

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

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IN THE MATTER OF: :
 :
Cafe Dallul, Inc. :
t/a Rendezvous Lounge : Fact-
2226 18th Street, NW : Finding
Retailer CT - ANC-1C : Hearing
License No. 14272 :
Case #13-251-00100 :
 :
(Management and Operations :
of the Establishment) :
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January 8, 2014

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member

MIKE SILVERSTEIN, Member

ALSO PRESENT:

ERIN MATHIESON, ABRA Investigator

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

2 (10:07 a.m.)

3 CHAIRPERSON MILLER: We're going
4 to move into our Fact-Finding Hearings.

5 Okay. I'm going to call the next
6 Fact-Finding Hearing. I understand that they
7 may not be here, but you all let me know if
8 you are here. Case No. 13-251-00100,
9 Rendezvous Lounge located at 2226 18th Street,
10 N.W., License No. 14272, in ANC-1C.

11 Is anyone here for that Fact-
12 Finding case? Okay. I understand that there
13 is a phone call to the agency and there was a
14 misunderstanding about the time of that case.
15 So we will move forward and come back to that
16 case later.

17 (Whereupon, at 10:08 a.m. a recess
18 until 11:19 a.m.)

19 CHAIRPERSON MILLER: Okay. I am
20 going to recall Case No. 13-251-00100,
21 Rendezvous Lounge. Is anybody here for
22 Rendezvous Lounge? Okay. Good. Ma'am, are

1 you here for Rendezvous Lounge? Perfect.

2 Okay. I am just recalling your case.

3 Okay. All right. Whoever is here
4 on Rendezvous Lounge could you come to the
5 table? Yes. You know, I want you to put your
6 name on the record that you are here.

7 Okay. You signed in, your name?

8 MS. KEBEDE: Yes.

9 CHAIRPERSON MILLER: Okay. So
10 could you tell us your name on the record now?

11 MS. KEBEDE: Belamesh is first
12 name, last name Kebede.

13 CHAIRPERSON MILLER: Your last
14 name is what?

15 MS. KEBEDE: Kebede.

16 CHAIRPERSON MILLER: Kebede?

17 MS. KEBEDE: K-E-B-E-D-E.

18 CHAIRPERSON MILLER: Okay. And
19 are you the owner of the establishment?

20 MS. KEBEDE: Yeah, I'm the
21 treasurer, too.

22 CHAIRPERSON MILLER: Okay. And I

1 just wanted to clarify whether you had counsel
2 in this case or an attorney and whether you
3 expected --

4 MS. KEBEDE: Yeah, I have.

5 CHAIRPERSON MILLER: -- to be here
6 with an attorney?

7 MS. KEBEDE: Yeah, I have, but he
8 said it's next week, but she called me today,
9 this morning, so --

10 CHAIRPERSON MILLER: Okay.

11 MS. KEBEDE: -- I just came
12 myself.

13 CHAIRPERSON MILLER: Okay.

14 MS. KEBEDE: Yeah.

15 CHAIRPERSON MILLER: So yeah, this
16 case has been scheduled for this week, but I
17 just want to ask you if you are okay with
18 having this Fact-Finding Hearing without your
19 counsel?

20 MS. KEBEDE: Yeah, I'm okay.

21 CHAIRPERSON MILLER: Okay. I
22 think we need to get our Investigator as well

1 then. Okay. Our Investigator is going to be
2 coming.

3 MS. KEBEDE: Okay.

4 CHAIRPERSON MILLER: My
5 understanding is that, you know, I know you
6 had that tragic event at your establishment
7 and I know that must be upsetting to you and
8 it's upsetting, you know, to us.

9 I think that in the course of
10 that, our Investigator noted some other issues
11 that this Board wanted to just ask you about.

12 So we are just waiting now for an
13 Investigator to come.

14 MS. KEBEDE: Okay.

15 CHAIRPERSON MILLER: So I will
16 tell you this right now, actually, these are
17 just general statements about this kind of a
18 hearing. It's called a Fact-Finding Hearing.
19 You are not going to be put under oath,
20 though, you know, we would expect that you
21 tell the truth, but it's not one in which we
22 are gathering evidence and a case against you

1 or anything like that.

2 It is just one where we are
3 gathering information, because there are some
4 concerns that were raised. You know, it's
5 possible it could lead to action against you,
6 but that's not the purpose of this hearing
7 today. It is just to gather the information
8 and have some dialogue between you and the
9 Board, so that there is an understanding, too,
10 as to what you should or shouldn't be doing.

11 MS. KEBEDE: Okay.

12 CHAIRPERSON MILLER: Do you have
13 any questions right now?

14 MS. KEBEDE: No.

15 CHAIRPERSON MILLER: Okay. So the
16 Investigator is going to come and she is going
17 to articulate whatever concerns she noted.

18 MS. KEBEDE: Okay.

19 CHAIRPERSON MILLER: I hope she is
20 going to come. And you will have the
21 opportunity to ask questions of her as well,
22 if you choose to, but it is not --

1 MS. KEBEDE: I know --

2 CHAIRPERSON MILLER: -- formal.

3 MS. KEBEDE: -- I'm not too pushy.

4 CHAIRPERSON MILLER: Okay.

5 MS. KEBEDE: I don't know.

6 CHAIRPERSON MILLER: Okay. And
7 our Investigator has arrived. When you are
8 ready, could you introduce yourself for the
9 record?

10 INVESTIGATOR MATHIESON: Sure.
11 First name is Erin last name Mathieson.

12 CHAIRPERSON MILLER: Okay. And
13 you are?

14 INVESTIGATOR MATHIESON: An
15 Investigator with ABRA.

16 CHAIRPERSON MILLER: Okay. So we
17 have already indicated that this is a Fact-
18 Finding Hearing related to concerns, I think,
19 that you noted when you did an investigation
20 as a result of the unfortunate incident that
21 happened at this establishment where someone
22 actually died as a result.

1 So I wanted to begin this hearing
2 with your concerns, what they are, if you
3 could lay them out?

4 INVESTIGATOR MATHIESON: Well,
5 during the investigation, the only issues that
6 arose were regarding some invoices.
7 Specifically, the licensee was purchasing
8 alcohol from Barrel House Liquors, which is
9 located on 14th Street, N.W., which is not a
10 wholesaler, but rather a Retailer Class A
11 License.

12 I advised the owner of the
13 requirement to purchase all alcohol from
14 wholesalers. She advised that she was only
15 purchasing one or two bottles, which she could
16 not buy from the wholesaler, because the
17 wholesaler required a quantity purchase.

18 By inspection of the invoices,
19 there were three bottles of Patron, for
20 example, that were purchased within a two week
21 period, which easily could have been ordered
22 from the wholesaler, rather than purchased

1 individually.

2 I advised Ms. Kebede of that
3 concern and of the fact that it was, you know,
4 required of the restaurant class license to be
5 purchasing from wholesalers.

6 Additionally, there was a
7 complaint that was submitted around the time
8 of the incident that was followed up with as
9 a result of the incident. And the upstairs,
10 there is two floors to this location. A first
11 floor and a second floor.

12 The second floor was trading on
13 social media as Dr. Clock's Nowhere Bar. Upon
14 my arrival and inspection at the
15 establishment, there was nothing inside the
16 establishment that was identified as Dr.
17 Clock's Nowhere Bar. It was simply on a
18 social media website where it was advertised
19 as such.

20 The person doing the advertising
21 was Van Hillard, who was a bartender at the
22 establishment. I asked the owner, Ms. Kebede,

1 about Dr. Clock's Nowhere Bar. She was
2 familiar with that and she advised that she
3 was.

4 And additionally I asked her if
5 she was aware that her bartender, Van Hillard,
6 was promoting the upstairs of the
7 establishment under that trade name on social
8 media and she denied any knowledge of Dr.
9 Clock's Nowhere Bar for the -- promoting of it
10 under that trade name.

11 Additionally, she described Van
12 Hillard as a bar manager and advised that he
13 was not the promotor or any additional pay for
14 promoting the establishment under that trade
15 name. As a bar manager though, he was,
16 however, doing the ordering of the alcohol.

17 In reference to the Barrel House
18 Liquors purchases, I asked Ms. Kebede if she
19 or Mr. Hillard did purchase that alcohol at
20 the Barrel House location and she advised that
21 she herself was the one who purchased the
22 alcohol at the liquor store. Although Mr.

1 Hillard was doing the purchasing from the
2 wholesalers.

3 Lastly, in reference to the
4 incident, on the night of the incident, Ms.
5 Kebede advised that she was downstairs inside
6 the establishment for the duration of the
7 evening. And in reference to the suspect from
8 the incident, she stated that she had not seen
9 him before and did not recognize him.

10 However, Van Hillard was the
11 bartender, who was upstairs at the time of the
12 incident, described the suspect as a regular
13 customer who had been there recently and he
14 was there on a regular basis. So that was
15 also noted that there was a discrepancy in one
16 person, the owner, describing him as not
17 recognizing him and the bartender describing
18 him as a regular customer.

19 CHAIRPERSON MILLER: I just have a
20 few quick questions.

21 INVESTIGATOR MATHIESON: Sure.

22 CHAIRPERSON MILLER: Just

1 clarifying questions. What did you say, it
2 was being advertised on the social media as
3 Dr. Clock's what?

4 INVESTIGATOR MATHIESON: Dr.
5 Clock's Nowhere Bar.

6 CHAIRPERSON MILLER: Nowhere?
7 Okay.

8 INVESTIGATOR MATHIESON: Correct.

9 CHAIRPERSON MILLER: And did you
10 say that you had a concern with Mr. Hillard
11 buying the liquor from the wholesalers?

12 INVESTIGATOR MATHIESON: Right.
13 Well, when questioned about the Barrel House
14 Liquor purchases, Ms. Kebede, the owner,
15 stated that she was the one who made the
16 purchases at Barrel House. However, she
17 described Mr. Hillard as the bar manager and
18 advised that he was responsible for ordering
19 the alcohol.

20 So even though he was the one
21 ordering the alcohol, she implied that he was
22 doing the alcohol ordering from the

1 wholesalers and she was the one who purchased
2 from Barrel House.

3 CHAIRPERSON MILLER: Okay. Mr.
4 Alberti, I know that you had some concerns and
5 I didn't know, would you like to proceed?
6 Would you like to put your concerns down or
7 wait and hear from the owner, at this point?

8 MEMBER ALBERTI: Well, I'll just
9 ask the Investigator.

10 CHAIRPERSON MILLER: Okay.

11 MEMBER ALBERTI: Investigator
12 Mathieson, thank you for your report. I'm
13 just going to ask you about your impressions.
14 And this goes to the fact that social media is
15 advertising the upstairs differently than --
16 under a different name than the name of the
17 restaurant.

18 Were there any dissimilarities
19 between the operations upstairs and downstairs
20 that you noted?

21 INVESTIGATOR MATHIESON: Yes,
22 there were. Like I said, there was nothing in

1 the advertisement on-premises. There were no
2 menus, no different -- nothing distinguishing
3 it with trade name differences.

4 However, the crowd from the
5 upstairs to the downstairs was different. And
6 there was also a DJ that plays only on the
7 second floor as opposed to on the first. So
8 there was some slight differences. And the
9 reason I mentioned that Mr. Hillard -- I
10 thought it was worth noting that he described
11 the suspect as a regular customer and the
12 owner described him as never having seen him
13 before.

14 So I thought that was a noteworthy
15 difference. If he was there all the time, it
16 seemed that he would always be in the upstairs
17 as opposed to the downstairs. It's just how
18 it came across to me.

19 Additionally, there was one other
20 thing I wanted to note. In reference to the
21 night of the incident, neither -- there were
22 only, from what I determined, two employees,

1 both the owner and Mr. Hillard, the bartender,
2 and neither one of them actually called 911
3 when the incident occurred.

4 When asked why, the owner, Ms.
5 Kebede, said she heard other people calling
6 911, so she didn't. And then the bartender,
7 Mr. Hillard, gave a similar response saying
8 that he heard people saying call 911.

9 MEMBER ALBERTI: Okay. Thank you
10 very much for that. I have no further
11 questions.

12 CHAIRPERSON MILLER: Okay. Then
13 are there any other questions from Board
14 Members right now? We can hear from Ms.
15 Kebede. Okay. Could you address some of the
16 concerns that were raised? Do you have
17 something that you would like to say? Yeah.

18 MS. KEBEDE: Yeah. First of all,
19 yeah, about the accident. The guy who make
20 the problem, yeah, he is like a regular
21 customer, maybe misunderstanding.

22 I said I didn't know the guy who

1 tried to break the fight, that's the guy I
2 said I didn't know him. I didn't see him
3 before. But the guy who make the problem,
4 yes, he is a regular customer like because he
5 live one block from the restaurant. So I see
6 him every day walking his dog and he come and
7 go. Maybe misunderstanding.

8 CHAIRPERSON MILLER: Okay.

9 MS. KEBEDE: Yeah. About the
10 liquor, yeah, it's wrong. I'm sorry, because
11 we had a party and I just grab it on my way to
12 work. But that was wrong, so --

13 CHAIRPERSON MILLER: So you are
14 sorry that you bought it from a retailer?

15 MS. KEBEDE: Yeah.

16 CHAIRPERSON MILLER: And you
17 understand now the rules about buying it from
18 a wholesaler?

19 MS. KEBEDE: Not really. I don't
20 know about the rules, but if you allow me, I
21 would like to take a class to know more about
22 the --

1 CHAIRPERSON MILLER: Okay.

2 MS. KEBEDE: -- whole situation.

3 CHAIRPERSON MILLER: Is there a
4 different operation upstairs than downstairs?

5 MS. KEBEDE: No. It's the same
6 operation, because it's just one place. We
7 cannot put DJ upstairs and downstairs. Only
8 the DJ is playing upstairs. It's very small
9 place. And the customer is the same
10 customers. They go up and down.

11 CHAIRPERSON MILLER: You don't
12 have one type of customer that goes upstairs?

13 MS. KEBEDE: No, we have the same
14 customer. Wherever they like to sit, the
15 upstairs or downstairs, that's how it works.

16 CHAIRPERSON MILLER: Do you want
17 to address the advertising on the social
18 media?

19 MS. KEBEDE: Yes.

20 CHAIRPERSON MILLER: The Dr.
21 Clock's Nowhere Bar?

22 MS. KEBEDE: That part I didn't

1 know until she told me.

2 MEMBER SILVERSTEIN: I'm sorry?

3 MS. KEBEDE: Yes, I didn't know
4 and I talked to him and he said yeah, he
5 advertise it like that. And I told him to
6 delete it.

7 CHAIRPERSON MILLER: You told him
8 what?

9 MS. KEBEDE: To cancel it from
10 the --

11 CHAIRPERSON MILLER: Cancel?

12 MS. KEBEDE: Yeah.

13 CHAIRPERSON MILLER: So that is
14 not being done any more?

15 MS. KEBEDE: Well, after that, you
16 know, I was so stressed out about this
17 accident. And see I can prove that I was in
18 hospital, everything, you know, was -- I
19 didn't ask him. I forgot.

20 CHAIRPERSON MILLER: Okay. I know
21 that's very upsetting.

22 Ms. Mathieson, do you have any

1 other information about what has changed since
2 then?

3 INVESTIGATOR MATHIESON: I have
4 not followed up whether or not they are still
5 advertising like that.

6 CHAIRPERSON MILLER: Okay.

7 INVESTIGATOR MATHIESON: I can
8 look into it.

9 CHAIRPERSON MILLER: Okay. Does
10 the Board have any other questions?

11 MEMBER ALBERTI: I have one.

12 CHAIRPERSON MILLER: Okay. Well,
13 let's wait a minute.

14 MEMBER ALBERTI: Sure. Give her a
15 second.

16 CHAIRPERSON MILLER: Let's wait a
17 minute, yeah. Okay. We can take a break, if
18 you like, Ms. Kebede.

19 MEMBER ALBERTI: You want to take
20 a five minute break?

21 CHAIRPERSON MILLER: Yeah, let's
22 take a five minute break. We will do that.

1 MEMBER ALBERTI: Okay.

2 (Whereupon, at 11:39 a.m. a recess
3 until 11:46 a.m.)

4 CHAIRPERSON MILLER: Okay. We are
5 back on the record. Ms. Kebede, are you ready
6 to proceed? I don't think we are going to be
7 too much longer.

8 MS. KEBEDE: I'm okay. I'm sorry.

9 CHAIRPERSON MILLER: No, no, I
10 know you have been through something extremely
11 traumatic.

12 MS. KEBEDE: I never seen that
13 kind of accident in my life. I'm sorry.

14 CHAIRPERSON MILLER: That's okay.
15 I just wanted to get your answer on the
16 record.

17 MS. KEBEDE: Okay.

18 CHAIRPERSON MILLER: I wasn't sure
19 about that piece on the social media. The Dr.
20 Clock's piece. Is that no longer happening?

21 MS. KEBEDE: Sorry?

22 CHAIRPERSON MILLER: Is that on

1 the media any more or is that finished? Did
2 you say it was canceled?

3 MS. KEBEDE: What I told him to
4 cancel it.

5 CHAIRPERSON MILLER: You told him
6 to cancel.

7 MS. KEBEDE: Like after that, you
8 know, I become like very depressed and I don't
9 know what to do. So I don't remember to ask
10 him again.

11 CHAIRPERSON MILLER: I'm having
12 trouble hearing. You think you canceled?

13 MS. KEBEDE: Yes.

14 CHAIRPERSON MILLER: You told him
15 to cancel it?

16 MS. KEBEDE: Yeah.

17 CHAIRPERSON MILLER: Okay.

18 MS. KEBEDE: Um-hum.

19 CHAIRPERSON MILLER: All right.
20 The only thing else I have to say, and then
21 I'll turn to other Board Members, is it is a
22 very grave responsibility sometimes having an

1 alcohol license. And I heard you say that you
2 would like to take a class and they are
3 offered here. I don't know if you follow the
4 ABRA website, but there is a website --

5 MS. KEBEDE: Um-hum.

6 CHAIRPERSON MILLER: -- that will
7 tell you certain opportunities for classes.

8 MS. KEBEDE: Okay.

9 CHAIRPERSON MILLER: And I would
10 also tell you that you shouldn't hesitate to
11 call our Director, Mr. Fred Moosally, if you
12 have a question, like you don't know whether
13 you can do something or not, you should feel
14 free to call him.

15 MS. KEBEDE: Okay.

16 CHAIRPERSON MILLER: And there are
17 numbers on the website as well.

18 MS. KEBEDE: Okay.

19 CHAIRPERSON MILLER: And our
20 general counsel can give you information,
21 Martha Jenkins, as well. Okay. Because we
22 want you to have the information you need, so

1 you know that you are complying.

2 MS. KEBEDE: Okay.

3 CHAIRPERSON MILLER: Do Board
4 Members have other questions?

5 MEMBER ALBERTI: I have a few.

6 CHAIRPERSON MILLER: Okay. Mr.
7 Alberti has some questions.

8 MEMBER ALBERTI: Ms. Kebede, thank
9 you for coming today. I want to ask you a few
10 questions about your operation.

11 MS. KEBEDE: Okay.

12 MEMBER ALBERTI: Who are the
13 managers? Besides yourself, are you -- do you
14 have managerial operations day-to-day at the
15 establishment?

16 MS. KEBEDE: Yes.

17 MEMBER ALBERTI: Okay. And
18 besides yourself, are there any other people
19 who do?

20 MS. KEBEDE: Yeah.

21 MEMBER ALBERTI: And who are they?

22 MS. KEBEDE: Van. He is a

1 manager.

2 MEMBER ALBERTI: Who?

3 MS. KEBEDE: Van Hillard. Van.

4 MEMBER ALBERTI: Mr. Hillard?

5 INVESTIGATOR MATHIESON: Van.

6 MEMBER ALBERTI: Van?

7 MS. KEBEDE: Yes.

8 MEMBER ALBERTI: Hillard?

9 MS. KEBEDE: Yes. That's correct.

10 MEMBER ALBERTI: Okay. Is there
11 anyone else?

12 MS. KEBEDE: That's all.

13 MEMBER ALBERTI: Just those two.

14 MS. KEBEDE: Yeah.

15 MEMBER ALBERTI: Okay. So Mr.
16 Hillard, what are his responsibilities as
17 manager?

18 MS. KEBEDE: As a manager just
19 take care of the business and order the liquor
20 and schedule like the DJ when they come, what
21 they do, that's all he do.

22 MEMBER ALBERTI: Does he have

1 responsibility for both floors?

2 MS. KEBEDE: Yeah. The same
3 floor, yeah.

4 MEMBER ALBERTI: Pardon?

5 MS. KEBEDE: The same, yeah.

6 MEMBER ALBERTI: The same for both
7 floors?

8 MS. KEBEDE: Yes.

9 MEMBER ALBERTI: He has
10 responsibility.

11 MS. KEBEDE: Yes, um-hum.

12 MEMBER ALBERTI: Okay. You
13 mentioned a DJ. Where does the DJ play?

14 MS. KEBEDE: Upstairs.

15 MEMBER ALBERTI: Upstairs. And
16 that's only?

17 MS. KEBEDE: That's the only room.

18 MEMBER ALBERTI: Okay. So Mr.
19 Hillard is an hourly employee, a salaried
20 employee? How is he paid?

21 MS. KEBEDE: It's -- I give him
22 like commission.

1 MEMBER ALBERTI: You give him a
2 commission?

3 MS. KEBEDE: Yes.

4 MEMBER ALBERTI: Based on what?

5 MS. KEBEDE: Based on the income.

6 MEMBER ALBERTI: Based on the
7 income of the establishment?

8 MS. KEBEDE: Yes.

9 MEMBER ALBERTI: Do you have a
10 contract with him for that?

11 MS. KEBEDE: No.

12 MEMBER ALBERTI: It's a verbal
13 contract?

14 MS. KEBEDE: Yes.

15 MEMBER ALBERTI: I just want to
16 talk about that a little bit more. So is it
17 based on gross receipts, net receipts? I
18 mean, what do you base that on? Can you give
19 me a little bit more detail about -- I don't
20 need to know even percentage. I don't need to
21 know dollar amounts, but what is the basis for
22 that commission?

1 MS. KEBEDE: Monthly up to \$1,000
2 or \$800.

3 MEMBER ALBERTI: Pardon?

4 MS. KEBEDE: \$800.

5 MEMBER ALBERTI: No, no, no.

6 What's the basis? Is it gross sales?

7 MS. KEBEDE: No, like daily.

8 MEMBER ALBERTI: Pardon?

9 MS. KEBEDE: Daily.

10 MEMBER ALBERTI: Daily sales?

11 MS. KEBEDE: Yes.

12 MEMBER ALBERTI: For the days he
13 works or every day?

14 MS. KEBEDE: Yes, he works every
15 day.

16 MEMBER ALBERTI: He works every
17 day. So he gets a commission of the daily --

18 MS. KEBEDE: Yes.

19 MEMBER ALBERTI: -- total sales?

20 MS. KEBEDE: Right.

21 MEMBER ALBERTI: And what
22 percentage is that?

1 MS. KEBEDE: 10 percent.

2 MEMBER ALBERTI: 10 percent?

3 MS. KEBEDE: Yes.

4 MEMBER ALBERTI: Okay. And is
5 there any other -- is that all of his payment
6 to him?

7 MS. KEBEDE: Yeah.

8 MEMBER ALBERTI: There is no other
9 payment to him?

10 MS. KEBEDE: No.

11 MEMBER ALBERTI: Okay. Thank you.
12 I'm a little curious. When you said you told
13 him to cancel, who were you talking about?

14 MS. KEBEDE: The manager, Van.

15 MEMBER ALBERTI: Mr. Hillard?

16 MS. KEBEDE: Yes.

17 MEMBER ALBERTI: You told him to
18 cancel --

19 MS. KEBEDE: About --

20 MEMBER ALBERTI: -- the social
21 media advertising?

22 MS. KEBEDE: Yes.

1 MEMBER ALBERTI: Okay.

2 MS. KEBEDE: To give them -- it's
3 not right, yeah.

4 MEMBER ALBERTI: Do you have a
5 Facebook for your restaurant? Facebook
6 account --

7 MS. KEBEDE: No.

8 MEMBER ALBERTI: -- for your
9 restaurant?

10 MS. KEBEDE: He does his own
11 Facebook.

12 MEMBER ALBERTI: He does his own?

13 MS. KEBEDE: Yes.

14 MEMBER ALBERTI: Do you know what
15 that Facebook is?

16 MS. KEBEDE: I never check it,
17 that's why, you know, the accident.

18 MEMBER ALBERTI: Well, I have to
19 tell you. The reason I'm asking this is
20 because I'm very curious.

21 MS. KEBEDE: Yes.

22 MEMBER ALBERTI: I see a Facebook

1 page for DC Tiki, T-I-K-I.

2 MS. KEBEDE: Yeah, okay.

3 MEMBER ALBERTI: And so what is
4 that?

5 MS. KEBEDE: That's -- okay.
6 That's the downstairs. You know, everybody in
7 the room make some names for themselves to
8 attract the customer, you know. The bartender
9 and me we talk about it and we said okay, we
10 call it Tiki Bar downstairs. But it's not
11 like official name.

12 MEMBER ALBERTI: Okay. So what is
13 the -- so is the --

14 MS. KEBEDE: Tiki Bar is --

15 MEMBER ALBERTI: Is it the -- the
16 bartender came up downstairs with DC Tiki,
17 right?

18 MS. KEBEDE: Yeah. But it's about
19 the --

20 MEMBER ALBERTI: What's that
21 bartender's connection to DC Tiki?

22 MS. KEBEDE: Tiki it's about the

1 drink like Caribbean drink.

2 MEMBER ALBERTI: But sort of
3 what's their connection? I mean, are they--

4 MS. KEBEDE: Nothing. There is
5 nothing connection.

6 MEMBER ALBERTI: They don't get --
7 you pay them like a regular bartender or do
8 they get a commission?

9 MS. KEBEDE: Just him.

10 MEMBER ALBERTI: Pardon?

11 MS. KEBEDE: The guy he come every
12 weekend he come two days.

13 MEMBER ALBERTI: And what's that
14 person's name? The person who is sort of
15 behind DC Tiki?

16 MS. KEBEDE: Vlad.

17 MEMBER ALBERTI: Pardon?

18 MS. KEBEDE: His name is Vlad.

19 MEMBER ALBERTI: Can you spell
20 that?

21 MS. KEBEDE: V like -- yeah, Vlad.

22 MEMBER ALBERTI: Can you spell it?

1 MS. KEBEDE: V-L-A-D, Vlad.

2 MEMBER ALBERTI: V-A-A-D?

3 MS. KEBEDE: Vlad, yeah, V-L-A-D.

4 MR. JAMES: V-L-A-D.

5 MS. KEBEDE: Like in --

6 MEMBER ALBERTI: V-L-A-D?

7 MS. KEBEDE: Yeah.

8 MEMBER ALBERTI: Is that his last
9 name or his first name?

10 MS. KEBEDE: That's his first
11 name. I don't know the last name.

12 MEMBER ALBERTI: You don't know
13 his last name. He is an employee and you
14 don't know his last name?

15 MS. KEBEDE: Yeah, I don't know.

16 MEMBER ALBERTI: Do you have
17 records with his last name on them?

18 MS. KEBEDE: No. He just came
19 only two days, Friday and Saturday, for four
20 hours.

21 MEMBER ALBERTI: And how do you
22 pay him?

1 MS. KEBEDE: Just call him on the
2 -- tip, he make tips that's all. I work
3 downstairs.

4 MEMBER ALBERTI: So he is kind of
5 a contractor for you in a way, right? He just
6 gets tips?

7 MS. KEBEDE: Yeah.

8 MEMBER ALBERTI: Okay. All right.
9 Okay. I'm also seeing a current Facebook page
10 for Dr. Clock's Nowhere Bar.

11 MS. KEBEDE: That's the upstairs,
12 that's what she talk about.

13 MEMBER ALBERTI: Yeah. So who is
14 behind that?

15 MS. KEBEDE: Vlad. I'm -- I'm
16 sorry, Van.

17 MEMBER ALBERTI: Van. So Mr.
18 Hillard --

19 MS. KEBEDE: Yeah, yeah.

20 MEMBER ALBERTI: -- is behind
21 that?

22 MS. KEBEDE: Yeah.

1 MEMBER ALBERTI: And still?

2 MS. KEBEDE: Yeah, he called his
3 name.

4 MEMBER ALBERTI: And that's still
5 going on because I see current messages. I'm
6 trying to get the dates on these. January
7 4th, tonight as in the first Saturday of the
8 future, so and so performs, a truly bad to the
9 bone set of live techno. So this is written
10 January 4th on this Facebook page, so it
11 doesn't look like Mr. Hillard has canceled the
12 social media --

13 MS. KEBEDE: Yeah.

14 MEMBER ALBERTI: -- angle here.
15 Does that bother you at all? I mean, you are
16 in charge of this restaurant. I mean, this
17 establishment.

18 MS. KEBEDE: Correct.

19 MEMBER ALBERTI: Does that bother
20 you at all?

21 MS. KEBEDE: Correct. But, yeah,
22 I didn't check on him. I'm sorry.

1 MEMBER ALBERTI: Okay. But you
2 had no idea about Dr. Clock's. Is that
3 correct?

4 MS. KEBEDE: Yeah, I think she
5 told me that, yeah.

6 MEMBER ALBERTI: Right, right.
7 But that is the first time you knew?

8 MS. KEBEDE: Yes.

9 MEMBER ALBERTI: And have you seen
10 these Facebook pages?

11 MS. KEBEDE: No.

12 MEMBER ALBERTI: No. Okay. I
13 don't think I have any further questions right
14 now. Thank you.

15 CHAIRPERSON MILLER: Mr. Brooks?

16 MEMBER BROOKS: Yes.

17 CHAIRPERSON MILLER: Go ahead.

18 MEMBER BROOKS: Thank you, Madam
19 Chair. How many employees do you have total?

20 MS. KEBEDE: Just me and Van.

21 MEMBER BROOKS: You and Van?

22 MS. KEBEDE: And Vlad, he come

1 every weekend.

2 MEMBER BROOKS: Okay. And he
3 comes what, Saturday and Sundays or Fridays?

4 MS. KEBEDE: No, Friday and
5 Saturday.

6 MEMBER BROOKS: Friday and
7 Saturday?

8 MS. KEBEDE: Yeah.

9 MEMBER BROOKS: Okay. And he gets
10 only tips?

11 MS. KEBEDE: Yes.

12 MEMBER BROOKS: Okay. And Van he
13 gets commission?

14 MS. KEBEDE: Yes.

15 MEMBER BROOKS: Did you say?

16 MS. KEBEDE: Yes.

17 MEMBER BROOKS: Okay. And how
18 much commission is that?

19 MS. KEBEDE: 10 percent from
20 whatever I make.

21 MEMBER BROOKS: 10 percent of
22 whatever you make upstairs and downstairs?

1 MS. KEBEDE: No, upstairs.

2 MEMBER BROOKS: Just upstairs?

3 MS. KEBEDE: Upstairs, yeah,
4 because he work in the bar upstairs.

5 MEMBER BROOKS: Okay. So he
6 doesn't work in the bar downstairs?

7 MS. KEBEDE: Downstairs -- I work
8 downstairs myself.

9 MEMBER BROOKS: Okay. All right.
10 And how long has Van been working upstairs?

11 MS. KEBEDE: It's almost exactly a
12 year on February. It's going to be a year,
13 yeah.

14 MEMBER BROOKS: Okay. Now, it
15 seems to me I read a newspaper article --

16 MS. KEBEDE: Hum, sorry?

17 MEMBER BROOKS: I read something
18 in the newspaper about the bar upstairs in the
19 Washington Post.

20 MS. KEBEDE: Um-hum.

21 MEMBER BROOKS: Are you familiar
22 with that?

1 MS. KEBEDE: What's that about?

2 About the accident?

3 MEMBER BROOKS: No, no, no, before
4 that.

5 MS. KEBEDE: No.

6 MEMBER BROOKS: About a year
7 before when he first came, because they seem
8 as if he was there before. Was he there
9 before some time ago?

10 MS. KEBEDE: Oh, year 2011 I was
11 back home. My father passed away, so I just
12 give him the place to manage it, yeah.

13 MEMBER BROOKS: Okay. Well --

14 MS. KEBEDE: That was in year
15 2011, I believe.

16 MEMBER BROOKS: Well, the person I
17 got -- yeah, he was there before.

18 MS. KEBEDE: Yeah. Yeah, he was
19 there.

20 MEMBER BROOKS: Left and he came
21 back.

22 MS. KEBEDE: Right.

1 MEMBER BROOKS: An article was
2 describing the reopening of the bar with him
3 there.

4 MS. KEBEDE: Yeah, correct, yes.
5 Because I was back home and I told him to
6 check -- to work for me while I was in
7 Ethiopia.

8 MEMBER BROOKS: Okay.

9 MS. KEBEDE: Yeah.

10 MEMBER BROOKS: And he has no
11 interest in the bar itself? You are the only
12 owner?

13 MS. KEBEDE: Yeah. I am the
14 owner.

15 MEMBER BROOKS: All right.

16 MS. KEBEDE: My brother and me.

17 MEMBER BROOKS: Okay. Thank you.
18 Thank you, Madam Chair.

19 CHAIRPERSON MILLER: Okay.
20 Others? I just want to follow-up just a
21 little bit. So do you bartend downstairs?

22 MS. KEBEDE: Yes.

1 CHAIRPERSON MILLER: Okay. And
2 you are there every day --

3 MS. KEBEDE: Yeah.

4 CHAIRPERSON MILLER: -- you are
5 open? Are you open six days a week?

6 MS. KEBEDE: Seven days a week.

7 CHAIRPERSON MILLER: Seven days a
8 week. You are there every day. Okay. And
9 then this other person you hired to -- that
10 gets just tips, who -- does he bartend or what
11 does he do?

12 MS. KEBEDE: It's me and Van and
13 Vlad. So three of us. It's a small place.

14 CHAIRPERSON MILLER: Yeah, yeah.
15 No, no, I just wanted to get the facts right.

16 MS. KEBEDE: Yeah.

17 CHAIRPERSON MILLER: But that
18 other person, that third person who just gets
19 tips, what does he do?

20 MS. KEBEDE: Yeah, I have --
21 sometimes I call people if I'm busy on
22 weekends.

1 CHAIRPERSON MILLER: All right.
2 All right. Any other questions? Mr. James,
3 is there something brief you need to ask
4 about, because you're not invited to this.
5 You are here to observe is my understanding.
6 You are not a party to this.

7 MR. JAMES: This is a Fact-Finding
8 Hearing, correct?

9 CHAIRPERSON MILLER: Yes.

10 MR. JAMES: They are
11 nonadversarial, correct? They are open to the
12 public?

13 CHAIRPERSON MILLER: Yes.

14 MR. JAMES: The public can speak
15 at them? I would like to speak.

16 CHAIRPERSON MILLER: Well, let me
17 -- okay. Let me just ask --

18 MR. JAMES: I would like to know
19 why not. Mr. Alberti is shaking his head.

20 CHAIRPERSON MILLER: Right.

21 MR. JAMES: You know, I live about
22 200 feet from this establishment. I'm the

1 president of a civic association. We are
2 greatly concerned about violence in our
3 community.

4 MEMBER ALBERTI: Mr. James?

5 MR. JAMES: And I am wondering --

6 MEMBER ALBERTI: Just I will
7 speak. Why I'm shaking my head is if you have
8 information that is pertinent to this case and
9 to the inquiry that we are making here, the
10 proper channels would be through the Director
11 or our investigative staff. That would be the
12 proper channels.

13 MR. JAMES: Um-hum.

14 MEMBER ALBERTI: The proper
15 channel really isn't through this hearing.

16 MR. JAMES: I --

17 MEMBER ALBERTI: And that is where
18 I think the Board -- the Chair, Ms. Miller,
19 can overrule me if she chooses to. So and we
20 do appreciate your attention and any
21 information you have. I don't want to sound
22 like its unappreciative, but there has to be

1 some decorum to these hearings.

2 And just that is my opinion.

3 MR. JAMES: I have a
4 responsibility to --

5 MEMBER ALBERTI: No. You think --
6 I am not asking you to speak. Ms. Miller will
7 direct you, direct questions to you and allow
8 you to speak, if necessary.

9 MR. JAMES: Well --

10 CHAIRPERSON MILLER: Okay. I
11 don't have the rule in front of me, but I'm
12 very aware that there is a rule that says when
13 there is a Fact-Finding Hearing that we can
14 hear from residents who have a concern. But
15 I want to make sure that the concern goes to
16 this Fact-Finding Hearing.

17 MR. JAMES: It does.

18 CHAIRPERSON MILLER: Okay.

19 MR. JAMES: Most explicitly. In
20 fact, I have contacted Mr. Moosally repeatedly
21 about this establishment.

22 The question of whether or not it

1 is a separate operation, you know, a second
2 business being run under this license. And it
3 didn't start with Dr. Clock's Nowhere Bar. It
4 started a couple of years ago with something
5 called The MIG Bar, M-I-G like the Russian Jet
6 plane. It was advertised repeatedly at this
7 establishment even with a sandwich board on
8 the sidewalk. It was written up by Fritz Hahn
9 in the Washington Post saying yeah, great
10 drinks, great prices so forth and so on.

11 And I just inquired of Mr.
12 Moosally can you and your investigators look
13 into whether or not this is a separate
14 business being run under this license. So it
15 never got clarity. Maybe Mr. Moosally is the
16 one to tell me, you know, what the case is,
17 that's why I care enough to come and sit in
18 front of this Board and ask these questions.
19 And I asked the same questions when Dr.
20 Clock's appeared.

21 You know, it seems to me that it
22 would be very easy to find out if the person

1 who was operating the second floor is an
2 employee or not. Are there W-2s? Is there
3 some sort of official relationship?

4 Mr. Alberti was getting to the
5 point, I think, of a lot of what is going on
6 in this establishment. It seems to be very
7 carelessly run. And that's -- carelessly-run
8 establishments can have incidents like this
9 happen. And I read the investigative report
10 and Ms. Kebede was in the kitchen at 1:50 when
11 the guy charged in and ran up the stairs.

12 So I'm concerned about carelessly-
13 run establishments in my neighborhood. We
14 have a lot of problems in Adams Morgan.

15 MEMBER ALBERTI: May I ask, Mr.
16 James --

17 MR. JAMES: Follow through the
18 regular channels to try to get to the bottom
19 of such questions.

20 CHAIRPERSON MILLER: Okay. Thank
21 you for sharing that, Mr. James.

22 MEMBER ALBERTI: May I ask Mr.

1 James a question?

2 CHAIRPERSON MILLER: Sure.

3 MEMBER ALBERTI: Mr. James, other
4 than suggestions on how we should run this
5 inquiry, do you have any information?

6 MR. JAMES: I just offered some
7 information that hadn't been here about a
8 separate thing called The MIG Bar.

9 MEMBER ALBERTI: Okay. Thank you.

10 MR. JAMES: On the second floor.

11 MEMBER ALBERTI: We appreciate
12 that. Thank you. Any other information?

13 MR. JAMES: I imparted to the
14 Board that I had gone through the correct
15 channels and never came up with any sort of an
16 accurate description --

17 MEMBER ALBERTI: Thank you.

18 MR. JAMES: -- of what happened.

19 MEMBER ALBERTI: Thank you.

20 MR. JAMES: So I think it is --
21 the Board doesn't want to hear from citizens?

22 CHAIRPERSON MILLER: No.

1 MR. JAMES: I mean, I'm very
2 concerned.

3 MEMBER ALBERTI: We do, but we
4 want -- I think, again, it's best that you
5 have this discussion with the Director and he
6 can pass the information on to his
7 investigative staff and they, if necessary,
8 can pass it on to the Board.

9 I don't need to have people
10 sitting here telling us how to do our
11 investigations in an open public hearing.

12 CHAIRPERSON MILLER: I am of a
13 different view, Mr. James. And I appreciate
14 all of you taking the time to come down and
15 I'm happy to have heard the information you
16 wanted to give us. So anybody else? Okay.

17 MS. KEBEDE: Can I answer for what
18 he said?

19 MEMBER SILVERSTEIN: Madam Chair?

20 CHAIRPERSON MILLER: Mr.
21 Silverstein wants to say something and then
22 I'll be happy to hear your response.

1 MS. KEBEDE: Okay.

2 MEMBER SILVERSTEIN: I feel like I
3 want to come down on both sides of this issue
4 with both of you. There has been an
5 increasing amount of violence in
6 establishments over the recent past, including
7 a number of fatalities in the past number of
8 months.

9 I do not believe that we will be
10 in any way damaged by learning additional
11 information regarding enforcement. I would
12 thank Mr. James for coming here and offering
13 what information he did, because anything that
14 will help us in our dealings with our own
15 investigators and pulling us in various
16 directions is, in fact, helpful.

17 Based on that and the fact that we
18 seek information as long as it is, in fact,
19 limited to that, we deeply appreciate it or at
20 least I do. I'm speaking only for myself. We
21 do need to maintain decorum. We don't want
22 these to go all over the place, but specific

1 information is helpful. And if it has been
2 offered and a response has not been to your
3 satisfaction, we are here and we can receive
4 it in a limited manner. Thank you, sir.
5 Thank you, Mr. Alberti.

6 CHAIRPERSON MILLER: Thank you.

7 MS. KEBEDE: Can I say something,
8 please?

9 CHAIRPERSON MILLER: Yes, go
10 ahead, please.

11 MS. KEBEDE: Yeah. About the
12 carelessly he said, it's not -- I'm not
13 careless about my business. I been there 12
14 years by myself as a woman and the names the
15 same person, you know, Van, he give names.
16 Like he said like MIG Bar or whatever he call
17 it. It happens, okay.

18 And about the accident, it didn't
19 happen 1:50. Actually, we close 1:30 is when
20 we close. The night this happened, everything
21 was like about to leave, so we were not
22 careless. Actually, I closed on time. And

1 this accident happened. Accidents happen
2 anywhere at any time.

3 CHAIRPERSON MILLER: Right, right.

4 MS. KEBEDE: There is no control.
5 That's what makes me really upset and cry and
6 I wish it didn't happen there. Anywhere.

7 MEMBER ALBERTI: May I say
8 something to Ms. Kebede? Ms. Kebede, I'm
9 sorry that you had to sit here and listen to
10 accusations being made against your
11 establishment. Okay. This Board deals in
12 facts and not allegations. And if allegations
13 come to us, we investigate them to see if
14 there are facts to support them.

15 But it is not -- I think it is
16 unfortunate that you had to sit here and
17 listen to allegations that weren't supported
18 by fact.

19 MS. KEBEDE: Thank you.

20 CHAIRPERSON MILLER: Okay. I
21 think that we can conclude this hearing now.
22 And I hope that what results are some positive

1 steps. And one is, I want to tell you, Ms.
2 Kebede, that we do have a training coming up.

3 MS. KEBEDE: Okay.

4 CHAIRPERSON MILLER: January 23rd
5 at 2:00 p.m. and it is free. And you should
6 come and you should bring Mr. Hillard with you
7 as well.

8 MS. KEBEDE: Okay.

9 CHAIRPERSON MILLER: Okay?

10 MS. KEBEDE: Thank you.

11 CHAIRPERSON MILLER: All right.

12 And then that concludes this hearing. Thank
13 you very much for coming down.

14 MS. KEBEDE: Thank you.

15 CHAIRPERSON MILLER: So there is
16 no further action at this time.

17 MEMBER ALBERTI: No, no, I
18 disagree. I don't think that that should be
19 stated for the record. We haven't voted on
20 that.

21 CHAIRPERSON MILLER: Oh, we're
22 going to take it under advisement.

1 MEMBER ALBERTI: I think it should
2 be just no conclusion on it at this point, is
3 my recommendation.

4 CHAIRPERSON MILLER: Okay. That's
5 fair. That's fine.

6 MEMBER SILVERSTEIN: I agree,
7 Madam Chair.

8 MS. KEBEDE: Okay.

9 CHAIRPERSON MILLER: I mean, if
10 you wait, we will discuss and I guess in
11 closed session, and I'll read the
12 instructions, and then if there is any further
13 action, we will let you know.

14 MS. KEBEDE: Okay. Thank you.

15 CHAIRPERSON MILLER: So as
16 Chairperson of the Alcoholic Beverage Control
17 Board for the District of Columbia and in
18 accordance with DC Official Code Section 2-
19 574(b) of the Open Meetings Act, I move that
20 the ABC Board hold a closed meeting today for
21 the purpose of seeking legal advice from our
22 counsel on Case No. 13-251-00100, Rendezvous

1 Lounge, pursuant to Section 2-574(b)(4) of the
2 Open Meetings Act and/or deliberating upon
3 this case for the reasons cited in Section 2-
4 574(b)(13) of the Open Meetings Act.

5 Is there a second?

6 MEMBER BROOKS: Second.

7 CHAIRPERSON MILLER: Mr. Brooks
8 has seconded the motion. I'll now take a roll
9 call vote on the motion before us now that it
10 has been seconded.

11 Mr. Brooks?

12 MEMBER BROOKS: I agree.

13 CHAIRPERSON MILLER: Mr. Alberti?

14 MEMBER ALBERTI: I agree.

15 CHAIRPERSON MILLER: Ms. Miller
16 agrees.

17 Mr. Silverstein?

18 MEMBER SILVERSTEIN: I agree.

19 CHAIRPERSON MILLER: So the vote
20 is 4-0-0. The Board will hold a closed
21 meeting to consider any further action on this
22 case. All right. Do you have any questions?

1 MS. KEBEDE: No.

2 CHAIRPERSON MILLER: All right.

3 Thank you.

4 MS. KEBEDE: I'm sorry, for being
5 emotional here.

6 CHAIRPERSON MILLER: Oh, no, you
7 don't have to apologize for that. Okay. We
8 are sorry that it's upsetting.

9 MS. KEBEDE: Okay. Have a nice
10 day.

11 CHAIRPERSON MILLER: Thank you.

12 (Whereupon, the Fact-Finding
13 Hearing in the above-entitled matter was
14 concluded at 12:10 p.m.)

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	B	C		
\$1,000 27:1 \$800 27:2,4 a.m 2:2,17,18 20:2 20:3 ABC 52:20 above-entitled 54:13 ABRA 1:22 7:15 22:4 accident 15:19 18:17 20:13 29:17 38:2 49:18 50:1 Accidents 50:1 account 29:6 accurate 46:16 accusations 50:10 Act 52:19 53:2,4 action 6:5 51:16 52:13 53:21 Adams 45:14 additional 10:13 48:10 additionally 9:6 10:4,11 14:19 address 15:15 17:17 advertise 18:5 advertised 9:18 12:2 44:6 advertisement 14:1 advertising 9:20 13:15 17:17 19:5 28:21 advice 52:21 advised 8:12,14 9:2 10:2,12,20 11:5 12:18 advisement 51:22 agency 2:13 ago 38:9 44:4 agree 52:6 53:12,14 53:18 agrees 53:16 ahead 35:17 49:10 Alberti 1:19 13:4,8 13:11 15:9 19:11	19:14,19 20:1 23:5,7,8,12,17,21 24:2,4,6,8,10,13 24:15,22 25:4,6,9 25:12,15,18 26:1 26:4,6,9,12,15 27:3,5,8,10,12,16 27:19,21 28:2,4,8 28:11,15,17,20 29:1,4,8,12,14,18 29:22 30:3,12,15 30:20 31:2,6,10 31:13,17,19,22 32:2,6,8,12,16,21 33:4,8,13,17,20 34:1,4,14,19 35:1 35:6,9,12 41:19 42:4,6,14,17 43:5 45:4,15,22 46:3,9 46:11,17,19 47:3 49:5 50:7 51:17 52:1 53:13,14 alcohol 8:8,13 10:16,19,22 12:19 12:21,22 22:1 Alcoholic 1:2,13,14 52:16 allegations 50:12 50:12,17 allow 16:20 43:7 amount 48:5 amounts 26:21 ANC-1C 1:8 2:10 and/or 53:2 angle 34:14 answer 20:15 47:17 anybody 2:21 47:16 apologize 54:7 appeared 44:20 appreciate 42:20 46:11 47:13 48:19 arose 8:6 arrival 9:14 arrived 7:7 article 37:15 39:1 articulate 6:17	back 2:15 20:5 38:11,21 39:5 bad 34:8 bar 9:13,17 10:1,9 10:12,15 12:5,17 17:21 30:10,14 33:10 37:4,6,18 39:2,11 44:3,5 46:8 49:16 Barrel 8:8 10:17,20 12:13,16 13:2 bartend 39:21 40:10 bartender 9:21 10:5 11:11,17 15:1,6 30:8,16 31:7 bartender's 30:21 base 26:18 based 26:4,5,6,17 48:17 basis 11:14 26:21 27:6 Belamesh 3:11 believe 38:15 48:9 best 47:4 Beverage 1:2,13,14 52:16 bit 26:16,19 39:21 block 16:5 board 1:2,14 5:11 6:9 15:13 19:10 21:21 23:3 42:18 44:7,18 46:14,21 47:8 50:11 52:17 52:20 53:20 bone 34:9 bother 34:15,19	called 4:8 5:18 15:2 34:2 44:5 46:8 calling 15:5 cancel 18:9,11 21:4 21:6,15 28:13,18 canceled 21:2,12 34:11 care 24:19 44:17 careless 49:13,22 carelessly 45:7,12 49:12 carelessly-run 45:7 Caribbean 31:1 case 1:9 2:8,12,14 2:16,20 3:2 4:2,16 5:22 42:8 44:16 52:22 53:3,22 certain 22:7 Chair 35:19 39:18	

17:21 20:20 33:10 35:2 44:3,20 close 49:19,20 closed 49:22 52:11 52:20 53:20 Code 52:18 Columbia 1:1 52:17 come 2:15 3:4 5:13 6:16,20 16:6 24:20 31:11,12 35:22 44:17 47:14 48:3 50:13 51:6 comes 36:3 coming 5:2 23:9 48:12 51:2,13 commission 25:22 26:2,22 27:17 31:8 36:13,18 community 42:3 complaint 9:7 complying 23:1 concern 9:3 12:10 43:14,15 concerned 42:2 45:12 47:2 concerns 6:4,17 7:18 8:2 13:4,6 15:16 conclude 50:21 concluded 54:14 concludes 51:12 conclusion 52:2 connection 30:21 31:3,5 consider 53:21 contacted 43:20 contract 26:10,13 contractor 33:5 control 1:2,13,14 50:4 52:16 correct 12:8 24:9 34:18,21 35:3 39:4 41:8,11 46:14 counsel 4:1,19 22:20 52:22	couple 44:4 course 5:9 crowd 14:4 cry 50:5 CT 1:8 curious 28:12 29:20 current 33:9 34:5 customer 11:13,18 14:11 15:21 16:4 17:9,12,14 30:8 customers 17:10 <hr/> D <hr/> D.C 1:15 daily 27:7,9,10,17 Dallul 1:6 damaged 48:10 dates 34:6 day 16:6 27:13,15 27:17 40:2,8 54:10 day-to-day 23:14 days 27:12 31:12 32:19 40:5,6,7 DC 30:1,16,21 31:15 52:18 dealings 48:14 deals 50:11 decorum 43:1 48:21 deeply 48:19 delete 18:6 deliberating 53:2 denied 10:8 depressed 21:8 described 10:11 11:12 12:17 14:10 14:12 describing 11:16 11:17 39:2 description 46:16 detail 26:19 determined 14:22 dialogue 6:8 died 7:22 difference 14:15 differences 14:3,8	different 13:16 14:2,5 17:4 47:13 differently 13:15 direct 43:7,7 directions 48:16 Director 22:11 42:10 47:5 disagree 51:18 discrepancy 11:15 discuss 52:10 discussion 47:5 dissimilarities 13:18 distinguishing 14:2 District 1:1 52:17 DJ 14:6 17:7,8 24:20 25:13,13 dog 16:6 doing 6:10 9:20 10:16 11:1 12:22 dollar 26:21 DONALD 1:19 downstairs 11:5 13:19 14:5,17 17:4,7,15 30:6,10 30:16 33:3 36:22 37:6,7,8 39:21 Dr 9:13,16 10:1,8 12:3,4 17:20 20:19 33:10 35:2 44:3,19 drink 31:1,1 drinks 44:10 duration 11:6 <hr/> E <hr/> easily 8:21 easy 44:22 emotional 54:5 employee 25:19,20 32:13 45:2 employees 14:22 35:19 enforcement 48:11 Erin 1:22 7:11 establishment 1:10 3:19 5:6 7:21 9:15 9:16,22 10:7,14	11:6 23:15 26:7 34:17 41:22 43:21 44:7 45:6 50:11 establishments 45:8,13 48:6 Ethiopia 39:7 evening 11:7 event 5:6 everybody 30:6 evidence 5:22 exactly 37:11 example 8:20 expect 5:20 expected 4:3 explicitly 43:19 extremely 20:10 <hr/> F <hr/> Facebook 29:5,5,11 29:15,22 33:9 34:10 35:10 fact 1:6 2:11 7:17 9:3 13:14 43:20 48:16,17,18 50:18 Fact-Finding 2:4,6 4:18 5:18 41:7 43:13,16 54:12 facts 40:15 50:12 50:14 fair 52:5 familiar 10:2 37:21 fatalities 48:7 father 38:11 February 37:12 feel 22:13 48:2 feet 41:22 fight 16:1 find 44:22 Finding 1:7 2:12 7:18 fine 52:5 finished 21:1 first 3:11 7:11 9:10 14:7 15:18 32:9 32:10 34:7 35:7 38:7 five 19:20,22 floor 9:11,11,12	14:7 25:3 45:1 46:10 floors 9:10 25:1,7 follow 22:3 45:17 follow-up 39:20 followed 9:8 19:4 forgot 18:19 formal 7:2 forth 44:10 forward 2:15 four 32:19 Fred 22:11 free 22:14 51:5 Friday 32:19 36:4,6 Fridays 36:3 Fritz 44:8 front 43:11 44:18 further 15:10 35:13 51:16 52:12 53:21 future 34:8 <hr/> G <hr/> gather 6:7 gathering 5:22 6:3 general 5:17 22:20 getting 45:4 give 19:14 22:20 25:21 26:1,18 29:2 38:12 47:16 49:15 go 16:7 17:10 35:17 48:22 49:9 goes 13:14 17:12 43:15 going 2:3,5,20 5:1 5:19 6:16,16,20 13:13 20:6 34:5 37:12 45:5 51:22 Good 2:22 grab 16:11 grave 21:22 great 44:9,10 greatly 42:2 gross 26:17 27:6 guess 52:10 guy 15:19,22 16:1,3 31:11 45:11
---	--	---	--	---

H	incident 7:20 9:8,9 11:4,4,8,12 14:21 15:3	46:10,13,18,20 47:1,13 48:12	54:1,4,9	2:22 3:1,4 53:1		
Hahn 44:8	incidents 45:8	January 1:12 34:6 34:10 51:4	kind 5:17 20:13 33:4	M		
happen 45:9 49:19 50:1,6	including 48:6	Jenkins 22:21	kitchen 45:10	M-I-G 44:5		
happened 7:21 46:18 49:20 50:1	income 26:5,7	Jet 44:5	knew 35:7	Ma'am 2:22		
happening 20:20	increasing 48:5	K	know 2:7 3:5 5:5,5 5:7,8,20 6:4 7:1,5 9:3 13:4,5 15:22 16:2,20,21 18:1,3 18:16,18,20 20:10 21:8,9 22:3,12 23:1 26:20,21 29:14,17 30:6,8 32:11,12,14,15 41:18,21 44:1,16 44:21 49:15 52:13	Madam 35:18 39:18 47:19 52:7		
happens 49:17	indicated 7:17	K-E-B-E-D-E 3:17	knowledge 10:8	maintain 48:21		
happy 47:15,22	individually 9:1	Kebede 3:8,11,12 3:15,15,16,17,20 4:4,7,11,14,20 5:3 5:14 6:11,14,18 7:1,3,5 9:2,22 10:18 11:5 12:14 15:5,15,18 16:9 16:15,19 17:2,5 17:13,19,22 18:3 18:9,12,15 19:18 20:5,8,12,17,21 21:3,7,13,16,18 22:5,8,15,18 23:2 23:8,11,16,20,22 24:3,7,9,12,14,18 25:2,5,8,11,14,17 25:21 26:3,5,8,11 26:14 27:1,4,7,9 27:11,14,18,20 28:1,3,7,10,14,16 28:19,22 29:2,7 29:10,13,16,21 30:2,5,14,18,22 31:4,9,11,16,18 31:21 32:1,3,5,7 32:10,15,18 33:1 33:7,11,15,19,22 34:2,13,18,21 35:4,8,11,20,22 36:4,8,11,14,16 36:19 37:1,3,7,11 37:16,20 38:1,5 38:10,14,18,22 39:4,9,13,16,22 40:3,6,12,16,20 45:10 47:17 48:1 49:7,11 50:4,8,8 50:19 51:2,3,8,10 51:14 52:8,14	information 6:3,7 19:1 22:20,22 42:8,21 46:5,7,12 47:6,15 48:11,13 48:18 49:1		know 2:7 3:5 5:5,5 5:7,8,20 6:4 7:1,5 9:3 13:4,5 15:22 16:2,20,21 18:1,3 18:16,18,20 20:10 21:8,9 22:3,12 23:1 26:20,21 29:14,17 30:6,8 32:11,12,14,15 41:18,21 44:1,16 44:21 49:15 52:13	making 42:9
heard 13:7 15:14 43:14 46:21 47:22	inspection 8:18 9:14			manage 38:12		
heard 15:5,8 22:1 47:15	instructions 52:12		L	Management 1:10		
hearing 1:8,14 2:6 4:18 5:18,18 6:6 7:18 8:1 21:12 41:8 42:15 43:13 43:16 47:11 50:21 51:12 54:13	interest 39:11		Lastly 11:3	manager 10:12,15 12:17 24:1,17,18 28:14		
hearings 2:4 43:1	introduce 7:8		lay 8:3	managerial 23:14		
help 48:14	investigate 50:13		lead 6:5	managers 23:13		
helpful 48:16 49:1	investigation 7:19 8:5		learning 48:10	manner 49:4		
hesitate 22:10	investigations 47:11		leave 49:21	Martha 22:21		
Hillard 9:21 10:5 10:12,19 11:1,10 12:10,17 14:9 15:1,7 24:3,4,8,16 25:19 28:15 33:18 34:11 51:6	investigative 42:11 45:9 47:7		Left 38:20	Mathieson 1:22 7:10,11,14 8:4 11:21 12:4,8,12 13:12,21 18:22 19:3,7 24:5		
hired 40:9	Investigator 1:22 4:22 5:1,10,13 6:16 7:7,10,14,15 8:4 11:21 12:4,8 12:12 13:9,11,21 19:3,7 24:5		legal 52:21	matter 1:5 54:13		
hold 52:20 53:20	invited 41:4		let's 19:13,16,21	mean 26:18 31:3 34:15,16 47:1 52:9		
home 38:11 39:5	invoices 8:6,18		license 1:8 2:10 8:11 9:4 22:1 44:2 44:14	media 9:13,18 10:8 12:2 13:14 17:18 20:19 21:1 28:21 34:12		
hope 6:19 50:22	issue 48:3		licensee 8:7	meeting 1:3 52:20 53:21		
hospital 18:18	issues 5:10 8:5		life 20:13	Meetings 52:19 53:2,4		
hourly 25:19			limited 48:19 49:4	Member 1:19,19,20 13:8,11 15:9 18:2 19:11,14,19 20:1 23:5,8,12,17,21 24:2,4,6,8,10,13 24:15,22 25:4,6,9 25:12,15,18 26:1 26:4,6,9,12,15 27:3,5,8,10,12,16 27:19,21 28:2,4,8 28:11,15,17,20 29:1,4,8,12,14,18 29:22 30:3,12,15		
hours 32:20	J		liquor 10:22 12:11 12:14 16:10 24:19			
House 8:8 10:17,20 12:13,16 13:2	James 32:4 41:2,7 41:10,14,18,21 42:4,5,13,16 43:3 43:9,17,19 45:16 45:17,21 46:1,3,6		Liquors 8:8 10:18			
Hum 37:16			listen 50:9,17			
I			little 26:16,19 28:12 39:21			
idea 35:2			live 16:5 34:9 41:21			
identified 9:16			located 2:9 8:9			
imparted 46:13			location 9:10 10:20			
implied 12:21			long 37:10 48:18			
impressions 13:13			longer 20:7,20			
			look 19:8 34:11 44:12			
			lot 45:5,14			
			Lounge 1:6 2:9,21			

30:20 31:2,6,10 31:13,17,19,22 32:2,6,8,12,16,21 33:4,8,13,17,20 34:1,4,14,19 35:1 35:6,9,12,16,18 35:21 36:2,6,9,12 36:15,17,21 37:2 37:5,9,14,17,21 38:3,6,13,16,20 39:1,8,10,15,17 42:4,6,14,17 43:5 45:15,22 46:3,9 46:11,17,19 47:3 47:19 48:2 50:7 51:17 52:1,6 53:6 53:12,14,18 Members 15:14 21:21 23:4 mentioned 14:9 25:13 menus 14:2 messages 34:5 met 1:14 MIG 44:5 46:8 49:16 MIKE 1:20 Miller 1:15,18 2:3 2:19 3:9,13,16,18 3:22 4:5,10,13,15 4:21 5:4,15 6:12 6:15,19 7:2,4,6,12 7:16 11:19,22 12:6,9 13:3,10 15:12 16:8,13,16 17:1,3,11,16,20 18:7,11,13,20 19:6,9,12,16,21 20:4,9,14,18,22 21:5,11,14,17,19 22:6,9,16,19 23:3 23:6 35:15,17 39:19 40:1,4,7,14 40:17 41:1,9,13 41:16,20 42:18 43:6,10,18 45:20 46:2,22 47:12,20	49:6,9 50:3,20 51:4,9,11,15,21 52:4,9,15 53:7,13 53:15,15,19 54:2 54:6,11 minute 19:13,17,20 19:22 misunderstanding 2:14 15:21 16:7 Monthly 27:1 months 48:8 Moosally 22:11 43:20 44:12,15 Morgan 45:14 morning 4:9 motion 53:8,9 move 2:4,15 52:19 <hr/> N <hr/> N.W 1:15 2:10 8:9 name 3:6,7,10,12 3:12,14 7:11,11 10:7,10,15 13:16 13:16 14:3 30:11 31:14,18 32:9,9 32:11,11,13,14,17 34:3 names 30:7 49:14 49:15 necessary 43:8 47:7 need 4:22 22:22 26:20,20 41:3 47:9 48:21 neighborhood 45:13 neither 14:21 15:2 net 26:17 never 14:12 20:12 29:16 44:15 46:15 newspaper 37:15 37:18 nice 54:9 NICK 1:19 night 11:4 14:21 49:20 nonadversarial 41:11 note 14:20	noted 5:10 6:17 7:19 11:15 13:20 noteworthy 14:14 noting 14:10 number 48:7,7 numbers 22:17 NW 1:7 <hr/> O <hr/> oath 5:19 observe 41:5 occurred 15:3 offered 22:3 46:6 49:2 offering 48:12 official 30:11 45:3 52:18 Oh 38:10 51:21 54:6 okay 2:5,12,19,22 3:2,3,7,9,18,22 4:10,13,17,20,21 5:1,3,14 6:11,15 6:18 7:4,6,12,16 12:7 13:3,10 15:9 15:12,15 16:8 17:1 18:20 19:6,9 19:12,17 20:1,4,8 20:14,17 21:17 22:8,15,18,21 23:2,6,11,17 24:10,15 25:12,18 28:4,11 29:1 30:2 30:5,9,12 33:8,9 35:1,12 36:2,9,12 36:17 37:5,9,14 38:13 39:8,17,19 40:1,8 41:17 43:10,18 45:20 46:9 47:16 48:1 49:17 50:11,20 51:3,8,9 52:4,8,14 54:7,9 on-premises 14:1 open 40:5,5 41:11 47:11 52:19 53:2 53:4 operating 45:1	operation 17:4,6 23:10 44:1 operations 1:10 13:19 23:14 opinion 43:2 opportunities 22:7 opportunity 6:21 opposed 14:7,17 order 24:19 ordered 8:21 ordering 10:16 12:18,21,22 overrule 42:19 owner 3:19 8:12 9:22 11:16 12:14 13:7 14:12 15:1,4 39:12,14 <hr/> P <hr/> P-R-O-C-E-E-D... 2:1 p.m 51:5 54:14 page 30:1 33:9 34:10 pages 35:10 paid 25:20 Pardon 25:4 27:3,8 31:10,17 part 17:22 party 16:11 41:6 pass 47:6,8 passed 38:11 Patron 8:19 pay 10:13 31:7 32:22 payment 28:5,9 people 15:5,8 23:18 40:21 47:9 percent 28:1,2 36:19,21 percentage 26:20 27:22 Perfect 3:1 performs 34:8 period 8:21 person 9:20 11:16 31:14 38:16 40:9 40:18,18 44:22	49:15 person's 31:14 pertinent 42:8 phone 2:13 piece 20:19,20 place 17:6,9 38:12 40:13 48:22 plane 44:6 play 25:13 playing 17:8 plays 14:6 please 49:8,10 point 13:7 45:5 52:2 positive 50:22 possible 6:5 Post 37:19 44:9 PRESENT 1:17,21 president 42:1 presiding 1:15 prices 44:10 problem 15:20 16:3 problems 45:14 proceed 13:5 20:6 promoting 10:6,9 10:14 promotor 10:13 proper 42:10,12,14 prove 18:17 public 41:12,14 47:11 pulling 48:15 purchase 8:13,17 10:19 purchased 8:20,22 10:21 13:1 purchases 10:18 12:14,16 purchasing 8:7,15 9:5 11:1 purpose 6:6 52:21 pursuant 53:1 pushy 7:3 put 3:5 5:19 13:6 17:7 <hr/> Q <hr/> quantity 8:17
---	--	---	---	---

question 22:12
43:22 46:1
questioned 12:13
questions 6:13,21
11:20 12:1 15:11
15:13 19:10 23:4
23:7,10 35:13
41:2 43:7 44:18
44:19 45:19 53:22
quick 11:20

R

raised 6:4 15:16
ran 45:11
read 37:15,17 45:9
52:11
ready 7:8 20:5
really 16:19 42:15
50:5
reason 14:9 29:19
reasons 53:3
recall 2:20
recalling 3:2
receipts 26:17,17
receive 49:3
recess 2:17 20:2
recognize 11:9
recognizing 11:17
recommendation
52:3
record 3:6,10 7:9
20:5,16 51:19
records 32:17
Reeves 1:14
reference 10:17
11:3,7 14:20
regarding 8:6
48:11
regular 11:12,14,18
14:11 15:20 16:4
31:7 45:18
related 7:18
relationship 45:3
remember 21:9
Rendezvous 1:6 2:9
2:21,22 3:1,4
52:22
reopening 39:2

repeatedly 43:20
44:6
report 13:12 45:9
required 8:17 9:4
requirement 8:13
residents 43:14
response 15:7
47:22 49:2
responsibilities
24:16
responsibility
21:22 25:1,10
43:4
responsible 12:18
restaurant 9:4
13:17 16:5 29:5,9
34:16
result 7:20,22 9:9
results 50:22
retailer 1:8 8:10
16:14
right 3:3 5:16 6:13
12:12 15:14 21:19
27:20 29:3 30:17
33:5,8 35:6,6,13
37:9 38:22 39:15
40:15 41:1,2,20
50:3,3 51:11
53:22 54:2
roll 53:8
room 1:14 25:17
30:7
rule 43:11,12
rules 16:17,20
run 44:2,14 45:7,13
46:4
Russian 44:5
Ruthanne 1:15,18

S

salaried 25:19
sales 27:6,10,19
sandwich 44:7
satisfaction 49:3
Saturday 32:19
34:7 36:3,5,7
saying 15:7,8 44:9
says 43:12

schedule 24:20
scheduled 4:16
second 9:11,12 14:7
19:15 44:1 45:1
46:10 53:5,6
seconded 53:8,10
Section 52:18 53:1
53:3
see 16:2,5 18:17
29:22 34:5 50:13
seeing 33:9
seek 48:18
seeking 52:21
seen 11:8 14:12
20:12 35:9
separate 44:1,13
46:8
session 52:11
set 34:9
Seven 40:6,7
shaking 41:19 42:7
sharing 45:21
sides 48:3
sidewalk 44:8
signed 3:7
Silverstein 1:20
18:2 47:19,21
48:2 52:6 53:17
53:18
similar 15:7
simply 9:17
sir 49:4
sit 17:14 44:17 50:9
50:16
sitting 47:10
situation 17:2
six 40:5
slight 14:8
small 17:8 40:13
social 9:13,18 10:7
12:2 13:14 17:17
20:19 28:20 34:12
sorry 16:10,14 18:2
20:8,13,21 33:16
34:22 37:16 50:9
54:4,8
sort 31:2,14 45:3

46:15
sound 42:21
speak 41:14,15
42:7 43:6,8
speaking 48:20
specific 48:22
Specifically 8:7
spell 31:19,22
staff 42:11 47:7
stairs 45:11
start 44:3
started 44:4
stated 11:8 12:15
51:19
statements 5:17
steps 51:1
store 10:22
Street 1:7,15 2:9
8:9
stressed 18:16
submitted 9:7
suggestions 46:4
Suite 1:15
Sundays 36:3
support 50:14
supported 50:17
sure 7:10 11:21
19:14 20:18 43:15
46:2
suspect 11:7,12
14:11

T

T-I-K-I 30:1
t/a 1:6
table 3:5
take 16:21 19:17,19
19:22 22:2 24:19
51:22 53:8
talk 26:16 30:9
33:12
talked 18:4
talking 28:13
techno 34:9
tell 3:10 5:16,21
22:7,10 29:19
44:16 51:1
telling 47:10

t 1:4,11
thank 13:12 15:9
23:8 28:11 35:14
35:18 39:17,18
45:20 46:9,12,17
46:19 48:12 49:4
49:5,6 50:19
51:10,12,14 52:14
54:3,11
thing 14:20 21:20
46:8
think 4:22 5:9 7:18
20:6 21:12 35:4
35:13 42:18 43:5
45:5 46:20 47:4
50:15,21 51:18
52:1
third 40:18
thought 14:10,14
three 8:19 40:13
Tiki 30:1,10,14,16
30:21,22 31:15
time 2:14 9:7 11:11
14:15 35:7 38:9
47:14 49:22 50:2
51:16
tip 33:2
tips 33:2,6 36:10
40:10,19
today 4:8 6:7 23:9
52:20
told 18:1,5,7 21:3,5
21:14 28:12,17
35:5 39:5
tonight 34:7
total 27:19 35:19
trade 10:7,10,14
14:3
trading 9:12
tragic 5:6
training 51:2
traumatic 20:11
treasurer 3:21
tried 16:1
trouble 21:12
truly 34:8
truth 5:21

try 45:18	voted 51:19	X	200 41:22
trying 34:6			2000 1:14
turn 21:21	W	Y	20009 1:15
two 8:15,20 9:10	W-2s 45:2	yeah 3:20 4:4,7,14	2011 38:10,15
14:22 24:13 31:12	wait 13:7 19:13,16	4:15,20 15:17,18	2014 1:12
32:19	52:10	15:19,20 16:9,10	2226 1:7 2:9
type 17:12	waiting 5:12	16:15 18:4,12	23rd 51:4
	walking 16:6	19:17,21 21:16	3
U	want 3:5 4:17 17:16	23:20 24:14 25:2	4
um-hum 21:18	19:19 22:22 23:9	25:3,5 28:7 29:3	4-0-0 53:20
22:5 25:11 37:20	26:15 39:20 42:21	30:2,18 31:21	400S 1:15
42:13	43:15 46:21 47:4	32:3,7,15 33:7,13	4th 34:7,10
unappreciative	48:3,21 51:1	33:19,19,22 34:2	5
42:22	wanted 4:1 5:11 8:1	34:13,21 35:4,5	574(b) 52:19
understand 2:6,12	14:20 20:15 40:15	36:8 37:3,13	574(b)(13) 53:4
16:17	47:16	38:12,17,18,18	6
understanding 5:5	wants 47:21	39:4,9,13 40:3,14	7
6:9 41:5	Washington 1:15	40:14,16,20 44:9	8
unfortunate 7:20	37:19 44:9	49:11	8 1:12
50:16	wasn't 20:18	year 37:12,12 38:6	9
upset 50:5	way 16:11 33:5	38:10,14	
upsetting 5:7,8	48:10	years 44:4 49:14	
18:21 54:8	we're 2:3 51:21		
upstairs 9:9 10:6	website 9:18 22:4,4	Z	
11:11 13:15,19	22:17	0	
14:5,16 17:4,7,8	week 4:8,16 8:20	1	
17:12,15 25:14,15	40:5,6,8	1:30 49:19	
33:11 36:22 37:1	weekend 31:12	1:50 45:10 49:19	
37:2,3,4,10,18	36:1	10 28:1,2 36:19,21	
	weekends 40:22	10:07 2:2	
V	weren't 50:17	10:08 2:17	
V 31:21	wholesaler 8:10,16	11:19 2:18	
V-A-A-D 32:2	8:17,22 16:18	11:39 20:2	
V-L-A-D 32:1,3,4,6	wholesalers 8:14	11:46 20:3	
Van 9:21 10:5,11	9:5 11:2 12:11	12 49:13	
11:10 23:22 24:3	13:1	12:10 54:14	
24:3,5,6 28:14	wish 50:6	13-251-00100 1:9	
33:16,17 35:20,21	woman 49:14	2:8,20 52:22	
36:12 37:10 40:12	wondering 42:5	14272 1:8 2:10	
49:15	work 16:12 33:2	14th 1:14 8:9	
various 48:15	37:4,6,7 39:6	18th 1:7 2:9	
verbal 26:12	working 37:10	2	
view 47:13	works 17:15 27:13	2 52:18 53:3	
violence 42:2 48:5	27:14,16	2-574(b)(4) 53:1	
Vlad 31:16,18,21	worth 14:10	2:00 51:5	
32:1,3 33:15	written 34:9 44:8		
35:22 40:13	wrong 16:10,12		
vote 53:9,19			