

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

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6 IN THE MATTER OF: :  
7 Lucky 7, LLC :  
8 t/a Lucky 7 Liquors :  
9 2314 Rhode Island Ave NE : Case #15-CMP-00272  
10 License #90270, Retailer A : Show Cause  
11 ANC-5C : (status)  
12 No ABC Manager on Duty; :  
13 Failed to Post Window :  
14 Lettering :

15 - - - - -X

16  
17 Wednesday, January 20, 2016  
18

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

1 CHAIRPERSON:

2 DONOVAN W. ANDERSON, Presiding

3

4 BOARD MEMBERS:

5 RUTHANNE MILLER

6 NICK ALBERTI

7 MICHAEL SILVERSTEIN

8 JAMES SHORT

9

10 ALSO PRESENT:

11 LOUISE PHILLIPS

12 on behalf of District of Columbia

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

2 [1:46 p.m.]

3 CHAIRMAN ANDERSON: Okay. We're back on  
4 the record. It's 1:46 p.m. The first case on  
5 our afternoon calendar, show cause hearing, case  
6 number 15-CMP-00272, Lucky 7 Liquors. Will the  
7 parties please approach?

8 [Pause.]

9 MS. PHILLIPS: Good afternoon.

10 CHAIRMAN ANDERSON: Yes.

11 MS. PHILLIPS: Phillips, Assistant  
12 Attorney General, for the District of Columbia.

13 CHAIRMAN ANDERSON: And I see that the  
14 Licensee is not here. Do you know whether or not  
15 they were --

16 MS. PHILLIPS: I don't know. Somebody  
17 was here for the status. So I'm sure I knew  
18 about today. I've spoken with him, but not in  
19 the turn of the year. They were adamant about  
20 not resolving this case, so I didn't call to  
21 remind him about this.

22 CHAIRMAN ANDERSON: All right.

1 MS. PHILLIPS: I usually don't if they're  
2 not interested in resolving it.

3 CHAIRMAN ANDERSON: All right. So, is  
4 the Government prepared to move forward?

5 MS. PHILLIPS: Absolutely.

6 CHAIRMAN ANDERSON: All right. All  
7 right. So, does the Government wish to make an  
8 opening statement?

9 MS. PHILLIPS: No. Since we're doing it  
10 ex parte, I might as well not.

11 CHAIRMAN ANDERSON: You still can.

12 MS. PHILLIPS: Oh, I know I still can.  
13 Would you like for me to? I'd be glad to.

14 CHAIRMAN ANDERSON: No, no, no --

15 MS. PHILLIPS: I'm not going to waive.

16 [Laughter.]

17 CHAIRMAN ANDERSON: Okay.

18 MR. ALBERTI: Or she can save it till the  
19 conclusion.

20 CHAIRMAN ANDERSON: All right.

21 [Laughter.]

22 CHAIRMAN ANDERSON: I mean, I guess --

1 all right. That's fine. That is the  
2 Government's prerogative.

3 MS. PHILLIPS: Yes.

4 CHAIRMAN ANDERSON: Does the Government  
5 wish to call its first witness?

6 MS. PHILLIPS: The Government does.  
7 Investigator?

8 [Pause.]

9 CHAIRMAN ANDERSON: Can you raise your  
10 right hand, please? Do you swear or affirm to  
11 tell the truth and nothing but the truth?

12 MR. TOWNSEND: Yes.

13 CHAIRMAN ANDERSON: Your witness.  
14 Whereupon,

15 SHAWN TOWNSEND  
16 was called as a witness and, having been first  
17 duly sworn, was examined and testified as  
18 follows:

19 EXAMINATION

20 BY MS. PHILLIPS:

21 Q Would you state your name and spell it  
22 for the record, please, kind sir?

1           A    Shawn Townsend, S-h-a-w-n T-o-w-n-s-e-n-  
2   d.

3           Q    Okay.  And what is your capacity with  
4   ABRA?

5           A    Investigator.

6           Q    And what does that entail, in brief?

7           A    Conduct investigations and inspections of  
8   ABC licensed establishments in the District of  
9   Columbia.

10          Q    And have you had any other investigative  
11   -- oh, sorry about that.

12                   How long have you been with ABRA?

13          A    It will be two years next month.

14          Q    So, at the time of this occurrence on  
15   March 21st, 2015, were you about a year in?

16          A    Yes, ma'am.

17          Q    Okay.  Had you had any other  
18   investigative experience prior to coming to ABRA?

19          A    Yes.  I was with the D.C. Office of  
20   Police Complaints for a year.  And prior to that,  
21   was an investigator with D.C. Public Schools for  
22   three years.

1 Q And in those capacities, did you conduct  
2 investigations of a type similar to what you do  
3 now at ABRA?

4 A Yes.

5 Q Okay. On March 21st, 2015, did you  
6 happen to go to Lucky 7 Liquor?

7 A Yes.

8 Q And did you go there for -- why did you  
9 go there?

10 A I went there to conduct a regulatory  
11 inspection.

12 Q Okay. And at the conclusion of your  
13 visit there, did you write a report?

14 A Yes, ma'am.

15 Q And do you usually write reports in the  
16 usual custom and practice of your profession here  
17 at ABRA?

18 A Yes.

19 Q Okay.

20 MS. PHILLIPS: And may I approach the  
21 Witness?

22 CHAIRMAN ANDERSON: Sure.

1 BY MS. PHILLIPS:

2 Q I'm handing you an investigative report.  
3 Will you please identify it for the record?

4 A This is the investigative report that was  
5 written by me in reference to a regulatory  
6 inspection conducted at Lucky 7 Liquor.

7 MS. PHILLIPS: I have some extra copies  
8 if you'd like.

9 MS. MILLER: Most important are  
10 pictures, for me.

11 CHAIRMAN ANDERSON: No, we do have --  
12 yeah, we do have -- I at least have this.

13 [Cross-talk.]

14 BY MS. PHILLIPS:

15 Q All right. When you arrived at the  
16 establishment, what did you do?

17 A I entered the establishment and  
18 identified myself to a female clerk as an ABRA  
19 investigator. I informed her that I was present  
20 to conduct a regulatory inspection.

21 At that point, I asked her if there was  
22 an ABC manager or owner present. She told me

1 that there was not. It was not either ABC  
2 manager or owner present. And so, at that point,  
3 I started the inspection.

4 The female clerk by the name of Neilia  
5 Drummond actually contacted the owner on the  
6 phone. And I explained to the owner via  
7 telephone that the establishment was in violation  
8 for not having an ABC manager or owner present  
9 during the hours of sale.

10 And I continued the inspection. I also  
11 informed the owner that she did not have proper  
12 window lettering. She didn't have window  
13 lettering at all posted on the front of the  
14 establishment. The window or the door, I didn't  
15 see any window lettering.

16 So, I provided her, the male clerk --  
17 female clerk, with temporary window lettering.  
18 And I finished the regulatory inspection, and I  
19 was on my way.

20 Q Okay. Was Neilia Drummond the person  
21 that you spoke to when you initially came in?

22 A Yes, ma'am.

1 Q Okay. Neilia, N-e-i-l-i-a D-r-u-m-m-o-n-  
2 d?

3 A That's correct.

4 [Laughter.]

5 BY MS. PHILLIPS:

6 Q And she was neither an ABC manager or the  
7 owner?

8 A Correct.

9 Q What was the name of the owner to whom  
10 you spoke?

11 A Her name was Meskrem, M-e-s-k-r-e-m, last  
12 name is Mehri, M-e-h-r-i.

13 Q Okay. All right. So that, at the time  
14 you were there on the 21st of March, did you  
15 write any citations?

16 A I did not.

17 Q Did you go back subsequently?

18 A Yes, ma'am. I returned on March 27th,  
19 2015, and met the owner there, Ms. Meskrem Mehri,  
20 and explained to her that I was there on March  
21 21st, 2015, and conducted a regulatory  
22 inspection. I explained to her again the

1 violations that I observed.

2           And I also mentioned to her that the  
3 female clerk nor myself could find the  
4 certificate of occupancy which is issued by DCRA.  
5 And the owner stated that she would find a copy  
6 and have it posted.

7           In addition, I also issued two citations.  
8 One was citation number 5151 for no ABC manager,  
9 and -- I'm sorry. I issued one citation with two  
10 violations. One was for no ABC manager, and the  
11 other was for the window lettering, not having  
12 window lettering.

13           Q   And did you do anything else while you  
14 were there, such as issue a -- did you issue a  
15 warning for something?

16           A   And I issued a warning for the posting  
17 and carrying of a license, because her -- the  
18 alcohol license was not posted properly during my  
19 regulatory inspection.

20           Q   And so, that's now a warning offense. Is  
21 that fair?

22           A   Yes, ma'am.

1 Q Is there any reason why you didn't issue  
2 warnings on the others, the other two citations?

3 A These were not -- the warning is only  
4 issued if you have no prior history of violating  
5 these offenses. And in this particular case, the  
6 no ABC manager and the legible lettering  
7 violations were both third offenses of a  
8 secondary tier violation.

9 Q Okay. All right. All right. Now,  
10 you've attached some exhibits. Can you tell me  
11 what they are?

12 A Exhibit 1 is a copy of my regulatory  
13 inspection.

14 Q Now, on the Exhibit 1, do you have the  
15 person sign that you speak to about the  
16 regulatory inspection when you offer the paper?

17 A It is my general practice that I have the  
18 person that I was dealing with sign in my  
19 comments section, just for my records. I don't  
20 have them sign on the ABC manager or owner line  
21 down at the bottom.

22 So, Ms. Drummond signed her name right

1 above the last line in my comment box, as receipt  
2 of me conducting the inspection. That's what her  
3 signature is for.

4 Q So, you wrote everything on this page  
5 except for the line above where you've written  
6 her name and her -- is that Maryland driver's  
7 license number?

8 A Yes.

9 Q So that is a signature right above there?

10 A That's correct.

11 Q And you watched her sign that?

12 A Yes.

13 Q Okay. All right. And Exhibit 2?

14 A Exhibit 2 is a photo of Ms. Drummond  
15 selling alcoholic beverages to a patron. Of  
16 course, in the picture, you can't see the patron.  
17 But there's a glass, and on the other side of  
18 that glass is a patron. And he just paid her  
19 some money. So she's ringing the alcoholic  
20 beverages up and providing change to him.

21 Q She was neither the owner or the ABC  
22 manager, and that's why the charge exists,

1 correct?

2 A Correct.

3 Q All right. And 3 and 4 are the  
4 citations? Or 3 is the citation; is that fair?

5 A Yes.

6 Q What's 4?

7 A Four is the warning for the license not  
8 being posted.

9 Q And what is Exhibit 5?

10 A Exhibit 5 is -- I just wanted to verify  
11 that the establishment did have a certificate of  
12 occupancy. So I included it as an exhibit.

13 Q Okay. All right. And on page 3 of your  
14 report, is that your signature?

15 A Yes, ma'am.

16 Q And this is the report that you wrote  
17 after this investigation; is that fair?

18 A Yes.

19 MS. PHILLIPS: I move for the admission  
20 of the investigative report.

21 CHAIRMAN ANDERSON: So moved.

22 MS. PHILLIPS: And I gave Exhibit 2 loose

1 because the copies I make aren't in color. So  
2 the color picture you have is Exhibit 2. It's  
3 not so labeled, but --

4 CHAIRMAN ANDERSON: The copies that are  
5 ours are labeled. And it's colored, too.

6 MS. PHILLIPS: Okay, let me see.

7 CHAIRMAN ANDERSON: That's fine. Thank  
8 you for the exhibits.

9 [Laughter.]

10 BY MS. PHILLIPS:

11 Q So was there anything else you need to  
12 add about this investigation?

13 A I don't think so, no. No, ma'am.

14 MS. PHILLIPS: Okay. No further  
15 questions from the Government.

16 CHAIRMAN ANDERSON: Thank you.

17 Does the Government have another witness?

18 MS. PHILLIPS: The Government does not.

19 CHAIRMAN ANDERSON: Does the Government  
20 wish to rest?

21 MS. PHILLIPS: The Government wishes to  
22 rest.

1           CHAIRMAN ANDERSON: And does -- all  
2 right. Well, since the Applicant -- I'm sorry,  
3 the Licensee is not here, does the Government  
4 wish to make a closing statement?

5           MS. MILLER: I've got something.

6           CHAIRMAN ANDERSON: I'm sorry, I'm sorry,  
7 I'm sorry, I'm sorry, I'm sorry, I'm sorry, I'm  
8 sorry. Do we have board members have questions  
9 of the Witness? Yes, Ms. Miller.

10          BY MS. MILLER:

11          Q Good afternoon.

12          A Good afternoon.

13          Q Just looking at Exhibits 1 and 3, do you  
14 have them in front of you, to your report?

15          A Yes.

16          Q So, does the signature on those pages,  
17 are they of the same person, that being the  
18 owner?

19          A No, ma'am. The signature on my  
20 inspection is the female clerk that was present  
21 on March 21st. And she is --

22          Q Which exhibit is that?

1           A    That's Exhibit 1.  And that is the -- she  
2 is not an ABC manager or owner.

3           Q    Okay.

4           A    And when I returned on March 27th, the  
5 owner was there, and that's her signature down at  
6 the bottom on Exhibit 3.

7           Q    Okay, where it says, "Recipient  
8 signature," that's the owner's?

9           A    Yes, ma'am.

10          Q    Okay.  Because they're both kind of hard  
11 to read.

12          A    Yeah.

13          Q    Okay.  And just to clarify, there was no  
14 ABC manager on duty the first time you went?  And  
15 the second time, the owner was there?

16          A    Yes.  That's correct.

17          Q    Okay.  Thank you.

18                CHAIRMAN ANDERSON:  Do you have any  
19 questions, any other board members?

20                    [No audible response.]

21                CHAIRMAN ANDERSON:  No other board  
22 members have questions?

1 [No audible response.]

2 CHAIRMAN ANDERSON: No? I'm sorry. Do  
3 you wish to make a closing?

4 MS. PHILLIPS: This is a two-charge  
5 notice. They are to have an ABC manager on site  
6 and failure to post lettering on the front door  
7 or window. The Government's witness has given  
8 you all the information you need to find for the  
9 Government, and the Government would ask for a  
10 \$1,600 fine.

11 CHAIRMAN ANDERSON: How much?

12 MS. PHILLIPS: Sixteen-hundred dollars.

13 MS. MILLER: Sixteen-hundred.

14 MS. PHILLIPS: One-thousand six-hundred.

15 MR. SILVERSTEIN: Ms. Phillips, could you  
16 break that down by charge?

17 MS. PHILLIPS: Half -- 800 and 800.

18 MR. SILVERSTEIN: Okay. Eight-hundred  
19 for each of the two charges. Okay. Thank you.

20 MS. PHILLIPS: You're most welcome.

21 CHAIRMAN ANDERSON: Ms. Phillips, do you  
22 wish to file proposed findings of facts and

1 conclusions of law, or waive the right to do so?

2 [Laughter.]

3 MS. PHILLIPS: I'll waive. Thank you for  
4 asking.

5 CHAIRMAN ANDERSON: Okay. The board will  
6 issue a decision within 90 days.

7 [Inaudible conversation.]

8 MS. PHILLIPS: Thank you. May we leave?

9 [Laughter.]

10 CHAIRMAN ANDERSON: Follow up with me,  
11 please. I was trying to do some procedural stuff  
12 before I let you go.

13 MS. PHILLIPS: Okay.

14 CHAIRMAN ANDERSON: All right. Yes, you  
15 are. Thank you.

16 MS. PHILLIPS: See you next week.

17 [Chorus of "Thank you."]

18 [Cross-talk.]

19 [Whereupon, at 2:01 p.m., the  
20 above-entitled matter concluded.]

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22