

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

IN THE MATTER OF:

Queen of Sheba, Inc.	
t/a Queen of Sheba	Show Cause
1503 9th Street, NW	Hearing
Retailer CR	(Status)
License No. 73644	
Case No. 12-AUD-00033	
Failure to comply	

February 26, 2014

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street N.W., Washington, D.C., Chairman Ruthanne Miller, presiding.

PRESENT

RUTHANNE MILLER, Chairperson  
NICK ALBERTI, Member  
DONALD BROOKS, Member  
HERMAN JONES, Member  
MICHAEL SILVERSTEIN, Member  
HECTOR RODRIGUEZ, Member  
JAMES SHORT, Member

ALSO PRESENT:

Maureen Daniel, on behalf of District of

Columbia

William Hager, Public Information Officer

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

(10:21 a.m.)

CHAIRPERSON MILLER: All right, that concludes our status hearings. We have a show cause hearing, Case Number 12-AUD-00033. Queen of Sheba, located at 1503 9th Street Northwest. License Number 73644.

When you're ready if you could introduce yourself for the record.

MS. DANIEL: Good morning, Maureen Daniel on behalf of the District of Columbia.

CHAIRPERSON MILLER: Okay, is anybody here for Queen of Sheba? Not hearing from anyone. Ms. Daniel, is there, have you been in contact with Queen of Sheba?

MS. DANIEL: I have not heard from the licensee with respect to today's hearing.

CHAIRPERSON MILLER: Okay.

MS. DANIEL: I've heard from him previously with respect to whether we could have made a compromise, but I have not heard from him with respect to today.

1 CHAIRPERSON MILLER: Okay. Are  
2 you prepared to proceed ex parte?

3 MS. DANIEL: I am.

4 CHAIRPERSON MILLER: All right,  
5 then I would suggest that's what we do.

6 MS. DANIEL: All right. This case  
7 forward is very clear and it's a record case  
8 and I will call, as my Witness, Bill Hager.

9 CHAIRPERSON MILLER: Oh, I'm  
10 sorry. Good morning.

11 MR. HAGER: Good morning.

12 CHAIRPERSON MILLER: Do you swear  
13 to tell the truth, the whole truth and nothing  
14 but the truth?

15 MR. HAGER: I do.

16 CHAIRPERSON MILLER: Okay, thank  
17 you. Have a seat.

18 MS. DANIEL: Good morning, Mr.  
19 Hager. State your name please?

20 MR. HAGER: William Hager, H-A-G-  
21 E-R.

22 MS. DANIEL: Mr. Hager, where are

1 you employed?

2 MR. HAGER: The Alcoholic Beverage  
3 Regulation Administration.

4 MS. DANIEL: And in what capacity  
5 are you employed there?

6 MR. HAGER: I am the Agency public  
7 information officer.

8 MS. DANIEL: With respect to your  
9 duties, do you have any duties concerning  
10 Board orders?

11 MR. HAGER: Yes I do.

12 MS. DANIEL: And what are they  
13 please?

14 MR. HAGER: Well one of the  
15 functions that I oversee is being the  
16 custodian of the ABRA record. In relation to  
17 that I also manage and maintain the record for  
18 all Agency Board orders.

19 MS. DANIEL: Are you familiar with  
20 the case involving Queen of Sheba?

21 MR. HAGER: Yes I am. Which case?

22 MS. DANIEL: Well are you aware of

1 a prior case, Number 12-AUD-00033?

2 MR. HAGER: I am.

3 MS. DANIEL: And what is your,  
4 what does the record reflect with respect to  
5 that case? How was it adjudicated?

6 MR. HAGER: At the end of the show  
7 cause hearing, the Board on August 14th, 2013,  
8 issued an order containing a \$4,000 fine  
9 payable within 30 days.

10 MS. DANIEL: And what was the date  
11 the order was issued please?

12 MR. HAGER: August 14th, 2013.

13 MS. DANIEL: And so would that  
14 make the fine payable on September 14th by  
15 your calculation?

16 MR. HAGER: That's correct.

17 MS. DANIEL: And can you tell the  
18 Board whether that fine was timely paid?

19 MR. HAGER: It was not.

20 MS. DANIEL: And did there come a  
21 time when the fine was paid?

22 MR. HAGER: Yes, the fine was

1 actually paid February 21st, 2014.

2 MS. DANIEL: That was just Friday?

3 MR. HAGER: I believe so.

4 MS. DANIEL: Okay. And I have no  
5 other questions for you, Mr. Hager.

6 MR. HAGER: Thank you.

7 MS. DANIEL: Thank you.

8 CHAIRPERSON MILLER: Any Board  
9 questions? Were there any reasons given for  
10 the late payment?

11 MR. HAGER: Not to my knowledge.  
12 I do note that there was a notice of  
13 delinquency that was sent out as well.

14 CHAIRPERSON MILLER: Okay. And  
15 you know when that was sent out?

16 MR. HAGER: September 25, 2013.

17 CHAIRPERSON MILLER: Okay. Any  
18 other questions? Thank you.

19 MR. HAGER: Thank you.

20 CHAIRPERSON MILLER: Okay.

21 MS. DANIEL: That concludes the  
22 Board's evidence. I would make a statement

1 with respect to penalty --

2 CHAIRPERSON MILLER: Okay.

3 MS. DANIEL: -- if the Board  
4 wishes to hear?

5 CHAIRPERSON MILLER: Okay.

6 MS. DANIEL: The original order  
7 was with respect to quarterly statement cases  
8 and the Board noted, and can note again in its  
9 record, that there have been numerous  
10 violations of the same sort. The Board did  
11 impose a \$4,000 fine pursuant to that order to  
12 be paid within 30 days.

13 The licensee is not here today.  
14 It appears from the Government's view that the  
15 licensee, you know, chooses to play by his own  
16 rules.

17 Not paying the fines in a timely  
18 fashion, paying it on the eve of this hearing  
19 which the Government does hold that to be at  
20 least an effort to come into compliance with  
21 the Board's dictate. However, it's late and  
22 there's no explanation for the non-appearance

1 today.

2 So I believe the Board certainly  
3 needs to fine the licensee with respect to  
4 failing to conform to the Board's order by  
5 paying the fine so late. With respect to that  
6 I would ask that the Board impose a \$1,500  
7 fine payable within 30 days.

8 I don't know whether the Board  
9 would entertain a contingency sort of  
10 recommendation, but the Government's view is  
11 that perhaps the licensee would take notice of  
12 a suspension imposed for failure to comply  
13 with the 30 days given in this order if the  
14 Board so deems.

15 So in other words, the Government  
16 would ask for a \$1,500 fine payable within 30  
17 days, with an automatic suspension if the  
18 payment is not made within 30 days. The  
19 suspension to continue until such time that  
20 the fine is paid.

21 CHAIRPERSON MILLER: Okay. Any  
22 other questions? Okay, thank you very much.

1 MS. DANIEL: Thank you.

2 CHAIRPERSON MILLER: Okay. Our  
3 next hearing is not until 11:00 a.m., unless  
4 all the parties happen to be here on the  
5 Bistro 18 case? No, okay.

6 So then the Board will recess and  
7 return at 11 o'clock for that show cause  
8 hearing.

9 (Whereupon, the foregoing matter  
10 went off there record at 10:29 a.m. and went  
11 back on the record at 10:45 a.m.)

12 CHAIRPERSON MILLER: Okay, we're  
13 back on the record. And the last case that we  
14 heard --

15 (Off record comments)

16 CHAIRPERSON MILLER: So the last  
17 case that we were on was Case Number 12-AUD-  
18 00033, Queen of Sheba, in which the  
19 Government's attorney proceeded on the case ex  
20 parte and I want to read the instructions and  
21 take a vote for our deliberating on that case  
22 in closed session.

1                   As Chairperson of the Alcoholic  
2 Beverage Control Board for the District of  
3 Columbia and in accordance with Section 405 of  
4 the Open Meetings Amendment Act of 2010, I  
5 move that the ABC Board hold a closed meeting  
6 for the purpose of seeking legal advice from  
7 our counsel on Case Number 12-AUD-00033, Queen  
8 of Sheba, located at 1503 9th Street,  
9 Northwest in the District and deliberating  
10 upon this case and for the reasons cited in  
11 Section 405(b)13 of the Open Meetings  
12 Amendment Act of 2010. Is there a second?

13                   MEMBER SILVERSTEIN: Second.

14                   CHAIRPERSON MILLER: Mr.  
15 Silverstein has seconded the motion. I'll now  
16 take a roll call vote on the motion before us,  
17 now that it's been seconded. Mr. Brooks?

18                   MEMBER BROOKS: I agree.

19                   CHAIRPERSON MILLER: Mr. Alberti?

20                   MEMBER ALBERTI: I agree.

21                   CHAIRPERSON MILLER: Mr.

22 Rodriguez?

1 MEMBER RODRIGUEZ: I agree.

2 CHAIRPERSON MILLER: Ms. Miller  
3 agrees. Mr. Silverstein?

4 MEMBER SILVERSTEIN: I agree.

5 CHAIRPERSON MILLER: Mr. Short?

6 MEMBER SHORT: I agree.

7 CHAIRPERSON MILLER: It appears  
8 that the vote, the motion has passed by a vote  
9 of 6-0-0. I hereby give notice that the ABC  
10 Board will recess this, will consider this  
11 case in closed session in the ABC Board  
12 conference room pursuant to the Open Meetings  
13 Amendment Act of 2010. Okay, so that  
14 concludes that case.

15 (Whereupon, the foregoing matter  
16 went off the record at 10:47 a.m. and went  
17 back on the record at 11:34 a.m.)

18 CHAIRPERSON MILLER: Board is back  
19 on the record for Case Number 12-AUD-00033,  
20 Queen of Sheba, located at 1503 9th Street,  
21 Northwest. License Number 73644 in ANC 6E.

22 Will the parties identify

1 themselves for the record please?

2 MS. DANIEL: Maureen Daniel on  
3 behalf of the District of Columbia.

4 MR. MISGINA: Embzam Misgina, I'm  
5 the owner of Queen of Sheba.

6 CHAIRPERSON MILLER: What's your  
7 name, sir?

8 MR. MISGINA: Embzam Misgina.

9 CHAIRPERSON MILLER: Can you spell  
10 your last name please?

11 MR. MISGINA: M-I-S-G-I-N-A.

12 CHAIRPERSON MILLER: Okay, so my  
13 understanding is that there was a  
14 misunderstanding as to when this hearing was  
15 scheduled to start. And that's why, you're  
16 the owner correct? You're the owner?

17 MR. MISGINA: Yes.

18 CHAIRPERSON MILLER: Okay, that's  
19 why you weren't here earlier. So we are going  
20 to redo this hearing, we're going to start  
21 afresh now that you're here. Okay.

22 MR. MISGINA: Yes, ma'am, but I

1 didn't know it was changed though.

2 CHAIRPERSON MILLER: That's why  
3 we're doing the hearing again for you which is  
4 kind of unusual thing to do but we're here and  
5 we are going to do that. Make sure that you  
6 get your fair hearing in this case.

7 MR. MISGINA: Okay.

8 CHAIRPERSON MILLER: So are you  
9 familiar with the proceedings here at all?

10 MR. MISGINA: Yes.

11 CHAIRPERSON MILLER: Okay. So the  
12 Government has the burden of proof and they're  
13 going to go first. And it usually goes Ms.  
14 Daniels will do an opening statement for her  
15 case and then she'll put on her witness and  
16 ask questions and you can ask questions and  
17 the Board can ask questions.

18 Then you can present your case and  
19 you can do -- and I'm going to put you under  
20 oath then and you can do an opening statement  
21 to describe what you're going to say or you  
22 can just tel us your story because you're all

1 under oath and it's going to be all on the  
2 same thing. And then you'll each have a  
3 chance to wrap up, provide a closing  
4 statement.

5 MR. MISGINA: Okay.

6 CHAIRPERSON MILLER: And put in  
7 any documents you want into evidence.

8 MR. MISGINA: Okay, so I --

9 CHAIRPERSON MILLER: Okay?

10 MR. MISGINA: -- start?

11 CHAIRPERSON MILLER: No,  
12 Government has the burden of proof so the  
13 Government will start. Okay.

14 MS. DANIEL: Yes.

15 CHAIRPERSON MILLER: And you can,  
16 feel free to ask me any questions as we go  
17 along, okay?

18 MS. DANIEL: The opening statement  
19 is that this is a straightforward case  
20 concerning failure to timely comply with the  
21 Board's order. And the Government would call  
22 its witness, Mr. Hager.

1 CHAIRPERSON MILLER: Okay. Good  
2 morning.

3 MR. HAGER: Morning.

4 CHAIRPERSON MILLER: Do you swear  
5 to tell the truth, the whole truth and nothing  
6 but the truth?

7 MR. HAGER: I do.

8 CHAIRPERSON MILLER: Okay, thank  
9 you. Have a seat.

10 MR. HAGER: Thank you.

11 MS. DANIEL: Mr. Hager, please  
12 state your name?

13 MR. HAGER: William Hager, H-A-G-  
14 E-R.

15 MS. DANIEL: Where are you  
16 employed, Mr. Hager?

17 MR. HAGER: The Alcoholic Beverage  
18 Regulation Administration.

19 MS. DANIEL: And in what capacity  
20 are you employed there?

21 MR. HAGER: I am the Agency's  
22 public information officer.

1 MS. DANIEL: With respect to your  
2 duties, what if any duties do you have  
3 concerning board orders?

4 MR. HAGER: Well one, in one  
5 capacity in which I function is the custodian  
6 of the ABRA record which requires that I  
7 manage the ABC record which includes ABC Board  
8 orders.

9 MS. DANIEL: And in that capacity  
10 as custodian of the records, are you familiar  
11 with the Board order concerning the  
12 establishment Queen of Sheba?

13 MR. HAGER: I am.

14 MS. DANIEL: And that order number  
15 specifically is 2013-350?

16 MR. HAGER: That's correct.

17 MS. DANIEL: And what if any fine  
18 did that order impose upon the licensee?

19 MR. HAGER: There was a \$4,000  
20 fine payable within 30 days that was assessed  
21 upon the licensee.

22 MS. DANIEL: And what was the date

1 the order issued?

2 MR. HAGER: August 14, 2013.

3 MS. DANIEL: And according then to  
4 the Board's order, when would the payment have  
5 been due?

6 MR. HAGER: September 14th, 2013.

7 MS. DANIEL: And do you maintain  
8 the records for if the licensee should pay?

9 MR. HAGER: Yes.

10 MS. DANIEL: And had the licensee  
11 for Queen of Sheba paid on September 14, 2013?

12 MR. HAGER: No, no payment was  
13 received.

14 MS. DANIEL: What, if any, notice  
15 did the licensee get regarding the failure to  
16 pay?

17 MR. HAGER: There was notice of  
18 delinquency that was sent out on September  
19 25th.

20 MS. DANIEL: And did the licensee  
21 pay after that?

22 MR. HAGER: They did not pay after

1 that but then there was a subsequent payment  
2 made on February 21st, 2014.

3 MS. DANIEL: Okay, so the payment  
4 on February 21st, was that for the full amount  
5 of \$4,000?

6 MR. HAGER: Yes it was.

7 MS. DANIEL: Okay. No further  
8 questions for this witness, thank you.

9 CHAIRPERSON MILLER: Okay. Now if  
10 you have any questions related to his  
11 testimony you can ask him now.

12 MR. MISGINA: What happened is --

13 CHAIRPERSON MILLER: No, this  
14 isn't your testimony now. If you have any  
15 questions for Mr. Hager about what he just  
16 said you can ask.

17 MR. MISGINA: I don't have a  
18 question. I don't, this is my first time  
19 seeing him anyways.

20 CHAIRPERSON MILLER: Okay, okay.  
21 You don't have to, that's fine. Are there any  
22 Board questions? No. Thank you very much.

1 MR. HAGER: Thank you.

2 CHAIRPERSON MILLER: Ms. Daniels,  
3 do you have any other witness or --

4 MS. DANIEL: I have nothing else.  
5 That's the Government's case.

6 CHAIRPERSON MILLER: Okay. So at  
7 this point I'm going to ask you to take the  
8 witness stand over here. And I'm going to put  
9 you under oath.

10 Do you swear to tell the truth,  
11 the whole truth and nothing but the truth?

12 MR. MISGINA: I do.

13 CHAIRPERSON MILLER: Okay. So now  
14 is your opportunity to say whatever you'd like  
15 for your case.

16 MR. MISGINA: Well respect the  
17 Court's decision which is I have to pay the  
18 \$4,000. But it was very hard time for me to  
19 pay it in one time. And I asked Ms. Maureen,  
20 can I make a two payment, she says, it's not  
21 my decision.

22 And I came here, I asked Dee Dee,

1       which she is right there, she told me how to  
2       deal with that so I was confused. I could not  
3       pay one time it was too much for me because  
4       there was not, we dealing with the restaurant  
5       is very slow, so much construction and stuff,  
6       I couldn't make it one time.

7                   I asked them nicely to make it two  
8       payments, nobody is helping me. And at the  
9       end last week I came and paid the \$4,000 and  
10      Mr. Moosally told me, even though you paid the  
11      \$4,000 you still have to be here which is  
12      today at 11:00 a.m.

13                   When I came at 11:00, you know, it  
14      was changed for 10:00 and kind of confusing is  
15      what I can say.

16                   CHAIRPERSON MILLER: Okay. Thank  
17      you. Ms. Daniels, do you have cross?

18                   MS. DANIEL: No.

19                   CHAIRPERSON MILLER: Okay, are  
20      there any Board questions? Mr. Short?

21                   MEMBER SHORT: Good morning, sir,  
22      how are you doing?

1 MR. MISGINA: Good morning.

2 MEMBER SHORT: Forgive me. The  
3 reason why you were fined \$4,000 is because  
4 you weren't keeping your records correctly, is  
5 that correct?

6 MR. MISGINA: Well it was penalty.  
7 See the original ticket was \$1,000 and it  
8 added up \$2,000 and we went to the hearing,  
9 all that. Anyway, it's a long story so.

10 MEMBER SHORT: Well the beginning  
11 of the story is you did not keep your records,  
12 is that correct? Your records were not in  
13 compliance with the law?

14 MR. MISGINA: Yes, but I cant, I  
15 guess, didn't file it on time so that's what  
16 happened. We went through that, so.

17 MEMBER SHORT: Are your records up  
18 to date now?

19 MR. MISGINA: Yes.

20 MEMBER SHORT: They are?

21 MR. MISGINA: Yes, sir.

22 MEMBER SHORT: Thank you, that's

1 all I have.

2 CHAIRPERSON MILLER: Okay. Anyone  
3 else? Okay, thank you very much. You can  
4 take a seat back at the table. All right, any  
5 redirect?

6 MS. DANIEL: No.

7 CHAIRPERSON MILLER: Okay, so  
8 we're -- Any closing statement?

9 MS. DANIEL: Yes.

10 CHAIRPERSON MILLER: Okay.

11 MS. DANIEL: The Government's  
12 evidence makes clear that Mr. Misgina just  
13 refused to, or not refused, but failed to pay  
14 the fine that was imposed in a timely fashion.  
15 It was due September 14. He was sent another  
16 warning, a statement of delinquency, he still  
17 didn't pay. He only paid it some five months  
18 later.

19 And while the Government can  
20 appreciate that business have many places for  
21 their monies to be spent, a Board's order has  
22 to have meaning. And a violation of the

1 Board's order has to have a penalty.

2 And because of the failure to  
3 timely pay the Government would ask for an  
4 imposition of a \$1,000 fine to be paid within  
5 30 days.

6 CHAIRPERSON MILLER: Okay, so  
7 you're recommending a \$1,000 fine?

8 MS. DANIEL: I am.

9 CHAIRPERSON MILLER: Okay. Is  
10 there any other, any other --

11 MEMBER ALBERTI: Recommending a,  
12 did I hear that correctly?

13 MEMBER RODRIGUEZ: Yes, a \$1,000  
14 fine.

15 MEMBER ALBERTI: A \$1,000 fine?

16 MS. DANIEL: Yes.

17 MEMBER ALBERTI: Okay.

18 CHAIRPERSON MILLER: Okay. Now  
19 this is your chance to make any final remarks  
20 about --

21 MR. MISGINA: Well all I can say,  
22 like I explained, I did not enough have enough

1 money to pay it in one time and I came here to  
2 ask to make it two payments. I asked her and  
3 I asked Dee Dee again. I couldn't make it.

4 But finally I paid it even though  
5 it's late. I mean, what else can I do, you  
6 know. It's very hard for me to pay this much,  
7 \$1,000.

8 It's easy to say pay \$1,000,  
9 \$2,000 but it's very hard for me. So the  
10 Board should make a sense and, you know, see  
11 my situation and come to conclusion.

12 CHAIRPERSON MILLER: Okay. All  
13 right, we hear you.

14 So at this point I'm going to  
15 close the record for this case.

16 I'm going to ask you if you want  
17 to file proposed findings of facts and  
18 conclusions of law or waive your right to do  
19 so? Would you like me to explain that to you?

20 MR. MISGINA: Yes.

21 CHAIRPERSON MILLER: Okay. It is  
22 a formal right that all parties have in these

1       hearings that they can, after the hearing,  
2       wait for a copy of the transcript and then  
3       submit in writing like a legal brief what they  
4       proposed, does the Board find, as the facts in  
5       this case and then the legal conclusions that  
6       should be drawn based on those facts.

7                       In most cases like this the  
8       parties don't do that. The facts are pretty  
9       straightforward and the law is pretty  
10      straightforward.

11                      I mean the Board is not requesting  
12      it but it is just a right that parties have if  
13      they want to do that. So, Ms. Daniel, do you  
14      choose --

15                      MS. DANIEL: I would waive the  
16      right to do findings of fact.

17                      CHAIRPERSON MILLER: Okay. What  
18      would you like to do, sir?

19                      MR. MISGINA: I didn't get it, she  
20      said she's going to waive --

21                      CHAIRPERSON MILLER: She's waiving  
22      it. She's not going to file any findings.

1 MR. MISGINA: Thank you very much.

2 CHAIRPERSON MILLER: Right, would  
3 you like to do the same?

4 MEMBER ALBERTI: No, no, I think  
5 you misunderstood.

6 CHAIRPERSON MILLER: She is not  
7 going to submit any written document after  
8 this hearing. She's resting on the case that  
9 we heard today.

10 MEMBER SILVERSTEIN: May I try?

11 CHAIRPERSON MILLER: Yes, go  
12 ahead. Mr. Silverstein's going to --

13 MEMBER SILVERSTEIN: Sir, you have  
14 a right, and she has a right, to file a legal  
15 brief with all kinds of citations of what law  
16 applies here and things like that to assist  
17 us, if you wish, in our decision.

18 But in a vast majority of cases  
19 this right nobody bothers to use, because it  
20 involves writing and filing this legal brief.

21 And she says that she doesn't want  
22 to do that and it's up to you whether you want

1 to do that or not. It's a right that you have  
2 but it's a procedural right.

3 CHAIRPERSON MILLER: And --

4 MEMBER SILVERSTEIN: Do you want  
5 to write and file a legal brief essentially?

6 MR. MISGINA: No.

7 CHAIRPERSON MILLER: No, okay.

8 MEMBER SILVERSTEIN: Okay.

9 CHAIRPERSON MILLER: And our case  
10 rests on what happened here. It's not going  
11 to, no new evidence gets put in those papers.  
12 Okay. So you waive your right as well to file  
13 that? You don't want to file that?

14 MR. MISGINA: No, I don't want to

15 --

16 CHAIRPERSON MILLER: Okay.

17 MR. MISGINA: -- do that.

18 CHAIRPERSON MILLER: Okay. it's  
19 not necessary in this case really. It's  
20 supposed to assist the Board in looking at the  
21 law and the facts and they're very simple  
22 here. We don't really need much assistance on

1 this issue. Okay.

2 All right, so parties have waived  
3 their rights to file proposed findings of  
4 facts and conclusions of law.

5 So I'm just going to give  
6 instructions next and have a vote on, the  
7 Board's going to hear this in closed session  
8 and then we're going to issue a written order  
9 within 90 days.

10 And then you will get that order  
11 and you'll have an opportunity to file a  
12 motion for reconsideration if you want to.  
13 But in any event you will get a written order.  
14 Okay.

15 So I'm going to have us take our  
16 vote on hearing this case and considering this  
17 case in closed session and then if they are  
18 any other final questions I'll hear them from  
19 you.

20 As Chairperson of the Alcoholic  
21 Beverage Control Board for the District of  
22 Columbia, and in accordance with Section 405

1 of the Open Meetings Amendment Act if 2010, I  
2 move that the ABC Board hold a closed meeting  
3 for the purpose of seeking legal advise from  
4 our Counsel on Case Number 12-AUD-00033, Queen  
5 of Sheba, for the reasons cited in Section  
6 405(b)4 of the Open Meetings Amendment Act of  
7 2010 and deliberating upon this case for the  
8 same reasons cited 405(b)13 of the Open  
9 Meetings Amendment Act of 2010. Is there a  
10 second?

11 MEMBER BROOKS: Second.

12 CHAIRPERSON MILLER: Mr. Brooks  
13 has seconded the motion. I'll now take a roll  
14 call vote on the motion now that it's been  
15 seconded. Mr. Brooks?

16 MEMBER BROOKS: I agree.

17 CHAIRPERSON MILLER: Mr. Alberti?

18 MEMBER ALBERTI: I agree.

19 CHAIRPERSON MILLER: Mr.

20 Rodriguez?

21 MEMBER RODRIGUEZ: I agree.

22 CHAIRPERSON MILLER: Ms. Miller

1 agrees. Mr. Silverstein?

2 MEMBER SILVERSTEIN: I agree.

3 CHAIRPERSON MILLER: Mr. Short?

4 MEMBER SHORT: I agree.

5 CHAIRPERSON MILLER: It appears

6 that the motion has passed by a 6-0-0 vote.

7 I hear by give notice that the ABC Board will

8 hold a closed meeting in the ABC Board

9 conference room pursuant to the Open Meetings

10 Amendment Act of 2010 to deliberate on this

11 case and will issue an order within 90 days.

12 Okay, any questions?

13 MR. MISGINA: I mean is you guys

14 going to come to conclusion and send me a

15 letter what the conclusion is?

16 CHAIRPERSON MILLER: We will send

17 you an order.

18 MR. MISGINA: Okay.

19 CHAIRPERSON MILLER: Okay? All

20 right. Ms. Daniel may be able to answer some

21 questions too if you have any others. All

22 right, then this case is concluded and the

1 Board will recess until this afternoon's  
2 hearings at 1:30. Okay, thank you.

3 MS. DANIEL: Thank you.

4 (Whereupon, the hearing in the  
5 above-mentioned matter was concluded at 11:50  
6 a.m.)

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<b>A</b>	<b>anybody</b> 2:13 <b>Anyway</b> 21:9 <b>anyways</b> 18:19 <b>appears</b> 7:14 11:7 30:5 <b>applies</b> 26:16 <b>appreciate</b> 22:20 <b>asked</b> 19:19,22 20:7 24:2,3 <b>assessed</b> 16:20 <b>assist</b> 26:16 27:20 <b>assistance</b> 27:22 <b>attorney</b> 9:19 <b>August</b> 5:7,12 17:2 <b>automatic</b> 8:17 <b>aware</b> 4:22	10:18 29:11,12,15 29:16 <b>Building</b> 1:12 <b>burden</b> 13:12 14:12 <b>business</b> 22:20	<b>chance</b> 14:3 23:19 <b>changed</b> 13:1 20:14 <b>choose</b> 25:14 <b>chooses</b> 7:15 <b>citations</b> 26:15 <b>cited</b> 10:10 29:5,8 <b>clear</b> 3:7 22:12 <b>close</b> 24:15 <b>closed</b> 9:22 10:5 11:11 28:7,17 29:2 30:8 <b>closing</b> 14:3 22:8 <b>Columbia</b> 1:1,21 2:11 10:3 12:3 28:22 <b>come</b> 5:20 7:20 24:11 30:14 <b>comments</b> 9:15 <b>compliance</b> 7:20 21:13 <b>comply</b> 1:9 8:12 14:20 <b>compromise</b> 2:21 <b>concerning</b> 4:9 14:20 16:3,11 <b>concluded</b> 30:22 31:5 <b>concludes</b> 2:4 6:21 11:14 <b>conclusion</b> 24:11 30:14,15 <b>conclusions</b> 24:18 25:5 28:4 <b>conference</b> 11:12 30:9 <b>conform</b> 8:4 <b>confused</b> 20:2 <b>confusing</b> 20:14 <b>consider</b> 11:10 <b>considering</b> 28:16 <b>construction</b> 20:5 <b>contact</b> 2:15 <b>containing</b> 5:8 <b>contingency</b> 8:9 <b>continue</b> 8:19 <b>Control</b> 1:2,11,12	10:2 28:21 <b>copy</b> 25:2 <b>correct</b> 5:16 12:16 16:16 21:5,12 <b>correctly</b> 21:4 23:12 <b>counsel</b> 10:7 29:4 <b>Court's</b> 19:17 <b>CR</b> 1:7 <b>cross</b> 20:17 <b>custodian</b> 4:16 16:5 16:10
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