

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Sami Restaurant, LLC
t/a Bistro 18
2420 18th Street, NW
Retailer CR - ANC-1C
License No. 86876
Case #13-CMP-00319

Show Cause
Hearing

(Violation of Settlement
Agreement)

May 1, 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
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member

ALSO PRESENT:

AMY SCHMIDT, OAG
ABYIE GHENENE, ABRA Investigator

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

(11:20 a.m.)

CHAIRPERSON MILLER: Okay. All right. We have a Show Cause Hearing, Case No. 13-CMP-00319, it's Bistro 18 located at 2420 18th Street, N.W., License No. 86876, in ANC-1C. And this concerns a violation of a settlement agreement.

MR. GHULAIS: Good morning. Sami Ghulais, the owner of Bistro 18.

MS. MONDESIR: Gina Mondesir. I represent Bistro 18.

CHAIRPERSON MILLER: Okay. Good morning.

MS. SCHMIDT: Good morning. Amy Schmidt, Assistant Attorney General on behalf of the District of Columbia.

CHAIRPERSON MILLER: Okay. All right. This is a Show Cause Hearing. Are there any preliminary matters?

MS. SCHMIDT: No, none from the District.

1 MS. MONDESIR: No, no.

2 CHAIRPERSON MILLER: No, okay. So
3 you are ready to proceed?

4 MS. SCHMIDT: Yes.

5 CHAIRPERSON MILLER: Okay.

6 MS. SCHMIDT: This is a case where
7 the settlement agreement states that the
8 establishment, Bistro 18, shall not
9 participate in any pub crawls. On May 25,
10 2013, an ABRA Investigator signed up to
11 participate in the DC Zombie's Crawl and he
12 saw that one of the participating
13 establishments was Bistro 18. And he went to
14 Bistro 18 and he observed -- and he made
15 observations that they were participating in
16 the pub crawl.

17 The District now calls
18 Investigator Abyie Ghenene.

19 CHAIRPERSON MILLER: Let me just
20 say, I'm sorry, what is your name?

21 MS. SCHMIDT: That's my opening
22 statement.

1 CHAIRPERSON MILLER: Yes, what's
2 your name?

3 MS. MONDESIR: Gina Mondesir.

4 CHAIRPERSON MILLER: Mondesir?

5 MS. MONDESIR: M-O-N-D-E-S-I-R.

6 CHAIRPERSON MILLER: Okay. Do you
7 wish to make an opening statement now or
8 reserve it for when you do your case?

9 MS. MONDESIR: I'll make an
10 opening statement now. Thank you.

11 CHAIRPERSON MILLER: Okay.

12 MS. MONDESIR: The Bistro 18 has
13 been alleged to have participated in a pub
14 crawl. However, the opposing party has no
15 evidence that Bistro 18, in fact,
16 participated. While they put up some
17 materials, there is nothing here, no
18 testimony, no evidence submitted thus far
19 which indicates that they, in fact, did
20 participate.

21 And based on our witnesses, we
22 will, basically, establish that the

1 establishment did not participate at all.

2 CHAIRPERSON MILLER: Okay. How
3 many witnesses do you have?

4 MS. MONDESIR: Three.

5 CHAIRPERSON MILLER: Three. You
6 have one?

7 MS. SCHMIDT: Two.

8 CHAIRPERSON MILLER: Two. Okay.
9 All right.

10 MS. SCHMIDT: The District calls
11 Investigator Abyie Ghenene.

12 CHAIRPERSON MILLER: Good morning.

13 INVESTIGATOR GHENENE: Good
14 morning.

15 Whereupon,

16 INVESTIGATOR ABYIE GHENENE
17 was called as a witness by Counsel for the
18 Government, and having been first duly sworn,
19 assumed the witness stand and was examined and
20 testified as follows:

21 INVESTIGATOR GHENENE: Yes, ma'am.

22 CHAIRPERSON MILLER: Okay. Thank

1 you.

2 DIRECT EXAMINATION

3 MS. SCHMIDT: Good morning,
4 Investigator. Would you, please, state your
5 name for the record?

6 INVESTIGATOR GHENENE: Sure.
7 Abyie Ghenene.

8 MS. SCHMIDT: Ghenene. And who
9 are you employed by?

10 INVESTIGATOR GHENENE: ABRA,
11 Alcoholic Beverage Regulation Administration.

12 MS. SCHMIDT: In what capacity are
13 you employed?

14 INVESTIGATOR GHENENE:
15 Investigator.

16 MS. SCHMIDT: And I'm drawing your
17 attention to Saturday, May 25, 2013, were you
18 aware of a Zombie Pub Crawl?

19 INVESTIGATOR GHENENE: Yes, ma'am.

20 MS. SCHMIDT: And how were you
21 made aware of this? If you could, please,
22 explain that?

1 INVESTIGATOR GHENENE: I was
2 assigned the investigation as a result of a
3 complaint submitted to ABRA.

4 MS. SCHMIDT: And how did you say
5 -- how did you go about investigating this?

6 INVESTIGATOR GHENENE: I signed up
7 for the event in an undercover capacity and
8 went downtown, registered, got the supporting
9 documents that every patron that is
10 participating would get, including a map and
11 participating locations.

12 I got my wristband that allowed me
13 or entitled me to the different discounts that
14 each participant would offer. And from that
15 point, I returned to the office, documented
16 all of the materials that I gained. And after
17 that, after coordinating with my supervisor
18 and other Investigators involved, went to
19 Adams Morgan to begin my investigation. Or
20 not to begin my investigation, but to continue
21 my investigation.

22 MS. SCHMIDT: Now when you signed

1 up for the event, were you told of any
2 establishments who were not participating in
3 the pub crawl that night?

4 INVESTIGATOR GHENENE: No, ma'am.

5 MS. SCHMIDT: All right. I
6 believe this has been attached as Exhibit No.
7 3 to the -- I'm now handing you what is marked
8 Government's Exhibit No. 3. Could you
9 please --

10 COURT REPORTER: I'm sorry, could
11 I ask you to stay near the microphone?

12 MS. SCHMIDT: Oh, sure. I'm now
13 handing you what is marked as Government's
14 Exhibit No. 3. Is that better?

15 COURT REPORTER: Yes.

16 MS. MONDESIR: That's 4.

17 MS. SCHMIDT: I'm sorry.
18 Government's Exhibit 4. Okay. No. 4 then.
19 What number? Yes, it is No. 4. No. 4. And
20 could you, please, tell the Board what that
21 is?

22 INVESTIGATOR GHENENE: I believe

1 these are flyers that I received. Well, one
2 is a flyer and one is directions and a map of
3 the participating locations.

4 MS. SCHMIDT: Is Bistro 18 one of
5 the participating locations?

6 INVESTIGATOR GHENENE: Yes, ma'am.

7 MS. SCHMIDT: And so --

8 INVESTIGATOR GHENENE:
9 Incidentally, I printed these out the day of
10 the event.

11 MS. SCHMIDT: Okay. And I now
12 hand you what is marked as Government's
13 Exhibit 2.

14 CHAIRPERSON MILLER: Ms. Schmidt,
15 could you repeat the exhibits you have been
16 referring to?

17 MS. SCHMIDT: Okay. The first one
18 is Exhibit No. 4.

19 CHAIRPERSON MILLER: And is that
20 Exhibit No. 4 to the --

21 MS. SCHMIDT: Attached --

22 CHAIRPERSON MILLER: -- case

1 report?

2 MS. SCHMIDT: -- to the report.

3 Yes.

4 CHAIRPERSON MILLER: Okay.

5 MS. SCHMIDT: I'm hardly
6 consistent, that's why they are out of
7 sequence.

8 CHAIRPERSON MILLER: Okay.

9 (Whereupon, the document was
10 marked as Government Exhibit 4 for
11 identification.)

12 MS. SCHMIDT: And --

13 CHAIRPERSON MILLER: And that is
14 what, flyers or something?

15 MS. SCHMIDT: Flyers, which has
16 been established.

17 CHAIRPERSON MILLER: Okay.

18 MS. SCHMIDT: And now I hand you
19 what has been marked as Government's Exhibit
20 No. 2.

21 (Whereupon, the document was
22 marked as Government Exhibit 2 for

1 identification.)

2 MS. SCHMIDT: And could you,
3 please, tell the Board what this is?

4 INVESTIGATOR GHENENE: This
5 appears to be Bistro 18's settlement agreement
6 or voluntary agreement.

7 MS. SCHMIDT: And according to
8 this exhibit, has it been approved by the
9 Board?

10 INVESTIGATOR GHENENE: Yes, ma'am.

11 MS. SCHMIDT: And could you,
12 please, refer to -- I would say since there
13 are so many different -- the second to the
14 last page of this agreement -- exhibit.

15 INVESTIGATOR GHENENE: Yes, ma'am.

16 MS. SCHMIDT: And could you read
17 No. 7?

18 INVESTIGATOR GHENENE: No. 7 says
19 "Bar/Pub Crawls" and it says "Applicant agrees
20 not to promote or participate in bar or pub
21 crawls or tours or any similar event."

22 MS. SCHMIDT: And was it signed?

1 Now, when you went to Bistro 18 that night,
2 what did you see?

3 INVESTIGATOR GHENENE: When I
4 arrived to Bistro 18, I noticed that there was
5 a poster in the front window.

6 MS. SCHMIDT: What did you do?
7 And what did you do when you got there?

8 INVESTIGATOR GHENENE: Well, I
9 took notice of the poster that said "Zombies
10 welcome." And I approached the door
11 attempting to gain entry where I was
12 recognized and identified as an ABRA
13 Investigator, but I did not display my
14 credentials. I was attempting to enter in an
15 undercover capacity, but due to my past
16 dealings with the establishment, I was unable
17 to gain entry as an -- in an undercover
18 capacity.

19 MS. SCHMIDT: And were you wearing
20 the bracelet at that time?

21 INVESTIGATOR GHENENE: Yes, ma'am.

22 MS. SCHMIDT: And did anyone speak

1 to you about what was happening as with regard
2 to the participation in the event?

3 INVESTIGATOR GHENENE: No, ma'am.

4 MS. SCHMIDT: In the pub crawl?
5 And I'm sorry, approximately, what time did
6 you sign-up for that? Do you remember what
7 time signed up to participate in this event?

8 INVESTIGATOR GHENENE: I know I
9 went down to the National Mall around 7:30
10 p.m.

11 MS. SCHMIDT: Okay.

12 INVESTIGATOR GHENENE: But I don't
13 remember what time I purchased the ticket.

14 MS. SCHMIDT: Okay. And what time
15 did you go -- did you arrive at Bistro 18?

16 INVESTIGATOR GHENENE: I believe I
17 arrived at Bistro 18 around 10:20 p.m. the
18 same evening.

19 MS. SCHMIDT: And what happened
20 after you -- after they identified you as ABRA
21 Investigator?

22 INVESTIGATOR GHENENE: You know, I

1 didn't attempt to force my way in or anything
2 like that or really I don't believe that I
3 needed to force my way in, but I didn't
4 attempt to go inside and further my
5 investigation any more. So I left. I
6 contacted Investigator -- ABRA Investigator
7 Felicia Martin and asked her to take some
8 pictures of the exterior of the establishment.

9 MS. SCHMIDT: From the outside,
10 did you see people in the establishment?

11 INVESTIGATOR GHENENE: Yes, ma'am.

12 MS. SCHMIDT: Okay. And were they
13 consuming alcoholic beverages?

14 INVESTIGATOR GHENENE: Yes, ma'am.

15 MS. SCHMIDT: No further questions
16 of this witness.

17 CHAIRPERSON MILLER: Okay. Do you
18 have cross-exam?

19 MS. MONDESIR: Yes.

20 CROSS-EXAMINATION

21 MS. MONDESIR: You just indicated/
22 testified that you did witness people inside

1 consuming alcoholic beverages?

2 INVESTIGATOR GHENENE: Yes, ma'am.

3 MS. MONDESIR: Is that a violation
4 to see others drinking?

5 INVESTIGATOR GHENENE: I'm not
6 sure.

7 MS. MONDESIR: You are not
8 representing that it is? You are not
9 representing that it was a violation?

10 INVESTIGATOR GHENENE: I'm sorry,
11 I can't hear you.

12 MS. MONDESIR: I said they were
13 licensed to sell alcohol, so you are not
14 representing that they were in violation by
15 selling alcohol, are you?

16 MEMBER ALBERTI: Excuse me, ma'am,
17 could you move the microphone so you are
18 speaking into the mike? That would be helpful
19 for all of us. Thank you.

20 MS. MONDESIR: Do you need me to
21 repeat?

22 INVESTIGATOR GHENENE: Yes.

1 MS. MONDESIR: You just testified
2 that you witnessed individuals consuming
3 alcohol. You are not stating that that was a
4 violation, correct?

5 INVESTIGATOR GHENENE: I'm not
6 saying that, no.

7 MS. MONDESIR: Okay. You stated
8 that you did not actually enter the Bistro 18,
9 correct?

10 INVESTIGATOR GHENENE: Yes, ma'am.

11 MS. MONDESIR: And no one spoke to
12 you? No one from Bistro 18 spoke to you?

13 INVESTIGATOR GHENENE: I didn't
14 say that.

15 MS. MONDESIR: No, I'm asking.
16 Did anyone from Bistro 18 spoke -- speak to
17 you?

18 INVESTIGATOR GHENENE: Yes.

19 MS. MONDESIR: What did they tell
20 you?

21 INVESTIGATOR GHENENE: I don't
22 believe that -- I don't remember what we were

1 -- I was told, but it was just about -- it
2 wasn't about anything that I think is relevant
3 to the case.

4 MS. MONDESIR: Okay. So then no
5 one ever from Bistro 18 ever represent to you
6 that they were accepting discounts for the
7 zombie promotion?

8 INVESTIGATOR GHENENE: No one from
9 the establishment told me that, on.

10 MS. MONDESIR: Okay. And you
11 indicated "you were not able to further my
12 investigation," correct?

13 INVESTIGATOR GHENENE: I did not
14 say that.

15 MS. MONDESIR: You --

16 INVESTIGATOR GHENENE: I said I
17 chose not to.

18 MS. MONDESIR: Okay. So you did
19 not further your investigation?

20 INVESTIGATOR GHENENE: With regard
21 to Bistro 18, no.

22 MS. MONDESIR: Okay. You

1 indicated that you filed the case report and
2 that they participated, was that based on
3 signage?

4 INVESTIGATOR GHENENE: No.

5 MS. MONDESIR: Okay. How do you
6 know that they participated?

7 INVESTIGATOR GHENENE: Because I
8 was told they were participating.

9 MS. MONDESIR: Who told you they
10 were participating?

11 INVESTIGATOR GHENENE: The
12 organizers.

13 MS. MONDESIR: Okay. But didn't
14 actually sell any discount items, so you never
15 produce any evidence that they sold discount
16 drinks or food, correct?

17 INVESTIGATOR GHENENE: I don't
18 know that. I don't know what they sold that
19 night.

20 MS. MONDESIR: Thank you. That's
21 all. That's all. Thank you.

22 CHAIRPERSON MILLER: Okay. Board

1 questions?

2 MEMBER ALBERTI: Yes.

3 CHAIRPERSON MILLER: Okay. Go
4 ahead.

5 MEMBER ALBERTI: Good morning,
6 Investigator.

7 INVESTIGATOR GHENENE: Good
8 morning.

9 MEMBER ALBERTI: How are you?
10 Thank you for your report. Okay. So I'm just
11 going to ask a couple of things that we have
12 been over already, so I make sure I know.

13 So you mentioned the organizers.
14 You paid your money and you got a green
15 wristband. Is that correct?

16 INVESTIGATOR GHENENE: Yes, sir.

17 MEMBER ALBERTI: All right. Did
18 the organizers tell you that -- which
19 establishments were participating or did you
20 glean that from the registration material?

21 INVESTIGATOR GHENENE: I got it
22 from the registration materials. There was a

1 lot of people in that -- at the sign-up
2 location.

3 MEMBER ALBERTI: Okay.

4 INVESTIGATOR GHENENE: So having
5 an extensive conversation with somebody wasn't
6 really appropriate.

7 MEMBER ALBERTI: Okay. So then
8 you proceeded to the establishment? Is that
9 correct?

10 INVESTIGATOR GHENENE: Yes, sir,
11 after coming from a few others.

12 MEMBER ALBERTI: Okay. So that
13 was going to get you -- so what other
14 establishments did you go to before going
15 here?

16 INVESTIGATOR GHENENE: If I
17 remember correctly, I went to, I believe it
18 was called, Asylum at the time. I went to
19 Madam's Organ. I went to Grand Central. I
20 went to Town Tavern. I went to everyone that
21 was -- I went to Millie & Al's. I went to
22 everyone that was represented on the map and

1 any additional that I saw with signage.

2 MEMBER ALBERTI: Well, clarify
3 that for me. What do you mean any additional
4 that you saw with signage?

5 INVESTIGATOR GHENENE: Well, all
6 of the locations that I found participating
7 had the same poster, if not similar posters,
8 prominently displayed in windows on the front
9 of their sidewalk cafes. So that's how I was
10 able to identify participating -- some of the
11 participating locations.

12 MEMBER ALBERTI: Okay. So
13 everyone of the five establishments that you
14 just mentioned to me, which ones -- okay.
15 Asylum, how do you know they were
16 participating?

17 INVESTIGATOR GHENENE: I went
18 inside Asylum, but they also had a poster.

19 MEMBER ALBERTI: Okay. What
20 happened when you went inside Asylum?

21 INVESTIGATOR GHENENE: I was given
22 -- I purchased a discounted drink. Well, I

1 didn't actually purchase it, but it was
2 available and then I exited.

3 MEMBER ALBERTI: How do you know
4 it was available?

5 INVESTIGATOR GHENENE: I overheard
6 it and I witnessed it being sold.

7 MEMBER ALBERTI: Okay. How do you
8 know it was associated with the pub crawl?

9 INVESTIGATOR GHENENE: Because
10 there was somebody dressed in zombie attire
11 who asked specifically what are the drink
12 specials and then was given a drink special.

13 MEMBER ALBERTI: Did they check
14 the wristband, do you know?

15 INVESTIGATOR GHENENE: They did
16 not and that's why a case was not generated
17 there, because the bar manager represented
18 that he didn't know anything about it, but
19 that he would honor the underlying discount.
20 Hook them up, I think, was the word he said.

21 MEMBER ALBERTI: Okay. What about
22 at Madam's Organ? Did -- at any of these

1 five, did they check wristbands?

2 INVESTIGATOR GHENENE: Yes.

3 MEMBER ALBERTI: Which ones?

4 INVESTIGATOR GHENENE: Madam's
5 Organ I believe was the central location in
6 Adams Morgan.

7 MEMBER ALBERTI: Um-hum.

8 INVESTIGATOR GHENENE: And they
9 had a table set up with trophies, etcetera.
10 And actually the bartender refused to honor
11 the wristband that I had on because I was not
12 dressed as a zombie.

13 MEMBER ALBERTI: Okay. I won't
14 take the bait on that one.

15 MEMBER SILVERSTEIN: Thank you,
16 Mr. Alberti.

17 MEMBER ALBERTI: You're welcome.
18 All right. Can you describe the -- did
19 Madam's Organ have a --

20 INVESTIGATOR GHENENE: Oh, I
21 apologize. I meant Grand Central was the
22 organizer.

1 MEMBER ALBERTI: All right.

2 INVESTIGATOR GHENENE: Madam's
3 Organ I did purchase a discounted drink there.

4 MEMBER ALBERTI: Okay.

5 INVESTIGATOR GHENENE: As a result
6 of the zombie --

7 MEMBER ALBERTI: Well, let's go
8 back to Madam's Organ. So you purchased a
9 discounted drink there?

10 INVESTIGATOR GHENENE: Yes, sir.

11 MEMBER ALBERTI: How did that
12 transpire? I mean, why did they give you a
13 discounted drink? I mean, you weren't dressed
14 as a zombie.

15 INVESTIGATOR GHENENE: Sure. At
16 the door, generally they charge a cover charge
17 at Madam's Organ. I displayed my wristband
18 and was allowed entry for free. And then I
19 went to the bar, asked what the specials were
20 regarding the Zombie Fest or Zombie Walk,
21 displayed my wristband and was given a
22 discounted drink.

1 MEMBER ALBERTI: Okay. Great. So
2 that was Madam's Organ. What about Grand
3 Central where you weren't served?

4 INVESTIGATOR GHENENE: Right.
5 Grand Central also had a poster in front
6 similar to the one that I found at Bistro 18.
7 I entered after displaying my wristband and I
8 took several pictures inside of the
9 organizers' tables and costume contest,
10 etcetera.

11 MEMBER ALBERTI: Okay. The Grand
12 Central had all the organizing, too?

13 INVESTIGATOR GHENENE: Yes.

14 MEMBER ALBERTI: What about Town
15 Tavern? Did you --

16 INVESTIGATOR GHENENE: Town Tavern
17 was not participating, although represented on
18 the --

19 MEMBER ALBERTI: How do you know
20 that?

21 INVESTIGATOR GHENENE: They --
22 well, number one, the place was extremely

1 empty. They did not have a poster hanging and
2 I did not see anything going on there.

3 MR. GHULAIS: When you say they
4 didn't have a poster, what kind of poster were
5 you talking about?

6 INVESTIGATOR GHENENE: The ones --
7 they did not have a poster with any zombie
8 language on it, but specifically, the one --
9 like the ones that were posted at the other
10 locations.

11 MEMBER ALBERTI: Okay. And Millie
12 and Al's?

13 INVESTIGATOR GHENENE: The same
14 thing, they did not have a poster hanging.
15 They didn't really have a big crowd.

16 MEMBER ALBERTI: Okay.

17 INVESTIGATOR GHENENE: And nothing
18 with any kind of zombie information.

19 MEMBER ALBERTI: So let's go back
20 to Madam's Organ. Do you remember what the
21 sign looked like there?

22 INVESTIGATOR GHENENE: I don't.

1 MEMBER ALBERTI: Okay.

2 INVESTIGATOR GHENENE: I believe
3 that all the signs were all on florescent
4 cardboard paper, florescent green.

5 MEMBER ALBERTI: Florescent green?

6 INVESTIGATOR GHENENE: Yes, sir.

7 MEMBER ALBERTI: Okay. Were they
8 professionally done?

9 INVESTIGATOR GHENENE: No. They
10 looked all homemade.

11 MEMBER ALBERTI: They looked what?

12 INVESTIGATOR GHENENE: Homemade.

13 MEMBER ALBERTI: Okay. Did they
14 have similar language?

15 INVESTIGATOR GHENENE: Yes, sir.

16 MEMBER ALBERTI: What did it say?

17 INVESTIGATOR GHENENE: All of them
18 contained the word zombie or zombies or
19 something like that.

20 MEMBER ALBERTI: Okay. And you
21 saw a sign like -- a poster that had zombies
22 on it at -- prominently displayed at Madam's

1 Organ. Is that correct?

2 INVESTIGATOR GHENENE: Yes, sir.

3 MEMBER ALBERTI: And at Grand

4 Central?

5 INVESTIGATOR GHENENE: Yes, sir.

6 MEMBER ALBERTI: You saw a similar

7 poster --

8 INVESTIGATOR GHENENE: Yes.

9 MEMBER ALBERTI: -- prominently
10 displayed?

11 INVESTIGATOR GHENENE: Yes, sir.

12 MEMBER ALBERTI: Okay. Now,
13 Exhibit 4 in your report, what is that?

14 INVESTIGATOR GHENENE: I believe
15 this is a flyer and directions and a map of --

16 MEMBER ALBERTI: Exhibit 4. I'm
17 looking at Exhibit 4, not Exhibit 3. Maybe I
18 have the wrong exhibit numbers. Oh, I was
19 looking at Exhibit 5.

20 INVESTIGATOR GHENENE: 5.

21 MEMBER ALBERTI: Exhibit 5 is a
22 picture of the front of something.

1 INVESTIGATOR GHENENE: One second,
2 sir. Yes, sir.

3 MEMBER ALBERTI: Okay. What is
4 that of?

5 INVESTIGATOR GHENENE: That's a
6 picture of one of the front windows to Bistro
7 18. And there is a -- this is in black and
8 white, but I believe it was a florescent
9 green.

10 MEMBER ALBERTI: I have a color
11 photo which is in florescent green.

12 INVESTIGATOR GHENENE: Okay. It's
13 a poster that says -- I believe it says
14 "Zombies welcome" in the center of Bistro 18s
15 window.

16 MEMBER ALBERTI: And that was
17 there when you arrived?

18 INVESTIGATOR GHENENE: Yes, sir.

19 MEMBER ALBERTI: Okay. So you get
20 to the door of this establishment, Bistro 18,
21 correct, and you go to the doorman. What's
22 the first thin that happens?

1 INVESTIGATOR GHENENE: We
2 exchanged greetings. Before I even got 15
3 feet from the door, I was -- you know, we
4 caught eyes and I could tell that he was -- he
5 knew who I was.

6 MEMBER ALBERTI: Okay. So there
7 wasn't an opportunity for him to ask for an ID
8 or to ask for a bracelet or anything like
9 that?

10 INVESTIGATOR GHENENE: No.

11 MEMBER ALBERTI: Okay. Did you
12 observe any of the patrons inside

13 INVESTIGATOR GHENENE: Yes.

14 MEMBER ALBERTI: In that short
15 time?

16 INVESTIGATOR GHENENE: Yes.

17 MEMBER ALBERTI: Can you describe
18 how they were dressed?

19 INVESTIGATOR GHENENE: I didn't
20 observe all of them, but I can say that on the
21 majority, they were dressed the same way I was
22 dressed in casual.

1 MEMBER ALBERTI: Okay.

2 INVESTIGATOR GHENENE: But also
3 from my perspective, you can only -- the bar
4 is in front, so you can only see their backs.

5 MEMBER ALBERTI: Okay. Okay. So
6 you didn't observe any zombies?

7 INVESTIGATOR GHENENE: Maybe I
8 did. I don't know.

9 MEMBER ALBERTI: All right.

10 INVESTIGATOR GHENENE: Certainly
11 not like the ones in Grand Central.

12 MEMBER ALBERTI: Okay. Very good.
13 I have no further questions. Thank you,
14 Investigator.

15 CHAIRPERSON MILLER: Others?

16 MEMBER ALBERTI: Well, wait, wait.

17 CHAIRPERSON MILLER: Are there
18 other Board questions? I may have one. How
19 did you observe the patrons inside? Were you
20 looking through the window or how did you see
21 them?

22 INVESTIGATOR GHENENE: No. I

1 think that you can see on Exhibit 5 --

2 CHAIRPERSON MILLER: Um-hum.

3 INVESTIGATOR GHENENE: -- how.

4 There is a doorman standing there and the door
5 is wide open. So while I was standing at the
6 door, it's not that big of a place that you
7 can't see at least half of the establishment.
8 So I had a full view of the bar area.

9 CHAIRPERSON MILLER: Okay. And
10 what time was this about?

11 INVESTIGATOR GHENENE:
12 Approximately, 10:20 p.m., I believe.

13 CHAIRPERSON MILLER: Okay. Did
14 you see anybody -- was there a line to get in
15 or anything?

16 INVESTIGATOR GHENENE: No, ma'am.

17 CHAIRPERSON MILLER: No. Did you
18 see any green bracelets?

19 INVESTIGATOR GHENENE: No, ma'am.

20 CHAIRPERSON MILLER: Okay. Is it
21 correct to say that the idea of zombie attire
22 would be kind of vague, that you wouldn't

1 necessarily -- do you know it when you see it
2 or not necessarily?

3 INVESTIGATOR GHENENE: I'm really
4 not familiar with that lifestyle or whatever
5 it is.

6 CHAIRPERSON MILLER: Right. So
7 like when you were at Grand Central or one of
8 the other places and you knew there were a lot
9 of people who were "zombies" participating in
10 this, did some of them just have green
11 bracelets, but not necessarily look much
12 different, clothes-wise?

13 INVESTIGATOR GHENENE: Yes.

14 CHAIRPERSON MILLER: Okay.

15 INVESTIGATOR GHENENE: There were
16 others dressed like me not in full spirit of
17 the event.

18 CHAIRPERSON MILLER: Okay. All
19 right. I don't have any other questions.
20 Thank you.

21 INVESTIGATOR GHENENE: Sure.

22 CHAIRPERSON MILLER: Anybody else

1 on the Board? All right. Questions on Board
2 questions?

3 RE CROSS-EXAMINATION

4 MS. MONDESIR: I would like to go
5 back to you testified that --

6 CHAIRPERSON MILLER: Okay. Let me
7 just make sure. It has to be based on Board
8 questions.

9 MS. MONDESIR: Yes.

10 CHAIRPERSON MILLER: Okay. Go
11 ahead.

12 MS. MONDESIR: You testified that
13 there was an establishment that had signage
14 that ABRA did not file allegations against.
15 What's the name of that again, please?

16 INVESTIGATOR GHENENE: It was
17 Asylum.

18 MS. MONDESIR: Asylum?

19 INVESTIGATOR GHENENE: Yes.

20 MS. MONDESIR: Could you clarify
21 why allegations were not filed against them?

22 INVESTIGATOR GHENENE: I chose not

1 to write a case on them because once inside,
2 I overheard the manager -- well, first of all,
3 my wristband did not gain me entry where there
4 otherwise would have been a cover charge.

5 And the second part is that the
6 bar manager had no knowledge of the event.

7 MS. MONDESIR: Okay. But did any
8 of those factors exist with Bistro 18?

9 INVESTIGATOR GHENENE: I don't
10 know.

11 MS. MONDESIR: Because you didn't
12 conclude your investigation?

13 INVESTIGATOR GHENENE: I didn't
14 say that.

15 MS. MONDESIR: On record you said
16 that you did not further your investigation.

17 INVESTIGATOR GHENENE: I said I
18 did not -- I completed my investigation at
19 that point. Bistro 18's voluntary agreement,
20 it specifically states participate or, I
21 believe the word is, promote.

22 MS. MONDESIR: Okay. But you

1 didn't actually go in and you didn't see any--

2 INVESTIGATOR GHENENE: Well, I
3 substantiated that they had promoted it.

4 MS. MONDESIR: You didn't hear any
5 -- about any discounts as in other
6 establishments, correct?

7 INVESTIGATOR GHENENE: I'm sorry?

8 MS. MONDESIR: You did not hear of
9 any discounts as in other establishments?

10 INVESTIGATOR GHENENE: I didn't
11 have the opportunity to.

12 MS. MONDESIR: Okay. So that's a
13 no, you did not.

14 INVESTIGATOR GHENENE: No, it's I
15 didn't have the opportunity to.

16 MS. MONDESIR: Okay. So there was
17 no food. You didn't hear any discounts,
18 nothing. So there was nothing else that
19 indicated that they were actually
20 participating. There is nothing indicating
21 that they were participating, correct?

22 INVESTIGATOR GHENENE: No, I don't

1 agree.

2 MS. MONDESIR: You don't agree?

3 INVESTIGATOR GHENENE: No.

4 MS. MONDESIR: How do you know
5 they were participating?

6 INVESTIGATOR GHENENE: Based on my
7 report. Based off of what -- the materials I
8 was given by the organizers, based on the sign
9 that I saw there.

10 MS. MONDESIR: Oh, you were
11 talking about the promoting, the signage, but
12 how do you know they were participating?

13 INVESTIGATOR GHENENE: Based on
14 the material I was given by the organizer and
15 based off the sign of the -- the sign that was
16 on the front of the establishment.

17 MS. MONDESIR: You just pointed
18 out that's promoting? They didn't
19 participate. You don't have any evidence that
20 they participated --

21 INVESTIGATOR GHENENE: That's --

22 MS. MONDESIR: -- in that.

1 INVESTIGATOR GHENENE: -- but my--

2 MEMBER ALBERTI: Wait, wait.

3 MS. SCHMIDT: Objection. Asked
4 and answered.

5 MEMBER ALBERTI: Please.

6 MS. SCHMIDT: Objection. Asked
7 and answered.

8 CHAIRPERSON MILLER: Okay.

9 MEMBER ALBERTI: I think these
10 questions have been asked and answered.

11 CHAIRPERSON MILLER: Is there an
12 objection? Is there an objection?

13 REDIRECT EXAMINATION

14 MS. SCHMIDT: Yes. Asylum was not
15 participating in the pub crawl in the
16 advertising. Is that correct?

17 CHAIRPERSON MILLER: Wait a
18 minute. Are you finished with your questions?

19 MS. MONDESIR: Yes, I'm finished.

20 CHAIRPERSON MILLER: Oh, okay.

21 INVESTIGATOR GHENENE: I don't
22 remember if that was one of the ones that I

1 just --

2 MS. SCHMIDT: If you look at
3 Exhibit No. --

4 INVESTIGATOR GHENENE: -- well --

5 MS. SCHMIDT: If you look at
6 Government's Exhibit No., I have to make sure
7 that's the right number, 4, do you see Asylum
8 listed there?

9 INVESTIGATOR GHENENE: You know, I
10 can't tell if the top right graphic says
11 Asylum. And I also can't remember that
12 evening. That was not just one of the ones
13 that I added to my list as a result of
14 observations made that night.

15 MS. SCHMIDT: Okay. But if you
16 look down at the last paragraph, could you
17 read that last paragraph? "Other
18 participating venues are."

19 INVESTIGATOR GHENENE: On the
20 second page or the first page?

21 MS. SCHMIDT: On the first page.
22 "Welcome to the DC Zombie Crawl."

1 INVESTIGATOR GHENENE: Oh. "Other
2 participating venues are Smoking Barrel,
3 Madam's Organ, Shenanigan's, Millie & Al's,
4 Town Tavern and Bistro 18."

5 MS. SCHMIDT: Okay.

6 INVESTIGATOR GHENENE: "Be sure to
7 check out as many as possible, because they
8 each have different specials for our
9 participants."

10 MS. SCHMIDT: Okay. No further
11 questions.

12 MEMBER ALBERTI: May I ask just
13 one really very-focused question?

14 CHAIRPERSON MILLER: Okay.

15 MEMBER ALBERTI: Did you notice a
16 -- see a sign similar to the -- did you see a
17 sign indicating zombies, saying zombies at
18 Asylum?

19 INVESTIGATOR GHENENE: I don't
20 believe so. I can't remember.

21 MEMBER ALBERTI: Okay. Thank you
22 very much.

1 CHAIRPERSON MILLER: Any follow-up
2 on Board questions?

3 MS. MONDESIR: Nothing.

4 MS. SCHMIDT: No, none.

5 CHAIRPERSON MILLER: Okay. Thank
6 you.

7 INVESTIGATOR GHENENE: Sure.

8 (Whereupon, witness was excused.)

9 MS. SCHMIDT: Okay. The
10 Government calls Investigator Felicia
11 Dantzler. Oh, I'm sorry. The Government
12 calls Investigator Felicia Dantzler.

13 CHAIRPERSON MILLER: Good morning.

14 INVESTIGATOR DANTZLER: Good
15 morning.

16 Whereupon,

17 INVESTIGATOR FELICIA DANTZLER
18 was called as a witness by Counsel for the
19 Government, and having been first duly sworn,
20 assumed the witness stand and was examined and
21 testified as follows:

22 INVESTIGATOR DANTZLER: I affirm.

1 CHAIRPERSON MILLER: Okay. Thank
2 you.

3 MS. SCHMIDT: I'm sorry Felicia
4 Martin. I apologize.

5 DIRECT EXAMINATION

6 MS. SCHMIDT: Investigator Martin,
7 could you state your name for the record?

8 INVESTIGATOR DANTZLER: Yes. It's
9 actually Felicia Dantzler.

10 MS. SCHMIDT: It was Martin.

11 INVESTIGATOR DANTZLER: It was
12 Martin at the time of the report.

13 MS. SCHMIDT: You are the same
14 person, correct, for the record?

15 INVESTIGATOR DANTZLER: I am. I
16 am.

17 MS. SCHMIDT: I have two names,
18 too, so I understand.

19 Can you please -- who are you
20 employed by?

21 INVESTIGATOR DANTZLER: The
22 Alcoholic Beverage Regulation Administration.

1 MS. SCHMIDT: And going back to
2 the evening of May 25, 2013, were you in the
3 vicinity of Adams Morgan that night?

4 INVESTIGATOR DANTZLER: Yes.

5 MS. SCHMIDT: And what were you
6 doing there that evening?

7 INVESTIGATOR DANTZLER: I can't
8 recall why I was there. I was parked in the--
9 I believe it was the 2300 Block or 2400 Block
10 of 18th Street, N.W.

11 MS. SCHMIDT: And how did you or
12 why did you -- were you at Bistro 18 at all
13 that evening?

14 INVESTIGATOR DANTZLER: Yes.

15 MS. SCHMIDT: And why were you
16 there?

17 INVESTIGATOR DANTZLER:
18 Investigator Ghenene had asked of me to go by
19 Bistro 18 as well as Grand Central to take
20 photographs of the front window.

21 MS. SCHMIDT: Okay. I'm now
22 handing you what is marked as Government

1 Exhibit No. 5.

2 (Whereupon, the document was
3 marked as Government Exhibit 5 for
4 identification.)

5 MS. SCHMIDT: And if you could
6 identify that picture?

7 INVESTIGATOR DANTZLER: Yes. This
8 is the photograph I took on May 25, 2013.

9 MS. SCHMIDT: Okay. And you took
10 that picture?

11 INVESTIGATOR DANTZLER: Yes.

12 MS. SCHMIDT: And does it
13 accurately depict what you saw that evening?

14 INVESTIGATOR DANTZLER: It is.

15 MS. SCHMIDT: What is that a
16 picture of?

17 INVESTIGATOR DANTZLER: It's a
18 picture of Bistro 18, the exterior front of
19 the establishment with a poster which states
20 "Zombies welcome."

21 MS. SCHMIDT: And when you took
22 that -- and so did anything happen while you

1 took that picture or while you were taking
2 that picture?

3 INVESTIGATOR DANTZLER: Yes, while
4 I was taking the photograph, someone, an
5 unidentified male, within the establishment
6 removed the zombie sign.

7 MS. SCHMIDT: No further
8 questions, at this time.

9 CHAIRPERSON MILLER: Okay. Cross?

10 CROSS-EXAMINATION

11 MS. MONDESIR: Did you purchase
12 any drinks at Bistro 18, discounted drinks?

13 INVESTIGATOR DANTZLER: No.

14 MS. MONDESIR: Did you purchase
15 any discounted --

16 MS. SCHMIDT: Objection. Beyond
17 the scope of direct.

18 CHAIRPERSON MILLER: One minute.

19 MS. SCHMIDT: She never testified
20 she went inside. She never testified she went
21 inside the establishment.

22 MS. MONDESIR: She was part of the

1 investigation.

2 CHAIRPERSON MILLER: I'm going to
3 give you a little room on that.

4 MS. MONDESIR: Thank you.

5 CHAIRPERSON MILLER: Okay.

6 MS. MONDESIR: Did you purchase
7 anything whatsoever there?

8 INVESTIGATOR DANTZLER: From
9 Bistro 18?

10 MS. MONDESIR: From Bistro 18.

11 INVESTIGATOR DANTZLER: No.

12 MS. MONDESIR: And did you have
13 any communications whatsoever with --

14 MEMBER ALBERTI: Can you speak up,
15 please?

16 MS. MONDESIR: Did you have any
17 communications whatsoever with any Bistro 18
18 employees?

19 INVESTIGATOR DANTZLER: No, I did
20 not.

21 MS. MONDESIR: Okay. So no one
22 ever represented to you that they were

1 honoring any zombie activities, correct?

2 INVESTIGATOR DANTZLER: Well, the
3 unidentified male without any communication,
4 verbal communication between he and I. Is --
5 I just deduced that he knew he was in some
6 sort of violation, because he removed the sign
7 without --

8 MS. MONDESIR: So is it possible
9 that he removed it because they are not
10 participating in the zombie?

11 INVESTIGATOR DANTZLER: Once
12 ABRA --

13 MS. MONDESIR: We're assuming
14 that.

15 INVESTIGATOR DANTZLER: Well, just
16 to answer the question that -- to answer the
17 question you just gave me, there was nothing
18 for me to say.

19 MS. MONDESIR: Okay.

20 INVESTIGATOR DANTZLER: He took it
21 down on his own.

22 MS. MONDESIR: That's it. Thank

1 you.

2 CHAIRPERSON MILLER: Okay. Board
3 questions?

4 MEMBER ALBERTI: Okay. So I may
5 have missed part of your testimony, so forgive
6 me, Investigator. Thank you for coming.
7 Thank you for your report.

8 INVESTIGATOR DANTZLER: My
9 pleasure.

10 MEMBER ALBERTI: Investigator, you
11 show up to take pictures of the front of the
12 establishment. Is that correct? Was that
13 your role?

14 INVESTIGATOR DANTZLER: Well, no.
15 Actually, I can't remember why I was in that
16 block. I was already parked and I saw several
17 individuals in the block dressed as if they
18 were in Halloween costumes.

19 MEMBER ALBERTI: Okay.
20 Investigator Ghenene ask you to come by?

21 INVESTIGATOR DANTZLER: No. I was
22 already in the block.

1 MEMBER ALBERTI: You were already
2 in the block. You were already in the block?

3 INVESTIGATOR DANTZLER: Correct.

4 MEMBER ALBERTI: Okay. And so
5 then -- okay. So what brought you to this
6 establishment?

7 INVESTIGATOR DANTZLER:
8 Investigator Ghenene asked me to go to Bistro
9 18 as well as Grand Central to take
10 photographs of the exterior.

11 MEMBER ALBERTI: Okay. When did
12 he ask you to do that?

13 INVESTIGATOR DANTZLER: May 25th,
14 approximately, 10:28 10:30 p.m.

15 MEMBER ALBERTI: Okay. Okay. Had
16 he already been there?

17 INVESTIGATOR DANTZLER: Yes.

18 MEMBER ALBERTI: Okay. So you
19 showed up to take pictures, right?

20 INVESTIGATOR DANTZLER: Correct.

21 MEMBER ALBERTI: You approached
22 the establishment and what's the first thing

1 you did?

2 INVESTIGATOR DANTZLER: I had my
3 camera already in-hand and I was -- I took a
4 photograph of the exterior, front exterior
5 window.

6 MEMBER ALBERTI: Okay. Did you
7 take the photograph that is in Exhibit 5 of
8 Mr. Ghenene's report?

9 INVESTIGATOR DANTZLER: I don't
10 have the report in front of me, but I have --
11 if it's Government Exhibit No. 4?

12 MEMBER ALBERTI: Yes, that's --

13 INVESTIGATOR DANTZLER: This is 5?

14 MEMBER ALBERTI: Okay. Did you
15 take that photo?

16 INVESTIGATOR DANTZLER: Yes, I
17 took this photo.

18 MEMBER ALBERTI: The photo in
19 Exhibit No. 4, did you take that?

20 INVESTIGATOR DANTZLER: Yes, I
21 took this photo.

22 MEMBER ALBERTI: Did you take that

1 photo?

2 INVESTIGATOR DANTZLER: I did.

3 MEMBER ALBERTI: Okay. Then what
4 happened after you took the photo?

5 INVESTIGATOR DANTZLER: Then I
6 went to Grand Central and took a photograph of
7 their photo -- I mean, a photograph of their
8 signage as well.

9 MEMBER ALBERTI: Okay. You
10 testified earlier that you saw someone
11 removing a sign from Bistro 18?

12 INVESTIGATOR DANTZLER: Yes. I--

13 MEMBER ALBERTI: So you took the
14 picture. You left immediately? Did you see
15 anyone mess -- taking the sign down? Did you
16 see anyone touch the sign?

17 INVESTIGATOR DANTZLER: Yes.

18 MEMBER ALBERTI: oh, you did.
19 Okay. Okay. So you took the picture and then
20 what happened next? The very -- I'm not
21 talking about 10 minutes. Immediately,
22 immediately after you took the picture what

1 happened?

2 INVESTIGATOR DANTZLER: An
3 unidentified male from within the
4 establishment took the sign down, the zombie
5 sign down.

6 MEMBER ALBERTI: How do you know?
7 Was he aware that you were there?

8 INVESTIGATOR DANTZLER: I don't
9 know what he was thinking, at the time. I
10 never entered into the establishment. And I
11 didn't have my ID on. I just had a camera in-
12 hand.

13 MEMBER ALBERTI: Okay. Did you
14 use a flash?

15 INVESTIGATOR DANTZLER: I did.

16 MEMBER ALBERTI: Okay. Have you
17 been to this establishment before?

18 INVESTIGATOR DANTZLER: I have.

19 MEMBER ALBERTI: To investigate?

20 INVESTIGATOR DANTZLER: Yes.

21 MEMBER ALBERTI: I mean, in your
22 role as an Investigator, you have been to this

1 establishment before. Is that correct?

2 INVESTIGATOR DANTZLER: Correct.

3 MEMBER ALBERTI: Okay. Do you
4 know how many times?

5 INVESTIGATOR DANTZLER: Maybe,
6 approximately, three or four times.

7 MEMBER ALBERTI: Okay. In the
8 evenings or during the days?

9 INVESTIGATOR DANTZLER: Evenings.

10 MEMBER ALBERTI: Okay. Would it
11 surprise you if somebody recognized you?

12 INVESTIGATOR DANTZLER: No.

13 MEMBER ALBERTI: Why?

14 INVESTIGATOR DANTZLER: Because I
15 have had quite a few protests in that block.
16 I have been with ABRA since 2007, so I have
17 been assigned monitoring when working nights
18 in that area.

19 MEMBER ALBERTI: Okay. So this
20 person comes up and what do you mean by
21 removed the sign? What did they do?

22 INVESTIGATOR DANTZLER: The

1 gentleman just came and just removed the sign
2 that was affixed to the window.

3 MEMBER ALBERTI: Did he carefully
4 take it down? Did he just tear it down?

5 INVESTIGATOR DANTZLER: No, he
6 snatched it.

7 MEMBER ALBERTI: What were his
8 actions?

9 INVESTIGATOR DANTZLER: He
10 snatched it down.

11 MEMBER ALBERTI: Okay. What did
12 you do then?

13 INVESTIGATOR DANTZLER: I then
14 went to Grand Central.

15 MEMBER ALBERTI: So you left?

16 INVESTIGATOR DANTZLER: Yes.

17 MEMBER ALBERTI: Okay.

18 INVESTIGATOR DANTZLER: And went
19 across the street to Grand Central.

20 MEMBER ALBERTI: Okay. Thank you.
21 I have no further questions.

22 CHAIRPERSON MILLER: Other Board

1 Members? Okay. I have a question. I think
2 you testified about seeing in that block
3 individuals dressed like Halloween, like in
4 Halloween costumes. Is that correct?

5 INVESTIGATOR DANTZLER: Yes.

6 CHAIRPERSON MILLER: So in that
7 block, are there -- were there other
8 establishments that were participating in this
9 pub crawl or just allegedly, you know, Bistro
10 18?

11 INVESTIGATOR DANTZLER: I saw two
12 males who had blood -- had white T-shirts on
13 with splattered blood on their T-shirts
14 standing in front of Shenanigans, which is,
15 approximately, I want to say, three to four
16 doors away. And when I went across the street
17 to Grand Central, as I was taking the
18 photograph of almost the exact same sign that
19 is depicted here in Government's Exhibit No.
20 5, one of the employees stood in front of the
21 sign to prevent me from taking a clear shot.
22 Then I went inside the establishment and I saw

1 quite a few patrons dressed in costume like
2 zombies with blood all over them.

3 CHAIRPERSON MILLER: In
4 Shenanigans? You went into Shenanigans?

5 INVESTIGATOR DANTZLER: No, I
6 didn't go inside Shenanigans.

7 CHAIRPERSON MILLER: Oh, what -- i
8 thought -- where did you go inside?

9 INVESTIGATOR DANTZLER: Grand
10 Central.

11 CHAIRPERSON MILLER: Grand
12 Central.

13 INVESTIGATOR DANTZLER: Which is
14 directly across the street.

15 CHAIRPERSON MILLER: And you
16 didn't go inside to Bistro 18?

17 INVESTIGATOR DANTZLER: Correct.

18 CHAIRPERSON MILLER: And why
19 didn't you go inside?

20 INVESTIGATOR DANTZLER: Well, I
21 just got the instructions from Investigator
22 Ghenene just to take the photographs.

1 CHAIRPERSON MILLER: Um-hum, okay.
2 Right. And did you see any individuals
3 dressed in that type of costume going to
4 Bistro 18?

5 INVESTIGATOR DANTZLER: No.

6 CHAIRPERSON MILLER: Did you see
7 them near it?

8 INVESTIGATOR DANTZLER: The
9 closest zombies who were in costume were,
10 approximately, three to four doors away from
11 zombies -- I mean, correct, from Bistro 18.

12 CHAIRPERSON MILLER: Okay. No
13 further questions. Any other Board questions?
14 Okay. Cross? I mean, questions on Board
15 questions?

16 MS. SCHMIDT: I have just one
17 question.

18 RECROSS-EXAMINATION

19 MS. MONDESIR: You testified that
20 you were given instructions to just take
21 pictures at Bistro 18 and that's why you
22 didn't go inside? But you were just given

1 instructions to take pictures at Grand
2 Central, but you still went inside. What's
3 the difference?

4 INVESTIGATOR DANTZLER: Well, the
5 person who was standing there, I assume it was
6 the employee, he was blocking the sign, so I
7 couldn't get a clear picture, so I entered
8 into the establishment to see if there were
9 participants there and there I saw quite a few
10 patrons dressed as zombies.

11 MS. MONDESIR: So you have no
12 photos or any other evidence that there were
13 any patrons, zombies, inside Bistro 18?

14 INVESTIGATOR DANTZLER: That's
15 correct.

16 MS. MONDESIR: Thank you.

17 CHAIRPERSON MILLER: Okay. Any
18 other questions?

19 MS. SCHMIDT: No questions.
20 However, I would like to move into evidence
21 Government Exhibits No. 2, 4 and 5.

22 CHAIRPERSON MILLER: Could you --

1 would you identify them again for the record?

2 MS. SCHMIDT: No. 2 is a copy of
3 the voluntary agreement. No. 4 is flyers for
4 the establishments and No. 5 is the photograph
5 of the window.

6 CHAIRPERSON MILLER: Okay. Any
7 objections?

8 MS. MONDESIR: No objection.

9 CHAIRPERSON MILLER: Okay. Then
10 they are admitted as Government Exhibit's 2,
11 4 and 5.

12 (Whereupon, the documents marked
13 as Government Exhibit 2, 4 and 5
14 were received in evidence.)

15 MS. MONDESIR: Could I make one
16 statement? I'm sorry. Just that the evidence
17 should be limited as far as it's not evidence
18 of participation by the establishment in
19 zombies.

20 MS. SCHMIDT: Excuse me, that's
21 argument, that's not --

22 CHAIRPERSON MILLER: Yeah, yeah.

1 MS. SCHMIDT: It's not appropriate
2 at this point.

3 MEMBER ALBERTI: Yes.

4 CHAIRPERSON MILLER: That's right.
5 That's right. Okay. So you can address that
6 in argument. All right. Thank you very much.

7 INVESTIGATOR DANTZLER: My
8 pleasure.

9 (Whereupon, witness was excused.)

10 CHAIRPERSON MILLER: Okay. Okay.
11 So that concludes your case?

12 MS. SCHMIDT: Yes, it does. The
13 Government rests, at this point.

14 CHAIRPERSON MILLER: Okay. Okay.
15 Are you ready for your first witness?

16 MS. MONDESIR: Yes, I am. I would
17 like to call Mr. Sami Ghulais.

18 CHAIRPERSON MILLER: Okay. Good
19 afternoon.

20 Whereupon,

21 SAMI GHULAIS
22 was called as a witness by Counsel for the

1 Licensee, and having been first duly sworn,
2 assumed the witness stand and was examined and
3 testified as follows:

4 MR. GHULAIS: I do.

5 CHAIRPERSON MILLER: Okay. Thank
6 you.

7 DIRECT EXAMINATION

8 MS. MONDESIR: Can you state your
9 name for the record?

10 MR. GHULAIS: Sami Ghulais.

11 MS. MONDESIR: Could you spell the
12 last name?

13 MR. GHULAIS: G, as in George, H-
14 U-L-A-I-S.

15 MS. MONDESIR: Okay. How long you
16 associated or affiliated with Bistro 18?

17 MR. GHULAIS: I'm the owner of
18 Bistro 18.

19 MS. MONDESIR: Okay. Are you
20 familiar with the allegations brought here
21 today?

22 MR. GHULAIS: Yes.

1 MS. MONDESIR: Okay. Did Bistro
2 18 actually participate in the pub crawl? Yes
3 or no?

4 MR. GHULAIS: No.

5 MS. MONDESIR: Okay. Had at any
6 point Bistro 18 intended to participate?

7 MR. GHULAIS: At some point, yes,
8 but after we then confirmed, we -- I mean, it
9 has not taking place any more with the
10 employees and we cancel everything, all the
11 specials, everything.

12 CHAIRPERSON MILLER: I couldn't
13 hear that. Could you repeat that, please?

14 MR. GHULAIS: I mean, we were --
15 cannot participate because my lack of
16 knowledge of the voluntary agreement, but Mr.
17 Denis James, the Kalorama Citizens, he send me
18 an email and he sent my manager an email, thus
19 he confirmed that we are not supposed to get
20 that, so -- and he told me that he confirmed
21 from ABRA and he just -- he confirm it. And
22 I told him that we cannot have it and I didn't

1 know what the -- I didn't read the details,
2 because when the time when developed the
3 agreement, I didn't have any attorney, so I
4 missed some detail. That time was two years
5 ago, so it was just a little thing, so I
6 didn't read it.

7 But anyway, I fix the problem. I
8 had the meeting with the employees. I told
9 them cancel everything. I told the doorman.
10 I called the organizer. They told me it is a
11 little late, but whoever come to you you just
12 send them to the other bars. You don't need
13 to do anything, just tell them that we don't
14 have any -- the event is not taking place any
15 more, but you can go to those bars. Grand
16 Central, Madam's Organ and all other.

17 MS. MONDESIR: Did you sign the
18 October 22, '02 voluntary agreement?

19 MR. GHULAIS: No.

20 MS. MONDESIR: Okay. Okay. When
21 exactly did you become aware of that it is
22 prohibited to participate in a pub crawl?

1 MR. GHULAIS: The day Mr. Denis
2 send us and I saw the email. He emailed us.

3 MS. MONDESIR: When was that? Was
4 that the day of the event? Was that Saturday?

5 MR. GHULAIS: I think it's the day
6 before the event, but I really don't know the
7 event. Actually, also Mr. Zakaria called me
8 that day and I just opened the -- and I saw
9 it. It was 10:00 in the morning.

10 MS. MONDESIR: May I approach,
11 please?

12 CHAIRPERSON MILLER: Have you
13 shown the document to the other side? And
14 that's for us? All right. Thank you.

15 MS. MONDESIR: Could you identify
16 what has just been handed to you?

17 MR. GHULAIS: Yes.

18 MS. MONDESIR: What is it?

19 MR. GHULAIS: This is the email
20 sent from Mr. Denis to me and Mr. Zakaria.

21 MS. MONDESIR: Okay. And you
22 indicated, you testified that you became aware

1 of it on the following day on the 25th, which
2 is the actual day of the pub --

3 MR. GHULAIS: Yes. Like I opened
4 the email the same day and he called me.
5 Actually, he confirmed me first before I
6 opened.

7 MS. MONDESIR: When you say he,
8 who is he?

9 MR. GHULAIS: Mr. Zakaria.

10 MS. MONDESIR: Okay.

11 MR. GHULAIS: He was the manager
12 at that time of Bistro 18, too.

13 MS. MONDESIR: Okay. So once you
14 received this, what did you do?

15 MR. GHULAIS: At 5:00 I had the
16 meeting with the employees and I told them the
17 event has been canceled. There is not any
18 special. We are not selling because we were
19 supposed to do like special stuff. I took it
20 from the system, because you have to put it in
21 the system.

22 We had just like the happy hour,

1 which is from 5:00 to 8:00.

2 MS. MONDESIR: Okay. During that
3 evening, did you have any zombie patrons
4 actually come to your door?

5 MR. GHULAIS: Yes, I do, but I
6 sent them back.

7 MS. MONDESIR: Okay.

8 MR. GHULAIS: As I been told from
9 the organizers.

10 MS. MONDESIR: Okay. And were you
11 at Bistro 18 the entire evening?

12 MR. GHULAIS: Yes, ma'am.

13 MS. MONDESIR: Yes?

14 MR. GHULAIS: Yes.

15 MS. MONDESIR: Yes. And you did
16 not honor any discounts or any zombie
17 activities?

18 MR. GHULAIS: No.

19 MS. MONDESIR: Back up. And I
20 just wanted to confirm for the record, you
21 learned of this on the 25th?

22 MR. GHULAIS: That's right.

1 MS. MONDESIR: The same day of the
2 event. I would like to enter the email into
3 evidence.

4 (Whereupon, the document was
5 marked as Licensee Exhibit 1 for
6 identification.)

7 CHAIRPERSON MILLER: I need one of
8 you to say what it is for the record.

9 MS. MONDESIR: The email -- for
10 the record, the email dated May 24th, I would
11 like to enter into evidence from James --
12 Denis James to Mr. Sami Ghulais.

13 CHAIRPERSON MILLER: Any
14 objection?

15 MS. SCHMIDT: No objection.

16 CHAIRPERSON MILLER: Okay. Then
17 this is Licensee's Exhibit No. 1. Licensee's
18 Exhibit No. 1 is admitted.

19 (Whereupon, the document marked as
20 Licensee Exhibit 1 was received in
21 evidence.)

22 MS. MONDESIR: Thank you.

1 CHAIRPERSON MILLER: Okay. I'll
2 take it since I don't see an assistant up
3 here. Okay. Thank you.

4 MS. MONDESIR: Did you -- did the
5 Bistro 18 make any money from the pub crawl?

6 MR. GHULAIS: Nothing.

7 MS. MONDESIR: Okay. I just
8 handed you -- can we identify what I just
9 handed you?

10 MR. GHULAIS: You just hand me the
11 report that we getting every night from the
12 income for the night.

13 MS. MONDESIR: Okay. So that
14 comes from your register?

15 MR. GHULAIS: From my -- from the
16 system, yeah.

17 MS. MONDESIR: And can you
18 identify how much money was made, your gross
19 sales, on that evening?

20 MR. GHULAIS: Yeah, just it's
21 \$3,078.

22 MS. MONDESIR: Did you have any

1 discounts that evening?

2 MR. GHULAIS: We -- there is \$62,
3 that's from the happy hour, that's what we
4 have it every day from 5:00 to 8:00.

5 MS. MONDESIR: Okay. So there is
6 no -- would the -- would any discount from the
7 zombie promotion, which -- would it have shown
8 on the receipt if it had existed?

9 MR. GHULAIS: It -- well, we
10 supposed to do that, but I took it off at the
11 same time. When I had the meeting with them,
12 I took everything off, so it's not going to --

13 MS. MONDESIR: When you say take
14 it off, you took it off the register?

15 MR. GHULAIS: Yeah. You can take
16 it off from the system. Whenever you do
17 special and you do discount for any special,
18 you put the special for the employees and they
19 just like put it on. It becomes a special by
20 itself, it would discount automatically just
21 like the happy hour.

22 MS. MONDESIR: Okay. And the

1 receipt does not show that there were any
2 zombie discounts?

3 MR. GHULAIS: Because we took it
4 off, as I said.

5 MS. MONDESIR: And it would have
6 shown it?

7 MR. GHULAIS: If we didn't take it
8 off, I mean, it will show and they were going
9 to get the discount automatically.

10 MS. MONDESIR: Okay.

11 MR. GHULAIS: But it -- the
12 discount will come with the happy hour.

13 MS. MONDESIR: Could you tell me
14 why there was signage on the 25th? Why there
15 was signage on Bistro 18's window?

16 MR. GHULAIS: We got the sign. I
17 mean, just maybe I forgot that I supposed to
18 take it off, but we been confirmed that
19 everything -- and I knew that the ABRA
20 Investigator will come, but I did not see them
21 that night. I was waiting for them to explain
22 everything, but I did not see nobody come to

1 me.

2 MS. MONDESIR: So you were
3 expecting ABRA to come by?

4 MR. GHULAIS: That's right. From
5 the email that is being sent from Mr. Denis
6 James.

7 MS. MONDESIR: Okay. Did you ever
8 try to contact or did you contact the
9 promoters of zombie to tell them that you were
10 not participating?

11 MR. GHULAIS: Yes, I did. And
12 that's what they told me. They told me it's
13 a bit late, but what you can do, whoever going
14 to come to you, you just send them to the
15 other bars that are in Adams Morgan, which is
16 they confirming like the Madam's Organ and
17 Grand Central, I think, other bars. So we
18 were send them there. We just don't have any
19 specials for them. They just go right away.

20 MS. MONDESIR: And were they able
21 to remove your information from the website?

22 MR. GHULAIS: It was too late.

1 MS. MONDESIR: Okay. Okay. No
2 further questions.

3 CHAIRPERSON MILLER: Okay. Any
4 cross-exam?

5 MS. SCHMIDT: Yes, I have a few
6 questions.

7 CROSS-EXAMINATION

8 MS. SCHMIDT: Okay. When you
9 purchased your bar, you said that the
10 voluntary agreement came with it, correct?

11 MR. GHULAIS: It didn't come with
12 it.

13 MS. SCHMIDT: But you knew that
14 when you purchased the bar, you had to follow
15 the voluntary agreement, did you not?

16 MR. GHULAIS: They told me that.

17 MS. SCHMIDT: And since you had to
18 follow it, why didn't you read it? This is a
19 big purchase.

20 MR. GHULAIS: I did read it. I
21 did read it, but I didn't have any attorney
22 with me, just told me show up with money, not

1 to hire an attorney, but I read everything,
2 but some --

3 MS. SCHMIDT: So --

4 MR. GHULAIS: -- details --

5 MS. SCHMIDT: -- your purchased
6 the bar without hiring an attorney?

7 MR. GHULAIS: Well, at that time,
8 I didn't have attorney. I told just a
9 meeting, just a long meeting and it's not
10 going to be like that. And I didn't struggle
11 from this voluntary agreement for the entire
12 40 years. I think everybody knows about it.
13 Because what they did, why they tricked me
14 with the voluntary agreement.

15 MS. SCHMIDT: You said they
16 tricked you with the voluntary agreement?

17 MR. GHULAIS: Yes, ma'am. Mr.
18 Denis tricked me into a voluntary agreement.

19 MEMBER SILVERSTEIN: Say again,
20 please? Mr. Denis?

21 MR. GHULAIS: Yes. Even he told
22 me -- that's when I asked him for the weekend,

1 he told me, no, you have holiday, holiday
2 weekend. When I came here and I applied for
3 the weekend to get an extra one hour on the
4 weekend, they denied my request because they
5 said holiday is different than weekend and he
6 also -- that when I came to him, he said, you
7 know, I can do nothing for you. The holiday
8 follow. I did nothing weekend. He change is
9 conversation.

10 MS. SCHMIDT: Okay. So I'm just
11 going back. So you purchased the bar. The
12 most important purchase, probably one of the
13 most important purchases in your life, you
14 purchased without an attorney and you just --

15 MR. GHULAIS: No, I purchased the
16 bar without -- the license was in safekeeping.
17 We took it from safekeeping. It was with
18 Alonzo. We took it from safekeeping to put it
19 on the --

20 MS. SCHMIDT: But didn't you
21 realize when you took the license and you
22 became ABRA trained, didn't they tell you

1 about voluntary agreements?

2 MR. GHULAIS: We have to go
3 through the ANC. So they explained to me
4 we're going to have a meeting, that was my
5 first time to have a meeting with those
6 people. I never had a meeting. It was my
7 first time to have a meeting with them. And
8 they said we just going to have a meeting. We
9 just -- you are just going to -- we have to
10 give you the voluntary agreement. You just
11 have to follow this and that.

12 I did not -- I misunderstand
13 sometimes for a lot of points actually.

14 MEMBER ALBERTI: Madam Chair?

15 CHAIRPERSON MILLER: I know.

16 MEMBER ALBERTI: Madam Chair,
17 would you -- I would like you to instruct the
18 witness to be responsive to the questions. I
19 mean, we are getting stories that go --

20 CHAIRPERSON MILLER: Okay. Let
21 me --

22 MEMBER ALBERTI: -- way off base

1 and they really aren't responsive to the
2 question. So Ms. Schmidt is not doing it, but
3 I think it would help this hearing if we have
4 the licensee, Mr. Ghulais, be responsive to
5 the questions.

6 CHAIRPERSON MILLER: Ms. Schmidt,
7 may I ask is this a relevant area to be going
8 into?

9 MS. SCHMIDT: Well, it just
10 seems --

11 CHAIRPERSON MILLER: What? How is
12 this relevant to whether or not they had a pub
13 crawl there that night?

14 MS. SCHMIDT: Well, because it
15 does -- it goes to credibility, first of all.
16 It goes to credibility. You know, the
17 Government contending that how do you purchase
18 a bar and not know the voluntary agreement?
19 You should know what is in your voluntary
20 agreement. And that doesn't make sense that
21 you could, you know, make such a big purchase
22 and not even know that this is a basic -- one

1 of the basic parts of your voluntary
2 agreement, you know, no pub crawls.

3 It's not that long of a voluntary
4 agreement.

5 CHAIRPERSON MILLER: Okay. I am
6 hearing that certainly the day of, if not the
7 day before, he knew of the provision in the
8 voluntary agreement, correct?

9 MS. SCHMIDT: But still before he
10 even signed up for it, he should have been --
11 before he even signed up --

12 CHAIRPERSON MILLER: I understand
13 your opinion.

14 MS. SCHMIDT: The Board was asking
15 what -- how this is relevant. This is -- and
16 I'm asking questions to make my argument.

17 MEMBER ALBERTI: Well, I wasn't
18 asking relevancy. I just want to clear up.
19 I wasn't asking relevancy.

20 CHAIRPERSON MILLER: I know.

21 MEMBER ALBERTI: I was pointing
22 out that the licensee wasn't being responsive

1 to the questions, that's all I was saying. I
2 have no problems with the questions, that's
3 all.

4 CHAIRPERSON MILLER: Okay. I am
5 saying I'm not -- I don't see the relevance
6 too much. Maybe if you just ask one or two
7 questions, but I really think we're looking
8 at --

9 MS. SCHMIDT: I can move on. I
10 can move on, at this point.

11 CHAIRPERSON MILLER: Okay.

12 MS. SCHMIDT: Now, you also said--
13 okay. Now, you said that you weren't
14 participating. Why did you not -- if -- why
15 did you not put up a sign saying you did not
16 participate? It makes sense that -- why would
17 you let people assume you are still
18 participating?

19 MR. GHULAIS: Well, it's --

20 MS. MONDESIR: Objection. He
21 already answered that he forgot.

22 MS. SCHMIDT: This is cross. I'm

1 allowed to ask again.

2 CHAIRPERSON MILLER: Go ahead.

3 I'll give you a little leeway there.

4 MR. GHULAIS: I just didn't pay
5 attention to the sign. And I paid attention
6 at some point, at 10:00 or something. I said
7 you guys why you didn't take the sign off? I
8 mean, the sign has been here and why you don't
9 take it off? They said oh, we forgot and they
10 just took it off at that time.

11 MS. SCHMIDT: So you are stating
12 that you knew that you were in violation, but
13 yet -- and you went to the trouble of making
14 sure the cash register didn't record anything,
15 but the most obvious sign that you were
16 participating, you did not take care of? Is
17 that correct?

18 MR. GHULAIS: No, I don't know
19 that. I wasn't in violation, because I took
20 all my steps to avoid this violation.

21 MS. SCHMIDT: And --

22 MR. GHULAIS: I did not

1 participate. I did not have any zombie people
2 that came to my establishment. And I took off
3 everything and I had a meeting with my
4 employees to explain to them everything.

5 MS. SCHMIDT: Did you instruct
6 your employees to tell people that you were
7 not -- to tell people orally you are not
8 participating?

9 MR. GHULAIS: I did that, but the
10 most important is the doorman, because the
11 doorman this is his job actually to not let
12 them even get in.

13 MS. SCHMIDT: Okay. And also, you
14 stated, you testified that it was too late to
15 remove the -- that you were participating in
16 the zombie crawl through your website. Why
17 was it too late? How long does it take to
18 remove something from a website?

19 MR. GHULAIS: It was the same
20 date, that's what she told me. That's what
21 she --

22 MS. SCHMIDT: Who is she?

1 MR. GHULAIS: The organizer. It's
2 a girl she come to me at --

3 MS. SCHMIDT: But did you have
4 your own website that you were -- I thought --
5 I'm sorry. Maybe I misheard you, but did you
6 have -- do you have your own -- does Bistro 18
7 have its own website?

8 MR. GHULAIS: Yes. We did not put
9 it on our website.

10 MS. SCHMIDT: And now the sign
11 that was on the window, was it -- how was it
12 attached to the window?

13 MR. GHULAIS: It was just the same
14 like a picture, it was at the window. At some
15 point, I just saw it and I said you guys you
16 didn't take this off. They were busy. It was
17 a busy night.

18 MS. SCHMIDT: So was it physically
19 hard to remove that sign?

20 MR. GHULAIS: We just remove it by
21 the way as soon as I told them. They were
22 busy. Nobody pay attention. Nobody paid

1 attention but when I paid attention, I told
2 them why didn't you take it off? They took it
3 off right away.

4 MS. SCHMIDT: Okay. About the
5 receipt here. Now, do you give -- do you
6 generate these reports every night?

7 MR. GHULAIS: Yes, ma'am.

8 MS. SCHMIDT: And so if an ABRA
9 Investigator came to audit your restaurant,
10 you would be able to give him a receipt from
11 every night?

12 MR. GHULAIS: That's right.

13 MS. SCHMIDT: Did an ABRA
14 Investigator -- I'll strike that right now.
15 Okay. No further questions, at this time.

16 CHAIRPERSON MILLER: Okay. Are
17 there Board questions?

18 MEMBER RODRIGUEZ: Yes.

19 CHAIRPERSON MILLER: Okay. Mr.
20 Rodriguez?

21 MEMBER RODRIGUEZ: Mr. Ghulais,
22 when did you -- when was the sign put up on

1 your window?

2 MR. GHULAIS: On the front window
3 at the bar area, because there is dining area
4 and bar area.

5 MEMBER RODRIGUEZ: Right. The
6 sign on No. 5.

7 MR. GHULAIS: That's right.

8 MEMBER RODRIGUEZ: Right?

9 MR. GHULAIS: That's right.

10 MEMBER RODRIGUEZ: Okay. And did
11 you notice that sign being put up?

12 MR. GHULAIS: We put it up at the
13 beginning, yeah. I just did not pay attention
14 because we were busy. At some point, I paid
15 attention. I said you guys not take the sign
16 out.

17 MEMBER RODRIGUEZ: When was the
18 sign removed?

19 MR. GHULAIS: Probably around
20 10:40, 10:45 maybe, something like that.

21 MEMBER RODRIGUEZ: Who removed the
22 sign?

1 MR. GHULAIS: The doorman.

2 MEMBER RODRIGUEZ: The doorman?

3 MR. GHULAIS: Um-hum.

4 MEMBER RODRIGUEZ: Was the sign
5 removed after the photographer was there?

6 MR. GHULAIS: He did not see
7 photographer at all.

8 MEMBER RODRIGUEZ: I'm sorry?

9 MR. GHULAIS: We did not see
10 photographer. We did not see any of ABRA
11 Investigator. We were waiting for them to
12 come. We did not see. He didn't see.

13 MEMBER RODRIGUEZ: So you were
14 very busy and didn't really notice all the --
15 everything that was going on with respect to
16 a big sign put in front of your window?

17 MR. GHULAIS: I was busy not to
18 see that. I saw it just too late. A little
19 late, but I took it off at the same time when
20 I --

21 MEMBER RODRIGUEZ: And so when you
22 took the sign down, had the sign taken down,

1 why did you have the sign taken down?

2 MR. GHULAIS: Because they are
3 supposed to take it off early. They just
4 forgot and I didn't pay attention, because
5 mostly when I pay attention, I just tell them
6 you guys do this, they always go do it.
7 Nobody just -- only the doorman told me -- I
8 told him why the sign there? He said oh, we
9 forgot. He said should I take it? I said
10 yes, you should take it off long time ago and
11 he took it off.

12 MEMBER RODRIGUEZ: I have no more
13 questions. Thank you.

14 CHAIRPERSON MILLER: Okay.
15 Others? Mr. Alberti?

16 MEMBER ALBERTI: I actually have
17 two questions, I think, administrative
18 questions. First of all, do we have a copy of
19 the OAG's Exhibit 4? And has that been
20 accepted?

21 CHAIRPERSON MILLER: It has been
22 accepted and they are all part of the

1 Investigator's case report.

2 MEMBER ALBERTI: I don't -- the
3 picture I'm seeing from here that has been
4 held up is not part of the investigative
5 report that I'm aware of. Not at least that
6 I have. So I --

7 MS. SCHMIDT: Is it a copy of the
8 flyer? Is that what it is?

9 MEMBER ALBERTI: No, no, no, no,
10 no. Maybe that's Exhibit 4. There is a
11 picture of the front of the establishment.

12 MS. SCHMIDT: This?

13 MEMBER ALBERTI: No, there's
14 another one. You -- that one there. I'm just
15 looking at it now. No, that one there. The
16 orange one.

17 MEMBER RODRIGUEZ: The orange.

18 MEMBER ALBERTI: The sort of
19 orangish color. Is that an exhibit that you
20 are entering? Is that --

21 MS. SCHMIDT: That's the exhibit,
22 yes.

1 MEMBER ALBERTI: That's OAG's
2 exhibit what?

3 MS. SCHMIDT: It's got the wrong
4 number on it, because someone --

5 MEMBER ALBERTI: All right.

6 MS. SCHMIDT: 5.

7 CHAIRPERSON MILLER: Oh.

8 MS. SCHMIDT: Did I say 4? It is
9 5.

10 CHAIRPERSON MILLER: Wait. Ms.
11 Jenkins was coming to get it.

12 MEMBER ALBERTI: It's your Exhibit
13 5?

14 MS. SCHMIDT: Yes.

15 MEMBER ALBERTI: And this has been
16 entered into evidence?

17 MS. SCHMIDT: Yes, it has.

18 MEMBER ALBERTI: Okay. So all
19 right. Thank you very much. Okay. So the
20 sales receipts that were entered by the
21 licensee's attorney --

22 CHAIRPERSON MILLER: They are not

1 entered yet. They are --

2 MEMBER ALBERTI: Can we enter
3 those, so that I can ask questions?

4 CHAIRPERSON MILLER: Well, it's up
5 to her to move them.

6 MS. MONDESIR: Yes. Yes, I would
7 like to enter that.

8 CHAIRPERSON MILLER: You would
9 like to move them -- it into evidence? And is
10 there an objection?

11 MS. SCHMIDT: I don't have -- at
12 this point, yes, because I don't know how it
13 was generated or -- I just -- there is not
14 enough evidence -- was not enough evidence
15 surrounding it. So I will object.

16 MS. MONDESIR: It's not
17 handwritten. It's computer-generated. We
18 could not have changed it or amended it in any
19 way. It's completely --

20 CHAIRPERSON MILLER: Do you have--

21 MS. MONDESIR: It's non-
22 prejudicial.

1 CHAIRPERSON MILLER: -- any other
2 witness that is going to speak to it or no?

3 MS. MONDESIR: Yes.

4 CHAIRPERSON MILLER: No, not now.
5 I just am wondering if that would address Ms.
6 Schmidt's concerns that there is more
7 information about this piece of evidence.

8 MS. MONDESIR: Could you -- I'm
9 sorry. Could she please clarify what the
10 issue is?

11 MS. SCHMIDT: The issue is I don't
12 -- I see things as Bistro 18. I don't know if
13 this is done on a regular basis every night.
14 I don't know the coding system. It's just out
15 of no -- you know, people can -- you say it's
16 computer-generated. People can enter data
17 into computers. I don't know if this is kept
18 in the regular course of business. There has
19 been no foundation laid for this as an
20 ordinary business record. There is no
21 foundation.

22 CHAIRPERSON MILLER: Okay. Are

1 you going to do that now? So if you can wait,
2 Mr. Alberti?

3 MEMBER ALBERTI: Well, are we
4 going to recall the witness, because I really
5 would like to see --

6 CHAIRPERSON MILLER: She is going
7 to --

8 MEMBER ALBERTI: -- I don't know
9 whether I have questions of this witness or
10 not until I see --

11 MS. MONDESIR: Yes.

12 MEMBER ALBERTI: -- this receipt.
13 And I can't really until it's accepted. Can
14 we accept it with the caveat that there is
15 questionable foundation and then as evidence
16 comes --

17 MS. SCHMIDT: I --

18 MEMBER ALBERTI: Let me finish,
19 please.

20 MS. SCHMIDT: Sure.

21 MEMBER ALBERTI: As the evidence
22 comes in, we can reevaluate that, but I --

1 CHAIRPERSON MILLER: You can ask
2 questions on it. It has been identified.

3 MEMBER ALBERTI: Does the
4 Government object if I ask questions on this?

5 CHAIRPERSON MILLER: But it's not
6 going to be admitted yet, that's all.

7 MS. SCHMIDT: No.

8 MEMBER ALBERTI: Okay. So you
9 will decide the problems if I ask questions on
10 this? Okay. May I see it then?

11 CHAIRPERSON MILLER: Oh, sure.

12 MEMBER ALBERTI: I don't know if I
13 have questions. I haven't seen it yet. Okay.
14 Well, let's start with the sign.

15 Can someone provide a copy of the
16 sign to the witness? Exhibit No. 4,
17 Government's Exhibit No. 4, is it?

18 MS. SCHMIDT: 5.

19 MEMBER ALBERTI: 5. All right.
20 Can I show that number here?

21 MS. SCHMIDT: Someone had to do
22 this. It's 5.

1 MEMBER ALBERTI: That's fine. Can
2 you hold that up to make sure we have the same
3 picture. Yes. Okay. I just have a color
4 version of it. All right. You are aware of
5 the sign, right?

6 MR. GHULAIS: Yeah.

7 MEMBER ALBERTI: Okay. Great.
8 Can you tell me it says "Zombies," and then
9 there is a word in the middle or there is
10 something in the middle and then it says
11 "welcome." Can you tell me what it is in the
12 middle there?

13 MR. GHULAIS: It said welcome.

14 MEMBER ALBERTI: No, no, no, no.
15 zombies and then there is a line between
16 zombies and welcome. Do you know what that
17 says?

18 MR. GHULAIS: No. Just said
19 "Zombies welcome," I think.

20 MEMBER ALBERTI: Okay. Okay.

21 MS. MONDESIR: I think he has a
22 black and white, so he probably can't see it

1 on the black and white.

2 MEMBER ALBERTI: That's fine, but
3 he is familiar with the sign. I thought he
4 might know.

5 MR. GHULAIS: I think probably,
6 just thinking, it's maybe "Zombies are
7 welcome."

8 MEMBER ALBERTI: Okay. All right.
9 Fine. That's cool, cool. So did you post
10 this sign? Did you post this sign personally?

11 MR. GHULAIS: Somebody else. I
12 did not post it myself.

13 MEMBER ALBERTI: Did one of your
14 employees post the sign?

15 MR. GHULAIS: One of my employees
16 post the sign, yeah.

17 MEMBER ALBERTI: Great. Do you
18 remember where they got the sign?

19 MR. GHULAIS: That day --

20 MEMBER ALBERTI: Wait, wait, wait,
21 wait, wait. Just answer my questions. Do you
22 know where they got the sign?

1 MR. GHULAIS: Where they got the
2 sign?

3 MEMBER ALBERTI: Yeah, where did
4 they get -- where did they come by the sign?

5 MR. GHULAIS: One of the
6 organizers, she come there and she give us the
7 sign. And when we talked and she came to --
8 we talk about it like three weeks before.
9 Then she came a week after. I mean, a week
10 before and she give out the sign. She said
11 you put this on the day of the event, so they
12 come, the people.

13 MEMBER ALBERTI: Okay. So you
14 personally talked to the organizer?

15 MR. GHULAIS: Yes.

16 MEMBER ALBERTI: Okay. And you
17 were aware that you -- were you given the
18 sign?

19 MR. GHULAIS: Yeah. Actually,
20 when she give the sign, I wasn't there, but
21 they told me and I said it's okay.

22 MEMBER ALBERTI: Okay. Great.

1 MR. GHULAIS: So I --

2 MEMBER ALBERTI: So you were aware
3 that she -- the organizer had delivered the
4 sign.

5 MR. GHULAIS: That's right.

6 MEMBER ALBERTI: Okay. So at
7 least initially, you, up until the date of
8 this event, it looks like you were in
9 agreement to participate. Is that correct?

10 MR. GHULAIS: Yep.

11 MEMBER ALBERTI: All right. Very
12 good. Okay. So the sales receipt we have is
13 just a summary. Is that correct?

14 MR. GHULAIS: Yes.

15 MEMBER ALBERTI: Okay. Who has
16 access to your system? Your -- is this in a
17 POS system or something?

18 MR. GHULAIS: POS system, Veris
19 Data.

20 MEMBER ALBERTI: Pardon?

21 MR. GHULAIS: Veris Data, POS
22 system, yeah.

1 MEMBER ALBERTI: Yeah, right,
2 right. Point of Sales system. So who has
3 access to this system?

4 MR. GHULAIS: Only me.

5 MEMBER ALBERTI: Pardon?

6 MR. GHULAIS: Only me for the --
7 for the manager it's only me, because I am the
8 only one who can change and do void and do
9 anything. I mean, I have the -- only me have
10 the option to do that.

11 MEMBER ALBERTI: Okay. So this is
12 just -- again, I think I have asked the
13 question. This is just a summary of sales,
14 right?

15 MR. GHULAIS: Yes.

16 MEMBER ALBERTI: All right. And
17 it was printed -- this looks like it was
18 printed May 1, 2014.

19 MR. GHULAIS: The date, yes.

20 MEMBER ALBERTI: Yeah, almost a
21 year after the event.

22 MR. GHULAIS: I can print at any

1 time.

2 MEMBER ALBERTI: Oh, I understand.
3 I understand. Okay. Okay. You have a
4 settlement agreement, correct?

5 MR. GHULAIS: Settlement
6 agreement, yes.

7 MEMBER ALBERTI: Yes. A voluntary
8 agreement.

9 MR. GHULAIS: Voluntary agreement,
10 yeah.

11 MEMBER ALBERTI: Okay. I'll call
12 it a voluntary agreement.

13 MR. GHULAIS: Um-hum.

14 MEMBER ALBERTI: When did you --
15 did you know prior to this event that you had
16 a settlement agreement?

17 MR. GHULAIS: Can you repeat your
18 question again, please?

19 MEMBER ALBERTI: Did you know
20 before this -- before May 25th, the date of
21 this investigation --

22 MR. GHULAIS: Um-hum.

1 MEMBER ALBERTI: -- did you know
2 you had a settlement agreement?

3 MR. GHULAIS: I do. I do know I
4 have the settlement agreement.

5 MEMBER ALBERTI: Okay. Fine. So
6 you knew you had a settlement agreement.
7 Okay. Great. When did you first read your
8 settlement agreement? Do you remember,
9 approximately?

10 MR. GHULAIS: Well, I read more
11 than one time, but I read it the same day when
12 we did this like two years before the event
13 took place.

14 MEMBER ALBERTI: Okay. So you
15 have read it multiple times?

16 MR. GHULAIS: I read it twice, I
17 think.

18 MEMBER ALBERTI: All right. Do
19 you keep a copy of the settlement agreement at
20 your establishment?

21 MR. GHULAIS: Yes.

22 MEMBER ALBERTI: You do. Okay.

1 Do you train your staff on the content of the
2 settlement agreement?

3 MR. GHULAIS: Well, I train them
4 what to do, but they did not like. I don't
5 let them read the settlement agreement or
6 something.

7 MEMBER ALBERTI: Pardon? You
8 don't let them what?

9 MR. GHULAIS: I mean, it's --
10 there is -- they know the time I just give
11 them -- confirm them by talking to them and
12 just have a meeting with them and confirming
13 everything. So I mean --

14 MEMBER ALBERTI: Okay. Are you
15 there every day of that you are --

16 MR. GHULAIS: Almost every day.

17 MEMBER ALBERTI: -- that it's
18 open?

19 MR. GHULAIS: Almost every day.

20 MEMBER ALBERTI: Almost every day.

21 MR. GHULAIS: Yes.

22 MEMBER ALBERTI: In the past four

1 years, have you been absent for an extended
2 period?

3 MR. GHULAIS: I was absent at some
4 point, but I let --

5 MEMBER ALBERTI: For how long?

6 MR. GHULAIS: I went back home for
7 a month, that was 2012.

8 MEMBER ALBERTI: Okay. And who
9 ran the restaurant for you then?

10 MR. GHULAIS: Mr. Zakaria and my
11 cousin, his name is Mo.

12 MEMBER ALBERTI: Okay. And did
13 you make them aware of the settlement
14 agreement?

15 MR. GHULAIS: Yes. Those two they
16 know everything about it.

17 MEMBER ALBERTI: Okay. Great.
18 Very good. So you are not the only one who
19 was aware of the settlement agreement?

20 MR. GHULAIS: Yes.

21 MEMBER ALBERTI: All right. Who
22 else was aware that you had initially agreed

1 to do the Zombie Crawl? Who knew that?

2 MR. GHULAIS: Mr. Zakaria and Mr.
3 Mo.

4 MEMBER ALBERTI: Okay.

5 MR. GHULAIS: They know that I
6 agreed for it.

7 MEMBER ALBERTI: Okay. Great.

8 MR. GHULAIS: They did not --

9 MEMBER ALBERTI: Great. So how
10 did -- you had a contact for the organizers?

11 MR. GHULAIS: I have contact at
12 that time, yeah.

13 MEMBER ALBERTI: Yes.

14 MR. GHULAIS: We had phone number.

15 MEMBER ALBERTI: Do you know the
16 names of your contact person?

17 MR. GHULAIS: I really -- it has
18 been a year. I really don't know even --

19 MEMBER ALBERTI: Okay.

20 MR. GHULAIS: I don't remember her
21 name.

22 MEMBER ALBERTI: The person who

1 you originally negotiated this, to do this,
2 spoke with to do the Zombie Crawl, is that the
3 person you contacted on May 25th?

4 MR. GHULAIS: That's right.

5 MEMBER ALBERTI: Were you there
6 all night?

7 MR. GHULAIS: Yes.

8 MEMBER ALBERTI: You were. Okay.
9 Where is the doorman stationed?

10 MR. GHULAIS: The --

11 MEMBER ALBERTI: Where is the
12 doorman stationed at your establishment?

13 MR. GHULAIS: It's in front of --
14 at the door.

15 MEMBER ALBERTI: At the door?

16 MR. GHULAIS: Yeah.

17 MEMBER ALBERTI: Does he --

18 MR. GHULAIS: At the entrance.

19 MEMBER ALBERTI: -- stand outside
20 or inside?

21 MR. GHULAIS: Sometimes standing
22 outside if it's cold, but he come get inside.

1 It's too cold for him.

2 MEMBER ALBERTI: Okay. Would the
3 sign -- would the back of the sign be visible
4 from inside the establishment? It looks like
5 from this picture I have, it looks like if you
6 are looking out the front window --

7 MR. GHULAIS: I mean, you can see,
8 that's why I saw it actually.

9 MEMBER ALBERTI: All right.

10 MR. GHULAIS: I mean, if you pay
11 attention, you will --

12 MEMBER ALBERTI: Now, wait, wait,
13 wait. Let me finish.

14 MR. GHULAIS: All right.

15 MEMBER ALBERTI: So this window is
16 normally clear? You can see through this
17 window? Is that correct? The front window
18 where the sign was?

19 MR. GHULAIS: Yeah.

20 MEMBER ALBERTI: So you would have
21 been aware if you looked at that window, you
22 would have seen the back of the sign. Is that

1 correct?

2 MR. GHULAIS: Yeah.

3 MEMBER ALBERTI: Okay. I have no
4 further questions. Thank you.

5 CHAIRPERSON MILLER: Other
6 questions? I just want to follow-up on what
7 has been admitted as Licensee's Exhibit No. 1,
8 I think it has been identified as an email.
9 Do you need to --

10 MR. GHULAIS: Yes.

11 CHAIRPERSON MILLER: Are you
12 familiar with what I am thinking, too?

13 MR. GHULAIS: Yes.

14 CHAIRPERSON MILLER: Okay. So can
15 you tell us who, I think it is, Mr. Eli
16 Horowitz is?

17 MR. GHULAIS: Mr.?

18 CHAIRPERSON MILLER: Eli Horowitz
19 is the cc on the email.

20 MR. GHULAIS: He is to be my
21 profused lawyer. So I change it for purposes.

22 CHAIRPERSON MILLER: He was your

1 lawyer?

2 MR. GHULAIS: Yeah. He is still,
3 but he is not taking any cases. She just
4 taking all the cases.

5 CHAIRPERSON MILLER: Okay. He was
6 your lawyer at the time, correct?

7 MR. GHULAIS: Yes.

8 CHAIRPERSON MILLER: So and then
9 when I look at the exhibit, it looks like it
10 is dated Friday, May 24, 2013, at 11:37 a.m.

11 MR. GHULAIS: Yep. It was the day
12 before like I said, but I open it the same day
13 he just confirmed me at 10:00 in the morning.
14 He called me and he said and I just saw it at
15 that time.

16 CHAIRPERSON MILLER: Okay. So you
17 opened the email on the 25th, even though it
18 is dated the 24th?

19 MR. GHULAIS: Yep.

20 CHAIRPERSON MILLER: Because
21 somebody called you? Who --

22 MR. GHULAIS: Yeah.

1 CHAIRPERSON MILLER: -- called
2 you?

3 MR. GHULAIS: Mr. Zakaria was
4 running at that time.

5 CHAIRPERSON MILLER: Oh, he is
6 also cced on this.

7 MR. GHULAIS: He was, yes.

8 CHAIRPERSON MILLER: Right. Okay.
9 So that's how you opened it at 10:35. So I
10 guess my concern is that if you are notified
11 that morning why you -- the sign stayed up all
12 day when it specifically says take it down?

13 MR. GHULAIS: Yeah. I just came
14 and I was notified and I just came and I just
15 told them we -- I had a meeting with the
16 employees. I told them we canceled this, the
17 event. I went to the register, to the POS
18 system.

19 We took all the specials and all
20 the discount off, that's why cannot sit here.
21 So and I told them that it's not going to take
22 any place. The doorman is just going to

1 confirm them that they can go to any other
2 bar. Whenever they come to him, he just tell
3 them the event has been canceled for the
4 establishment, but you can go to this one or
5 that one for the zombie promotion for the
6 night.

7 CHAIRPERSON MILLER: Okay. Well,
8 maybe Mr. Ibrahim can answer this, too. The
9 email goes specifically to the posters. So I
10 hear what you are saying about all the other
11 steps you took. Okay. Any other questions?

12 MEMBER ALBERTI: May I see the
13 email? Great. Thank you.

14 CHAIRPERSON MILLER: Okay. Any
15 other questions? Questions on Board
16 questions?

17 MS. MONDESIR: I have questions.

18 CHAIRPERSON MILLER: Okay.

19 REDIRECT EXAMINATION

20 MS. MONDESIR: You testified that
21 you learned about the email at 10:00 a.m. that
22 morning?

1 MR. GHULAIS: Yeah.

2 MS. MONDESIR: But you were not
3 scheduled to physically be at that location
4 until in the evening?

5 MR. GHULAIS: 5:00.

6 MS. MONDESIR: Correct?

7 MR. GHULAIS: Yeah, because we
8 open at 5:00 every day.

9 MS. MONDESIR: So it was several
10 hours before you actually --

11 MR. GHULAIS: Yeah. All of them
12 they come at 5:00, so you have to confirm at
13 that time.

14 MS. MONDESIR: And you indicated
15 that you gave a priority to removing all of
16 the discounts from the computer system?

17 MR. GHULAIS: I did it myself,
18 because nobody can do it, except me. I am the
19 one who put the special on.

20 MS. MONDESIR: Okay. And I would
21 like to, based on questions by the Board, I
22 would like to go ahead and just lay the

1 foundation based on the questions I will ask.

2 CHAIRPERSON MILLER: For the
3 receipt or what?

4 MS. MONDESIR: Yes.

5 CHAIRPERSON MILLER: Okay. Go
6 ahead.

7 MS. MONDESIR: The receipt that we
8 saw earlier, was that -- is that an actual
9 reflection of what was -- what occurred on May
10 25, 2013?

11 MR. GHULAIS: That's right.

12 MS. MONDESIR: Was it ever changed
13 what was on the receipt?

14 MR. GHULAIS: It will never
15 change. Even if you come -- the POS system is
16 automatically like that. Whatever -- any day
17 you want, it's already been fixed. The
18 computer is set, so you can get it any time.

19 MS. MONDESIR: Okay. And that --
20 the receipts and the POS system both are kept
21 as a regular course of business?

22 MR. GHULAIS: That's right.

1 MS. MONDESIR: And you are aware
2 of other businesses that have similar POS
3 systems?

4 MR. GHULAIS: Other business that
5 have several POS systems?

6 MS. MONDESIR: Yes.

7 MR. GHULAIS: I mean, yeah.

8 MS. MONDESIR: Okay. I would like
9 to request that the receipt be entered as the
10 regular course of business.

11 CHAIRPERSON MILLER: Well, do you
12 have any questions about this or --

13 MS. SCHMIDT: Yes, I have one
14 question.

15 CHAIRPERSON MILLER: Go ahead.

16 RE-CROSS-EXAMINATION

17 MS. SCHMIDT: Okay. Can you alter
18 the receipt any time -- on May 25th, were you
19 able to alter the receipt once -- any time
20 that day?

21 MR. GHULAIS: May 25th?

22 MS. SCHMIDT: Yes. So you could

1 have altered -- for example, it says here May
2 26, 2013, 4:00 a.m., was the end time. So at
3 3:55 on May 26th, could you have then changed,
4 taken out the discounts, for example, at that
5 time?

6 MR. GHULAIS: No. If -- you have
7 to take the discount from the beginning. If
8 you don't take it, it will show on the receipt
9 automatically. If you didn't do it from the
10 beginning, it won't show on the receipt no
11 matter what you are going to do, it's not
12 going to come out.

13 MS. SCHMIDT: Okay. So once you
14 put something in -- once you put something on
15 the receipt, you can never remove it? In
16 other words let's say the happy hour discounts
17 here.

18 MR. GHULAIS: Yes.

19 MS. SCHMIDT: You cannot remove
20 them once they are on the receipt? You cannot
21 change --

22 MR. GHULAIS: That's it, yeah.

1 MS. SCHMIDT: You cannot move
2 them. So if you made a mistake and entered --
3 so for example, if you entered at happy hour--
4 let's say you sold eight beers instead of
5 seven beers, you can't fix it is what you are
6 trying to tell me?

7 MR. GHULAIS: If you enter the
8 receipt, if you enter the discount, the
9 employees will come and the discount will
10 automatically will go there.

11 MS. SCHMIDT: But let's say you
12 made a mistake. Let's say, you know, you
13 entered 15 instead of 7. You can't change it
14 once you entered the 7?

15 MR. GHULAIS: You can change it by
16 the manager, but the employees cannot change
17 it. So the happy hour is --

18 MS. SCHMIDT: But technically, you
19 could have changed it though is what I'm
20 saying, right? You could have changed it if
21 you wanted to? I'm not saying you did. I'm
22 just saying -- I'm just asking a hypothetical.

1 If --

2 MR. GHULAIS: If it is coming, I
3 put -- if I change it, it is also shown in the
4 receipt under void or under this column. It
5 still is going to show up, even if I did.

6 MS. SCHMIDT: And what is a
7 server, 23 server? You have \$195.98, you void
8 by type. You have server error. It says 23
9 Server Errors. What was that?

10 MR. GHULAIS: That's always
11 sometimes making a mistake like you say. If
12 they make mistake of some check or somebody
13 they just leave without paying, they run away
14 and we call -- especially when we are busy,
15 this mistake is happening. So I come and I
16 see and I just change it, but still the voided
17 check still is going to be up there. That is
18 normal.

19 MS. SCHMIDT: In this case could
20 the server error have been serving to zombies?

21 MR. GHULAIS: No.

22 MS. SCHMIDT: No further

1 questions, at this time.

2 CHAIRPERSON MILLER: Okay.

3 MS. MONDESIR: I request the
4 receipt be entered in as -- sorry. I request
5 that the receipt be entered in as an exhibit.

6 CHAIRPERSON MILLER: Okay.

7 MS. SCHMIDT: No objection.

8 CHAIRPERSON MILLER: All right.

9 Then the receipt is admitted as Licensee's
10 Exhibit No. 2.

11 (Whereupon, the document was
12 marked for identification as
13 Licensee Exhibit 2 and was
14 received in evidence.)

15 MS. MONDESIR: And then I wanted
16 to clarify with one question to the witness.

17 RE-DIRECT EXAMINATION

18 MS. MONDESIR: So were there any
19 revenues from zombie sales?

20 MR. GHULAIS: No.

21 MS. MONDESIR: That's all. Thank
22 you.

1 CHAIRPERSON MILLER: Okay. Ms.
2 Schmidt, as far as I know, did you hand up
3 exhibits or did you just identify them from
4 the record?

5 MS. SCHMIDT: I just identified
6 the --

7 CHAIRPERSON MILLER: From the case
8 report?

9 MS. SCHMIDT: -- same exhibits
10 that are in your record.

11 CHAIRPERSON MILLER: Exactly.
12 That's what I thought. Okay.

13 MS. SCHMIDT: That's why I changed
14 the numbering, because the numbers on my
15 exhibits were not -- did not correspond to the
16 record. So I wanted to make sure they were
17 the same ones as the record.

18 CHAIRPERSON MILLER: Okay.

19 MEMBER ALBERTI: Well, I think
20 that we were in cross.

21 CHAIRPERSON MILLER: We were
22 qualifying the document.

1 MEMBER ALBERTI: We are on
2 recross. Redirect and then recross, right?

3 MS. MONDESIR: I'm finished and
4 then she asked something based on my question.

5 CHAIRPERSON MILLER: Okay. You're
6 finished?

7 MS. MONDESIR: Yes, thank you.

8 CHAIRPERSON MILLER: Okay. We
9 have a Board question. Yes, Mr. Rodriguez?

10 MEMBER RODRIGUEZ: Mr. Ghulais, I
11 think maybe I have a short memory span, so I
12 want to go back over a specific part of the
13 sequence about Asylum.

14 You say that you have a doorman
15 stationed in front of the building or if it
16 gets cold, that door person goes inside. So
17 that person sees anybody's entry, right?

18 MR. GHULAIS: Yeah.

19 MEMBER RODRIGUEZ: Anybody
20 entering your establishment.

21 MR. GHULAIS: Yeah. He can see.

22 MEMBER RODRIGUEZ: Right. Did

1 that doorman see the photographer or the
2 Investigator that came to take pictures?

3 MR. GHULAIS: He did not see.
4 Nobody even confirm me that the Investigator
5 come to my establishment.

6 MEMBER RODRIGUEZ: I want to be
7 clear, because my hearing is okay.

8 MR. GHULAIS: Okay.

9 MEMBER RODRIGUEZ: The -- you say
10 that you have a doorman and the doorman could
11 not see the photographer when she came to take
12 the pictures?

13 MR. GHULAIS: I mean, nobody
14 confirm me that he saw a photographer come and
15 took a picture. Actually, not even the
16 doorman. He never told me that.

17 MEMBER RODRIGUEZ: So then my
18 question is --

19 MR. GHULAIS: I saw the
20 photographer when the case was up here and I
21 saw it at that time.

22 MEMBER RODRIGUEZ: Right. And

1 then as I recall, I asked you how long after
2 the photographer took the picture was the sign
3 removed?

4 MR. GHULAIS: That's what I don't
5 know, because I didn't know what time the
6 photographer come and took a picture actually.

7 MEMBER RODRIGUEZ: Okay. It seems
8 like we have short memory spans here. Mine is
9 worse than your's, I think, that's why I'm
10 asking you more questions.

11 So who removed the sign?

12 MR. GHULAIS: The doorman.

13 MEMBER RODRIGUEZ: The doorman?

14 MR. GHULAIS: The doorman. I told
15 him why he didn't remove it? He said oh, I
16 forgot and he --

17 MEMBER RODRIGUEZ: Upon whose
18 orders?

19 MR. GHULAIS: Me.

20 MEMBER RODRIGUEZ: Your's?

21 MR. GHULAIS: Yes, I am the owner.

22 MEMBER RODRIGUEZ: Right. So I

1 want to establish that the sign was removed
2 upon your orders, but it was removed after the
3 photographer was there.

4 MR. GHULAIS: That's what I don't
5 know, Mr. I really don't know when she came
6 and took the photographer. I don't think he
7 knows, because if he knows, he should come and
8 tell me.

9 MEMBER RODRIGUEZ: Right.

10 MR. GHULAIS: Nobody told me and I
11 didn't know that somebody came and took
12 photographer.

13 MEMBER RODRIGUEZ: So just so that
14 I understand what that doorman is doing there.

15 MR. GHULAIS: It was busy night.
16 As you can see on the receipt, it was very
17 busy night for us. And he always -- he has to
18 focus on the IDs, on all the things, you know,
19 fake ID, you know, underage not to come in and
20 all that things.

21 MEMBER RODRIGUEZ: I can
22 understand that, but somebody is taking

1 pictures right in front of there and your
2 doorman just cannot see that.

3 MR. GHULAIS: That's what I really
4 don't know. If he saw it, he should tell me.

5 MEMBER RODRIGUEZ: Okay. Mr.
6 Ghulais, thank you so much.

7 MR. GHULAIS: And I was waiting
8 for the ABRA actually to explain to them
9 everything since -- I mean, I asked for -- did
10 -- even he doesn't know that much. I know
11 maybe and this employee, she been with me for
12 a long time, I think she knows.

13 MEMBER RODRIGUEZ: Thank you.

14 CHAIRPERSON MILLER: All right.
15 All right. It's getting late. Are there any
16 question on the Board questions?

17 MS. MONDESIR: I just have a
18 couple of quick based on the questioning.

19 RE-REDIRECT EXAMINATION

20 MS. MONDESIR: Based on the
21 picture you have in front of you, the
22 individual taking the picture was -- just

1 based on the fact that you can see the entire
2 building just about, the individual taking the
3 picture would have been near the street and
4 not at the front door, correct?

5 MR. GHULAIS: I think yeah,
6 because they took the entire building. It has
7 to be a little far.

8 MS. MONDESIR: So it's possible
9 that the person would not have been in the
10 sight of the security?

11 MR. GHULAIS: Yeah, it could be,
12 yeah, because the entire restaurant appear
13 here, so you have to like go a little farther.
14 He cannot do it -- if he take at the same
15 time, at the same -- at the window, it would
16 be only the window. It wouldn't be all -- the
17 entire restaurant.

18 MS. MONDESIR: Okay. That's it.

19 CHAIRPERSON MILLER: Okay. Ms.
20 Schmidt, any questions?

21 MS. SCHMIDT: No.

22 CHAIRPERSON MILLER: Okay. Thank

1 you.

2 MS. SCHMIDT: Yes.

3 CHAIRPERSON MILLER: Yes?

4 MS. SCHMIDT: In the --

5 CHAIRPERSON MILLER: Based on

6 Board questions?

7 MS. SCHMIDT: No, nothing else.

8 CHAIRPERSON MILLER: Okay. Thank

9 you very much.

10 MS. MONDESIR: Thank you.

11 MR. GHULAIS: Thank you.

12 (Whereupon, witness was excused.)

13 MS. MONDESIR: I would like to

14 call Zakaria Ibrahim, please.

15 CHAIRPERSON MILLER: Good

16 afternoon.

17 Whereupon,

18 ZAKARIA IBRAHIM

19 was called as a witness by Counsel for the

20 Licensee, and having been first duly sworn,

21 assumed the witness stand and was examined and

22 testified as follows:

1 MR. IBRAHIM: Yes.

2 CHAIRPERSON MILLER: Okay. Thank
3 you.

4 DIRECT EXAMINATION

5 MS. MONDESIR: Would you, please,
6 state your name for the record?

7 MR. IBRAHIM: Zakaria --

8 MS. MONDESIR: And spell the last
9 name. I'm sorry.

10 MR. IBRAHIM: -- Ibrahim, I-B-R-A-
11 H-I-M.

12 MS. MONDESIR: And what was the
13 first name?

14 MR. IBRAHIM: Zakaria. It is Z-A-
15 K-A-R-I-A.

16 MS. MONDESIR: Okay. And are you
17 familiar with Bistro 18?

18 MR. IBRAHIM: Of course.

19 MS. MONDESIR: And how are you
20 familiar with that?

21 MR. IBRAHIM: Two thing. First,
22 from the beginning of the business and also

1 Sami is friend of mine. We consider family.

2 I'm old man with a lot of opinions.

3 MS. MONDESIR: Okay.

4 MR. IBRAHIM: And I did work in
5 the city as legal authority, so I'm
6 experienced working with ABI, as I mentioned,
7 and I work as an investigation with Montgomery
8 County Police, DC Police and I did work with
9 Immigration. So I'm aware about all the
10 things about being an investigator and what is
11 the right job to do.

12 MS. MONDESIR: Were you ever
13 involved or participated in the managing or
14 operation of Sami --

15 MR. IBRAHIM: Of course. Sami's
16 health condition is bad. Also, we did explain
17 to the Board a long time ago. I don't know if
18 this is an important issue to be mentioned
19 again today. Sami, he never experienced
20 restaurant running business. Sami idea about
21 the restaurant was just the business,
22 something he would make money out of it, but

1 he didn't know the risk of having a restaurant
2 and how to run a restaurant.

3 And we did mention that to the
4 Board a long time ago.

5 MS. MONDESIR: Okay. So then do
6 you act as a consultant?

7 MR. IBRAHIM: Of course. I'm
8 legal consultant. I'm a legal advisor.

9 MS. MONDESIR: To Sami?

10 MR. IBRAHIM: To everybody who
11 needs help.

12 MS. MONDESIR: Okay. Are you
13 familiar with the email in this case, Exhibit
14 1?

15 MR. IBRAHIM: The email come to my
16 email and he didn't check it in the same day.
17 I just check it the day when I wake up. Early
18 in the morning I check my email. Sometimes if
19 I'm tired at night, I don't check email. I
20 check it early in the morning, because there
21 is nothing to do after 5:00 to respond to
22 anything. So most of the time I respond to my

1 email, pick up in the morning first thing.

2 MS. MONDESIR: So when you say
3 early in the morning, are you speaking of May
4 25th?

5 MR. IBRAHIM: Yes, ma'am.

6 MS. MONDESIR: Okay. So you
7 received the email, Exhibit 1?

8 MR. IBRAHIM: Yes. And I did call
9 Sami, but Sami didn't respond, because he was
10 working that night, so, of course, he's not
11 going to respond back. So I did respect.

12 MS. MONDESIR: Okay. Did you
13 eventually speak to Sami about the --

14 MR. IBRAHIM: I spoke to Sami
15 around 2:00.

16 MS. MONDESIR: Okay. 4:00?

17 MR. IBRAHIM: 2:00 p.m.

18 MS. MONDESIR: Okay. On the 25th?

19 MR. IBRAHIM: Yes. And I told him
20 that it is a violation if he is going to get
21 involved with this event.

22 MS. MONDESIR: Okay. And once you

1 discussed it with him, what was Sami's
2 position?

3 MR. IBRAHIM: I didn't tell him
4 what decision. I tell him what to do.

5 MS. MONDESIR: Right. And what
6 was that?

7 MR. IBRAHIM: To call the
8 organization and to cancel this event.

9 MS. MONDESIR: And did he agree to
10 do that?

11 MR. IBRAHIM: He did, because he
12 didn't give me the number, he has to look for
13 it.

14 CHAIRPERSON MILLER: I'm sorry,
15 what did you tell him again?

16 MR. IBRAHIM: He has to look for
17 the number for the organization of this event,
18 which when I was talking to him he didn't have
19 it, otherwise, I would be the one who made
20 this call.

21 MS. MONDESIR: Okay. And on that
22 day, did you go to Bistro 18?

1 MR. IBRAHIM: I did.

2 MS. MONDESIR: On the --

3 MR. IBRAHIM: I did because --

4 MS. MONDESIR: -- 25th?

5 MR. IBRAHIM: -- I just want to be
6 sure that Sami done the right thing.

7 MS. MONDESIR: Okay. And when you
8 went to Bistro 18, had he done the right thing
9 as you indicated?

10 MR. IBRAHIM: The only thing it
11 was my concern, which was the signs. And if
12 it's like the time I come, the sign was still
13 there. And I went there just trying to see if
14 there is any Inspector, because here if you
15 read in the email of Mr. Denis, he had
16 mentioned that I have made ABRA aware of the
17 event, so enforcement action should be, so we
18 expecting that.

19 MS. MONDESIR: Okay.

20 MR. IBRAHIM: Sami had a problem,
21 language problem talking with 100
22 conversations, but he had that at his youth,

1 it's health.

2 MS. MONDESIR: It's what? I'm
3 sorry.

4 MR. IBRAHIM: A health condition.
5 Sami he go and just everything be -- you can
6 think that he is out of control in talking.
7 So I like to handle his conversations.

8 MS. MONDESIR: Okay.

9 MR. IBRAHIM: But he don't mean
10 anything bad. It just health.

11 MS. MONDESIR: Okay. So when you
12 arrived at Bistro 18 to check to see if Sami
13 had handled everything, what had he handled,
14 if anything?

15 MR. IBRAHIM: I think the place
16 was dead, was no crowd. There was no crowd.
17 There was nothing and I believe I spoke with
18 the doorman. I speak with the server without
19 Sami getting involved.

20 I spoke with the doorman and I
21 tell him that we accept that event, he say no.
22 I been informed. I spoke with bartenders,

1 three of them. We send two of them home,
2 because there was no crowd accepted from this
3 event.

4 So we send two home. They been
5 hired to be a bartender in this event.

6 MS. MONDESIR: Okay. Around what
7 time did you get there?

8 MR. IBRAHIM: You can -- usually I
9 don't go out at night. I have kids. I like
10 being at the house. But for Mr. Sami, I did
11 come around like 10:45, something like that.

12 MS. MONDESIR: Okay.

13 CHAIRPERSON MILLER: I'm sorry?
14 Could you say what time did you go?

15 MR. IBRAHIM: Like 10:45, 10:45.

16 CHAIRPERSON MILLER: 10:45?

17 MR. IBRAHIM: Yes.

18 CHAIRPERSON MILLER: Okay.

19 MR. IBRAHIM: And I did sit with
20 Sami all the way in the back and I did inform
21 the doorman if there is any Inspector from
22 ABRA, just let me talk to him, because I

1 didn't know authorization with Sami was
2 represent at this time. So I'm just going to
3 make talk to clear this mess up.

4 CHAIRPERSON MILLER: Okay. Can --

5 MR. IBRAHIM: I say --

6 CHAIRPERSON MILLER: -- you
7 respond to the question? I think, at this
8 point --

9 MR. IBRAHIM: -- at that night --
10 okay.

11 CHAIRPERSON MILLER: -- the --

12 MR. IBRAHIM: Okay. Go ahead.
13 You can ask me again.

14 MS. MONDESIR: How long were you
15 there?

16 MR. IBRAHIM: I would say I was
17 going to go home by 3:00 a.m. and Sami says he
18 is going to give me a ride, so I did enjoy the
19 event. The life.

20 MS. MONDESIR: So what time did
21 you leave?

22 MR. IBRAHIM: I leave when they

1 close.

2 MS. MONDESIR: Okay.

3 MR. IBRAHIM: The time -- just
4 last call. Sami say everybody going to take
5 care of closing and he just give me a ride.

6 MS. MONDESIR: Okay. And were you
7 aware that he had made changes to the POS
8 system removing the zombie promotion?

9 MR. IBRAHIM: Come again?

10 MS. MONDESIR: Are you aware that
11 he had -- were you aware that he had removed
12 the zombie promotions from the POS computer
13 system?

14 MR. IBRAHIM: Yes. Because what
15 happening in a situation like this, let's not
16 forget now we have a way again. Forget about
17 having violation. So if there is any
18 arrangement between managers or Sami with
19 other bar that we are going to serve wine in
20 this place for \$1, it has to be in the system.

21 So when he's going to cancel, he's
22 going to cancel. We have to cancel the whole

1 thing before we start. Not as Ms. Amy she was
2 concerned about the way in -- like civilians,
3 she was asking Sami about if he change this or
4 he can change this.

5 And then she want to get back
6 again to the event. The event would be
7 informed that because of Jamaican Joe, you are
8 not aware of that case, you are not
9 experienced, Jamaican Joe meant the system is
10 not working. The system we have now as today
11 is a good system and he can blend anything
12 from the day billed and change it.

13 And when we are adding, Sami
14 didn't hide anything. We have a receipt to
15 show, but there is nothing for --

16 MS. MONDESIR: Okay. So you said
17 that you were there, approximately, three
18 hours. During the three hours that you
19 observed --

20 MR. IBRAHIM: Yes.

21 MS. MONDESIR: -- did you observe
22 anyone participating in the zombie --

1 MR. IBRAHIM: I don't like that
2 crowd myself.

3 MS. MONDESIR: So is that a yes or
4 a no? Did you observe?

5 MR. IBRAHIM: I don't see any.

6 MS. MONDESIR: Okay.

7 MR. IBRAHIM: Sami was joking. He
8 has some paint in his face and he was having
9 barkeep, because he thought that he is going
10 to have that event, like as if he was just
11 sitting in the bar. And I don't see any
12 pictures to prove even the time whoever took
13 these pictures to prove even we have a client
14 there. It's just empty bar.

15 MS. MONDESIR: Thank you. No
16 further questions.

17 CHAIRPERSON MILLER: Cross?

18 MS. SCHMIDT: Okay. A couple of
19 questions.

20 MR. IBRAHIM: Sure.

21 CROSS-EXAMINATION

22 MS. SCHMIDT: Okay. First of all,

1 you said you were a legal advisor. What do
2 you mean by being the legal advisor?

3 MR. IBRAHIM: I have experience in
4 working with the Government. So when I give
5 advice, if I'm not sure about this is wise, I
6 can hire a lawyer, but most of the cases I
7 don't see that I need to do hire.

8 MS. SCHMIDT: And did you -- and
9 so Sami testified that you were aware of the
10 contents of the voluntary agreement. Is that
11 correct?

12 MR. IBRAHIM: Yes, and we file it
13 since.

14 MS. SCHMIDT: So were you aware of
15 the fact that there were -- that the voluntary
16 agreement said they should not have any pub
17 crawls?

18 MR. IBRAHIM: Of course.

19 MS. SCHMIDT: So why did you allow
20 Sami to even sign-up for this if you were
21 aware?

22 MR. IBRAHIM: I was not aware Sami

1 have that. I was aware on this day. All I do
2 for Sami, I cannot mentor Sami 24 hours. I
3 mentor Sami when he come back and ask me what
4 to do.

5 MS. SCHMIDT: Well, how often are
6 you at the bar?

7 MR. IBRAHIM: I was not at the
8 bar.

9 MS. SCHMIDT: Well, how often
10 generally do you go?

11 MR. IBRAHIM: I love Bistro 18. I
12 go -- any time I want to go. Even if I want
13 to go down --

14 MS. SCHMIDT: Do you go once a
15 week? Do you go twice a week? Do you go one
16 a month?

17 MR. IBRAHIM: Any time I have the
18 business in D.C., I can -- I can have business
19 in D.C. three, four times a day, so I would be
20 Bistro 18 eating with Sami and drinking with
21 Sami.

22 MS. SCHMIDT: So generally, I'm

1 just talking in general. How often do you
2 usually go?

3 MR. IBRAHIM: Well, you can count.
4 If I don't go one week, next week I'm going to
5 go.

6 MS. SCHMIDT: So when you see Sami
7 -- you see Sami on a regular basis, correct?

8 MR. IBRAHIM: Of course.

9 MS. SCHMIDT: So the first --

10 MR. IBRAHIM: He come to my house.
11 I go to his house.

12 MS. SCHMIDT: -- time -- so is it
13 your testimony that the first time you knew
14 about this pub crawl was when Mr. James sent
15 the email?

16 MR. IBRAHIM: 100 percent.

17 MS. SCHMIDT: So Sami never told
18 you that he is going to participate?

19 MR. IBRAHIM: It is something he
20 thought that he is going to make money. He is
21 so excited and he didn't need no assistance.

22 MS. SCHMIDT: But he didn't tell

1 you he was going to -- okay. Now, also, when
2 Sami was -- now, when Sami goes away, do you
3 have access to the cash register?

4 MR. IBRAHIM: I don't. So Sami
5 have his family. I'm not the one who should
6 know. If I want money, to take money from the
7 register, I will, but I will sign that I take
8 that money.

9 MS. SCHMIDT: So who handles the
10 cash register at Bistro 18?

11 MR. IBRAHIM: Mohammed. That's
12 his like brother and cousin and everything for
13 him.

14 MS. SCHMIDT: Was Mohammed acting
15 as the doorman that night?

16 MR. IBRAHIM: No. He was not
17 acting like it.

18 MS. SCHMIDT: Okay. And you said
19 you got there at 10:45. Is that correct?

20 MR. IBRAHIM: Yes, ma'am.

21 MS. SCHMIDT: Was the sign still
22 in the window when you got there?

1 MR. IBRAHIM: I didn't pay
2 attention when I enter inside, but my
3 attention was to focus on the doorman. Just
4 to see what Sami told it was right.

5 MS. SCHMIDT: So you did not see a
6 big green sign out there that night?

7 MR. IBRAHIM: Ma'am, I come
8 through the side. And I can enter this -- the
9 sign is this way.

10 MS. SCHMIDT: But didn't the
11 email, Mr. James' email, tell you specifically
12 he was concerned about the signs? Isn't that
13 what you were looking for?

14 MR. IBRAHIM: Let me look again.
15 Okay.

16 MS. SCHMIDT: Would it be
17 reasonable to expect you to look for the sign?

18 MR. IBRAHIM: Excuse me?

19 MS. SCHMIDT: If Mr. James' email
20 specifically says take down the signs, would
21 it be natural for you to look for the sign?

22 MR. IBRAHIM: Well, Mr. James'

1 concern was the event, not the sign. Because
2 I can put the sign that say selling chicken
3 for \$10. And when you come in, I tell you I
4 don't have it no more. Sign doesn't mean
5 nothing. It can be trash. It can be
6 anything.

7 MS. SCHMIDT: And it is your
8 testimony there was an empty bar that night,
9 that he made no money?

10 MR. IBRAHIM: I -- no. At the
11 time I was there, Sami just was sitting in the
12 bar and he just --

13 MS. SCHMIDT: And do you remember
14 what time closing time was that night?

15 MR. IBRAHIM: We make last call
16 just to avoid such --

17 MS. SCHMIDT: Well, what time was
18 last call?

19 MR. IBRAHIM: I think Sami give me
20 a ride around 2:00.

21 MS. SCHMIDT: 2:00?

22 MR. IBRAHIM: Yes.

1 MS. SCHMIDT: And are you aware
2 that the receipt says 4:00 was when he shut
3 out the bar?

4 MR. IBRAHIM: I left 2:00 with
5 Sami. He give me a ride.

6 MS. SCHMIDT: Okay.

7 MR. IBRAHIM: If the receipt give
8 you report because we close down, do you have
9 a sale at 4:00?

10 MR. GHULAIS: No.

11 MR. IBRAHIM: This is the point I
12 wanted to make. Do you have? I can break at
13 5:00.

14 MS. SCHMIDT: No, no one is
15 putting -- certainly, no one is claiming a
16 sale at 4:00.

17 MR. IBRAHIM: No. Ms. Amy, I just
18 like to clearly state.

19 MS. SCHMIDT: Please, my name is
20 Ms. Schmidt, by the way.

21 MR. IBRAHIM: I'm sorry. You can
22 call me Akman. I'm not going to get mad.

1 MS. SCHMIDT: Well, my name is --

2 CHAIRPERSON MILLER: Well, let's
3 just --

4 MS. SCHMIDT: -- Ms. Schmidt.

5 CHAIRPERSON MILLER: -- try to
6 keep your answers responsive --

7 MR. IBRAHIM: Okay.

8 CHAIRPERSON MILLER: -- to the
9 questions.

10 MR. IBRAHIM: Okay.

11 CHAIRPERSON MILLER: It is already
12 1:00.

13 MR. IBRAHIM: That's fine, I just
14 want to add --

15 CHAIRPERSON MILLER: No, you
16 cannot. You are out of order. Okay.

17 MS. SCHMIDT: So okay. But the
18 report was -- I'm just -- so but the receipt
19 says the report was generated at 4:00. I
20 don't know if you have a copy of that there.
21 And you say you left at 2:00. That's fine--

22 MR. IBRAHIM: I don't --

1 MS. SCHMIDT: -- for me. Thank
2 you.

3 MR. IBRAHIM: -- know about the
4 receipt. I don't bring no receipt. I don't
5 do this kind of stuff. I'm too old for it.

6 MS. SCHMIDT: Um-hum.

7 MR. IBRAHIM: But I believe you
8 can get the receipt and it will bring forth
9 the club, but we talking your concern if they
10 sell.

11 MS. SCHMIDT: No one is alleging a
12 sale. I'm just asking if the receipt was
13 generated --

14 MR. IBRAHIM: I'm sorry. I got
15 nothing to do with the receipt.

16 MS. SCHMIDT: Okay. Thank you.

17 MR. IBRAHIM: Thank you.

18 MS. SCHMIDT: No further
19 questions.

20 MR. IBRAHIM: Thank you.

21 CHAIRPERSON MILLER: Okay. Are
22 there any Board questions?

1 MEMBER ALBERTI: Yes.

2 CHAIRPERSON MILLER: Mr. Alberti?

3 MEMBER ALBERTI: Mr. Zakaria?

4 MR. IBRAHIM: Yes, sir.

5 MEMBER ALBERTI: I just want to go
6 over a few things with you. So the email --

7 MR. IBRAHIM: Yes, sir.

8 MEMBER ALBERTI: -- you became --
9 you opened the email when?

10 MR. IBRAHIM: Early in the morning
11 around like 8:00.

12 MEMBER ALBERTI: Okay. So around
13 8:00?

14 MR. IBRAHIM: Yes, sir.

15 MEMBER ALBERTI: On the 25th?

16 MR. IBRAHIM: Yes. The date of
17 the event.

18 MEMBER ALBERTI: Okay. Very good.
19 All right.

20 MR. IBRAHIM: Yeah.

21 MEMBER ALBERTI: How did you make
22 Sami aware of this?

1 MR. IBRAHIM: I know I'm -- if I
2 call Sami one time, two times and he don't
3 respond, that means that he is asleep, so I
4 give up right away. I wait until it time to
5 wake up and to drive to the restaurant, which
6 is going to be like between 4:00, 5:00 and
7 that's the time I got.

8 MEMBER ALBERTI: So you called him
9 around 4:00 or 5:00?

10 MR. IBRAHIM: Yes.

11 MEMBER ALBERTI: On the 25th?

12 MR. IBRAHIM: Yes. Yes, sir.

13 MEMBER ALBERTI: Is that correct?

14 MR. IBRAHIM: Yes, sir.

15 MEMBER ALBERTI: All right.

16 Great. Was he aware of this email, at that
17 time?

18 MR. IBRAHIM: No. He tell me I
19 see email, I didn't open it.

20 MEMBER ALBERTI: Okay. Very good.
21 Do you know if he read it at that time?

22 MR. IBRAHIM: Excuse me?

1 MEMBER ALBERTI: Do you know if he
2 read the email at that time?

3 MR. IBRAHIM: I did.

4 MEMBER ALBERTI: Pardon?

5 MR. IBRAHIM: I did read it.

6 MEMBER ALBERTI: No. Did he read
7 it at that time?

8 MR. IBRAHIM: Sami?

9 MEMBER ALBERTI: Yes.

10 MR. IBRAHIM: No. We spoken.

11 MEMBER ALBERTI: Okay. Well, you
12 don't know whether he read this or not.

13 MR. IBRAHIM: No, he tell me I
14 didn't open the email. I said have to got the
15 last email?

16 MEMBER ALBERTI: Okay.

17 MR. IBRAHIM: He said the last --
18 I talked to him later same time, because
19 three --

20 MEMBER ALBERTI: So you told him
21 what was in this email?

22 MR. IBRAHIM: Yes.

1 MEMBER ALBERTI: Great. Very
2 good. Did you read it to him or you just told
3 him what --

4 MR. IBRAHIM: No.

5 MEMBER ALBERTI: -- was in it?

6 MR. IBRAHIM: By our language, I
7 just explained to him the --

8 MEMBER ALBERTI: Gotcha.

9 MR. IBRAHIM: -- you are in
10 violation of the law and just be careful.

11 MEMBER ALBERTI: I understand. I
12 understand. Very good. Okay. So when you
13 got to the -- that evening when you came to
14 the restaurant, all right?

15 MR. IBRAHIM: Um-hum.

16 MEMBER ALBERTI: Why -- you are a
17 family man and have kids, right? You are a
18 family man. You have kids. Is that right?

19 MR. IBRAHIM: Yes.

20 MEMBER ALBERTI: You told me that
21 earlier. Right, yes. Great. So you don't
22 normally go at night, right, to the

1 establishment?

2 MR. IBRAHIM: I don't. A single
3 man having two beautiful kids, I like to enjoy
4 them.

5 MEMBER ALBERTI: All right.
6 Great. So what prompted you to go this
7 evening?

8 MR. IBRAHIM: I can go.

9 MEMBER ALBERTI: Right. But what
10 -- why this evening? Why did you decide to go
11 this evening?

12 MR. IBRAHIM: My relation with
13 Sami, I know him better. I just want to be
14 sure that he --

15 MEMBER ALBERTI: Be sure of what?

16 MR. IBRAHIM: I want to be sure
17 this event didn't take place.

18 MEMBER ALBERTI: You want to be
19 sure of what?

20 MR. IBRAHIM: This event didn't
21 take place.

22 CHAIRPERSON MILLER: What? I

1 didn't -- I'm sorry, I didn't catch that.

2 MR. IBRAHIM: I want to be sure
3 this event been canceled and didn't take
4 place.

5 CHAIRPERSON MILLER: Okay.

6 MR. IBRAHIM: That's all.

7 CHAIRPERSON MILLER: That the
8 event didn't take place?

9 MEMBER ALBERTI: Yes.

10 MR. IBRAHIM: Yes.

11 MEMBER ALBERTI: That's what he's
12 telling us. Okay.

13 MR. IBRAHIM: Yes.

14 MEMBER ALBERTI: So now, when you
15 arrive -

16 MR. IBRAHIM: And excuse my
17 English if there is --

18 MEMBER ALBERTI: No, no, no.

19 MR. IBRAHIM: -- anything --

20 MEMBER ALBERTI: It's great. It's
21 great, it's great. Just sometimes you need to
22 speak up, because it's hard to hear. That's

1 all right. I have no problem understanding
2 you.

3 MR. IBRAHIM: Okay. I appreciate
4 that.

5 MEMBER ALBERTI: If you speak up.

6 MR. IBRAHIM: Yes.

7 MEMBER ALBERTI: So Investigator
8 Ghenene had he been there?

9 MR. IBRAHIM: I didn't see him.

10 MEMBER ALBERTI: When did -- wait,
11 wait, wait. Did you come before or after
12 Investigator Ghenene?

13 MR. IBRAHIM: I'm not aware of
14 when he come. If he come, I would see him.

15 MEMBER ALBERTI: Well, okay. Did
16 you talk to --

17 MR. IBRAHIM: Sami.

18 MEMBER ALBERTI: Mr. Ghulais, did
19 you talk to him that evening?

20 MR. IBRAHIM: I stayed with him
21 all night.

22 MEMBER ALBERTI: Did you talk to

1 him that evening? Right?

2 MR. IBRAHIM: Yeah.

3 MEMBER ALBERTI: Did he tell you
4 we -- and were you --

5 MS. MONDESIR: Can you clarify who
6 you are talking about? Who him is?

7 MR. IBRAHIM: Sami.

8 MS. MONDESIR: Sami?

9 MR. IBRAHIM: Sami.

10 MEMBER ALBERTI: Mr. Ghulais.

11 MR. IBRAHIM: He mentioned Sami.

12 MEMBER ALBERTI: Okay. I did. I
13 mentioned his name.

14 MR. IBRAHIM: Yes.

15 MS. MONDESIR: Okay.

16 MEMBER ALBERTI: Okay. I'm sorry,
17 let me turn my mike on. I'm sorry. My fault.
18 I don't have my mike on. I apologize. So --

19 MR. IBRAHIM: I can --

20 MEMBER ALBERTI: -- from your
21 description, you know, I have been listening
22 to you and so from your description, I get the

1 sense that -- were you aware that evening that
2 the Investigator had come by?

3 MR. IBRAHIM: From the email.

4 MEMBER ALBERTI: No. The email
5 says he was going to come by.

6 MR. IBRAHIM: No, no.

7 MEMBER ALBERTI: The email --
8 well, wait. The email says it was reported to
9 ABRA.

10 MR. IBRAHIM: And --

11 MEMBER ALBERTI: Were you aware --

12 MR. IBRAHIM: And --

13 MEMBER ALBERTI: Were you aware --
14 wait, wait, let me finish my question.

15 MR. IBRAHIM: Okay.

16 MEMBER ALBERTI: Were you aware
17 that the Investigator came by that evening?

18 MR. IBRAHIM: No.

19 MEMBER ALBERTI: No?

20 MR. IBRAHIM: No.

21 MEMBER ALBERTI: So you left that
22 evening and had no idea if the Investigator

1 was ever there?

2 MR. IBRAHIM: We never see one.

3 MEMBER ALBERTI: Never see one.

4 All right.

5 MR. IBRAHIM: And also, I just
6 want it in the record, in that charge they
7 have mentioned the Investigator.

8 MEMBER ALBERTI: Okay. Wait,
9 wait, wait, wait, wait, wait.

10 MR. IBRAHIM: Sorry.

11 MEMBER ALBERTI: Okay. From what
12 you know of what was going on that evening in
13 your conversations with Sami, do you have any
14 idea why at 10:30 or so someone would decide
15 to take off -- take down the sign then?

16 MR. IBRAHIM: I didn't get the aim
17 of this question, at this point.

18 MEMBER ALBERTI: Pardon?

19 MR. IBRAHIM: The aim of this
20 question, I didn't get it.

21 MEMBER ALBERTI: Okay. Okay. So
22 the sign was taken down around 10:30.

1 MR. IBRAHIM: It was the whole day
2 until 10:30, let's say.

3 MEMBER ALBERTI: Yes, right,
4 right, right. So --

5 MR. IBRAHIM: Or that they been
6 able to --

7 MEMBER ALBERTI: -- you were
8 there. Were you there when the sign was taken
9 down?

10 MR. IBRAHIM: Yes.

11 MEMBER ALBERTI: You were? Okay.
12 Great.

13 MR. IBRAHIM: Yes.

14 MEMBER ALBERTI: Do you know -- do
15 you have any idea why the sign was taken down?

16 MR. IBRAHIM: Just under his
17 order.

18 MEMBER ALBERTI: Pardon?

19 MR. IBRAHIM: He has ordered the
20 doorman to take the sign down.

21 MEMBER ALBERTI: But why then? Do
22 you know why at 10:30 he -- why -- my

1 question. He could have ordered him to take
2 it down at 8:30. He could have ordered him to
3 take it down at 6:00. Because you had talked
4 to him earlier. Why did he not take it -- why
5 did he wait until 10:30 to take it down?

6 MR. IBRAHIM: It just happened.
7 It is nothing exactly, because I'm, you know,
8 not going to talk about the sign that going to
9 bring Sami's charge for this event, because we
10 are not going to deny the sign. The sign was
11 exist that when he --

12 MEMBER ALBERTI: All right, all
13 right. So you don't know? You don't know why
14 it came down at 10:30 as opposed to 9:30?

15 MR. IBRAHIM: No.

16 MEMBER ALBERTI: Great. Thank
17 you. Do you have access to the POS system?

18 MR. IBRAHIM: I'm not interested,
19 but I can if I want.

20 MEMBER ALBERTI: Okay. So if you
21 were there and Sami wasn't there and you were
22 in charge, like you were for that month --

1 MR. IBRAHIM: Okay.

2 MEMBER ALBERTI: -- and somebody
3 made a mistake. Could you check --

4 MR. IBRAHIM: They are not -- no.

5 MEMBER ALBERTI: Let me finish my
6 question. Could you correct it?

7 MR. IBRAHIM: No.

8 MEMBER ALBERTI: Okay. You don't
9 have those --

10 MR. IBRAHIM: I say --

11 MEMBER ALBERTI: -- ability to do
12 that?

13 MR. IBRAHIM: -- I don't want to
14 do that. I don't want to take this --

15 MEMBER ALBERTI: I don't care what
16 you want to do.

17 MR. IBRAHIM: Yeah.

18 MEMBER ALBERTI: I'm asking do you
19 have the ability to do it?

20 MR. IBRAHIM: Yeah. No, sir. No,
21 sir. No, sir.

22 MEMBER ALBERTI: Okay.

1 MR. IBRAHIM: He have his family
2 24/7 and that's enough.

3 MEMBER ALBERTI: So you couldn't
4 do it even if you wanted. Is that what you
5 are telling me?

6 MR. IBRAHIM: I have to ask for
7 the code and he would allow me, if I need.

8 MEMBER ALBERTI: You would have to
9 what?

10 MR. IBRAHIM: Ask his code how to
11 get to this.

12 MEMBER ALBERTI: Okay. Okay. So
13 you don't know the code?

14 MR. IBRAHIM: No, never.

15 MEMBER ALBERTI: Very good. I
16 have no further questions. Thank you.

17 MR. IBRAHIM: I appreciate it.

18 CHAIRPERSON MILLER: Okay. Any
19 other questions from Board Members? Okay.
20 Any questions based on Board Members'
21 questions?

22 MS. MONDESIR: Just one quick

1 question.

2 CHAIRPERSON MILLER: Okay.

3 REDIRECT EXAMINATION

4 MS. MONDESIR: You testified that
5 you left with Sami around 2:00. When you
6 left, were there still employees at the
7 restaurant?

8 MR. IBRAHIM: Yes.

9 MS. MONDESIR: So the restaurant
10 itself had not -- they had not wound up
11 business completely? There was still --

12 MR. IBRAHIM: They have to clean
13 and his cousin has to go one-by-one with the
14 server, bartenders to see how much tip come in
15 through credit card. How much is he going to
16 return and --

17 MS. MONDESIR: Close out the
18 system?

19 MR. IBRAHIM: Yes. And then the
20 other part of that, they have to clean.
21 People working in the kitchen has to clean the
22 kitchen. It is a little -- but the bar is

1 closed and has to. I am not saying that
2 because of that work, it's just in general.

3 MS. SCHMIDT: I'm sorry, I just
4 want to make sure. So you said his cousin can
5 close out the system?

6 MR. IBRAHIM: His cousin, yes.

7 MS. SCHMIDT: Okay.

8 MR. IBRAHIM: He can close the
9 system. The manager.

10 CHAIRPERSON MILLER: I'm sorry, I
11 missed it.

12 MR. IBRAHIM: I'm his -- I can use
13 a manager license.

14 MS. SCHMIDT: So he is the one he
15 can go into the Point of Sale system and close
16 it out, correct?

17 MR. IBRAHIM: I don't know if --
18 where this issue is going. This is --

19 MS. SCHMIDT: It's not your
20 concern, sir.

21 MR. IBRAHIM: Okay. I appreciate
22 that. Thank you.

1 MS. SCHMIDT: I'm just asking a
2 question.

3 MR. IBRAHIM: Thank you.

4 MS. MONDESIR: Okay. And to
5 clarify, you don't have the code and you don't
6 know who does or not? Managers?

7 MR. IBRAHIM: It's not something I
8 know.

9 MS. MONDESIR: Okay.

10 MEMBER RODRIGUEZ: Huh?

11 MR. IBRAHIM: All right.

12 MS. MONDESIR: Okay. That was it.
13 Thank you so much.

14 CHAIRPERSON MILLER: Okay. Thank
15 you.

16 MEMBER RODRIGUEZ: Last question
17 should be from his attorney.

18 CHAIRPERSON MILLER: Yes. Okay.
19 Thank you very much.

20 MR. IBRAHIM: You're welcome.

21 (Whereupon, witness was excused.)

22 MS. MONDESIR: We will be very

1 quick. Sarah Hagos.

2 CHAIRPERSON MILLER: Okay. And
3 she has testimony that is not going to be
4 redundant?

5 MS. MONDESIR: She was one of the
6 employees.

7 CHAIRPERSON MILLER: I'm sorry,
8 Mr. Alberti, go ahead. What?

9 MS. MONDESIR: She was one of the
10 employees who worked there that night. And
11 she can affirm that there were no sales. They
12 did not promote the --

13 CHAIRPERSON MILLER: So I would
14 just encourage that, you know, if it has been
15 said that she actually say that I affirm that
16 and not have a whole long repeat of what
17 happened that night.

18 MS. MONDESIR: Very good.

19 CHAIRPERSON MILLER: Okay. Thank
20 you. Good afternoon.

21 Whereupon,

22 SARAH HAGOS

1 was called as a witness by Counsel for the
2 Licensee, and having been first duly sworn,
3 assumed the witness stand and was examined and
4 testified as follows:

5 MS. HAGOS: Yes, ma'am.

6 CHAIRPERSON MILLER: Okay. Thank
7 you.

8 DIRECT EXAMINATION

9 MS. MONDESIR: Would you, please,
10 state your name for the record?

11 MS. HAGOS: Sarah Hagos.

12 MS. MONDESIR: And how do you
13 spell the last name?

14 MS. HAGOS: Hagos, H-A-G-O-S.

15 MS. MONDESIR: Okay. Are you
16 familiar with --

17 CHAIRPERSON MILLER: I'm sorry.
18 There is noise here. What's your last name?

19 MS. MONDESIR: Spell the last
20 name, please.

21 MS. HAGOS: Hagos, H-A-G-O-S.

22 CHAIRPERSON MILLER: Thank you.

1 MS. MONDESIR: And are you
2 familiar with Bistro 18?

3 MS. HAGOS: Yes, I know.

4 MS. MONDESIR: How are you?

5 MS. HAGOS: I've been working
6 there for about three years now.

7 MS. MONDESIR: Were you working
8 there on May 25, 2013?

9 MS. HAGOS: Yes, ma'am.

10 MS. MONDESIR: And do you remember
11 -- what time did you come in, do you remember?

12 MS. HAGOS: I came at 5:00.

13 MS. MONDESIR: Okay. And why is
14 it that you remember? Because that's almost
15 a year ago. Is there a particular reason why
16 you were able to recall?

17 MS. HAGOS: Honestly, I do
18 remember because there was a lot of zombie
19 people walking around that area and we never
20 really have things like that. So it was very
21 obvious that there was something going on.

22 MS. MONDESIR: Okay. Did Bistro

1 18 accept zombie or promote zombie promotion,
2 provide discounts for sale of food and drinks?

3 MS. HAGOS: We were supposed to,
4 but we did not take place in the event.

5 MS. MONDESIR: Okay. Do you know
6 why?

7 MS. HAGOS: Honestly, I do not
8 know why. Sami came in that day and they sat
9 us down and said we are not taking place in
10 it. And when we went into the computer in the
11 system, there was another folder for zombie
12 specials and that was taken off, too.

13 MS. MONDESIR: Okay. Okay. So
14 there were no zombie promotions?

15 MS. HAGOS: No.

16 MS. MONDESIR: Okay. That's all
17 we have.

18 CHAIRPERSON MILLER: Good. All
19 right. Cross?

20 MS. SCHMIDT: Just two quick
21 questions.

22 CROSS-EXAMINATION

1 MS. SCHMIDT: Do you remember
2 seeing any ABRA Investigators come in that
3 night?

4 MS. HAGOS: No, I do not.

5 MS. SCHMIDT: And do you remember
6 seeing -- and do you know how you are listed
7 in the computer as receiving tips?

8 MS. HAGOS: No, I do not know how
9 to get to this.

10 MS. SCHMIDT: No, but do you know
11 what your -- okay. Because are you -- do you
12 have a nickname as far as when they list tips
13 in the computer? Do you know, do you have a
14 nickname as to --

15 MS. HAGOS: Yes, I do.

16 MS. SCHMIDT: Okay. Is it
17 Dimples?

18 MS. HAGOS: Yes.

19 MS. SCHMIDT: Are you the D-I-M-P-
20 L-E-S?

21 MS. HAGOS: Yes.

22 MS. SCHMIDT: Okay. Thank you.

1 No further questions.

2 CHAIRPERSON MILLER: Okay. Board
3 questions?

4 MEMBER RODRIGUEZ: No.

5 MEMBER ALBERTI: Yes.

6 CHAIRPERSON MILLER: So --

7 MEMBER RODRIGUEZ: Hold on a
8 second.

9 MEMBER ALBERTI: No, go ahead. Go
10 ahead.

11 CHAIRPERSON MILLER: What's your
12 position at --

13 MS. HAGOS: I'm a server.

14 CHAIRPERSON MILLER: You're a
15 server. Okay.

16 MS. HAGOS: A server and
17 bartender.

18 CHAIRPERSON MILLER: Did you see
19 the sign up that night that has been referred
20 to in this case?

21 MS. HAGOS: I did see it up in the
22 beginning of the night, but throughout the

1 night, I don't pay attention to signs and
2 stuff, so I don't know what happened after
3 that.

4 CHAIRPERSON MILLER: Okay. Did
5 you see any patrons that looked like they were
6 participating in the Zombie Pub Crawl come
7 into the establishment?

8 MS. HAGOS: Coming into the
9 establishment?

10 CHAIRPERSON MILLER: Yes.

11 MS. HAGOS: No, ma'am.

12 CHAIRPERSON MILLER: They didn't
13 come in?

14 MS. HAGOS: No, ma'am.

15 CHAIRPERSON MILLER: And was it
16 busy? Do you remember if it was busy that
17 night or not so busy?

18 MS. HAGOS: It is usually a busier
19 night on a Saturday. It wasn't that busy. It
20 was more like in the middle. Like we weren't
21 really as busy as we usually are.

22 CHAIRPERSON MILLER: Okay. I

1 don't have any other questions.

2 MEMBER ALBERTI: I do.

3 CHAIRPERSON MILLER: Okay. Mr.
4 Alberti?

5 MEMBER ALBERTI: Ms. Agos, is it?

6 MS. HAGOS: Hagos, yes.

7 MEMBER ALBERTI: Hagos.

8 MS. HAGOS: Hagos.

9 MEMBER ALBERTI: Hagos. I'm
10 sorry. Ms. Hagos, what time did you arrive
11 for work that evening?

12 MS. HAGOS: 5:00.

13 MEMBER ALBERTI: 5:00. Okay. Was
14 Mr. Ghulais there?

15 MS. HAGOS: Yes.

16 MEMBER ALBERTI: All right. How
17 many servers were there that evening?

18 MS. HAGOS: There was four, I
19 think, and two went home earlier that night.

20 MEMBER ALBERTI: Okay. Four at
21 the beginning of the evening and then two --

22 MS. HAGOS: Yes. And then after

1 we found out we weren't doing the zombie, two
2 end up leaving.

3 MEMBER ALBERTI: Okay.

4 MS. HAGOS: And the -- and me and
5 the other one that usually works Saturday were
6 there.

7 MEMBER ALBERTI: When did they go
8 home?

9 MS. HAGOS: Beginning.

10 MEMBER ALBERTI: Pardon?

11 MS. HAGOS: Beginning of the
12 night.

13 MEMBER ALBERTI: Beginning of the
14 evening?

15 MS. HAGOS: Yes, beginning of the
16 night.

17 MEMBER ALBERTI: Okay.

18 MS. HAGOS: After we were informed
19 that we weren't doing zombie any more.

20 MEMBER ALBERTI: All right. So
21 I'm looking at this POS and so you are
22 Dimples?

1 MS. HAGOS: Um-hum.

2 MEMBER ALBERTI: Okay. Do you
3 know how the other server there that evening
4 would have been referred to?

5 MS. HAGOS: Isis.

6 MEMBER ALBERTI: Pardon?

7 MS. HAGOS: Isis.

8 MEMBER ALBERTI: Isis, okay.

9 MS. HAGOS: I think it was Isis.

10 MEMBER ALBERTI: Okay. How often
11 do you make errors?

12 MS. HAGOS: Oh, we make errors a
13 lot throughout the night.

14 MEMBER ALBERTI: Okay. Okay. So
15 you and Isis, do you serve at the tables? Is
16 that your -- where do you serve? At the bar,
17 are you bartenders? What do you do?

18 MS. HAGOS: We do both. We do
19 both.

20 MEMBER ALBERTI: The tables --

21 MS. HAGOS: We take --

22 MEMBER ALBERTI: -- and bartend?

1 MS. HAGOS: Yes, we do.

2 MEMBER ALBERTI: Is there someone
3 else besides the two of you who bartend?

4 MS. HAGOS: Honestly throughout
5 the night, like it will be me and her just
6 doing the bar and tables. And if it does get
7 really busy, his cousin will help out at the
8 bar.

9 MEMBER ALBERTI: Okay. Okay. I'm
10 sorry to hesitate here, but so you said that--
11 your testimony was that you saw the folder for
12 the Zombie Crawl, but it was removed?

13 MS. HAGOS: Um-hum.

14 MEMBER ALBERTI: When did you see
15 the folder for the Zombie Crawl?

16 MS. HAGOS: The night before.

17 MEMBER ALBERTI: Oh, okay. Was it
18 active the night before? I mean, why would it
19 be there the night before?

20 MS. HAGOS: We have everything
21 prepared for that night -- for the next night,
22 for the zombie and then when --

1 MEMBER ALBERTI: When do you --
2 when is it prepared?

3 MS. HAGOS: It was prepared that--
4 the day before. The day right before --

5 MEMBER ALBERTI: When the day
6 before?

7 MS. HAGOS: -- the zombie.

8 MEMBER ALBERTI: Before you get
9 there the day before? What time did you get
10 there the day before?

11 MS. HAGOS: I get there at 5:00
12 the day before.

13 MEMBER ALBERTI: Okay. And so --

14 MS. HAGOS: So it was put in the
15 system that night when I was leaving.

16 MEMBER ALBERTI: Oh, okay.

17 MS. HAGOS: Okay?

18 MEMBER ALBERTI: And that's when
19 you would --

20 MS. HAGOS: And then when --

21 MEMBER ALBERTI: -- that's when
22 you saw it?

1 MS. HAGOS: Yes, that's when I saw
2 it.

3 MEMBER ALBERTI: Okay. And when
4 you got to the next night, did you see it?

5 MS. HAGOS: No.

6 MEMBER ALBERTI: Not at all?

7 MS. HAGOS: No.

8 MEMBER ALBERTI: Okay. I have no
9 other questions. Thank you.

10 CHAIRPERSON MILLER: Okay. Are
11 there other Board questions?

12 MEMBER RODRIGUEZ: No.

13 CHAIRPERSON MILLER: Are there
14 questions on Board questions?

15 MS. MONDESIR: No.

16 MS. SCHMIDT: No.

17 CHAIRPERSON MILLER: Okay. Thank
18 you very much.

19 MS. HAGOS: Thank you.

20 (Whereupon, witness was excused.)

21 CHAIRPERSON MILLER: So does that
22 conclude your case?

1 MS. MONDESIR: That's the
2 conclusion of my case.

3 CHAIRPERSON MILLER: Okay. Then
4 closings. Ms. Schmidt?

5 MS. SCHMIDT: Yes. All right.
6 This is a case where the licensee knew that
7 they were in violation of the settlement
8 agreement. However, they did try to get --
9 they still tried to get around it.

10 It is a matter of credibility at
11 this point. You have an Investigator who went
12 to the establishment and once he -- and when
13 he got there, even though he was recognized,
14 at that point you would think that they would
15 say oh, we're not participating in this, but
16 there was no indication that they were not
17 participating.

18 In fact, the sign was still on the
19 window. And as you heard through testimony,
20 the sign was there until a picture was taken
21 and at that point, it was removed by one of
22 the employees. And it's curious that the

1 email specifically stated do not have signs in
2 the window. However, that sign was never
3 removed.

4 And, therefore, it shows that even
5 though they gave lip service of not
6 participating, however, I think they were
7 trying -- they still were participating in a--
8 they were trying to participate in this event.

9 And it is also a matter of
10 credibility because it seems -- Mr. Zakaria
11 testified that he knew -- both Mr. Ghulais and
12 Mr. Zakaria testified that Mr. Zakaria knew
13 about the voluntary agreement not to have a
14 pub crawl and yet they still signed up for the
15 pub crawl and Mr. Zakaria testified he sees
16 Sami a few times a week, but yet he claims I
17 never knew him to participate in a pub crawl,
18 even though this is a very major event for a
19 restaurant.

20 So it's strains credibility that
21 he did not know that he was in violation. And
22 only when he was about to get caught that he

1 tried to tone things down, but he never did it
2 completely anyway.

3 Therefore, the District contends
4 that Bistro 18 is in violation of Section 25-
5 446, that they failed to adhere to their
6 voluntary agreement.

7 CHAIRPERSON MILLER: Does that
8 conclude your closing?

9 MS. SCHMIDT: Yes.

10 CHAIRPERSON MILLER: Okay. Thank
11 you.

12 MS. MONDESIR: Thank you.

13 CHAIRPERSON MILLER: Okay.

14 MS. MONDESIR: The point here that
15 Mr. Ghulais wants to make concerning Bistro 18
16 is that they endeavored to honor the spirit of
17 the voluntary agreement. Opposing counsel
18 indicated that there is a credibility issue
19 here and that's fine. Mr. Ghulais and the
20 other two witnesses testified that yes, there
21 was a mistake. They admitted it, yes, there
22 was a mistake.

1 There was an actual intention to
2 participate in the pub crawl, but that never
3 occurred. The owner testified that not one
4 dollar was made as far as revenue from the pub
5 crawl. We provided evidence, Exhibit 2, the
6 receipt which shows/establishes that there was
7 no monies made from the pub crawl.

8 Furthermore, opposing counsel
9 wants to put the burden on the business owner
10 to indicate that it was up to them to show
11 that they did not participate, but the burden
12 is actually on the part of ABRA Investigators.

13 Number one, the Investigator
14 indicated that they did not further their
15 investigation. He testified to that fact.

16 Number two, two Investigators came
17 up and testified. Not one testified that
18 there was any sales that they purchased as
19 with other establishments, that they purchased
20 either alcohol or food, based on the pub crawl.

21 Neither Investigator testified
22 that they were orally or in any way

1 represented, communicated to Bistro 18
2 employees indicating that the pub crawl was --
3 that they were participating in the pub crawl.

4 So basically, ABRA, the
5 Investigators failed to meet their burden.
6 There was no sale. We have established that
7 there were no sales, no revenue. There is no
8 evidence of actual consumption, discount
9 consumption. And they testified that they
10 went to other establishments and other
11 establishments had the signage, but they
12 didn't charge them.

13 And when looking at equality
14 issue, I mean, they testified -- you know, the
15 Investigator testified that Asylum had
16 signage. Clearly, he testified they had
17 signage, but they never went after them. And
18 in this case, while there is signage, they
19 honor the spirit of the agreement, because
20 they -- when they learn of their error of the
21 mistake, they withdrew and they removed all of
22 the information from the POS. They did not

1 make any sales.

2 The opposing counsel indicated
3 that, something to the effect, I think her
4 exact words were that "they tried to get
5 around it." They made an honest mistake.
6 Tried to get around it. They didn't establish
7 any revenues by/from Bistro 18.

8 They didn't establish anything
9 specific that they participated, actually
10 participated in the pub crawl.

11 So it's our position that the
12 Investigators -- that the Government has
13 failed to meet its burden of showing that the
14 establishment has actually participated.

15 And further, we would just submit
16 that there was an error made, but we would
17 just ask that the Board be considerate and
18 again really consider the fact that there were
19 no revenues made from that event.

20 And if there were any fines, that
21 would be a very bare minimum, because again,
22 there was an error, but there was no actually

1 going forward, natural participation. Thank
2 you.

3 CHAIRPERSON MILLER: Okay. Thank
4 you. All right. So I'm going to close the
5 record, at this point, and ask if the parties
6 want to file proposed findings of fact and
7 conclusions of law or waive their right to do
8 so?

9 MS. MONDESIR: Please.

10 CHAIRPERSON MILLER: You would
11 like to?

12 MS. MONDESIR: We would like to
13 submit.

14 CHAIRPERSON MILLER: Okay.

15 MS. SCHMIDT: We will wait and
16 see.

17 CHAIRPERSON MILLER: All right.
18 So you won't waive, at this point.

19 MS. SCHMIDT: No.

20 CHAIRPERSON MILLER: Correct?
21 Okay.

22 MS. SCHMIDT: We may or may not.

1 CHAIRPERSON MILLER: Okay. So
2 what that means is in about, I guess, three
3 weeks or so, there will be a transcript. And
4 as I understand it, it will be emailed to the
5 parties. You will have 30 days to submit
6 proposed findings of facts and conclusions of
7 law.

8 And you can look at some of the
9 Board Orders on-line, if you want to see what
10 our orders look like that have the proposed
11 findings of fact and conclusions of law, if
12 you like.

13 So it isn't done too often in
14 these cases, but you have that right. And it
15 is based on just the evidence that is in the
16 record now, you know, the transcript and the
17 exhibits.

18 Should you decide not to, you
19 should contact Ms. Schmidt and then contact
20 the Board, because the Board will wait to
21 deliberate the case for those findings of fact
22 and conclusions of law. Otherwise, you know,

1 we could deliberate, you know, sooner.

2 And then we will issue an order
3 within 90 days of receipt of the proposed
4 findings of fact and conclusions of law or
5 when you tell us, if you tell us, you are not
6 going to do it.

7 MS. MONDESIR: Okay.

8 CHAIRPERSON MILLER: Okay.

9 MS. MONDESIR: And one quick
10 question.

11 CHAIRPERSON MILLER: Yes.

12 MS. MONDESIR: The exhibits will
13 also be listed specifically?

14 CHAIRPERSON MILLER: They should.

15 MS. MONDESIR: I think there was
16 some confusion as to whether they actually --

17 CHAIRPERSON MILLER: Is there
18 confusion as to the exhibits that were
19 admitted?

20 MS. SCHMIDT: The exhibits will go
21 as to the -- as they are listed in the report.
22 That is what guides.

1 CHAIRPERSON MILLER: Oh. Those
2 identified, you mean for the Government
3 exhibits?

4 MS. SCHMIDT: Yes.

5 CHAIRPERSON MILLER: They are like
6 2, 4 and 5.

7 MS. SCHMIDT: Yes.

8 CHAIRPERSON MILLER: Or something
9 like that. They will be listed that way. And
10 your's are 1 and 2. I'm not exactly sure what
11 the transcript shows on that.

12 If you have any questions though
13 after this hearing, you can ask Ms. Jenkins,
14 our General Counsel. Okay.

15 MS. MONDESIR: And I will be
16 submitting a formal Notice of Appearance,
17 which I have not.

18 CHAIRPERSON MILLER: Okay. Okay.
19 So then with that, I'm going to take a vote on
20 deliberating this case in closed session.

21 As Chairperson of the Alcoholic
22 Beverage Control Board for the District of

1 Columbia and in accordance with Section 405 of
2 the Open Meetings Amendment Act of 2010, I
3 move that the ABC Board hold a closed meeting
4 for the purpose of seeking legal advice from
5 our counsel on Case No. 13-CMP-00319, Bistro
6 18, per Section 405(b)(4) of the Open Meetings
7 Amendment Act of 2010, and deliberating upon
8 this case for the reasons cited in Section
9 405(b)(13) of the Open Meetings Amendment Act
10 of 2010.

11 Is there a second?

12 MEMBER SILVERSTEIN: Second.

13 CHAIRPERSON MILLER: Mr.

14 Silverstein has seconded the motion. I'll now
15 take a roll call vote on the motion before us
16 now that it has been seconded.

17 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.

2 Mr. Silverstein?

3 MEMBER SILVERSTEIN: I agree.

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

7 I hereby give notice that the ABC
8 Board will hold a closed meeting in the ABC
9 Board conference room pursuant to the Open
10 Meetings Amendment Act of 2010 to deliberate
11 this case in the time frame I just described.

12 Okay. Any questions? Okay. If
13 you have other questions, you know, feel free
14 to call our General Counsel.

15 All right. Then that concludes
16 this hearing. Thank you.

17 MS. MONDESIR: Thank you.

18 MEMBER RODRIGUEZ: Thank you.

19 MS. SCHMIDT: Thank you.

20 CHAIRPERSON MILLER: The Board is
21 going to recess. I'm not exactly sure what
22 time we are coming back, but pretty soon.

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MEMBER RODRIGUEZ: Thanks.

(Whereupon, the Show Cause Hearing
in the above-entitled matter was concluded at
1:34 p.m.)

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