p.m. Now, I am sympathetic that
16 this was not contemporaneously done, you know,
17 we're sitting here, it's not two years later,
18 this was served in March of 2014, this incident
19 occurred in November of 2014 -- sorry, it was
20 served in March of 2016, so it was closer to a
21 year and a half than two years. But the fact
22 that remains that she was issued a citation that

1 did tell her what the charges were, when it
2 happened, and they had a choice to pay it and
3 they didn't.

4 Now, just because this wasn't pursued
5 within a couple of days of that citation, first
6 off that's not a legally -- there's no legal
7 precedent to say that a charging document needs
8 to come within a couple of days which I believe
9 was her testimony of the citation being issued.
10 And number two is I don't have the case cite in
11 front of me because I'm not prepared -- I wasn't
12 prepared to argue a motion to dismiss walking in
13 here today, but from what my understanding of the
14 law is for charging documents it's that the party
15 being charged has to have a reasonable
16 understanding as to what the charges are. They
17 were provided the citation. You know, 1:35 p.m.
18 to 1:35 a.m. -- everyone makes typos. I knew
19 that I've made typos, I'm not going to speak for
20 the Board. The testimony that you've heard is
21 that he made an honest typo on something -- you
22 know -- that happened in December of 2014. I

1 think that would be a -- essentially what Ms.
2 Assefa is asking for is because the citation
3 wasn't acted on for a period of time that she
4 believes subjectively was not fair to her and
5 that it wasn't paid, that she's trying to back
6 door a dismissal of this case. There was
7 certainly a citation issued signed by -- signed
8 for by an ABC manager. She was aware of the
9 charges and that's, I guess, my opposition to
10 that motion to dismiss.

11 CHAIRPERSON ANDERSON: But you're not --
12 the question -- and the question that I -- that
13 I'm asking you and I need you to address, I have
14 the notice of status hearing and show cause
15 hearing that has my signature and that was
16 basically told the owner of the hearing, the show
17 cause hearing, and what the charge was, and that
18 document states that her establishment did --
19 that at approximately 1:35 a.m., that this is
20 when this infraction occurred. So, the document
21 that was -- when the case was brought against her
22 by the government, served her, that's what the

1 document states.

2 MR. SHAPIRO: I understand.

3 CHAIRPERSON ANDERSON: So --

4 MR. SHAPIRO: And that's what --

5 CHAIRPERSON ANDERSON: So, I need you to
6 respond to what -- not the ticket itself, but the
7 document that was given to her --

8 MR. SHAPIRO: Right.

9 CHAIRPERSON ANDERSON: -- what it stated.

10 MR. SHAPIRO: My apologies for
11 interrupting. But, I think it's clear what
12 happened here is that the charging document is
13 based off of a typo in the investigative report.
14 I think it would be -- I'm trying to find the
15 correct word here because I don't want to speak
16 out of turn, but the testimony that you've heard
17 was that there was a typo in the investigative
18 report. Clearly that's what the charging
19 document is based off of. There was knowledge at
20 some point that this did happen at 1:35 p.m. from
21 someone -- I'm repeating myself here so perhaps I
22 should stop talking.

1 CHAIRPERSON ANDERSON: Go ahead, Mr.
2 Alberti.

3 MR. ALBERTI: Mr. Shapiro, I think what
4 you're arguing, I'm paraphrasing and tell me if
5 I'm incorrect -- I think you're argument -- your
6 second argument was that you believe and
7 hopefully you'll have a chance to provide the
8 Board with some reasoning, I don't know how
9 that's going to work, but your argument is that
10 there is a legal stand -- or a legal arg --
11 there's a legal decision that says that the
12 charging -- that all that's required is that the
13 licensee have a reasonable knowledge of the
14 charge before them. Is that correct?

15 MR. SHAPIRO: That's what my
16 understanding and --

17 MR. ALBERTI: Okay, so that's your
18 argument, right?

19 MR. SHAPIRO: Mm hmm.

20 MR. ALBERTI: When did you -- when would
21 the licensee have been given the investigative
22 report?

1 MR. SHAPIRO: The investigative report
2 was just given to her seconds before this hearing
3 started.

4 MR. ALBERTI: It wouldn't have been given
5 to her before?

6 MR. SHAPIRO: The citation was. The
7 investigative report, I --

8 MR. ALBERTI: Okay, so the citation was
9 but the investigative report wasn't?

10 MR. SHAPIRO: Correct.

11 MR. ALBERTI: I thought we delivered
12 these.

13 MR. SHAPIRO: You know what, I don't want
14 to speak to ABRA's procedures because I'm not
15 privy to that.

16 MR. ALBERTI: Okay, all right. So, and
17 she would have had a copy of the citation, right?

18 MR. SHAPIRO: Correct.

19 MR. ALBERTI: And the citation says 1:30
20 p.m.

21 MR. SHAPIRO: Correct, 1:35 p.m.

22 MR. ALBERTI: And the -- and she would

1 have been reminded of that at least now by the
2 investigative report, the Exhibit on the
3 investigative report and possibly would have been
4 reminded of it when she got a copy, if she got a
5 copy before this hearing.

6 MR. SHAPIRO: Correct. Because the
7 citation is attached to the investigative report.

8 MR. ALBERTI: And so that's -- is that
9 your claim that she had reasonable knowledge.

10 MR. SHAPIRO: That is my claim. That
11 between the citation being personally delivered,
12 either through the investigative report or
13 through investigator Suero, that there was an
14 understanding of when this time occurred, or when
15 this incident occurred.

16 MR. ALBERTI: Do you know the procedure
17 for citations?

18 MR. SHAPIRO: Do I know them personally?

19 MR. ALBERTI: Yeah, do you have any
20 background on the procedures. So, when a
21 citation -- how do -- how do we know that they
22 requested a hearing?

1 MR. SHAPIRO: That they -- being who?

2 MR. ALBERTI: How do we know that the
3 licensee requested a hearing? I'm sorry I'm not
4 being very good at this. But, how do we know
5 that the licensee requested a hearing? If you
6 don't know, just say so.

7 MR. SHAPIRO: I don't know.

8 MR. ALBERTI: Okay. Great. Thank you.

9 CHAIRPERSON ANDERSON: Any other
10 questions on this issue?

11 MR. ALBERTI: I recommend that we take
12 this under advisement and we can decide it with -
13 - decide the case.

14 MR. SHAPIRO: Is it -- can I make one
15 more point?

16 CHAIRPERSON ANDERSON: Go ahead.

17 MR. SHAPIRO: Is -- from what the
18 testimony presented -- was that the citation was
19 delivered to -- I don't want to mispronounce the
20 name -- the citation was presented to

21 MS. ASSEFA: Yohanes.

22 MR. SHAPIRO: Yohanes, who is an ABC

1 manager. Now, maybe I'm extrapolating too much
2 here, but from what I gather is that Ms. Assefa,
3 sitting to my left, may not have been --

4 MR. ALBERTI: Mr. Shapiro, I would stop
5 while I was ahead if I was you.

6 MR. SHAPIRO: Okay.

7 MR. ALBERTI: You're just speculating
8 now.

9 MR. SHAPIRO: I agree, I agree.

10 CHAIRPERSON ANDERSON: All right, what
11 the Board is going to do, I mean, you've heard
12 what we are -- I'm gonna take your motion under
13 advisement, but while I'll do is I'm going to ask
14 you to call your first witness and present your
15 case, but we will seriously consider the motion -
16 - the motion that you made. You can call your
17 first -- who's your first witness?

18 MS. ASSEFA: I call my mom.

19 CHAIRPERSON ANDERSON: Ma'am, can you --
20 I need you to stand, please. I need you to stand
21 up. Can you raise your right hand, please? Do
22 you swear or affirm to tell the truth and nothing

1 but the truth? Have a seat ma'am. Your
2 witness.

3 MS. ASSEFA: Okay. Mom, we -- I have to
4 ask you a couple of questions.

5 MR. SILVERSTEIN: Can I ask you to have
6 her identify herself for the record?

7 MS. ASSEFA: Oh, okay. Can you please
8 identify yourself? Can you please tell us your
9 name? First and last name.

10 MS. YOHANES: My name is Almaz Gebre-
11 Yohanes. I am 77 years old.

12 CHAIRPERSON ANDERSON: Can you just spell
13 your first and last name for the record, please?

14 MS. YOHANES: Almaz, A-L-M-A-Z.

15 CHAIRPERSON ANDERSON: And your last
16 name?

17 MS. YOHANES: Gebre-Yohanes. G-E-B-R-E-
18 Y-O-H-A-N-E-S. Such a long name.

19 CHAIRPERSON ANDERSON: All right thank
20 you.

21 MS. YOHANES: Okay.

22 MS. ASSEFA: I have to ask you questions.

1 So just answer my questions.

2 CHAIRPERSON ANDERSON: You also need to -
3 - I know you're asking her, but we also need to
4 hear so you have to raise your voice please.

5 MS. ASSEFA: I'm going to ask you a
6 couple of questions, okay? I notice this
7 citation that we have received and that you have
8 signed for you signed in 2014. It looks like the
9 citation is from a year and a half ago from the
10 lawyer here. If you don't remember saying, it's
11 okay, but this is a year and a half ago. They're
12 saying that they came into the establishment at
13 1:35 a.m. in the morning.

14 MR. SHAPIRO: Objection.

15 MS. ASSEFA: Do you remember?

16 MR. SHAPIRO: Objection.

17 CHAIRPERSON ANDERSON: I'll let her
18 finish her questions -- let her finish the
19 question and then I'll ask the nature of the --

20 MS. ASSEFA: Do you remember an
21 investigator coming into the establishment at
22 1:35 a.m.?

1 CHAIRPERSON ANDERSON: Hold on, hold on
2 one minute, please. Yes, sir, go ahead.

3 MR. SHAPIRO: I'm going to object to the
4 phrasing of the question.

5 MS. ASSEFA: Okay, I'll rephrase it. Did
6 an investigator come into the building at 1:35
7 a.m.?

8 MS. YOHANES: I do remember very well --

9 MR. ALBERTI: Mr. Shapiro you need to be
10 --

11 MS. YOHANES: And at 1:30 -- at 12:00 --

12 CHAIRPERSON ANDERSON: Hold on one
13 minute, hold on.

14 MR. ALBERTI: I think to be fair to
15 everyone, Mr. Shapiro, you really need to be more
16 specific as to what your objection is. It's not
17 just the phrasing, I think there's content there
18 that you're objecting to, and I'm not trying to
19 bias in your favor but you really but I think for
20 justice to be served we need both sides to make
21 sure that we have all the I's dotted and t's
22 crossed.

1 MR. SHAPIRO: I understand.

2 CHAIRPERSON ANDERSON: Well, I -- hold on
3 one minute, please, Mr. Alberti. Mr. Shapiro is
4 a lawyer, counsel -- the other applicant is not a
5 lawyer, and so, therefore, there are certain
6 expectations and I -- it's not my chance to beat
7 up on you, Mr. Shapiro, I know that, I'm not sure
8 if you're a new lawyer, but this -- probably it's
9 a new practice area -- but my goal is that for
10 lawyers I have certain expectations, for non
11 lawyers I have a different expectation so at
12 least from my position -- I mean -- you object if
13 you believe that a question needs to be objected
14 to, you do, and I think you're doing a wonderful
15 job in raising objections that you think
16 represent your client, that represents the
17 government and so that's fine, so that's what
18 I'll say from that perspective. The witness can
19 answer the question that was asked. And if you
20 need to rephrase or repeat the question. And
21 ma'am, listen to the question that's been asked
22 and please answer the question that's been asked

1 and if -- if -- I'll say your lawyer, she's not
2 your daughter today, she is your lawyer, so if
3 your lawyer asks you a question and if he
4 objects, before you answer, look at me and I'll
5 tell you when you can answer the question, okay?

6 MS. YOHANES: Okay.

7 CHAIRPERSON ANDERSON: So, all right. So
8 maybe you need to re-ask the question and I will
9 listen intently, if there's an objection that
10 needs to be raised you raise the objection and
11 I'll rule on it, and all right.

12 MS. ASSEFA: Okay, where were you at 1:35
13 a.m. in the morning? where were you at 1:35 a.m.
14 in the morning? Answer my question.

15 MS. YOHANES: At home.

16 CHAIRPERSON ANDERSON: Any other
17 questions for her?

18 MS. ASSEFA: She was at home.

19 CHAIRPERSON ANDERSON: All right. Mr.
20 Shapiro.

21 MR. SHAPIRO: May I approach?

22 CHAIRPERSON ANDERSON: Sure.

1 MR. SHAPIRO: Ma'am, is this your
2 signature?

3 CHAIRPERSON ANDERSON: Tell her what is
4 it -- let her know what --

5 MR. SHAPIRO: The citation is Exhibit 3
6 on the investigative report.

7 CHAIRPERSON ANDERSON: Okay.

8 MR. SHAPIRO: Is this your signature?

9 MS. YOHANES: Which one?

10 MR. SHAPIRO: In the bottom right hand
11 corner.

12 MS. YOHANES: It's a citation of what?

13 MR. SHAPIRO: Is this your signature in
14 the bottom right hand corner?

15 MS. YOHANES: Yeah.

16 MR. SHAPIRO: Okay.

17 MS. YOHANES: And here's my signature.

18 MS. ASSEFA: On the --

19 CHAIRPERSON ANDERSON: Ah! Oh go ahead.

20 MR. SHAPIRO: And for the record, exhibit
21 4 of the investigative report on the bottom left
22 hand corner on the line ABC approved

1 manager/owner is that your signature as well?

2 MS. YOHANES: Yeah, that's my signature.

3 MR. SHAPIRO: Okay. Do you recall --

4 CHAIRPERSON ANDERSON: Excuse me. Mr.
5 Shapiro -- I mean, you know, she asked one
6 question, she hasn't objected, I've asked her to
7 ask, so if they're not based on -- you can't
8 really cross examine someone on -- you're going
9 way beyond the scope, so --

10 MR. SHAPIRO: I expect a certain amount
11 of latitude in an administrative hearing for --

12 CHAIRPERSON ANDERSON: I'm giving --

13 MR. SHAPIRO: -- for questions that were
14 raised previously.

15 CHAIRPERSON ANDERSON: I'm giving you
16 some latitude but I'm just saying don't go too
17 far because remember she only asked one question
18 and so if it's, if you can tie the question into
19 --

20 MR. SHAPIRO: Okay. Where were you at
21 1:35 p.m. on November 7, 2014?

22 MS. YOHANES: At home.

1 MR. SHAPIRO: You were at home at 1:35
2 p.m. on November 7.

3 MS. YOHANES: A.m.

4 MR. SHAPIRO: No, that wasn't the
5 question.

6 MS. YOHANES: It was a.m.

7 MR. SHAPIRO: No, at 1:35 p.m. on
8 November 7, 2014, where were you?

9 MS. ASSEFA: 1:35 p.m. mom. Where were
10 you?

11 MS. YOHANES: I was at the store.

12 MR. SHAPIRO: Okay. And where were you
13 on -- so, you were at the store at 1:35 p.m. on
14 November 7th.

15 MS. YOHANES: Yes.

16 MR. SHAPIRO: Okay. Now, do you remember
17 on December 3rd, 2014, at approximately noon,
18 where were you?

19 MS. ASSEFA: You remember 2014?

20 MS. YOHANES: I don't.

21 MR. SHAPIRO: Okay. Are you an owner of
22 the establishment Super Saver Grocery?

1 MS. YOHANES: My daughter.

2 MR. SHAPIRO: What's your role in the
3 establishment?

4 MS. YOHANES: I'm helping her.

5 MS. ASSEFA: No, you're an ABC manager.

6 MS. YOHANES: ABC manager.

7 CHAIRPERSON ANDERSON: Well, you're not
8 supposed to ask the question, but --

9 MS. ASSEFA: I'm sorry.

10 MR. SHAPIRO: She's trying to -- I
11 understand

12 CHAIRPERSON ANDERSON: Listen, give you
13 the answers that you want, that's one of the
14 reasons why I --

15 MR. SHAPIRO: Are you an ABC manager?

16 MS. YOHANES: Yes.

17 MR. SHAPIRO: Okay.

18 CHAIRPERSON ANDERSON: See, everyone is
19 trying to help you today, Mr. Shapiro. Okay?

20 MR. SHAPIRO: I'm just trying to help
21 myself. Do you remember a citation being
22 delivered to you on December 3rd, 2014, by an

1 ABRA investigator?

2 MS. YOHANES: For what?

3 MR. SHAPIRO: I'm asking you a question.
4 Do you remember a citation being delivered to
5 you?

6 MS. YOHANES: Well, the citation have to
7 have the writing citation for something we put on
8 the table or for what?

9 MR. SHAPIRO: Well, let me back up here.
10 How many times have you been issued an ABRA
11 citation?

12 MS. YOHANES: I think it is once.

13 MR. SHAPIRO: Okay. Do you remember when
14 that was?

15 MS. YOHANES: I think it was a small
16 table and he set that in front of the license.
17 That's what he say.

18 MR. SHAPIRO: Was that in 2014?

19 MS. YOHANES: I really don't remember the
20 time. It is a little bit longer.

21 MR. SHAPIRO: Okay. Have you had any
22 conversations with your daughter, Ms. Assefa,

1 sitting to my left, about citations that were
2 delivered to your establishment?

3 MS. YOHANES: Yeah.

4 MR. SHAPIRO: Okay. Do you remember what
5 those conversations were?

6 MS. YOHANES: Well, I told her that he
7 gave us something was on the table. I told her
8 he gave us a citation paper and we have to
9 respect ABRA paper, we have to sign it. We can't
10 say we don't sign it.

11 MR. SHAPIRO: And do you remember when
12 the investigator gave you the citation if he
13 explained what the citation was for?

14 MS. YOHANES: Yeah, he explained it to
15 me. Don't put anything here. I say okay and we
16 don't put.

17 MR. SHAPIRO: And do you remember when
18 the ABRA investigator explained to you what the
19 citation was for if he provided you a date and
20 time as to when?

21 MS. YOHANES: No, I don't remember.

22 MR. SHAPIRO: You don't remember.

1 MS. YOHANES: Yes, it is after three
2 years, I don't.

3 MR. SHAPIRO: Okay. That's all I have.

4 CHAIRPERSON ANDERSON: All right, thank
5 you. Do we have any questions by any Board
6 members? Go ahead, Mr. Alberti.

7 MR. ALBERTI: No, Ms. Miller can go
8 first.

9 MS. MILLER: First --

10 CHAIRPERSON ANDERSON: Hold on -- go
11 ahead, Mr. Short.

12 MS. MILLER: Okay.

13 MR. SHORT: Good afternoon. How long has
14 that business been in -- how long have you been
15 in business? How long has your daughter been in
16 business?

17 MS. YOHANES: Thirty years.

18 MR. SHORT: Thirty years.

19 MS. YOHANES: Yes.

20 MR. SHORT: And that's right there near
21 Buchanan Street, Alison Street Northwest correct?

22 MS. YOHANES: Right.

1 MR. SHORT: Are you familiar with the?
2 Not a problem.

3 MS. YOHANES: Yeah. I misunderstood it.
4 Yeah. Thirty years.

5 MR. SHORT: Okay. I'll just say this.
6 So, you've been in business for thirty years.
7 Are you doing good there in business?

8 MS. YOHANES: Well, I raise my children.
9 That's what I can do.

10 MR. SHORT: All right. Thank you very
11 much, that's all I have.

12 CHAIRPERSON ANDERSON: Ms. Miller.

13 MS. ASSEFA: Can I say something? Oh I
14 can't.

15 CHAIRPERSON ANDERSON: Ms. Miller.

16 MS. MILLER: Good afternoon. I was just
17 wondering what do you do in the store? Do you
18 sell? Do you help shelf? Do you do whatever
19 needs to be done for your daughter?

20 MS. YOHANES: I sell, I clean the store,
21 everything what is needed in the store.

22 MS. MILLER: Okay. Do you also -- do you

1 sell?

2 MS. YOHANES: Yes, I do.

3 MS. MILLER: Okay.

4 MS. YOHANES: After manager license.

5 MS. MILLER: Do you remember selling on
6 November 7, 2014?

7 MS. YOHANES: No.

8 MS. MILLER: You don't remember.

9 MS. YOHANES: I don't remember, but
10 sometimes in March a short investigator come and
11 he ask me for the last week liquor. I say I
12 don't sell no liquor, I don't have no liquor
13 here. That's what I told him. I raise my voice
14 too. And I have to write you this letter. Why
15 don't you tell me on that day? On the 7th. If I
16 sell the liquor, "you sold the liquor, you have
17 to get a receipt" and this is a big thing, but I
18 say "okay if you say ABRA go to liquor Board and
19 according to Ms. Diane Jackson I told her,
20 'investigator came and he gave me a paper for
21 which I did not do it,' is what I told her. And
22 Ms. Jackson advised me 'go and talk with the

1 investigator.' I call the investigator two,
2 three times. I couldn't get in touch with him,
3 so I just left it. That's the story.

4 MS. MILLER: You called this year, 2016?

5 MS. YOHANES: Yes.

6 MS. MILLER: Okay, all right.

7 MS. YOHANES: He came this year to give
8 me the ticket.

9 MS. MILLER: Right. Okay. Thank you.

10 CHAIRPERSON ANDERSON: You're done, Ms.
11 Miller?

12 MS. MILLER: Yes.

13 CHAIRPERSON ANDERSON: Mr. Alberti.

14 MR. ALBERTI: Hi ma'am, good afternoon.
15 It is still afternoon, not evening yet. So, can
16 we show her exhibit 3 of the investigative report
17 which is the citation?

18 MR. SHAPIRO: Do you want me to approach
19 her?

20 MR. ALBERTI: I don't care who
21 approaches. Maybe Ms. Lydia, Ms. Assefa if you
22 do it.

1 MR. SHAPIRO: I'll approach.

2 MR. SHORT: Here's Exhibit 3, the
3 citation? So, ma'am, I think you told Mr.
4 Shapiro that that was your signature at the
5 bottom, is that correct?

6 MS. YOHANES: Yeah, this is my signature.

7 MR. SHORT: That's your signature?

8 MS. YOHANES: Yes.

9 MR. SHORT: Okay. So, do you remember
10 being handed this citation? The piece of paper
11 that you're looking at, Exhibit 3, do you
12 remember being handed a copy of this?

13 MS. YOHANES: Yes.

14 MR. SHORT: By the investigator.

15 MS. YOHANES: Yes.

16 MR. SHORT: You do. Okay. What did you
17 do with it? You can sit down, Ms. Assefa.

18 MS. YOHANES: For the citation, he --

19 MR. SHORT: No, what did you do with it
20 after you got it?

21 MS. YOHANES: With the paper?

22 MR. SHORT: After you got it, what did

1 you do with it? Did you give it to Ms. Assefa?
2 Did you give it to her daughter? Did you file
3 it? What did you do with it?

4 MS. YOHANES: I give it to her and I told
5 her 'the citation is not to be paid fine' is what
6 I told her.

7 MR. SHORT: So, did you do anything else?
8 Did you take it back and do anything else with
9 it?

10 MS. YOHANES: I gave it to my son to file
11 it.

12 MR. SHORT: You gave it to your son also?

13 MS. YOHANES: Yeah.

14 MR. SHORT: Who is your son?

15 MS. YOHANES: Hmm?

16 MR. SHORT: Your son's name?

17 MS. YOHANES: Degol.

18 MR. SHORT: Spell that for me.

19 MS. YOHANES: D-E-G-O-L.

20 MR. SHORT: D-E what?

21 MS. YOHANES: D-E-G-O-L.

22 MR. SHORT: D-O-N?

1 MS. YOHANES: L, like Larry.

2 MR. SHORT: Okay. And do you know what
3 your son did with it?

4 MS. YOHANES: He filed it.

5 MR. SHORT: What's that mean he "fied"
6 it?

7 MS. YOHANES: He put it in the file.

8 MR. SHORT: Oh he filed it.

9 MS. YOHANES: Yeah, he filed it and he
10 told me don't worry no more, don't put anything
11 here, he told me so many times, I say okay, I
12 clean it always.

13 MR. SHORT: So, you don't know whether he
14 responded, if he responded to the citation, did
15 he sign it, put it, write on it and send it back
16 to us or give it back to us at any time? Do you
17 know if he did that?

18 MS. YOHANES: No.

19 MR. SHORT: Okay. Thank you. I have no
20 further questions.

21 MS. YOHANES: Thank you.

22 CHAIRPERSON ANDERSON: Do you have any

1 questions, Mr. Shapiro? Based on the questions
2 that the Board members asked?

3 MR. SHAPIRO: I was unclear about
4 something that you told Member Alberti. The
5 citation that was just shown to you, Exhibit 3 on
6 the investigative report. Did you say that you
7 handed that to your daughter, Ms. Assefa.

8 MS. YOHANES: Yeah, she saw it and I give
9 it to my son too.

10 MR. SHAPIRO: Okay. And again you
11 actually received this document, correct?

12 MS. YOHANES: Again?

13 MR. SHAPIRO: This citation, you actually
14 received it. The investigator came to you -- may
15 I approach?

16 CHAIRPERSON ANDERSON: Sure.

17 MR. SHAPIRO: The investigator actually
18 came and placed the citation in your hand and
19 then you signed for it in the bottom right hand
20 corner, right?

21 MS. YOHANES: Yeah, the first day he came
22 I signed it.

1 MR. SHAPIRO: Okay. And what was your
2 understanding of the citation when the
3 investigator gave it to you?

4 MS. YOHANES: Well, I have to abide by
5 the law and clear it.

6 MR. SHAPIRO: Was it your understanding
7 that an incident occurred on November 7, 2014, at
8 1:35 p.m.?

9 MS. YOHANES: No.

10 MR. SHAPIRO: What was your understanding
11 of what the citation meant?

12 MS. YOHANES: I don't remember it. The
13 14th is a long way.

14 MR. SHAPIRO: I understand.

15 MS. YOHANES: They should have given me
16 right away and with a receipt 'you have done
17 this.'

18 MR. SHAPIRO: Okay.

19 MS. YOHANES: I should accept it but I
20 don't have a lot of [inaudible 4:30] or nothing.
21 And they come this year and they told me, 'oh,
22 last week you sell liquor.' I did not sell

1 liquor.

2 MR. SHAPIRO: Okay. So, if there is
3 information, you said just a second ago that you
4 need to follow the regulations, right?

5 MS. YOHANES: Yes, I do follow the
6 regulation, yes.

7 MR. SHAPIRO: Okay, so if an ABRA
8 investigator came and delivered you a ticket on
9 December 3rd of 2014 indicating that an incident
10 occurred on November 7th of 2014, at 1:35 p.m.,
11 would you --

12 MS. ASSEFA: I object.

13 MR. SHAPIRO: I haven't asked the
14 question yet.

15 CHAIRPERSON ANDERSON: Let him finish the
16 question first.

17 MR. SHAPIRO: Would you believe that the
18 investigator time was accurate on that?

19 CHAIRPERSON ANDERSON: Hold -- what's --
20 hold on, hold on. What's the nature of your
21 objection ma'am?

22 MS. ASSEFA: I object because it states

1 right there on it, it says 1:35 a.m. and my
2 mother is 77 years old, she is not going to
3 remember.

4 MR. SHAPIRO: It says 1:35 p.m. on the
5 citation.

6 CHAIRPERSON ANDERSON: What document --
7 what -- what document? What document are you
8 referencing?

9 MS. ASSEFA: I'm referring to the notice
10 of a hearing.

11 CHAIRPERSON ANDERSON: But he's -- I know
12 what that notice -- but the question he's asking
13 her is a different document.

14 MS. ASSEFA: Okay.

15 CHAIRPERSON ANDERSON: So, I -- the
16 objection is overruled, so she needs to answer
17 the question.

18 MR. SHAPIRO: Do you want me to re-ask
19 the question?

20 CHAIRPERSON ANDERSON: I mean she needs
21 to answer the question. So, she can answer the
22 question if she remembers.

1 MS. YOHANES: What?

2 MR. SHAPIRO: Would you like me to repeat
3 the question?

4 MS. YOHANES: Yes.

5 MR. SHAPIRO: Okay. If a citation was
6 handed to you by an ABRA investigator with a date
7 and time on it that you signed for, would you
8 have any reason to believe that the date and time
9 was inaccurate on it?

10 MS. YOHANES: I don't remember it after
11 three years.

12 MR. SHAPIRO: Okay, I'm just asking you a
13 question generally.

14 CHAIRPERSON ANDERSON: Asked and
15 answered, she answered the question, so she says
16 she doesn't remember after three years, so she
17 has answered your question, sir. Maybe if you
18 want to ask her a different question but.

19 MR. SHAPIRO: I don't have anything
20 further.

21 CHAIRPERSON ANDERSON: Do you have any
22 final questions you want to ask her based on the

1 questions that the Board asked and the questions
2 that --

3 MS. ASSEFA: No. She did good.

4 CHAIRPERSON ANDERSON: All right. You
5 can step down, ma'am. Thank you very much for --

6 MS. YOHANES: Thank you.

7 CHAIRPERSON ANDERSON: Thank you very
8 much for being here today and testifying.

9 MS. YOHANES: Thank you very much all of
10 you.

11 MR. SHORT: 77 years.

12 CHAIRPERSON ANDERSON: You can have, now
13 you can have a seat in the audience. You have
14 another witness?

15 MS. ASSEFA: Yes.

16 CHAIRPERSON ANDERSON: Could someone go
17 get her? Do you have another witness?

18 MS. ASSEFA: Just her.

19 CHAIRPERSON ANDERSON: Well, now she's in
20 the room, so why don't you call your next
21 witness?

22 MS. ASSEFA: Can you come sit up here?

1 CHAIRPERSON ANDERSON: Who are you
2 calling?

3 MS. ASSEFA: Tsion Assefa.

4 CHAIRPERSON ANDERSON: Tsion Assefa?

5 MS. ASSEFA: Yes.

6 CHAIRPERSON ANDERSON: Can you raise your
7 right hand, please, ma'am? Do you swear or
8 affirm to tell the truth and nothing but the
9 truth?

10 MS. T. ASSEFA: Yeah.

11 CHAIRPERSON ANDERSON: Have a seat,
12 please. And when you speak, speak into the
13 microphone, please, okay? All right, your
14 witness.

15 MS. ASSEFA: Thank you. Can you state
16 your name?

17 MS. T. ASSEFA: Tsion Assefa.

18 CHAIRPERSON ANDERSON: Can you also spell
19 your name for the record, too, please.

20 MS. T. ASSEFA: T-S-I-O-N, first name.
21 A-S-S-E-F-A, last name.

22 MS. ASSEFA: So, I'm sorry, this is a

1 couple of years ago, a year and a half ago.

2 MR. SHORT: Can't hear you.

3 MS. ASSEFA: Do you remember November 7th
4 of 2014? Do you remember what you were doing at
5 1:35 a.m.?

6 MR. SHAPIRO: Objection. Relevance.
7 Again, this is not the -- I think it's been clear
8 that the investigative report had a typo on it.
9 This is not what the District is alleging.

10 CHAIRPERSON ANDERSON: Well, the charging
11 document says 1:35 a.m., that's the charge. The
12 ticket says one thing but the document that the
13 witness got says that you are charged with
14 selling a go -- I know what the ticket says, so
15 it's in her right -- she's trying to make a
16 point. You know, she made a motion, so I think
17 the question is relevant based on what the
18 charging document that she's dealing with. So, I
19 mean if -- so she can answer the question.

20 MS. ASSEFA: Answer the question. Where
21 were you at 1:35 a.m.?

22 MS. T. ASSEFA: We were not there. We

1 close at midnight.

2 MS. ASSEFA: Where were you at 1:35 a.m.?

3 MS. T. ASSEFA: At home asleep.

4 MS. ASSEFA: Do you -- do you remember --
5 do you remember mom signing this document?

6 CHAIRPERSON ANDERSON: I think you need
7 to identify the document for the record.

8 MS. ASSEFA: Oh.

9 CHAIRPERSON ANDERSON: It's in the
10 record, so why don't you say what the document is
11 and then show her so --

12 MS. ASSEFA: It's the notice of
13 violation. Do you remember her signing this?

14 MR. SHAPIRO: I'm going to object to
15 this, we've already had testimony that she did
16 sign for it, so, I don't understand what.

17 CHAIRPERSON ANDERSON: I'll -- all right.
18 I'll -- I'm gonna -- I'm gonna sustain the
19 objection because your mom did testify that she
20 did sign the document so -- so -- all right, move
21 on.

22 MS. ASSEFA: So, you were there -- you

1 were there helping mom in the duties most of the
2 time. Whenever we have -- whenever we have an
3 ABRA investigator come in, do you -- were you the
4 one -- do you -- when they show you a license and
5 they show you their badges, do you show them
6 whatever they need to see in the store?

7 MS. T. ASSEFA: Yeah, yes.

8 MS. ASSEFA: You show them the license
9 and everything else.

10 MS. T. ASSEFA: Yeah.

11 MR. SHAPIRO: I'm --

12 MS. ASSEFA: Okay.

13 CHAIRPERSON ANDERSON: Mr. Shapiro.

14 MR. SHAPIRO: I'll withdraw my objection.

15 CHAIRPERSON ANDERSON: Okay. Go ahead.

16 MS. ASSEFA: I don't have any other
17 questions because she just helps out at the
18 store, she doesn't, she was not there at the time
19 that this was signed, and --

20 MR. SHAPIRO: We're getting into
21 argument.

22 MS. ASSEFA: Okay.

1 CHAIRPERSON ANDERSON: I was trying -- I
2 wasn't -- I didn't know where she was going, so
3 it's her witness, so I -- I wasn't -- I didn't
4 know where she was going so therefore --

5 MR. SHAPIRO: I understand.

6 CHAIRPERSON ANDERSON: Okay. You have no
7 other questions?

8 MS. ASSEFA: No, I don't have any other
9 questions.

10 CHAIRPERSON ANDERSON: Does the Board
11 have any questions for this witness? Yes, Mr.
12 Alberti.

13 MR. ALBERTI: Ma'am so it's my
14 understanding that you don't work during the day,
15 you only work in the evenings, is that correct?

16 MS. T. ASSEFA: It changes. I'm usually
17 there in the evenings, but sometimes I'm there in
18 the days also.

19 MR. ALBERTI: Okay. Do you remember
20 November 7, 2014?

21 MS. T. ASSEFA: To be honest with you,
22 not that far back.

1 MR. ALBERTI: Okay, so you wouldn't know
2 whether you were there during the day or not?

3 MS. T. ASSEFA: That specific day two
4 years ago?

5 MR. ALBERTI: December 3rd, 2014. Do you
6 remember being there during the day that day?

7 MS. T. ASSEFA: I don't recall, three
8 years ago.

9 MR. ALBERTI: Do you remember -- do you
10 remember being there when an investigator -- an
11 investigator came in to issue a citation and give
12 you some documents? Were you -- is it your
13 grandmother?

14 MS. T. ASSEFA: My mother. No.

15 MR. ALBERTI: That's your mother?

16 MS. T. ASSEFA: Yes.

17 MR. ALBERTI: I'm sorry.

18 MS. T. ASSEFA: I don't recall.

19 MR. ALBERTI: Okay.

20 MS. T. ASSEFA: I mean --

21 MR. ALBERTI: Take that as a compliment.

22 All right.

1 MS. T. ASSEFA: I just know that every
2 time we do check IDs. We're really strict on
3 checking IDs and abiding by the rules and
4 regulations.

5 MR. ALBERTI: Okay. Thank you.

6 MS. T. ASSEFA: Because the community is
7 like a family to us. We've been there a long
8 time.

9 MR. ALBERTI: And we appreciate that.
10 Thank you.

11 CHAIRPERSON ANDERSON: Are you done, sir?

12 MR. ALBERTI: I am done, thank you.

13 CHAIRPERSON ANDERSON: Do you have any
14 other questions by any other Board members? All
15 right. Mr. Shapiro do you have any questions to
16 ask her based on the questions that were asked by
17 the Board?

18 MR. SHAPIRO: Briefly. Do you remember
19 where you were November 7, 2014, at 1:35 p.m.?

20 CHAIRPERSON ANDERSON: I think she said,
21 I think, Mr. Shapiro when Mr. --

22 MR. ALBERTI: Alberti.

1 CHAIRPERSON ANDERSON: When Board member
2 Alberti asked the question she said she doesn't
3 remember --

4 MR. SHAPIRO: Okay.

5 CHAIRPERSON ANDERSON: So asked and
6 answered.

7 MR. SHAPIRO: Are you an owner of the
8 store?

9 MS. T. ASSEFA: No.

10 MR. SHAPIRO: Are you an ABC manager of
11 the store?

12 MS. T. ASSEFA: No.

13 MR. SHAPIRO: That's all I have. That's
14 all I have.

15 CHAIRPERSON ANDERSON: Do you have any
16 final questions to ask her based on the questions
17 that were asked by the Board?

18 MS. ASSEFA: No.

19 CHAIRPERSON ANDERSON: All right. Thank
20 you, ma'am. You are free to go.

21 MS. T. ASSEFA: Thank you.

22 CHAIRPERSON ANDERSON: You can sit in the

1 audience. Do you have any other witnesses?

2 MS. ASSEFA: No.

3 CHAIRPERSON ANDERSON: Do you rest?

4 MS. ASSEFA: Yes.

5 CHAIRPERSON ANDERSON: Do you have -- I'm
6 sorry, do you have any documents that you want to
7 introduce as part of the record?

8 MS. ASSEFA: No.

9 CHAIRPERSON ANDERSON: No? Do you rest?

10 MS. ASSEFA: Yes.

11 CHAIRPERSON ANDERSON: All right. Does
12 the government wish to make a -- does the
13 government wish to call a rebuttal witness?

14 MR. SHAPIRO: No.

15 CHAIRPERSON ANDERSON: All right. Does
16 the government wish to make a closing argument?

17 MR. SHAPIRO: Yes, please.

18 CHAIRPERSON ANDERSON: Go ahead, please.

19 MR. SHAPIRO: Thank you. The testimony
20 that you heard, the evidence that you presented,
21 clearly demonstrates that 1) a go cup was sold to
22 investigator Townsend when he was operating in an

1 undercover capacity on November 7, 2014, at 1:35
2 p.m. What the evidence and testimony also showed
3 was that on December 3rd, 2014, at approximately
4 noon, investigator Suero delivered a citation to
5 an ABC manager, and I will underscore that it's
6 an ABC manager that he delivered it to which
7 carries a certain amount of responsibility in the
8 District, explaining to the ABC manager of the
9 store when this incident occurred and what
10 happened.

11 The testimony that you were presented
12 with today demonstrated that the ABC manager
13 signed, acknowledged the citation, signed it and
14 provided it to, I believe she said Ms. Assefa,
15 the owner of the store, as well as her son, so I
16 guess I'm getting more into the motion to dismiss
17 that was raised earlier, but I think this is very
18 relevant to that fact that the charge was known
19 on November -- or, sorry, on December 3rd, 2014,
20 that the incident occurred on November 7, 2014,
21 at 1:35 p.m. There's been no evidence presented
22 today that this incident did not occur, that a go

1 cup was not sold to investigator Townsend, and I
2 think all of this is clouding the fact that there
3 was a simple typo made in an investigative report
4 when there are multiple other documents that do
5 show that this happened at 1:35 p.m. and you
6 heard investigator Townsend's testimony that this
7 was a typo in the investigative report. You
8 heard his testimony that a go cup was sold for a
9 nominal fee in violation of the relevant code and
10 regulation, and for those reasons the District of
11 Columbia believes that they have met their burden
12 to prove the violation charge. Thank you.

13 CHAIRPERSON ANDERSON: I just want you to
14 address an issue for me. In the notice of status
15 hearing and show cause hearing that was served on
16 the party, that informed the party when the date
17 of the hearing -- when the date of the status
18 hearing was and what the date of this hearing
19 was, that document states that, 'on Friday,
20 September 14, 2014, at 1:35 a.m. the
21 investigator' -- so how do you address the issue
22 that the charging document that was -- the notice

1 that was served to them to say what the charges
2 are -- how do you address that issue?

3 MR. SHAPIRO: It says 1:35 a.m. I can't
4 dispute that unfortunately. What I can say is
5 that we're talking about one letter being wrong,
6 an a.m. and a p.m. in an investigative report.
7 Again, I'm repeating myself here, which generally
8 means I should stop talking, but the charge --
9 the charge was known at some point in time and
10 because the citation was delivered and it appears
11 that there was some kind of lack of
12 communication, coupled with, I think, what's
13 compounding this is that there is a passage of
14 time in between this citation being delivered and
15 now. But, the charge was known. They had ample
16 time to pay the citation that was issued.

17 There's not a limitations concern to any
18 of this, so again, from what my understanding of
19 the law is, and again I'm not prepared to argue a
20 motion to dismiss or to address the merits of
21 that, but from what my understanding of the law
22 is there has to be reasonable charging of the --

1 they had to have reasonable knowledge of what the
2 charge is. The citation was provided to them,
3 handed to an ABC manager, and, again, I'm
4 underscoring the fact that it was handed to an
5 ABC manager and the time was known at some point
6 in time, and they had ample opportunity to pay it
7 which was not done, so I guess that's my long
8 winded response to your short question.

9 MR. ALBERTI: May I ask a question of Mr.
10 Shapiro?

11 CHAIRPERSON ANDERSON: Yeah, go ahead,
12 but remember it's his closing so --

13 MR. ALBERTI: I know. It's about the
14 motion, so you ask him a question, I think it's
15 fair that I get to ask him a question. Mr.
16 Shapiro, you were sort of blindsided by the
17 motion, is that correct?

18 CHAIRPERSON ANDERSON: Hold on, hold on
19 Mr. Alberti. Mr. Shapiro cannot say today that
20 he's blindsided by the motion --

21 MR. ALBERTI: Okay.

22 CHAIRPERSON ANDERSON: Because the notice

1 -- hold on -- and I want the record to reflect
2 the government brought charges. The notice of
3 status hearing and show cause hearing has a
4 certain thing in it. It was given to me, I
5 signed off on it. The document that was given to
6 the person, it has my signature, it informed them
7 of the hearing today and the show cause hearing,
8 and this is what it says, so I don't want the
9 government to state that they were -- and I don't
10 think the Board should state that to the
11 government that -- because their own document
12 that's signed by the government says 1:35 a.m.
13 That's what the government's document says.

14 MR. ALBERTI: So, I'll rephrase my
15 question.

16 CHAIRPERSON ANDERSON: All right.

17 MR. ALBERTI: Mr. Shapiro you stated
18 earlier that you were surprised, that you were
19 not expecting this motion, is that correct?

20 MR. SHAPIRO: Well, yes that is correct.

21 MR. ALBERTI: Thank you. Had this matter
22 been brought up to you previously?

1 MR. SHAPIRO: Had it?

2 MR. ALBERTI: The error.

3 MR. SHAPIRO: No, it just got made aware
4 to me while we were on the record.

5 MR. ALBERTI: Thank you. If the Board
6 were to offer you an opportunity to write a
7 written follow-up with a written response to this
8 motion would you take advantage of that?

9 MR. SHAPIRO: Of course.

10 MR. ALBERTI: I can't say that the Board
11 will do that but I just wanted to know what your
12 wishes were. Thank you.

13 MR. SHAPIRO: Thank you.

14 MS. MILLER: Mr. Chairman, I'd like to
15 ask a question since we're doing follow-up
16 questions.

17 CHAIRPERSON ANDERSON: Hold on, hold on.
18 We're not -- we -- I know Ms. Miller.

19 MS. MILLER: It's very legitimate.

20 CHAIRPERSON ANDERSON: I know, Ms.
21 Miller, and I'm going to do this. We normally do
22 not ask questions during closing arguments, okay?

1 These are closing arguments. I asked him a
2 specific issue because there was an issue on the
3 table and in the closing it wasn't addressed so
4 that's one of the reasons I specifically asked
5 the government that there was a motion -- that
6 there was an issue to address -- but we normally
7 -- we normally do not ask questions of someone
8 during closing. But, and so I asked him one
9 question and I guess because, I was wrong to open
10 up a floodgate and then Mr. Alberti asked a
11 question and then Ms. Miller is going to ask a
12 question and when we had -- when the motion was
13 there the Board said that we're going to take the
14 motion under advisement, and so, therefore, there
15 should be no further questions because we already
16 went through this whole process where Board
17 members asked questions on the motion that we
18 were going to take under advisement. The only
19 thing that I ask is because the government made
20 its closing mo -- its closing -- to say that,
21 okay, do you want to address this issue? It's
22 not opening the door for everyone to -- for us to

1 reargue the case, so the bottom line, as chair,
2 no more questions. Go ahead, ma'am and do your
3 closing.

4 MS. MILLER: For the record, I didn't
5 have that kind of a question. He made a
6 statement in his closing that I had -- that I
7 thought was worth asking a question about. I'm
8 wondering if I can ask the question and if you
9 can say no, he can't answer it.

10 CHAIRPERSON ANDERSON: Go ahead, Ms.
11 Miller. Go ahead and ask the question.

12 MS. MILLER: Okay, I would like -- you
13 said that the applicant had ample opportunity to
14 pay the citation and I just wonder what period of
15 time they had to pay the citation, I can't -- the
16 document doesn't seem to speak for itself.

17 MR. SHAPIRO: That's, unfortunately, not
18 a question that I can answer. That's an ABRA
19 policy.

20 MS. MILLER: So you made that statement
21 but you didn't really know what -- what you were
22 referring to.

1 MR. SHAPIRO: Well they had time to pay
2 for it. I don't know what the exact time.

3 MS. MILLER: Okay, I thought I was
4 missing something that maybe I should have seen
5 in the document. Okay, thank you.

6 CHAIRPERSON ANDERSON: Go ahead, you can
7 make your -- you can.

8 MS. ASSEFA: My closing statement --

9 CHAIRPERSON ANDERSON: I'm sorry -- this
10 is your opportunity to make. Hold on, hold on.

11 MR. SHORT: You're being rude.

12 MS. MILLER: I'm sorry, where are --

13 CHAIRPERSON ANDERSON: Miss, this is your
14 opportunity to do your closing and you can wait
15 until they decide to get their chatter and then
16 you can make your closing.

17 MR. ALBERTI: My apologies.

18 MS. MILLER: My apologies, too.

19 MS. ASSEFA: No problem, no problem at
20 all. I -- the closing argu -- the closing.

21 CHAIRPERSON ANDERSON: A closing is
22 basically your wrap-up what you've presented and

1 what the case is and what you want us to do,
2 ma'am. That's what a closing is.

3 MS. ASSEFA: I would like this case to be
4 dismissed on the fact that they made an error.
5 I would also like it to be dismissed because
6 stating in-factually that when I am open at 1:35
7 a.m. in the morning when I am not opened is an
8 error by the government. I also would -- I would
9 like to also say a couple of things and the one
10 thing that I would like to say is we follow the
11 rules and the regulations on a daily basis, every
12 single day, we follow the rules and regulations.
13 It is as Mr. Shapiro -- the lawyer -- has asked
14 us, 'do you want to pay? Do you want to pay? Do
15 you want to pay?' It's not as easy for us to
16 make \$250 just like that, Mr. Shapiro, it's not
17 easy down there.

18 We serve -- we did not become
19 millionaires in the thirty years we have worked
20 there. We have worked very hard in the store.
21 Store is not an easy business, especially when
22 it's owned by a small family who has to be there

1 on a daily basis. My mother loves her customers,
2 we love the people that are there, therefore we
3 stand there every single day serving them. This
4 was an error. You are telling me that I was
5 opened at this time and I was not opened at this
6 time, and you're also saying that this -- these
7 products were bought in my store and there is no
8 receipt to verify where they were bought from,
9 so, therefore, I think the Board should dismiss
10 the fact.

11 I'm not a lawyer, and I don't know how to
12 put it together, and I'm going to take some law
13 classes now, no question, because I know that I
14 need it in the future, you know. But, you know,
15 we're good people and they made a mistake. I
16 don't know if this came to the store, I don't
17 know if these are my products, I have no idea,
18 and I -- there's no way for me to defend myself
19 because, although we have videos and cameras
20 there and receipts there it was -- he said it was
21 purchased cash and he said it was two years ago
22 and there's no way for us to -- to go back and

1 find out two years ago if he really was the
2 person that was there, even there, to do this
3 investigation. So, we were also blind -- he was
4 blindsided by the motion -- I was blindsided by
5 everything that's on this piece of paper today.

6 And we respect ABRA, we honestly respect
7 the law and we respect ABRA and we follow rules
8 and regulations, so we're not just bluffing this,
9 we're just saying that this is a major mistake
10 and, you know, Mr. -- he's a lawyer, he should
11 have caught this himself and he should have said,
12 well wait a minute, we cannot -- you know -- this
13 is not something that you want to take care of a
14 year and a half later, you know. It's something
15 that they should have addressed to us and we
16 should have been told about it earlier before.

17 But I will tell you this, there are a lot
18 of kids -- there's a playground behind the store,
19 there's a playground, probably about 700 feet
20 from the store. The kids like to play basketball
21 there. They've been playing there for years.
22 The kids that are small from age five until 30 -

1 40 I know, because they used to play basketball
2 there, and they'll say, 'Lydia, I -- can I please
3 get a cup of water?' And a cup of water I would
4 give them. Let me tell you what this piece of
5 paper did for me. When they come running and
6 they say, 'Can I get a cup of water?' Now I tell
7 them no. This is what this did. Now, 'can I
8 get, 'Lydia I've been playing basketball, can I
9 please get a cup of ice water, please? And I
10 know, because they're dripping with water because
11 they've been playing basketball around the
12 corner, this is what this -- this is what ABRA
13 did, I tell them, 'no, absolutely not, I'm sorry,
14 I said I can't do that anymore.'

15 So, as far as the neighborhood is
16 concerned, this piece of paper has really changed
17 life for the kids, and you know what, it's
18 because it's a community that we really care
19 about and we really, really -- I grew up with the
20 kids, I don't have friends other than the
21 customers that are there because I was there from
22 7:00 in the morning until 10:00 -- 11:00 --

1 serving them. So, you know, now we're not
2 allowed to give them cups of ice, no water, no
3 nothing. So, I stopped the cup system and I tell
4 them 'absolutely not.' So they'll come, they
5 will come and they are young kids and they will
6 come and say 'can I get a cup of water?' because
7 they want to go right back to the playground and
8 play basketball again. This has made me stop
9 doing that, so you know, it's something that the
10 Board really ought to think about, a cup of water
11 and a cup of ice for kids, it's okay. But not --
12 and I don't remember -- and neither does my
13 mother remember selling alcohol and a cup of ice.
14 It's usually kids when they come running that we
15 used to give it to, and most of the time, 80% of
16 the time I used to give it to them for free, they
17 were never charged. If it's an adult it was, but
18 if it was a child I never charged.

19 CHAIRPERSON ANDERSON: Okay, thank you.
20 All right. The records are now closed. Do the
21 parties wish to file proposed findings of fact
22 and conclusions of law or waive their right to do

1 so?

2 MR. SHAPIRO: I don't think we're going
3 to have an agreement on the findings and fact in
4 this matter so I'll waive that. Thank you.

5 CHAIRPERSON ANDERSON: The government
6 waives, means that you just want to make a
7 decision based on the testimony and evidence
8 that's presented today. Is that fine with you?

9 MS. ASSEFA: Okay.

10 CHAIRPERSON ANDERSON: All right. As
11 chairperson of the Alcoholic Beverage Control
12 Board of the Board for the District of Columbia
13 and in accordance with D.C. section 405 of the
14 Open Meetings Amendment Act of 2010, I move that
15 the ABC Board hold a closed meeting for the
16 purpose of seeking legal advice from our counsel
17 on Case #14-CMP-00740, Super Saver Grocery &
18 Deli, per section 405 B4 of the Open Meetings
19 Amendment Act of 2010 and deliberating upon case
20 #14-CMP-00740, Super Saver Grocery & Deli for the
21 reasons cited in section 405 B13 of the Open
22 Meetings Amendment Act of 2010. Is there a

1 second?

2 MR. SHORT: Second.

3 CHAIRPERSON ANDERSON: Mr. Short has
4 seconded the motion. I will now take a roll call
5 vote on the motion before us that has now been
6 seconded, Mr. Silverstein?

7 MR. SILVERSTEIN: I agree.

8 CHAIRPERSON ANDERSON: Mr. Short?

9 MR. SHORT: I agree.

10 CHAIRPERSON ANDERSON: Mr. Alberti?

11 MR. ALBERTI: I agree.

12 CHAIRPERSON ANDERSON: Ms. Miller?

13 MS. MILLER: 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 pursuant to the Open Meetings Amendment Act of
19 2010 and issue an order within 90 days. Thank
20 you very much. We'll issue an order within 90
21 days. Thank you very much for being here today.
22 Thank you for your presentation and we'll issue a

1 decision in 90 days. Thank you.

2 MR. SHAPIRO: Thank you.

3 MS. ASSEFA: Thank you.

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