



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

2 (1:38 p.m.)

3 CHAIRPERSON MILLER: Okay. We're  
4 back on the record. The first case in the  
5 afternoon is Case No. 12-AUD-00013, Queen  
6 Makeda located at 1917 9th Street, N.W.,  
7 License No. 60510 in ANC-1B.

8 Would the parties, please, come  
9 forward? Okay. Introduce yourself for the  
10 record.

11 MR. STERN: Yes, Michael Stern  
12 representing the District of Columbia. Good  
13 afternoon.

14 CHAIRPERSON MILLER: Good  
15 afternoon. Have you had any conversation with  
16 counsel? Have they --

17 MR. STERN: I have not spoke to  
18 them. I would -- the respondents did not  
19 appear at the status hearing and I only heard  
20 hearsay that they may no longer be open as  
21 well.

22 CHAIRPERSON MILLER: Okay. All

1 right. It's 1:39 and the license is not  
2 present. Are you ready to go forward with  
3 your case?

4 MR. STERN: Yes, we are.

5 CHAIRPERSON MILLER: Okay.

6 MR. STERN: The Government --  
7 well, the Government will present evidence  
8 through one witness, Mr. Adejunmobi, for the  
9 Alcohol Beverage Regulation Administration,  
10 who will testify that for the period between  
11 July and September 2011, the quarterly report  
12 which was due on October 30, 2011, the records  
13 reveal that this establishment, Queen Makeda  
14 did not file their quarterly reports on time.

15 CHAIRPERSON MILLER: Okay.

16 (Whereupon, the Investigator was  
17 sworn.)

18 CHAIRPERSON MILLER: Okay. Thank  
19 you.

20 MR. STERN: Good afternoon. Can  
21 you give us your name and spell your last name  
22 for the record, please?

1 INVESTIGATOR ADEJUNMOBI: Adeniyi  
2 Adejunmobi, A-D-E-N-I-Y-I A-D-E-J-U-N-M-O-B-  
3 I.

4 MR. STERN: And are you employed?

5 INVESTIGATOR ADEJUNMOBI: Yes.

6 MR. STERN: How are you employed?

7 INVESTIGATOR ADEJUNMOBI: I'm  
8 compliance analyst for the Alcoholic Beverage  
9 Regulation Administration in D.C.

10 MR. STERN: And as a compliance  
11 analyst, can you tell me what your job is?

12 INVESTIGATOR ADEJUNMOBI: I am  
13 responsible for quarterly -- self-certifying  
14 quarterly statements by various establishments  
15 licensed by the ABC Board.

16 MR. STERN: And as part of that  
17 position, did you become familiar with an  
18 establishment known as Queen Makeda?

19 INVESTIGATOR ADEJUNMOBI: Yes.

20 MR. STERN: And can you tell me  
21 what your review revealed regarding Queen  
22 Makeda for the filing period of July to

1 September 2011?

2 INVESTIGATOR ADEJUNMOBI: The  
3 establishment, Queen Makeda, did not file any  
4 quarterly statement for that period.

5 MR. STERN: And when would that  
6 statement have been due?

7 INVESTIGATOR ADEJUNMOBI: The  
8 statement was due on October 30, 2011.

9 MR. STERN: Okay. And as of that  
10 date, was there any statement filed?

11 INVESTIGATOR ADEJUNMOBI: No.

12 MR. STERN: Okay. Thank you.  
13 That's all I have.

14 CHAIRPERSON MILLER: Any Board  
15 questions? No Board questions. Thank you  
16 very much.

17 INVESTIGATOR ADEJUNMOBI: Thank  
18 you.

19 CHAIRPERSON MILLER: All right.

20 MR. STERN: The Government  
21 suggests that it is filed -- it has proven the  
22 essential elements of the offense, that being

1 that for the time period July to September  
2 2011, the establishment did not file a  
3 quarterly statement, which was due.

4 A quick review of the  
5 investigative history shows this is the ninth  
6 offense that the establishment has had before  
7 the Board. I'm counting roughly. It's nine.  
8 But in either event, that is in the last four  
9 years. That is an extremely -- excuse me,  
10 last four and a half years. That is an  
11 extremely high number of offenses.

12 Further, the establishment has  
13 shown contempt for the Board and for the  
14 process by failing to appear both at the  
15 Status Hearing and at their Show Cause  
16 Hearing.

17 We would ask that the  
18 establishment be fined \$2,000 and have their  
19 license revoked.

20 I would also note as a separate  
21 matter, there is a previous violation that the  
22 establishment has failed to pay, which is

1 still pending. The additional charge for that  
2 is pending.

3 MEMBER NOPHLIN: Could you repeat  
4 that again? I'm sorry.

5 MR. STERN: There is a previous  
6 fine that the establishment was ordered to pay  
7 that they have failed to pay.

8 MEMBER NOPHLIN: When was that?

9 MR. STERN: Um, excuse me. I  
10 believe that was --

11 MEMBER ALBERTI: The date we have  
12 in our notes, Mr. Nophlin, is February 8,  
13 2012. An OIC was accepted for a fine of  
14 \$2,000.

15 MR. STERN: That would be correct.  
16 Excuse me.

17 MEMBER ALBERTI: Thank you.

18 MR. STERN: The Government would  
19 waive findings of fact and conclusions of law,  
20 it's right to present that in this matter.

21 CHAIRPERSON MILLER: Okay. I just  
22 want to ask you just to be clear, the basis

1 for your request that the license be revoked  
2 is based on failure to appear at both the Roll  
3 Call and now?

4 MR. STERN: The failure to appear.  
5 Their extensive long history, their failure to  
6 pay prior Board orders. I think that pretty  
7 much covers it.

8 CHAIRPERSON MILLER: Okay. All  
9 right. So then the record is closed in this  
10 matter. You just said you waive your right to  
11 proposed findings of fact and conclusions of  
12 law?

13 MR. STERN: Yes, that's right.

14 CHAIRPERSON MILLER: Okay. And  
15 the Board will issue an order within 90 days  
16 and will close the record.

17 I'll read the instructions for the  
18 closed meeting.

19 As Chairperson of the Alcoholic  
20 Beverage Control Board for the District of  
21 Columbia and in accordance with ^U 405 of the  
22 Open Meetings Amendment Act of 2010, I move

1 that the ABC Board hold a closed meeting for  
2 the purpose of seeking legal advice from our  
3 counsel on Case No. 12-AUD-00013, Queen  
4 Makeda, per ^U 405(b)(4) of the Open Meetings  
5 Amendment Act of 2010 and deliberating upon  
6 such case per ^U 405(b)(13) of the Open  
7 Meetings Amendment Act of 2010.

8 Is there a second?

9 MEMBER NOPHLIN: Second.

10 CHAIRPERSON MILLER: I'll now take  
11 a roll call on the motion before us, not that  
12 it has been seconded.

13 Mr. Nophlin?

14 MEMBER NOPHLIN: I agree.

15 CHAIRPERSON MILLER: Mr. Brooks?

16 MEMBER BROOKS: I agree.

17 CHAIRPERSON MILLER: Mr. Alberti?

18 MEMBER ALBERTI: I agree.

19 CHAIRPERSON MILLER: Ms. Miller  
20 agrees. Mr. Silverstein?

21 MEMBER SILVERSTEIN: I agree.

22 CHAIRPERSON MILLER: Mr. Jones?

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MEMBER JONES: I agree.

CHAIRPERSON MILLER: The motion passes by a vote of 6-0-0 to close the meeting.

Okay. Thank you very much.

MR. STERN: Thank you.

CHAIRPERSON MILLER: Okay. Our next hearing is scheduled for 2:30 p.m. and as of 1:46 p.m., the Board will recess and return at 2:30. Thank you.

(Whereupon, the Show Cause Hearing in the above-entitled matter was concluded at 1:46 p.m.)

<p style="text-align: center;"><b>A</b></p> <p><b>ABC</b> 4:15 9:1  <b>above-entitled</b>  10:12  <b>accepted</b> 7:13  <b>Act</b> 8:22 9:5,7  <b>additional</b> 7:1  <b>Adejunmobi</b> 3:8  4:1,2,5,7,12,19  5:2,7,11,17  <b>Adeniyi</b> 4:1  <b>Administration</b> 3:9  4:9  <b>advice</b> 9:2  <b>afternoon</b> 2:5,13  2:15 3:20  <b>agree</b> 9:14,16,18,21  10:1  <b>agrees</b> 9:20  <b>Alberti</b> 1:18 7:11  7:17 9:17,18  <b>Alcohol</b> 3:9  <b>Alcoholic</b> 1:2,13,13  4:8 8:19  <b>Amendment</b> 8:22  9:5,7  <b>analyst</b> 4:8,11  <b>ANC-1B</b> 1:7 2:7  <b>appear</b> 2:19 6:14  8:2,4  <b>A-D-E-J-U-N-M-...</b>  4:2  <b>A-D-E-N-I-Y-I</b> 4:2</p>	<p style="text-align: center;"><b>C</b></p> <p><b>call</b> 8:3 9:11  <b>CALVIN</b> 1:20  <b>case</b> 1:8 2:4,5 3:3  9:3,6  <b>Cause</b> 1:6 6:15  10:11  <b>Chairperson</b> 1:14  1:18 2:3,14,22 3:5  3:15,18 5:14,19  7:21 8:8,14,19  9:10,15,17,19,22  10:2,7  <b>charge</b> 7:1  <b>clear</b> 7:22  <b>close</b> 8:16 10:3  <b>closed</b> 8:9,18 9:1  <b>Columbia</b> 1:1 2:12  8:21  <b>come</b> 2:8  <b>compliance</b> 4:8,10  <b>concluded</b> 10:12  <b>conclusions</b> 7:19  8:11  <b>contempt</b> 6:13  <b>Control</b> 1:2,13,13  8:20  <b>conversation</b> 2:15  <b>correct</b> 7:15  <b>counsel</b> 2:16 9:3  <b>counting</b> 6:7  <b>covers</b> 8:7  <b>CR</b> 1:7</p>	<p><b>employed</b> 4:4,6  <b>essential</b> 5:22  <b>establishment</b> 3:13  4:18 5:3 6:2,6,12  6:18,22 7:6  <b>establishments</b>  4:14  <b>event</b> 6:8  <b>evidence</b> 3:7  <b>excuse</b> 6:9 7:9,16  <b>extensive</b> 8:5  <b>extremely</b> 6:9,11</p> <p style="text-align: center;"><b>F</b></p> <p><b>fact</b> 7:19 8:11  <b>failed</b> 6:22 7:7  <b>failing</b> 6:14  <b>failure</b> 8:2,4,5  <b>familiar</b> 4:17  <b>February</b> 7:12  <b>file</b> 3:14 5:3 6:2  <b>filed</b> 5:10,21  <b>filing</b> 4:22  <b>findings</b> 7:19 8:11  <b>fine</b> 7:6,13  <b>fined</b> 6:18  <b>first</b> 2:4  <b>forward</b> 2:9 3:2  <b>four</b> 6:8,10  <b>Further</b> 6:12</p> <p style="text-align: center;"><b>G</b></p> <p><b>give</b> 3:21  <b>go</b> 3:2  <b>Good</b> 2:12,14 3:20  <b>Government</b> 3:6,7  5:20 7:18</p>	<p style="text-align: center;"><b>I</b></p> <p><b>instructions</b> 8:17  <b>Introduce</b> 2:9  <b>investigative</b> 6:5  <b>Investigator</b> 3:16  4:1,5,7,12,19 5:2  5:7,11,17  <b>issue</b> 8:15</p> <p style="text-align: center;"><b>J</b></p> <p><b>job</b> 4:11  <b>Jones</b> 1:19 9:22  10:1  <b>July</b> 3:11 4:22 6:1  <b>June</b> 1:11</p> <p style="text-align: center;"><b>K</b></p> <p><b>known</b> 4:18</p> <p style="text-align: center;"><b>L</b></p> <p><b>law</b> 7:19 8:12  <b>legal</b> 9:2  <b>license</b> 1:8 2:7 3:1  6:19 8:1  <b>licensed</b> 4:15  <b>located</b> 2:6  <b>long</b> 8:5  <b>longer</b> 2:20</p> <p style="text-align: center;"><b>M</b></p> <p><b>Makeda</b> 1:6 2:6  3:13 4:18,22 5:3  9:4  <b>matter</b> 1:5 6:21  7:20 8:10 10:12  <b>meeting</b> 1:3 8:18  9:1 10:4  <b>Meetings</b> 8:22 9:4  9:7  <b>Member</b> 1:18,19  1:19,20,21 7:3,8  7:11,17 9:9,14,16  9:18,21 10:1  <b>met</b> 1:13  <b>Michael</b> 1:23 2:11  <b>MIKE</b> 1:21  <b>Miller</b> 1:15,18 2:3  2:14,22 3:5,15,18</p>	<p>5:14,19 7:21 8:8  8:14 9:10,15,17  9:19,19,22 10:2,7  <b>motion</b> 9:11 10:2  <b>move</b> 8:22</p> <p style="text-align: center;"><b>N</b></p> <p><b>name</b> 3:21,21  <b>NICK</b> 1:18  <b>nine</b> 6:7  <b>ninth</b> 6:5  <b>Nophlin</b> 1:20 7:3,8  7:12 9:9,13,14  <b>note</b> 6:20  <b>notes</b> 7:12  <b>number</b> 6:11  <b>NW</b> 1:6  <b>N.W</b> 1:14 2:6</p> <p style="text-align: center;"><b>O</b></p> <p><b>OAG</b> 1:23  <b>October</b> 3:12 5:8  <b>offense</b> 5:22 6:6  <b>offenses</b> 6:11  <b>OIC</b> 7:13  <b>Okay</b> 2:3,9,22 3:5  3:15,18 5:9,12  7:21 8:8,14 10:5,7  <b>open</b> 2:20 8:22 9:4  9:6  <b>order</b> 8:15  <b>ordered</b> 7:6  <b>orders</b> 8:6</p>
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