

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

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IN THE MATTER OF: :  
: :  
Queen of Sheba, Inc. :  
t/a Queen of Sheba : Show Cause  
1503 9th Street, NW : Hearing  
Retailer CR - ANC-6E :  
License No. 73644 :  
Case #12-AUD-00033 :  
: :  
(Failed to File Quarterly :  
Statements (1st Quarter 2012) :  
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April 10, 2013

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  
HERMAN JONES, Member  
MIKE SILVERSTEIN, Member

ALSO PRESENT:  
MAUREEN ZANIEL, OAG  
MONICA CLARK, ABRA Compliance Analyst

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

(1:34 p.m.)

CHAIRPERSON MILLER: Good afternoon. We are back on the record now for our afternoon hearings.

The first case is Case No. 12-AUD-00033, Queen of Sheba located at 1503 9th Street, N.W., in ANC-6E and it's License No. 73644. Good afternoon.

MS. ZANIEL: Good afternoon.

CHAIRPERSON MILLER: And when you are ready, if you could introduce yourselves for the record?

MS. ZANIEL: Yes, Maureen Zaniel on behalf of the District of Columbia.

CHAIRPERSON MILLER: Okay.

MR. MISGINA: Embzam Misgina, owner of Queen of Sheba Restaurant.

CHAIRPERSON MILLER: Okay. Thank you very much. So this is a Show Cause Hearing. Are there any preliminary matters?

MS. ZANIEL: Members of the Board,

1 we do have a compromise. The fact of this  
2 offense triggers some stayed days and the  
3 licensee wants to be heard with respect to  
4 that.

5 I don't have any objection to his  
6 being heard. I don't know what the Board's  
7 pleasure is.

8 CHAIRPERSON MILLER: Okay. We  
9 would like to hear it.

10 MS. ZANIEL: Would you like the  
11 compromise first or --

12 MEMBER SILVERSTEIN: Yes.

13 MEMBER ALBERTI: Yes.

14 MEMBER JONES: Yes, please.

15 MEMBER ALBERTI: It would be  
16 helpful to me.

17 MS. ZANIEL: The compromise on the  
18 current notice is a three day suspension that  
19 would need to be served on a Thursday, Friday  
20 and a Saturday and I don't know whether the  
21 licensee has chosen those dates yet. I told  
22 him it needs to be in approximately the next

1 month, no further out.

2 CHAIRPERSON MILLER: Okay.

3 MR. MISGINA: Like she said, we  
4 talk about it and if I have a choice, I would  
5 -- I mean, first of all, I cannot afford to  
6 pay the \$2,000, you know, business is slow  
7 itself.

8 Second, I asked her if we --  
9 instead of Thursday, Friday and Saturday, is  
10 there any way we can do it Saturday, Sunday,  
11 Monday or Wednesday, Thursday, Friday? You  
12 know, if I can have a choice and she said I  
13 don't think so. So I don't know if you guys  
14 willing to compromise on that?

15 CHAIRPERSON MILLER: The way it  
16 works is that you present to us what your  
17 proposal is and then the Board will consider  
18 that. We don't get involved in negotiating  
19 what the compromise would be.

20 MR. MISGINA: Well --

21 CHAIRPERSON MILLER: It's between  
22 you and the Government attorney. And then

1 that's what is presented to us.

2 MR. MISGINA: -- I would rather to  
3 have Wednesday, Thursday and Friday or  
4 Saturday, Sunday, Monday.

5 CHAIRPERSON MILLER: Okay. Do you  
6 want to take a minute and talk to the  
7 Government's attorney? Because you two have  
8 to present to us an agreement. Okay. We are  
9 not going to pick between proposals.

10 MR. MISGINA: So between me and  
11 her?

12 CHAIRPERSON MILLER: Yes.

13 MS. ZANIEL: I'm happy to talk to  
14 him. Just so the record is clear, what the  
15 Government indicated is I had no objection to  
16 his talking about the five stayed days.

17 CHAIRPERSON MILLER: Oh, the five  
18 stayed days.

19 MS. ZANIEL: It's clear to me that  
20 we either have a compromise or we don't and  
21 apparently we need to discuss that a little  
22 bit further if you will give us a moment?

1                   CHAIRPERSON MILLER: Okay. I  
2 thought he was talking about this case.

3                   MR. MISGINA: No, no, I'm talking  
4 about the three days.

5                   CHAIRPERSON MILLER: Okay. You  
6 two -- yes, do you want to take a minute?

7                   MR. MISGINA: That we talk later.

8                   (Whereupon, at 1:37 p.m. a recess  
9 until 1:39 p.m.)

10                  CHAIRPERSON MILLER: Okay. Are  
11 you ready to proceed?

12                  MS. ZANIEL: No meeting of the  
13 minds, so we would like to put on a hearing.

14                  CHAIRPERSON MILLER: Okay. Are  
15 you familiar with the hearing process before  
16 she starts? Are you familiar with the hearing  
17 process?

18                  MR. MISGINA: I will listen. She  
19 can explain to me a little bit.

20                  CHAIRPERSON MILLER: I'll explain  
21 to you a little bit, that's why, okay, the  
22 Government has the burden of proof. The

1 Government goes first and the Government most  
2 likely will do an opening statement saying  
3 this is what I'm going to show in this  
4 hearing. This is what we are going to prove.

5 Okay? Then you have the  
6 opportunity to do an opening statement right  
7 after her or you can wait until she finishes  
8 her case and then when you do your case, you  
9 can decide if you want to do an opening  
10 statement.

11 Okay. Then she is going to put on  
12 her evidence, which will be probably at least  
13 a witness who may testify, and she can ask the  
14 witness questions. The Board can ask the  
15 witness questions. You can ask the witness  
16 questions. Okay.

17 She will do all her evidence,  
18 maybe some documents, I don't know, and then  
19 she will finish. And then you will do the  
20 same thing. You can testify or you can put on  
21 a witness or put in a document, whatever your  
22 evidence might be. And then you will each do

1 closing summarizing, if you want, that's not  
2 required, you know, what you showed.

3 And if you have any questions  
4 along the way, feel free to ask me.

5 MR. MISGINA: Okay. So are you  
6 guys going to listen to us today or another  
7 time?

8 CHAIRPERSON MILLER: I'm sorry  
9 what?

10 MR. MISGINA: Are we going to put  
11 -- I mean, are we going to discuss on it today  
12 or next time?

13 CHAIRPERSON MILLER: No, right now  
14 is the hearing.

15 MR. MISGINA: Okay.

16 CHAIRPERSON MILLER: We probably  
17 won't decide it today, but we will hear all  
18 the evidence.

19 MR. MISGINA: Okay.

20 CHAIRPERSON MILLER: Okay. All  
21 right?

22 MR. MISGINA: Yes. Can we talk

1 about the five days before we go through that  
2 or --

3 MEMBER SILVERSTEIN: No.

4 CHAIRPERSON MILLER: Not if there  
5 is a hearing.

6 MR. MISGINA: Okay.

7 CHAIRPERSON MILLER: I mean, what  
8 I understand, if you don't have an agreement  
9 to present to us, then we don't get to the  
10 five days now. You can get to that at the end  
11 when we talk about --

12 MR. MISGINA: Okay.

13 CHAIRPERSON MILLER: --  
14 considering a penalty after we have heard all  
15 of the evidence.

16 MR. MISGINA: Okay.

17 CHAIRPERSON MILLER: Okay. All  
18 right. Then we are ready to proceed.

19 MS. ZANIEL: Yes, thank you. For  
20 opening, the Government will say this is, you  
21 know, a simple straightforward case, as the  
22 Board knows, of the obligation in these types

1 of licenses to file a quarterly statement and  
2 that wasn't done as the evidence will show for  
3 the first quarter of 2012.

4 And so I would call my witness,  
5 Ms. Monica Clark.

6 CHAIRPERSON MILLER: Okay. Mr.  
7 Misgina, unless you wanted to make an opening  
8 statement now? Did you want to make an  
9 opening statement now or do you want to wait  
10 until the beginning of your case?

11 MR. MISGINA: Well --

12 CHAIRPERSON MILLER: It's not  
13 testimony. It's just like what you will show  
14 in your case.

15 MR. MISGINA: Yes, I check with my  
16 accountant and he did not do -- he did not  
17 report the quarterly statement right on time,  
18 but he --

19 CHAIRPERSON MILLER: Okay. Wait  
20 hold it, okay? That sounds like testimony, so  
21 we will just -- it's okay. So we will wait  
22 until it's your turn to present testimony.

1 MR. MISGINA: Okay.

2 CHAIRPERSON MILLER: Okay. You  
3 can come to the stand.

4 Whereupon,

5 MONICA CLARK

6 was called as a witness by Counsel for the  
7 Government, and having been first duly sworn,  
8 assumed the witness stand and was examined and  
9 testified as follows:

10 CHAIRPERSON MILLER: Okay.

11 DIRECT EXAMINATION

12 MS. ZANIEL: Good afternoon.

13 Please state your name.

14 MS. CLARK: Good afternoon. It's  
15 Monica Clark, M-O-N-I-C-A C-L-A-R-K. No E.

16 MS. ZANIEL: Ms. Clark, where are  
17 you employed?

18 MS. CLARK: With the Alcoholic  
19 Beverage Regulation Administration.

20 MS. ZANIEL: And what is your job  
21 title?

22 MS. CLARK: My job title is

1 compliance analyst.

2 MS. ZANIEL: What are your duties  
3 as a compliance analyst?

4 MS. CLARK: My duties are to  
5 receive, record and analyze quarterly  
6 statements received by restaurant and hotel  
7 licensees.

8 MS. ZANIEL: And are you familiar  
9 with the general requirement for quarterly  
10 statements to --

11 MS. CLARK: Yes, I am.

12 MS. ZANIEL: -- to be filed? And  
13 are you familiar with an establishment known  
14 as Queen of Sheba?

15 MS. CLARK: Yes.

16 MS. ZANIEL: And what, if any,  
17 information do you have with respect to the  
18 quarterly statement that was due for 2012,  
19 first quarter?

20 MS. CLARK: In regards to the  
21 quarterly statement for the first quarter of  
22 2012, for Queen of Sheba that quarterly

1 statement was received on June 14, 2012.

2 MS. ZANIEL: And what is the time  
3 period for the first quarter of 2012?

4 MS. CLARK: The time frame for the  
5 first quarter would be January through March  
6 of 2012.

7 MS. ZANIEL: And does the ABRA  
8 give any grace period with respect to -- in  
9 other words, after the first quarter has ended  
10 in March, when is the statement actually due?

11 MS. CLARK: After the end of the  
12 first quarter statement, the actual quarterly  
13 statement is due by the 30th of April.

14 MS. ZANIEL: And can you tell us  
15 whether for Queen of Sheba there was a  
16 quarterly statement filed by April 30?

17 MS. CLARK: No, there -- on April  
18 30th there -- we had not received a quarterly  
19 statement from Queen of Sheba.

20 MS. ZANIEL: Okay. Thank you. No  
21 other questions.

22 CHAIRPERSON MILLER: Mr. Misgina,

1 you can ask this witness any questions about  
2 her testimony, if you have any.

3 MR. MISGINA: Okay.

4 CROSS-EXAMINATION

5 MR. MISGINA: Ms. Monica, have you  
6 received my quarterly report?

7 MS. CLARK: Yes, I have received a  
8 quarterly report since, yes.

9 MR. MISGINA: When?

10 MS. CLARK: The quarterly report  
11 was received on June 14, 2012.

12 MR. MISGINA: Are you check your  
13 email every now and then?

14 MS. CLARK: No, I don't check it  
15 every now and then. I check it every day.

16 MR. MISGINA: No further.

17 CHAIRPERSON MILLER: Okay. Any  
18 Board questions? Okay. Thank you very much.

19 MS. CLARK: Thank you.

20 (Whereupon, witness excused.)

21 MS. ZANIEL: That's the  
22 Government's case.

1 CHAIRPERSON MILLER: You rest your  
2 case?

3 MS. ZANIEL: I do.

4 CHAIRPERSON MILLER: Okay. Mr.  
5 Misgina, do you want to testify?

6 MR. MISGINA: Well, to my  
7 understanding, my accountant he --

8 CHAIRPERSON MILLER: Okay. If you  
9 want that -- what you are telling us to be  
10 considered as evidence, you should take the  
11 stand and I'll swear you in, then you can --  
12 your testimony will be evidence.

13 MR. MISGINA: I don't have that  
14 much really to explain. It's simple like that  
15 I say he send it on time.

16 CHAIRPERSON MILLER: I know, but  
17 this is your evidence. This is your case. So  
18 I'm going to at least swear you in. Okay?

19 MS. ZANIEL: I certainly would ask  
20 that he be sworn.

21 CHAIRPERSON MILLER: Yes.

22 MS. ZANIEL: If he is going to

1 testify.

2 CHAIRPERSON MILLER: If you are  
3 going to say anything that we are going to  
4 consider on your case, you need to be sworn  
5 in.

6 MR. MISGINA: Okay.

7 Whereupon,

8 EMBZAM MISGINA  
9 was called as a witness, and having been first  
10 duly sworn, assumed the witness stand and was  
11 examined and testified as follows:

12 CHAIRPERSON MILLER: Okay.

13 DIRECT EXAMINATION

14 MR. MISGINA: I have talked to my  
15 accountant and he told me he send it right on  
16 time. That according she say she have not  
17 received it until June, so there is nothing I  
18 can do. It's between him and her. So I will  
19 just say you guys need to reconsider my  
20 situation and the previous -- that I have been  
21 paying because of this matter.

22 And I don't know, you know, what

1 to do or what I have to do is change my  
2 accountant and follow it closely.

3 CHAIRPERSON MILLER: Okay. Ms.  
4 Zaniel, do you have any questions?

5 MS. ZANIEL: No.

6 CHAIRPERSON MILLER: Board  
7 Members?

8 MEMBER ALBERTI: Mr. Brooks.

9 CHAIRPERSON MILLER: Mr. Brooks?

10 MEMBER BROOKS: Oh, okay, thank  
11 you. Sir, how did your accountant tell you he  
12 sent it in?

13 MR. MISGINA: How did he tell me?

14 MEMBER BROOKS: Yes.

15 MR. MISGINA: Well, he showed me  
16 the report that he send in, but whether he  
17 send it late or he send it on time, that's  
18 between him and her, so --

19 MEMBER BROOKS: Now, did he send  
20 it by letter?

21 MR. MISGINA: All I know is he  
22 mail it by letter, you know.

1 MEMBER BROOKS: I didn't hear you.

2 MR. MISGINA: He sends always on-  
3 line, you know.

4 MEMBER BROOKS: On-line. So he  
5 did it Internet?

6 MR. MISGINA: Right.

7 MEMBER BROOKS: Okay. And did he  
8 show you a copy of it?

9 MR. MISGINA: He showed me, but I  
10 didn't -- I'm not quite sure of the date, you  
11 know. I have it in my file. In fact, she  
12 pull it, you know, the last time and showed  
13 me.

14 MEMBER BROOKS: And you didn't  
15 bring that with you?

16 MR. MISGINA: I didn't bring, no.

17 MEMBER BROOKS: It would be there.  
18 Oh, okay, so you say that he sent it through  
19 email. Is that correct?

20 MR. MISGINA: Yes.

21 MEMBER BROOKS: And did he get an  
22 email verification from ABRA saying that they

1 have received it?

2 MR. MISGINA: I'm not sure.

3 MEMBER BROOKS: Not sure. All  
4 right. Thank you, Madam Chair.

5 CHAIRPERSON MILLER: Okay.  
6 Others? What's the name of your accountant?

7 MR. MISGINA: His name is -- well,  
8 his name is Mocraad, but it's on the name of  
9 the -- the copy that you showed me last time.

10 MS. ZANIEL: I don't have it with  
11 me.

12 CHAIRPERSON MILLER: Okay. It's  
13 all right if you don't know. I'm just  
14 wondering, do you have correspondence, email  
15 correspondence between your accountant and you  
16 about the filing of the quarterly statement?

17 MR. MISGINA: Yes. He always come  
18 on another visit, you know.

19 CHAIRPERSON MILLER: You didn't  
20 bring that with you?

21 MR. MISGINA: The email that is --  
22 no, I did not bring it, but you guys have it

1 here, so --

2 CHAIRPERSON MILLER: Oh, okay.

3 MR. MISGINA: She pull the record  
4 and she showed me what -- when was the date  
5 that it sent.

6 CHAIRPERSON MILLER: Okay. Okay.

7 MR. MISGINA: I'm sure they have  
8 the name and the accountant's name and  
9 everything, because they showed me that last  
10 time.

11 CHAIRPERSON MILLER: Okay. Any  
12 other questions?

13 MEMBER JONES: Yes.

14 CHAIRPERSON MILLER: Okay. Mr.  
15 Jones?

16 MEMBER JONES: Thank you, Madam  
17 Chair. Just to make sure I'm clear, you do  
18 not know the date that your accountant  
19 submitted the report, correct?

20 MR. MISGINA: Correct.

21 MEMBER JONES: Okay. How do you--  
22 why do you believe he sent it on time?

1 MR. MISGINA: Because he said so.

2 MEMBER JONES: Okay. So when he  
3 said to you he sent it on time, did he say to  
4 you that he sent it by the 30th of April?

5 MR. MISGINA: What he said is I  
6 sent it on time, but it might have been other  
7 problem, electric problem or --

8 MEMBER JONES: Understood.

9 MR. MISGINA: -- that's what he --

10 MEMBER JONES: But just to --

11 MR. MISGINA: -- excuse --

12 MEMBER JONES: -- make sure I'm  
13 clear --

14 MR. MISGINA: Yeah.

15 MEMBER JONES: -- he did not say  
16 to you that he sent it on time and that he  
17 sent it to you on time being by the 30th of  
18 April? Did he give you a date by which he  
19 sent it?

20 MR. MISGINA: All I remember --

21 MEMBER JONES: Did he give you a  
22 date by which he sent it? Yes or no?

1 MR. MISGINA: No.

2 MEMBER JONES: No. Do you have  
3 any documentation related to the date of when  
4 this item was submitted? Do you have an email  
5 verification from ABRA? Do you have an email  
6 from ABRA? Do you have an email from your  
7 accountant? Do you have any documentation  
8 that we could look to to help substantiate  
9 your position?

10 MR. MISGINA: Yes, sir. I have  
11 all the documents he send in and he gave me  
12 the copy, but I did not bring it here. I  
13 cannot recall the date.

14 MEMBER JONES: Okay. So you do  
15 not have any documentation here with you today  
16 during this case --

17 MR. MISGINA: Right.

18 MEMBER JONES: -- to present to  
19 substantiate your position, correct?

20 MR. MISGINA: I don't, yes.

21 MEMBER JONES: Okay. Thank you.  
22 Thank you, Madam Chair.

1                   CHAIRPERSON MILLER: Okay. Any  
2 other questions? Okay. Does that conclude  
3 your testimony?

4                   MR. MISGINA: Excuse me?

5                   CHAIRPERSON MILLER: Does that  
6 conclude your testimony? Did you want to put  
7 any other information into evidence?

8                   MR. MISGINA: I guess that's about  
9 it.

10                  CHAIRPERSON MILLER: Okay.

11                  MR. MISGINA: Can I explain about  
12 the five days?

13                  CHAIRPERSON MILLER: Okay. When  
14 we get to the closing, you can address that.

15                  MR. MISGINA: Okay.

16                  CHAIRPERSON MILLER: Yes, which I  
17 think we are just about at closing then. Ms.  
18 Zaniel, did you have any questions?

19                  MS. ZANIEL: No, actually I don't.

20                  CHAIRPERSON MILLER: No. Okay.

21                  MS. ZANIEL: Not of the witness.

22                  CHAIRPERSON MILLER: Okay. Then I

1 think that your case rests and we are now  
2 ready for closing. Okay.

3 MS. ZANIEL: Yes. The Government  
4 submits that the compliance analyst under oath  
5 testified that the payment or rather the  
6 quarterly statement did not come in within the  
7 April 30 time frame, but, in fact, was filed  
8 on June 14.

9 And although Mr. Misgina says that  
10 his accountant told him otherwise, there is  
11 certainly no proof of that and we believe that  
12 that statement alone does not in any way rebut  
13 the testimony of the Government witness, Ms.  
14 Clark.

15 And, therefore, the Government  
16 submits it has proven that there was a  
17 violation with respect to timely filing of the  
18 quarterly statement of the first quarter of  
19 2012.

20 CHAIRPERSON MILLER: Okay. Thank  
21 you. Okay. Mr. Misgina, okay, now you can  
22 address the evidence and penalty, the days

1 questioned.

2 MR. MISGINA: Are we talking about  
3 this question about the five days?

4 CHAIRPERSON MILLER: The whole  
5 thing, because -- yes, the whole thing. This  
6 is your last statement. This isn't evidence  
7 though. This is argument and you can argue  
8 that.

9 MR. MISGINA: Okay. All I say is  
10 I'm in -- as she said, if my accountant file  
11 late, it's, you know, I understand it's his  
12 fault, so I want you guys to reconsider  
13 because of this quarterly report, I been  
14 paying so much money. And as you know,  
15 business is slow. I cannot afford to pay it.

16 And she gave me some offer to  
17 close three days or to pay \$2,000. I say I do  
18 not afford the \$2,000 and I have to close, not  
19 to sell alcohol three days, which is on the  
20 weekdays busy. And she say no, so this is a  
21 situation we have been dealing with.

22 Another thing, on 2010, the same

1 situation. I was charged \$4,000, but that  
2 time the hearing was at 4:00. When I came out  
3 4:00 here, the hearing was done at 1:00,  
4 because the date was changed without my  
5 knowledge. And I have talked to Ms. Martha.  
6 I have talked Mr. Moosally to reconsider and  
7 they told me put it in write. I did. And it  
8 didn't change.

9 So I paid the \$4,000. I was not  
10 aware that still the five days is going to be  
11 on my thing, so I'm just asking politely, this  
12 is misunderstanding, if you can waive the five  
13 days that -- I was really quite following it.  
14 I was worried about paying \$4,000. I was not  
15 paying actually the five days.

16 So as she mentioned to me, I still  
17 have five days penalty. This is new thing for  
18 me. I'm just asking politely to waive that  
19 five days, if you could.

20 CHAIRPERSON MILLER: Okay. The  
21 Board will take under advisement this case and  
22 the evidence and the arguments that have been

1 made. And we will be issuing an order within  
2 90 days, a written order.

3 Before we do that, I'm going to  
4 now close the record. That means you have put  
5 in all the evidence that you brought today, so  
6 the record is closed.

7 And do the parties want to file  
8 proposed findings of fact and conclusions of  
9 law or waive your right to do so?

10 MS. ZANIEL: The Government would  
11 not like that offer.

12 CHAIRPERSON MILLER: Okay. Do you  
13 understand the question, sir? Okay.

14 MR. MISGINA: I really missed  
15 that.

16 CHAIRPERSON MILLER: That's okay.  
17 At the end of each case, we ask the parties  
18 if you want to file proposed findings of facts  
19 and conclusions of law. That would be like a  
20 legal brief. You would get the transcript and  
21 then you would organize to make your arguments  
22 of the findings of fact that you think support

1 a finding in your favor and show how that  
2 would be supported by law.

3 So most parties don't do that  
4 here, but everyone has the option of it. So  
5 the Government has waived their right to do  
6 that. They are not going to do that. What  
7 would you like to do?

8 MR. MISGINA: If the Government  
9 will waive that, I'm asking you guys to  
10 consider and, you know, do something.

11 CHAIRPERSON MILLER: Okay. So the  
12 Government is not going to file an additional  
13 brief, you know, putting forth findings of  
14 facts and conclusions of law. And so I'm  
15 asking is that something you want to do or do  
16 you also want to waive it and not file that?

17 MR. MISGINA: I still don't get  
18 it.

19 CHAIRPERSON MILLER: Okay. At the  
20 end of the case, there is a transcript of  
21 these proceedings. You could get the  
22 transcript in a few weeks, read the

1 transcript, file a written document saying  
2 based on evidence here in the transcript you  
3 are asking the Board to find in your favor and  
4 you would also support it with legal  
5 arguments.

6 Most parties don't do that, but  
7 everybody has the opportunity to. The  
8 Government is not going to do that.

9 MR. MISGINA: I'll just wait for  
10 you guys decision.

11 MEMBER ALBERTI: Okay.

12 CHAIRPERSON MILLER: So I'll take  
13 that as that you are also waiving that. Okay.  
14 All right. Okay. So our decision will be  
15 within 90 days in a written order.

16 MR. MISGINA: Thank you.

17 CHAIRPERSON MILLER: Okay. Thank  
18 you. We will just take a vote on closing the  
19 decision making.

20 Okay. As Chairperson of the  
21 Alcoholic Beverage Control Board for the  
22 District of Columbia and in accordance with

1 Section 405 of the Open Meetings Amendment Act  
2 of 2010, I move that the ABC Board hold a  
3 closed meeting for the purpose of seeking  
4 legal advice from our counsel on Case No. 12-  
5 AUD-00033, Queen of Sheba, per Section  
6 405(b)(4) of the Open Meetings Amendment Act  
7 of 2010, and deliberating upon this case for  
8 the reasons cited in Section 405(b)(13) of the  
9 Open Meetings Amendment Act of 2010.

10 Is there a 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 has been  
15 seconded.

16 Mr. Brooks?

17 MEMBER BROOKS: I agree.

18 CHAIRPERSON MILLER: Mr. Alberti?

19 MEMBER ALBERTI: I agree.

20 CHAIRPERSON MILLER: Ms. Miller  
21 agrees.

22 Mr. Silverstein?

1 MEMBER SILVERSTEIN: I agree.

2 CHAIRPERSON MILLER: Mr. Jones?

3 MEMBER JONES: I agree.

4 CHAIRPERSON MILLER: It appears  
5 that the motion has passed by a 5-0-0 vote.

6 I hereby give notice that the ABC  
7 Board will hold a closed meeting in the ABC  
8 Board conference room either today or next  
9 week pursuant to the Open Meetings Amendment  
10 Act of 2010.

11 Okay. Thank you very much.

12 MS. ZANIEL: Thank you.

13 MR. MISGINA: Thank you.

14 CHAIRPERSON MILLER: So our next  
15 case is Queen Makeda, which isn't scheduled  
16 until 2:30, so we will take a recess until  
17 then, unless all the parties happen to be  
18 here. No, they are not. Okay. So we will  
19 recess until 2:30. Thank you.

20 (Whereupon, the Show Cause Hearing  
21 in the above-entitled matter was concluded at  
22 2:01 p.m.)

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