



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

1:46 p.m.

1  
2  
3 CHAIRPERSON MILLER: Okay. Well, we  
4 have a quorum at this point, we are missing one  
5 or two Members who may come in to this hearing,  
6 but we do have a court reporter that is keeping a  
7 record, you know, so there will be a transcript  
8 for them to read anything that they might miss.

9 Okay. This is the case involving Mr.  
10 Lee Carrell. It's a Fact-Finding Hearing, is  
11 what we are calling it, involving his manager's  
12 license application, which was disapproved by the  
13 Board. And he has requested a hearing and the  
14 Board has decided to grant the hearing,  
15 obviously, that's why you are here today.

16 And so you know, we make a decision in  
17 so many of these cases based on a paper  
18 application and this one was, without going into  
19 too much detail, denied based on the criminal  
20 record that was provided to us for review.

21 So I think we have different types of  
22 Fact-Finding Hearings, but I think just to err on

1 the side of caution, I think it makes sense to  
2 swear in anyone who is going to be testifying.  
3 It sounds like we are going to hear some  
4 testimony.

5 So, Mr. Kline, how are you going to  
6 proceed with this case? Because this is really  
7 the first time we are doing a case like this.

8 MR. KLINE: I would presume I proceed  
9 in the normal course, make a brief opening  
10 statement and then put my witnesses on and  
11 examine them.

12 CHAIRPERSON MILLER: Okay.

13 MR. KLINE: And then have the Board  
14 examine them and then make a closing argument.

15 CHAIRPERSON MILLER: Okay. That  
16 sounds good. All right. Then I'm going to turn  
17 it over to you, at this point.

18 MR. KLINE: Great. Just for the  
19 record, I'm Andrew Kline with the Veritas Law  
20 Firm here on behalf of Lee Carrell. To my left  
21 is Lee Carrell and seated to his left is Stephen  
22 Whelan also of the Veritas Law Firm. And we are

1 here for a fitness hearing.

2 Mr. Carrell has applied for an ABC  
3 Manager's License. It was denied. Presumably,  
4 it was -- and in fact, Madam Chair, you stated  
5 for the record that it was denied because of the  
6 misdemeanor conviction which appeared on his  
7 record for domestic violence.

8 So the issue before the Board is  
9 narrow, but not necessarily simple.

10 CHAIRPERSON MILLER: Yes.

11 MR. KLINE: The issue is whether this  
12 misdemeanor conviction bears on fitness for  
13 licensure. There isn't any doubt that there is a  
14 misdemeanor conviction, so that would be the only  
15 issue. And we would submit and agree that the  
16 Board has latitude in making that determination  
17 as to whether it bears on fitness for licensure.

18 We will present testimony from several  
19 witnesses today, including Mr. Carrell, and we  
20 believe at the conclusion of that testimony you  
21 will conclude that the conviction, although  
22 regrettable and unfortunate and I know regretted

1 by Mr. Carrell, will not bear on his fitness for  
2 licensure, his ability to discharge the duties of  
3 an ABC licensed-manager.

4 CHAIRPERSON MILLER: Okay.

5 MR. KLINE: And with that, unless  
6 there is anything else, we would call to the  
7 stand Paul Carlson.

8 CHAIRPERSON MILLER: Okay.

9 MR. KLINE: Go over there.

10 MR. CARLSON: Hello.

11 CHAIRPERSON MILLER: Hello. I'm going  
12 to swear you in.

13 MR. CARLSON: Okay.

14 Whereupon,

15 PAUL CARLSON

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

20 MR. CARLSON: I do.

21 CHAIRPERSON MILLER: Okay.

22 DIRECT EXAMINATION

1 MR. KLINE: State your name for the  
2 record.

3 MR. CARLSON: Paul Carlson.

4 MR. KLINE: Are you involved in one or  
5 more businesses in the District of Columbia?

6 MR. CARLSON: I am. I am owner of  
7 Vinoteca, which is located at 1940 11th Street,  
8 and then currently we are hoping to open a new  
9 business that has already been approved for a  
10 license and it's called The Royal and it's  
11 located at 501 Florida Avenue, N.W.

12 MR. KLINE: How long have you owned  
13 and operated Vinoteca?

14 MR. CARLSON: At this point, it would  
15 be about seven and a half years.

16 MR. KLINE: During the course of your  
17 ownership, you have had an opportunity to employ  
18 many people as servers and bartenders.

19 MR. CARLSON: Um-hum.

20 MR. KLINE: And working with the  
21 handling of alcohol in your facility?

22 MR. CARLSON: Yes, I have, many.

1 MR. KLINE: Okay. Do you have an  
2 approximate as to how many?

3 MR. CARLSON: Hundreds to be quite  
4 honest with you.

5 MR. KLINE: And you are familiar with  
6 Mr. Lee Carrell?

7 MR. CARLSON: I am very familiar.

8 MR. KLINE: And how are you familiar  
9 with him?

10 MR. CARLSON: Lee Carrell worked for  
11 me at Vinoteca for probably the course of a year.  
12 And this dated back maybe about a year and a half  
13 ago. And then currently I have employed him to  
14 be a bar manager at my new location that I'm  
15 working at. And besides that, I have also  
16 brought him in to temporarily help me out bartend  
17 at Vinoteca.

18 And for the new location, he has been  
19 employed for about a month now, but working  
20 without employment helping me out trying to get  
21 everything planned out for a couple of months  
22 now.

1           MR. KLINE: All right. Now, as a  
2 bartender, does he have a responsibility in --  
3 when he worked with you in Vinoteca for complying  
4 with the rules and regulations governing the sale  
5 and service of alcohol?

6           MR. CARLSON: Very much so. It's  
7 something that is written very clearly in our  
8 employee handbook. It is something that we  
9 discussed very much so in depth and we hold the  
10 responsibility on them that they follow all the  
11 rules and regulations that are necessary to serve  
12 alcohol in the District of Columbia.

13          MR. KLINE: And what is your  
14 impression of Lee generally? Not only from your  
15 getting to know him as an employee, but also  
16 getting to know him as a person.

17          MR. CARLSON: You know, it was  
18 unfortunate when we left -- when Lee decided to  
19 go somewhere else, because he had found a  
20 position that was a great role for him and I  
21 didn't have a position that he could grow into at  
22 the moment, because we had all looked at him as

1 an individual who we seen to be very responsible,  
2 timely and aware of the industry, the sense of  
3 how it is to do the job in a professional and  
4 responsible manner.

5 And therefore when we started to look  
6 for individuals to fill our spots for our new  
7 location, it just so happened that Lee reached  
8 out to one of our staff members and the minute  
9 that I heard that he was looking for something,  
10 it wasn't even a conversation, because I really  
11 do think very highly of Lee from a professional  
12 matter.

13 Lee and I know each other for many  
14 years. I don't know him personally as well as I  
15 would like to, but I do have to say that from a  
16 business perspective, I have always thought very  
17 highly of him and that he has always done his job  
18 to the best that I have always wanted him to.

19 MR. KLINE: You are aware of his  
20 domestic violence conviction?

21 MR. CARLSON: I am.

22 MR. KLINE: Okay. What are your

1 thoughts in terms of that conviction having  
2 bearing on the responsibilities that he would  
3 have to fulfill as a manager of your  
4 establishment?

5 MR. CARLSON: Yes. When it was first  
6 brought to my attention, I thought about it  
7 before making any sort of judgment on the  
8 situation. And the reality is is that for me the  
9 time that I have known Lee, he has always  
10 expressed himself over a long tenure of time that  
11 he holds everything that he needs to do that job.

12 I think that the incident that he was  
13 in is very unfortunate and, you know, I don't  
14 know all of the details, but I'm aware of the  
15 basics of what happened. But I would say that  
16 knowing Lee the way that I know him, at this  
17 point, I don't feel any concern with him managing  
18 a bar where I'm responsible for a liquor license.

19 MR. KLINE: Now, if he does not  
20 faithfully discharge his duties as an ABC  
21 licensed-manager, you are at risk, aren't you?

22 MR. CARLSON: Yes, very much so.

1 MR. KLINE: So although the Board  
2 certainly has to have confidence in him if they  
3 were to make a decision to give him a license,  
4 equally important is the confidence that you have  
5 in him, isn't it?

6 MR. CARLSON: It is. And for us, the  
7 responsibility and the knowledge of liability  
8 that we hold by having a liquor license is of the  
9 most importance. Over the years that we have  
10 been open, we have managed ourselves in a way  
11 that we have not failed anything having to do  
12 with a liquor inspection. It's really something  
13 that we hold very, very strongly.

14 And I would have to say that I think  
15 Lee would really represent us well in that  
16 manner.

17 MR. KLINE: Okay. Great. I don't  
18 have any further questions of this witness, but I  
19 would certainly make him available for any Board  
20 questions.

21 CHAIRPERSON MILLER: Okay. Questions?  
22 I have a question. I just want to clarify. You

1 probably have already addressed this, but how  
2 long a period of time has Mr. Carrell worked for  
3 you?

4 MR. CARLSON: In the first time of  
5 employment, he was with me for about a year.

6 CHAIRPERSON MILLER: Okay.

7 MR. CARLSON: And then Mr. Carrell  
8 went to another position elsewhere and there was  
9 a gap for about a year. And then he has been  
10 employed with me now part-time at my first  
11 location for a couple of months, about two  
12 months, and my newer location about a month.

13 CHAIRPERSON MILLER: The first job, do  
14 you know what year that was?

15 MR. CARLSON: I don't off the top of  
16 my head.

17 CHAIRPERSON MILLER: Okay.

18 MR. CARLSON: I would have to say  
19 2013, mid-2013 to 2014, somewhere around there.

20 CHAIRPERSON MILLER: And what kind of  
21 position did he hold?

22 MR. CARLSON: He was a bartender.

1 CHAIRPERSON MILLER: Okay. And there  
2 were no issues?

3 MR. CARLSON: Never.

4 CHAIRPERSON MILLER: Okay.

5 MR. CARLSON: There was no  
6 disciplinary issues of any sort.

7 CHAIRPERSON MILLER: Okay. Okay.  
8 Thank you.

9 MR. KLINE: Thank you.

10 MR. CARLSON: Thank you.

11 (Whereupon, the witness was excused.)

12 MR. KLINE: I call to the stand  
13 Ernesto Oropeza. Did I do that justice?

14 CHAIRPERSON MILLER: Hi.

15 Whereupon,

16 ERNESTO OROPEZA

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

21 MR. OROPEZA: I do.

22 CHAIRPERSON MILLER: Okay.

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DIRECT EXAMINATION

MR. KLINE: State your name for the record, please.

MR. OROPEZA: My name is Ernesto Oropeza.

MR. KLINE: And you are familiar and know Lee Carrell?

MR. OROPEZA: Yes.

MR. KLINE: And in what capacity have you known him?

MR. OROPEZA: I have known Lee for, approximately, 10 years. I used to be a patron at one of the restaurants he worked at in Crystal City at McCormick & Schmick's. And I -- he would tend bar at times. He would serve. I became friends with Lee. We had became friends through a mutual friend and I know him well, I mean, very well. I know his family, parents, grandparents, his daughter.

MR. KLINE: All right. And how would you describe him as a person?

MR. OROPEZA: Kind. He is kind. He

1 is -- I have many friends. I would consider Lee  
2 one of my genuine friends.

3 MR. KLINE: Have you had occasion to  
4 observe him in a professional capacity? I  
5 presume so because you said that you had been in  
6 places he worked.

7 MR. OROPEZA: Numerous times. I have  
8 been to many of his employments and I take  
9 friends, family members and he is an excellent  
10 worker. He seems to get along well with  
11 everyone.

12 MR. KLINE: And in terms of his  
13 professionalism, if he had to deal with customers  
14 who might get out of line, did you ever have  
15 occasion to see him deal with situations like  
16 that?

17 MR. OROPEZA: Not that I can remember,  
18 but he tends to be calm as far as I have known.

19 MR. KLINE: All right. But you are  
20 aware of the domestic violence situation, are you  
21 not?

22 MR. OROPEZA: I'm very aware.

1 MR. KLINE: All right. And how did  
2 you become aware of that?

3 MR. OROPEZA: Well, I was friends with  
4 both Lee and his ex-girlfriend as she would often  
5 call me to question me about Lee's -- whether Lee  
6 was -- if I were at Lee's employment drinking or  
7 dining, if I knew if -- what time Lee would exit  
8 work the night before, if I had talked to Lee.  
9 It was just very uncomfortable phone calls from  
10 his ex-girlfriend to me. Yes, I know Ali well.  
11 Her name was Ali, Bernice Ali.

12 MR. KLINE: And was that a bit of a  
13 tumultuous relationship for Mr. Carrell?

14 MR. OROPEZA: I think it was really  
15 stressful from the beginning. Unfortunately when  
16 -- he just couldn't see it.

17 MR. KLINE: Can you say how these  
18 incidents, the conviction may have changed Mr.  
19 Carrell in any way?

20 MR. OROPEZA: Can you elaborate? I'm  
21 not sure what you mean.

22 MR. KLINE: I mean, did you -- you

1 knew him when he was going through this, correct?

2 MR. OROPEZA: Oh, yes.

3 MR. KLINE: And you knew him before it  
4 happened?

5 MR. OROPEZA: That's correct.

6 MR. KLINE: And you have known him  
7 since it happened.

8 MR. OROPEZA: Right.

9 MR. KLINE: Have you seen any change  
10 in him in terms of his attitude or how he  
11 comports himself or anything else?

12 MR. OROPEZA: Now? He is back to  
13 normal. He is calm. He is not, you know, always  
14 racing in and cutting people short because he has  
15 to rush home or because he has got a phone call  
16 that he has to take and that sort of way, yes, I  
17 do see the difference.

18 MR. KLINE: And did you -- I'm not  
19 sure if you said you worked with him at some  
20 point, as well, is that right?

21 MR. OROPEZA: I was managing a  
22 restaurant in Crystal City called The Cantina

1       Mexicana.  It's a tex-mex restaurant.  And Lee  
2       was looking to find work in D.C. and needed  
3       something in the meantime.  He was very  
4       forthcoming and asked me if it was possible for  
5       him to work, for me to hire him temporarily, but  
6       that he would not be staying long, just so that  
7       he could, you know, bring in some income.  And I  
8       said yes.  And so he came in and bartended and  
9       served.

10               MR. KLINE:  And how long was that?

11               MR. OROPEZA:  Approximately, six  
12       weeks.  It was a short period.

13               MR. KLINE:  And when was that?

14               MR. OROPEZA:  This was in,  
15       approximately, 2005, 2006, somewhere around  
16       there.

17               MR. KLINE:  Are you still in the  
18       industry?

19               MR. OROPEZA:  No, I'm not.

20               MR. KLINE:  Do you have any  
21       hesitations about his ability to follow the rules  
22       and regulations governing the sale and service of

1 alcohol in the District of Columbia?

2 MR. OROPEZA: I have no doubt. He  
3 knows the industry so well. He is an excellent  
4 worker and really responsible.

5 MR. KLINE: What about his temperament  
6 on the job, including when he worked for you or  
7 when you have observed him when you have been in  
8 establishments where he has worked?

9 MR. OROPEZA: He is an excellent  
10 worker. He works at a really, you know, fast  
11 pace, if needed. He is calm. He is expressive.  
12 He is good at what he does. I mean, there are  
13 just so many words to describe a person. Lee, he  
14 just does what he has to do and what he is  
15 supposed to do. He deals very well with people.

16 MR. KLINE: All right. I have no  
17 further questions of this witness. I make him  
18 available for the Board for any additional  
19 questions.

20 CHAIRPERSON MILLER: Okay. Are there  
21 any questions? Okay. Thank you very much.

22 (Whereupon, the witness was excused.)

1 MR. KLINE: I call to the stand Joe  
2 Bollum.

3 Whereupon,

4 JOE BOLLUM

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

9 MR. BOLLUM: Yes.

10 CHAIRPERSON MILLER: Okay.

11 DIRECT EXAMINATION

12 MR. KLINE: Would you state your name  
13 for the record?

14 MR. BOLLUM: Yes. My name is Joseph  
15 Bollum.

16 MR. KLINE: And you are acquainted  
17 with Lee Carrell?

18 MR. BOLLUM: I am.

19 MR. KLINE: And how are you acquainted  
20 with him?

21 MR. BOLLUM: We first met when he  
22 would come into Urbana Restaurant & Lounge over

1 at the Palomar Hotel as a guest and I was working  
2 there. And I just got to know him from there.  
3 And then one day we needed a bartender and I knew  
4 of his experience in the field and wanted to work  
5 with him.

6 MR. KLINE: And in what capacity were  
7 you working at the Urbana?

8 MR. BOLLUM: I was a bartender.

9 MR. KLINE: All right.

10 MR. BOLLUM: Yes.

11 MR. KLINE: So you recommended him to  
12 management?

13 MR. BOLLUM: I did.

14 MR. KLINE: Would you have recommended  
15 him if you didn't feel that he was capable of  
16 following the rules and regulations concerning  
17 the sale and service of alcohol?

18 MR. BOLLUM: If I didn't feel he --

19 MR. KLINE: Would you have recommended  
20 him if you thought he couldn't do the job?

21 MR. BOLLUM: No.

22 MR. KLINE: Okay. And you are

1 familiar with the rules and regulations --

2 MR. BOLLUM: I am.

3 MR. KLINE: -- governing alcohol?

4 MR. BOLLUM: Yes.

5 MR. KLINE: Correct?

6 MR. BOLLUM: Yes.

7 MR. KLINE: And you know how important  
8 it is to follow those rules, correct?

9 MR. BOLLUM: I do.

10 MR. KLINE: And how important it is  
11 for a manager to enforce those rules and  
12 regulations among the employees that work in a  
13 licensed establishment?

14 MR. BOLLUM: Yes.

15 MR. KLINE: And you are aware of the  
16 incident that led to Mr. Carrell's conviction,  
17 correct?

18 MR. BOLLUM: I am, yes.

19 MR. KLINE: All right. And how did  
20 you become aware of it?

21 MR. BOLLUM: He told me.

22 MR. KLINE: Okay.

1 MR. BOLLUM: Yes.

2 MR. KLINE: And knowing that and given  
3 your other knowledge of him, is there anything  
4 that would give you hesitation in terms of  
5 recommending him or suggesting that he is  
6 incapable of fulfilling the legal  
7 responsibilities as an ABC licensed-manager?

8 MR. BOLLUM: No, sir.

9 MR. KLINE: Okay. Is there anything  
10 else that you want to add concerning your  
11 knowledge of Mr. Carrell and his fitness to serve  
12 as an ABC licensed-manager?

13 MR. BOLLUM: No, sir.

14 MR. KLINE: Okay.

15 MR. BOLLUM: Anything else?

16 MR. KLINE: That's all the questions  
17 I have of this witness.

18 CHAIRPERSON MILLER: Any questions  
19 from Board Members? No. Thank you very much.

20 MR. KLINE: Thank you. Thanks for  
21 coming.

22 (Whereupon, the witness was excused.)

1 MR. KLINE: I call to the stand Lee  
2 Carrell.

3 Whereupon,

4 LEE CARRELL  
5 was called as a witness by Counsel for the  
6 Applicant, and having been first duly sworn,  
7 assumed the witness stand and was examined and  
8 testified as follows:

9 MR. CARRELL: Yes, I do.

10 CHAIRPERSON MILLER: Okay.

11 DIRECT EXAMINATION

12 MR. KLINE: State your name for the  
13 record.

14 MR. CARRELL: My name is Lee Charles  
15 Carrell.

16 MR. KLINE: And you have applied for  
17 an ABC Manager's License, correct?

18 MR. CARRELL: That is correct.

19 MR. KLINE: Tell the Board your  
20 experience in the hospitality industry.

21 MR. CARRELL: I first started in the  
22 hospitality industry when I was in high school.

1 I was a busboy when I was 15, that was how I got  
2 my start. When I decided to -- I did a few other  
3 things for a while when I decided to go to  
4 college when I was 18. I began working as a  
5 server and I did that for a number of years while  
6 I was in college.

7 I came to really love the industry.  
8 I stuck with it. I worked at a number of  
9 restaurants around the area of the District. I  
10 became a bartender. I was the -- Paul spoke  
11 earlier about when I left Vinoteca, that was to  
12 take over as head bartender at Urbana, where I  
13 had been employed while I was working at Vinoteca  
14 as well.

15 MR. KLINE: All right. Now, you had  
16 an incident that led to you being convicted of  
17 domestic violence, correct?

18 MR. CARRELL: That is correct.

19 MR. KLINE: Tell the Board how that  
20 came about.

21 MR. CARRELL: So my girlfriend and I  
22 we had been together for about two and a half

1 years. We had been living together for about a  
2 year and a half prior to that. Our relationship  
3 had deteriorated. Ernesto mentioned it to a  
4 small degree. She had become very possessive.  
5 She was constantly checking my whereabouts. She  
6 wanted to go through my phone, my email, so we  
7 decided that this was just not a tenable  
8 relationship and we had to break up.

9 She actually asked me if I could --  
10 she was working on a project. She wanted to open  
11 up an art gallery.

12 CHAIRPERSON MILLER: You need to speak  
13 up louder. Can you speak a little louder?

14 MR. CARRELL: Yes. Ali wanted to open  
15 an art gallery in Boston. She asked if I could  
16 stay on the lease with her for an extra two  
17 months. During that period of time, things got  
18 very uncomfortable. It was about two weeks  
19 before this time was about to end, I went to just  
20 collect some belongings and go live with a friend  
21 until our lease expired.

22 She became very distraught. She tried

1 to prevent me from getting my things. I pushed  
2 her. I threatened that I might hurt her if she  
3 didn't, you know, back off and leave me alone.  
4 She was, you know, pulling on my shirt to try and  
5 prevent me from packing a suitcase. She dumped  
6 out the contents of my suitcase. She tried to  
7 prevent me from getting in the closet to get my  
8 things.

9 I don't blame her in any way. I  
10 certainly could have handled the situation  
11 differently. Over the past three and a half  
12 years, there hasn't been a day that has gone by  
13 that I haven't regretted that situation and  
14 wished that I had done things leading up to that,  
15 and including in that situation to handle it  
16 differently and avert the incident.

17 MR. KLINE: Lee, how old are you?

18 MR. CARRELL: I'm 32.

19 MR. KLINE: Had you had any incidents  
20 similar to this prior to this incident occurring?

21 MR. CARRELL: No, I have not.

22 MR. KLINE: Have you had any incidents

1 like this since then?

2 MR. CARRELL: No, sir.

3 MR. KLINE: Was this relationship that  
4 you had perhaps the most difficult and tumultuous  
5 one that you had in your life?

6 MR. CARRELL: I mean, maybe with my  
7 mom in high school, but, you know, I think  
8 teenagers always have a problem with their  
9 parents at some point.

10 MR. KLINE: And it was a very  
11 stressful time when the two of you were splitting  
12 up?

13 MR. CARRELL: It was a very stressful  
14 time.

15 MR. KLINE: Is there anything that you  
16 have learned from that situation that you can  
17 tell the Board?

18 MR. CARRELL: Well, you know, I  
19 certainly had quite a bit of time when I was, you  
20 know, incarcerated. I had a lot of time to think  
21 about what were my priorities, both personally  
22 and professionally. I certainly thought about,

1       you know, one of the most difficult things for me  
2       was that I let things get to this situation. I  
3       could have pulled the plug. I could have avoided  
4       this situation happening completely. We might  
5       even still be friends. So it has weighed heavily  
6       on my mind.

7                        Just never putting myself in that  
8       position when I'm faced with that type of  
9       situation.

10                      MR. KLINE: All right. Now, you  
11       mentioned incarceration. How long were you  
12       incarcerated?

13                      MR. CARRELL: I was in jail for 24  
14       days.

15                      MR. KLINE: Now, and you were  
16       sentenced to 40 days?

17                      MR. CARRELL: I think the sentence was  
18       longer than that, but suspended.

19                      MR. KLINE: Okay.

20                      MR. CARRELL: I think it was perhaps  
21       six months, but suspended all but 30 days.

22                      MR. KLINE: Were you also required to

1 complete some programs in connection with that  
2 domestic violence?

3 MR. CARRELL: Yes, I was. I did a  
4 combination of anger management and domestic  
5 violence awareness class. It was a total of 22  
6 weeks, an hour and a half each -- for each  
7 session.

8 MR. KLINE: And did you find that  
9 productive?

10 MR. CARRELL: I did. A lot of it was  
11 -- it was in a group setting and so, you know,  
12 listening to other people and the things that  
13 they had done, it gave me an opportunity to  
14 reflect on my life and the decisions that I had  
15 made.

16 MR. KLINE: All right. Now, let's  
17 turn back to your professional career. You  
18 indicated that you started working in the  
19 industry when you were 15?

20 MR. CARRELL: That's correct.

21 MR. KLINE: As a busboy?

22 MR. CARRELL: Yes.

1 MR. KLINE: And at some point you  
2 became a server?

3 MR. CARRELL: I became a server.

4 MR. KLINE: And when was that?

5 MR. CARRELL: So like 2002.

6 MR. KLINE: Okay. So 13 years ago?

7 MR. CARRELL: Yes.

8 MR. KLINE: And did that first  
9 position involve the sale and service of alcohol?

10 MR. CARRELL: It did.

11 MR. KLINE: So is it fair to say that  
12 you have been involved in the sale and service of  
13 alcohol and food for 13 plus years?

14 MR. CARRELL: Yes, sir.

15 MR. KLINE: All right. Have you  
16 received any particular training concerning  
17 alcohol and compliance with alcoholic beverage  
18 laws?

19 MR. CARRELL: Yes, sir. I currently  
20 hold a certificate from Neverson & Associates for  
21 Alcohol Awareness. When I worked for the Clyde's  
22 Group, we were TIPS-certified and required to

1 maintain TIPS-certification. Then throughout,  
2 you know, my career, most of the jobs that I have  
3 had provide at least a day of on-site alcohol  
4 training through the company, so, i.e., McCormick  
5 & Schmick's and The Breaker Company all -- they  
6 all provide their own alcohol awareness class.

7 MR. KLINE: Okay. So there was some  
8 corporate training along with the required  
9 alcohol awareness classes that might have been a  
10 prerequisite for a particular jurisdiction?

11 MR. CARRELL: That is correct.

12 MR. KLINE: All right. And that would  
13 have been McCormick & Schmick's?

14 MR. CARRELL: Um-hum.

15 MR. KLINE: Other large chains?

16 MR. CARRELL: I worked -- the first  
17 company that I worked for was Macaroni Grill and  
18 they provided their -- you know, they had  
19 somebody come in to talk to us about alcohol  
20 safety.

21 McCormick & Schmick's was another.  
22 Clyde's did both their own alcohol training and

1 then they had a TIPS-certified instructor come in  
2 and to TIPS training as well.

3 MR. KLINE: And in your role as a  
4 bartender, you have had to deal with all sorts of  
5 situations in the establishments where you have  
6 worked, correct?

7 MR. CARRELL: That's correct.

8 MR. KLINE: All right. And what might  
9 be some of the more troublesome ones?

10 MR. CARRELL: Generally, it's later at  
11 night. People have had too much to drink and  
12 they certainly would like to have another drink.  
13 And it's a difficult thing because, you know,  
14 when somebody is at that level of intoxication,  
15 they really don't want to hear anything other  
16 than what they want.

17 So I have over the years learned to  
18 take a position of compassion and explain to  
19 somebody that it's not about me cutting them off.  
20 It's not about me not wanting to serve them.  
21 It's about me being concerned for their safety  
22 and also their well-being, you know, the next

1 day.

2 I think there have been, you know,  
3 plenty of times that we wake up in the morning  
4 and we are happy we didn't have that last drink.

5 MR. KLINE: Do those situations ever  
6 become confrontational or heated in any way?

7 MR. CARRELL: They have. They can  
8 start off confrontational. I think once I  
9 explain to people, you know, I'm really just  
10 concerned for your safety, you know, it's a  
11 dangerous world out there. You don't want to  
12 walk out there and not be prepared for what might  
13 happen.

14 MR. KLINE: What's your role supposed  
15 to be in the opening of this new venture that Mr.  
16 Carlson spoke about, The Royal?

17 MR. CARRELL: So I have been working  
18 with him and the other three managers that are on  
19 the project as well. We have been -- at this  
20 point, we are kind of in the final stages, so we  
21 are working on opening and closing checklist  
22 procedures, the layout of the bar, how things are

1 going to get done, the order of operations,  
2 talking about our cashier procedures.

3 We are training the new staff. We  
4 just had our orientation on Monday, so we have  
5 disseminated our packets as far as tasting notes  
6 for all of our beer, wine and spirits, our  
7 cocktail list. I priced out the cocktail list.  
8 I have priced out all the spirits that we offer  
9 to establish what our reasonable margins are  
10 going to be.

11 I think that that generally sums it  
12 up. Moving forward, I would be working with one  
13 other manager, who is also going to be bartending  
14 and we would have management -- we would be in a  
15 management position over the bar.

16 MR. KLINE: Why is this opportunity  
17 important to you?

18 MR. CARRELL: Well, I mean, this is a  
19 fantastic opportunity. I have worked with Paul  
20 in the past. He is an excellent owner, very  
21 concerned for his employees. His stated goal in  
22 opening this place was to give development

1 opportunities to his employees from Vinoteca.  
2 Three of the four managers are coming from  
3 Vinoteca. I think the entire kitchen staff is  
4 coming from Vinoteca.

5 And Paul is very much an advocate of  
6 way of life. It's quality of life for both  
7 himself and his employees. And it really  
8 translates to quality of life for him, if you can  
9 have trusted, happy employees who want to do a  
10 good job for you and they feel that the respect  
11 is mutual and reciprocal.

12 MR. KLINE: All right. Now, you are  
13 aware that an ABC Manager's License is -- it's a  
14 privilege --

15 MR. CARRELL: Yes.

16 MR. KLINE: -- that the Board would  
17 grant? What would you say to this Board in terms  
18 of why it is, despite this conviction and this  
19 unfortunate situation, that you deserve this  
20 opportunity?

21 MR. CARRELL: So this situation was  
22 unfortunate and it was regrettable. And it is

1 something that I have thought about every day.  
2 There hasn't been a day that has gone by in the  
3 past three and a half years that I have thought  
4 about it.

5 It was a situation that was in my  
6 personal life, not at work. And it was a  
7 situation in which tensions were high, emotions  
8 were high between both parties. I have worked in  
9 the restaurant industry for well over 10 years,  
10 you know, which includes the service of alcohol.

11 I have never had a single incident of  
12 anyone being underage or being over-served or in  
13 any way violating any alcoholic beverage policy.  
14 You know, this incident was not that long ago,  
15 but I think long enough that I have had plenty of  
16 opportunity to reflect. And I think that I  
17 deserve this opportunity.

18 MR. KLINE: Great. Thank you. I  
19 don't have any further questions of the witness.  
20 And I would make him available for questions from  
21 the Board.

22 CHAIRPERSON MILLER: Okay. Questions?

1 Mr. Brooks?

2 MEMBER BROOKS: Thank you, Madam  
3 Chair. Good afternoon, Mr. Carrell.

4 MR. CARRELL: Good afternoon.

5 MEMBER BROOKS: You seem to be a very  
6 intelligent, articulate young man. And I'm just  
7 trying to figure out how did you get from that  
8 afternoon or evening with Ali, --

9 MR. CARRELL: Yes.

10 MEMBER BROOKS: -- if that's her name,  
11 to coming face-to-face with a Judge and being  
12 sentenced to some time in jail? Walk me through  
13 how that happened from that -- when two police  
14 officers --

15 MR. CARRELL: Yes.

16 MEMBER BROOKS: -- showed up --

17 MR. CARRELL: Yes, sir.

18 MEMBER BROOKS: -- and I don't know if  
19 they took reports or whatever.

20 MR. CARRELL: Yes.

21 MEMBER BROOKS: And then after that  
22 something else happened.

1 MR. CARRELL: So they took statements.  
2 Ali presumably in some way, I think, she spoke to  
3 her boss whose husband was friends with --

4 CHAIRPERSON MILLER: Okay. Wait.  
5 Hold on one second. Sir? I'm sorry, the person  
6 who just came in. Are you here for a hearing?

7 UNIDENTIFIED SPEAKER: Yes, I am.

8 CHAIRPERSON MILLER: But you are not  
9 here for the Lee Carrell hearing, are you?

10 UNIDENTIFIED SPEAKER: I'm scheduled  
11 for 2:30.

12 CHAIRPERSON MILLER: 2:30, okay. This  
13 is a closed hearing.

14 UNIDENTIFIED SPEAKER: I apologize.

15 CHAIRPERSON MILLER: That's okay. No,  
16 you wouldn't have known that, but we will let you  
17 know when your hearing is ready. Okay. Thanks.

18 MR. CARRELL: So to continue. The two  
19 officers that came on the scene, Officer Park and  
20 Officer Jones, took statements from both of us.  
21 They advised me to not make any kind of contact  
22 with her and if I needed to come back to collect

1 my things, to go ahead and give the Police  
2 Department a call, so that they could have  
3 somebody on-site to make sure that there was no  
4 incident between us.

5 Ali spoke and I'm not sure how this  
6 happened, but she -- one of her bosses -- her  
7 boss' husband knew a gentleman who is a detective  
8 sergeant with the Parks Police who issued a  
9 warrant for my arrest after speaking with her.

10 They -- I received a phone call saying  
11 that I should go down to the police station.  
12 This was some eight, nine days after the  
13 incident. And I went in, at which point they  
14 arrested me and told me that I was being charged  
15 with domestic violence.

16 MEMBER BROOKS: So this is the Park  
17 Police? Not the --

18 MR. CARRELL: This is the Parks  
19 Police.

20 MEMBER BROOKS: -- Metropolitan  
21 Police?

22 MR. CARRELL: That's correct.

1                   MEMBER BROOKS: Okay. So you go down  
2 to the Parks Department?

3                   MR. CARRELL: Actually, I went down to  
4 the 5th District Police Department. They executed  
5 the arrest warrant.

6                   MEMBER BROOKS: Okay. Now, let me  
7 make sure I understand. You went from the Park  
8 Department Police to the 5th District Metropolitan  
9 Police?

10                  MR. CARRELL: I received a telephone  
11 call from the 5th District saying that I should  
12 come there.

13                  MEMBER BROOKS: Okay.

14                  MR. CARRELL: I understand it's very  
15 confusing.

16                  MEMBER BROOKS: Yes, it is.

17                  MR. CARRELL: It's a highly unusual  
18 case.

19                  MEMBER BROOKS: Okay. And apparently  
20 you were charged with what domestic violence? Is  
21 that what it was?

22                  MR. CARRELL: Well, initially the

1 charge -- I don't think that they would have --  
2 that the Parks Police would have had  
3 jurisdiction. They charged me with assault, with  
4 simple assault. And then amended the charge to  
5 domestic violence.

6 MEMBER BROOKS: Okay. Although they  
7 did not come out to take the initial report?

8 MR. CARRELL: That is correct.

9 MEMBER BROOKS: Okay. And now you are  
10 in Superior Court. Is that where the case was  
11 heard?

12 MR. CARRELL: Yes, sir.

13 MEMBER BROOKS: In front of a Judge?

14 MR. CARRELL: That's correct.

15 MEMBER BROOKS: Okay. And he heard  
16 the same, I guess, story that you are telling us?

17 MR. CARRELL: That's correct.

18 MEMBER BROOKS: As the sequence of  
19 events?

20 MR. CARRELL: That is correct.

21 MEMBER BROOKS: And he made a  
22 decision?

1 MR. CARRELL: She made that decision.

2 MEMBER BROOKS: She made a decision.

3 Okay. And her decision was to sentence you to  
4 how many days?

5 MR. CARRELL: 30 days.

6 MEMBER BROOKS: 30 days in prison, in  
7 jail.

8 MR. CARRELL: That's correct.

9 MEMBER BROOKS: Okay. Okay. Well,  
10 that's, you know, again, very unfortunate. And  
11 you know, we -- as Chairperson Miller indicated  
12 when she opened the hearing, is that we review  
13 licenses, people who are interested in becoming  
14 ABC Managers and we get all sorts of issues.

15 And this is -- whenever a domestic,  
16 and this is one of the few that I can recall,  
17 violence case comes before us, you know, that's  
18 very serious, in my mind anyway, because it goes  
19 to fitness. You know, is this person fit to  
20 become an ABC Manager.

21 So that's what I'm thinking and that's  
22 something -- and I'm glad you are here to explain

1 your side of the case and that goes a long way,  
2 in my mind, as to my decision on how I would vote  
3 for or against you. Thank you for coming in.

4 MR. CARRELL: Thank you, sir.

5 CHAIRPERSON MILLER: Others?

6 MEMBER SHORT: I did have one.

7 CHAIRPERSON MILLER: Yes, Mr. Short?

8 MEMBER SHORT: Good afternoon, Mr.

9 Carrell.

10 MR. CARRELL: Good afternoon.

11 MEMBER SHORT: Mr. Carrell, have you  
12 ever had problems with substance abuse or  
13 alcohol? Have you ever had a problem with it?

14 MR. CARRELL: I did.

15 MEMBER SHORT: Can you describe that  
16 to us?

17 MR. CARRELL: When I was 20, I had a  
18 problem with cocaine. I sought treatment and  
19 rectified that.

20 MEMBER SHORT: Ever with alcohol?

21 MR. CARRELL: No, not with alcohol.

22 MEMBER SHORT: On the evening of your

1 alleged event that caused you to be in prison --

2 MR. CARRELL: Yes.

3 MEMBER SHORT: -- were you intoxicated  
4 that evening?

5 MR. CARRELL: This was actually at  
6 about 11:30 in the morning and I was not  
7 intoxicated.

8 MEMBER SHORT: And I'm certainly a  
9 person who believes in redemption and I do know  
10 that the D.C. Jail now is probably full of people  
11 who unfortunately like your circumstance somebody  
12 knew somebody or whatever, so it happens to a lot  
13 of people in the city and probably all over the  
14 country.

15 And again, I certainly believe in  
16 redemptive powers. And so since the cocaine in  
17 2000, you say, have you ever -- you have been  
18 able to not have any more problems?

19 MR. CARRELL: I have not had any  
20 problems since.

21 MEMBER SHORT: How did you solve that  
22 problem?

1 MR. CARRELL: I sought treatment. I  
2 mean, it took a while. It wasn't easy. It  
3 definitely took, you know, over a year and a  
4 half, but I went through some -- several  
5 counseling programs.

6 MEMBER SHORT: Okay. So that was in  
7 2000. When did the incident happen with you and  
8 the young lady?

9 MR. CARRELL: This was in 2012.

10 MEMBER SHORT: A few years later.  
11 Well, 12 years later.

12 MR. CARRELL: Yes.

13 MEMBER SHORT: 10 years later. Okay.  
14 I guess pretty much were you employed at the time  
15 that incident happened?

16 MR. CARRELL: I was.

17 MEMBER SHORT: Where were you  
18 employed?

19 MR. CARRELL: I was at Hank's Oyster  
20 Bar in Old Town Alexandria.

21 MEMBER SHORT: Did you keep -- well,  
22 I guess you didn't keep employment after that.

1 MR. CARRELL: I did not.

2 MEMBER SHORT: I just -- have you ever  
3 had any problems with anger management?

4 MR. CARRELL: Aside from this  
5 incident, no, I have not.

6 MEMBER SHORT: Because we have a lot  
7 of incidents in bars in Washington probably all  
8 over the country, too, again with people who  
9 can't handle their alcohol or have problems. And  
10 even the people working in these ABC  
11 establishments have to have a temperament  
12 themselves to be able to deal with people that  
13 are unruly and over-served or whatever.

14 MR. CARRELL: I agree.

15 MEMBER SHORT: So the reason -- that's  
16 my line of questioning going along there. So you  
17 haven't had. And I heard testimony from your  
18 coworkers and friends who said you are a nice guy  
19 and whatever and you had this one incident. So  
20 have you had any other incidents in your life  
21 other than this one?

22 MR. CARRELL: No, sir.

1 MEMBER SHORT: It's the only one?

2 MR. CARRELL: That's correct.

3 MEMBER SHORT: I have no further  
4 questions, Madam Chair.

5 CHAIRPERSON MILLER: Okay. Mr.  
6 Rodriguez?

7 MEMBER RODRIGUEZ: Yes, sir. Domestic  
8 violence, and maybe counsel can help me with  
9 this, but when they charge you with domestic  
10 violence, that's so general.

11 MR. CARRELL: Yes.

12 MEMBER RODRIGUEZ: What specifics are  
13 involved here?

14 CHAIRPERSON MILLER: Do you mean in  
15 his case? What did he do?

16 MEMBER RODRIGUEZ: Yes.

17 CHAIRPERSON MILLER: Yes.

18 MEMBER RODRIGUEZ: I mean, in Mr.  
19 Carrell's letter, it says "I grabbed Ali by her  
20 shoulders and pushed her up against the wall and  
21 yelled at her." Is that enough to be charged  
22 with domestic violence, because you pushed

1 somebody up against the wall and yelled at her?

2 Is that --

3 MR. KLINE: Mr. Rodriguez, any  
4 impermissible touching certainly rises to the  
5 level of assault.

6 MEMBER RODRIGUEZ: Yes, sir.

7 MR. KLINE: And there need not be  
8 injury. It's an unintentional -- actually, it's  
9 battery. If -- assault is approaching them in  
10 fear of being battered and making contact is  
11 battery. So the contact in and of itself is  
12 battery. And unfortunately, I didn't research  
13 the elements of domestic violence, but I believe  
14 that the additional element in that case is if it  
15 occurs in a residential or familial situation.

16 MR. CARRELL: Yes, sir.

17 MR. KLINE: It wouldn't obviously be  
18 between two strangers, but it occurs, for  
19 example, in a household setting or, obviously,  
20 between husband and wife or spouses or partners,  
21 as we are all aware of, but extends to two people  
22 living in the same premises as well.

1                   MEMBER RODRIGUEZ: So pushing somebody  
2 up against the wall and yelling at them, a Judge  
3 then would find you -- would give you 30 days in  
4 jail for that?

5                   MR. KLINE: Well, I can't say what a  
6 Judge would do, but certainly, in this case,  
7 that's apparently what happened. That situation  
8 that you described certainly meets all of the  
9 elements in -- of assault and battery and I  
10 suspect, in the appropriate context, domestic  
11 violence as well, because it's the unpermitted  
12 touching is the battery. That's all you need.  
13 There need not be injury. The touching need not  
14 be necessarily in a violent manner, although  
15 that's what we all think of it as. If it's  
16 unpermitted, then it's a battery.

17                   MEMBER RODRIGUEZ: Well, Mr. Carrell--  
18 I appreciate that explanation, counsel.

19                   Mr. Carrell, so you have been through  
20 quite a lot here because of that incident.

21                   MR. CARRELL: That's correct.

22                   MEMBER RODRIGUEZ: And you had some

1 previous problems with cocaine and you dealt with  
2 that. And so we are trying to determine here if  
3 you can undertake the responsibility of manager.  
4 It's an important, obviously, position and you  
5 are dealing with a lot of people. And I'm trying  
6 to see if, you know, customers would not upset  
7 you to the point that you would, you know, push  
8 them up against the wall and yell at them and  
9 create a problem for yourself again and for, you  
10 know, the establishment.

11 So I'm hoping that, you know, your  
12 training proved good for you. You seem to be  
13 well in control of yourself here at this hearing.  
14 And I wish you the best of luck.

15 MR. CARRELL: Thank you, sir.

16 CHAIRPERSON MILLER: Others? I just  
17 have a few follow-up. First of all, I commend  
18 you for asking for this hearing. You were  
19 actually the first person who has ever done that  
20 and I --

21 MR. CARRELL: Thank you for granting  
22 me this hearing.

1                   CHAIRPERSON MILLER: Okay. So  
2 sometimes we call hearings ourselves, but in any  
3 event, I wanted to ask you you said that with  
4 respect to this incident, which is really the  
5 basis for our decision, you have thought about it  
6 over the years and you would have handled it  
7 differently.

8                   MR. CARRELL: Yes.

9                   CHAIRPERSON MILLER: How would you  
10 have handled it differently?

11                  MR. CARRELL: Well, first of all, the  
12 relationship had become untenable for quite a  
13 while. I would have left. I would have left. I  
14 would have gotten out of that situation. You  
15 know, we -- I cared about her. I cared about her  
16 deeply. We even tried couple's counseling, which  
17 just didn't work.

18                  I -- one of the things, it came on  
19 very slow. It started with her not wanting me to  
20 hang out with certain people, including  
21 coworkers. It came down she didn't want me to  
22 come home past midnight. She would tell me that

1 she would lock our top lock, which wasn't  
2 accessible from the outside. She didn't want me  
3 coming home past midnight, even though I worked  
4 in the bar and worked late.

5 She wanted my email passwords. She  
6 wanted to have access to my phone to check  
7 through things and it -- each increment didn't  
8 raise an alarm. It just -- it got to a point  
9 where I was just absolutely unhappy and miserable  
10 and wasn't myself.

11 And then even despite that, I  
12 continued to live with this person for another  
13 two and a half months while -- you know, I wanted  
14 her -- and she did, she opened up an art gallery  
15 in Boston and it's successful. I found out, you  
16 know, from mutual friends. We are actually still  
17 friends on Facebook, go figure. So I, you know,  
18 know that her gallery is open and successful and  
19 I'm very happy for that.

20 I would not have stayed in that  
21 situation given the opportunity to do that over.

22 CHAIRPERSON MILLER: Okay. And the

1 other thing I'm just curious if you have  
2 evaluated this or figured out is, you know, I  
3 mean it sounds like you are saying this is the  
4 one time it happened, but is there -- you are  
5 saying you would have gotten out earlier before  
6 it escalated to that?

7 MR. CARRELL: Yes.

8 CHAIRPERSON MILLER: Right? But is  
9 there any other kind of like trigger that you are  
10 aware of that would ever cause you to -- I mean,  
11 people may push all the time and it may not --  
12 they don't go to jail for it, necessarily.

13 MR. CARRELL: Right.

14 CHAIRPERSON MILLER: For what got you  
15 in trouble here was to some extent some kind of  
16 pushing or something.

17 MR. CARRELL: That's correct.

18 CHAIRPERSON MILLER: So is there some  
19 kind of trigger you kind of know you can identify  
20 you never let yourself get to that point?

21 MR. CARRELL: I certainly think so.  
22 It was an incident. I never would have thought

1 that that would happen. It was in my home. It's  
2 a place that I feel like people should feel at  
3 peace. They should feel the sanctity of, you  
4 know, their home. That's the place where you go  
5 to reset, to face the world and it was in my  
6 home. And I think that, you know, it's  
7 regrettable. It never happened before and it  
8 will never happen again. I can promise.

9 I promised myself that, I will never  
10 be in that situation. I will remove myself from  
11 that situation.

12 CHAIRPERSON MILLER: Okay. I have one  
13 more question.

14 MR. CARRELL: Yes.

15 CHAIRPERSON MILLER: About your  
16 philosophy about dealing with patrons that are  
17 over-intoxicated.

18 MR. CARRELL: Yes.

19 CHAIRPERSON MILLER: I think one thing  
20 you said was they are not rationale or something  
21 and so you kind of -- they don't necessarily want  
22 to hear what you might want to tell them.

1 MR. CARRELL: That's right.

2 CHAIRPERSON MILLER: So instead you  
3 use like compassion. So I didn't really  
4 understand like how do you use compassion if they  
5 are not rationale to get them to behave?

6 MR. CARRELL: Well, I still think that  
7 even if people aren't responding to rationale,  
8 they do respond to compassion. Hey, I care about  
9 you. I don't want you to be intoxicated. I  
10 don't want you to walk out in front of a car. I  
11 don't want you to be on the Metro and have it  
12 catch on fire and have something, you know,  
13 happen that you can't respond to the situation  
14 appropriately.

15 I don't want someone to see you  
16 walking down the street intoxicated and think  
17 that you are an easy target and do something to  
18 you.

19 CHAIRPERSON MILLER: So that registers  
20 with them?

21 MR. CARRELL: And then also, you know,  
22 I mean, especially people that I know more

1 closely. It's easy to tell them you are going to  
2 be hurting in the morning. You don't need to  
3 hurt any more. Like let's just call it a night,  
4 you know.

5 CHAIRPERSON MILLER: Okay. All right.  
6 Well, thank you. Anybody else?

7 MEMBER SHORT: I just want to make one  
8 comment.

9 CHAIRPERSON MILLER: Okay. Mr. Short?

10 MEMBER SHORT: Thank you for coming  
11 today.

12 MR. CARRELL: Thank you.

13 MEMBER SHORT: Your testimony has  
14 really been compelling and it comes off as very  
15 truthful and someone who is very redemption.  
16 Thank you for coming and being honest today.

17 MR. CARRELL: Thank you for granting  
18 me this hearing. I do appreciate it. I'm very  
19 thankful.

20 CHAIRPERSON MILLER: Okay. Anybody  
21 else?

22 MEMBER SILVERSTEIN: Thank you, sir.

1                   CHAIRPERSON MILLER: All right. I am  
2 ready. Okay. Okay. Are we ready for closing.

3                   MR. KLINE: I am, if you are.

4                   CHAIRPERSON MILLER: We are.

5                   MR. KLINE: All right. Thank you,  
6 Members of the Board. As I know the Board is  
7 aware, we have a policy in this city which is  
8 really important to this case and Mr. Short said  
9 it I think best, which is a recognition of  
10 redemption.

11                   The city recently passed a Returning  
12 Citizens Law, which says that people who have  
13 been convicted of a crime deserve a second chance  
14 and that unless their conviction in some way  
15 bears on the employment opportunity or the  
16 resident's opportunity or whatever it may be,  
17 that that should not bar someone from an  
18 opportunity.

19                   Now in this case, the Board has a very  
20 important role to play in that you are the  
21 protectors of the public when it comes to the  
22 sale and service of alcohol, so you must balance

1 that policy, which has recently been enunciated  
2 by the Council of the District of Columbia,  
3 against the possible harm that might arise from  
4 someone who has been convicted of a crime that  
5 might bear on their fitness for licensure.

6 We believe in this case that the  
7 testimony, as Mr. Short said, is quite compelling  
8 from all of the witnesses and that there isn't  
9 any indication that this aberration in Mr.  
10 Carrell's history bears on fitness for licensure.

11 There were three witnesses. I'm not  
12 going to review all of their testimony. You  
13 heard it recently. But I think what is probably  
14 most important is Mr. Carlson's testimony who has  
15 been a responsible licensee in this town for a  
16 number of years. He has a lot at risk, as he  
17 testified to. He needs to have faith in Mr.  
18 Carrell's ability to faithfully discharge the  
19 rules and regulations governing the sale of  
20 alcohol.

21 And I would submit to you if it's good  
22 enough for him with his license at risk, I would

1 hope it would be good enough for you.

2 So we respectfully request that you  
3 reverse your previous denial of the manager's  
4 license application and approve Mr. Carrell for  
5 an ABC Manager's License. Thank you.

6 CHAIRPERSON MILLER: Okay. I think  
7 that you all have made a very compelling case and  
8 it was very beneficial to actually see you and  
9 hear from you, Mr. Carrell, and hear from people  
10 you have worked with. And you have worked in the  
11 industry a long time and have a clean record in  
12 the industry, if not glowing record it sounds  
13 like.

14 And I am of the view that -- I don't  
15 know all the facts of the case that got you in  
16 jail, but having heard your side of it, I don't  
17 think that should prevent you, at this point,  
18 from pursuing this career in this way.

19 So I'm going to move that we do a  
20 reversal and approve your application. And I'm  
21 going to ask for a second.

22 MEMBER SHORT: Second.

1                   CHAIRPERSON MILLER: Mr. Short has  
2 seconded the motion. Are there others who would  
3 like to make comments? I guess people have made  
4 a lot of comments even while you were up there,  
5 so that's why I don't think we are having any  
6 more comments. Okay.

7                   Then all those in favor say aye.

8                   ALL: Aye.

9                   CHAIRPERSON MILLER: All those  
10 opposed? All those abstaining? Then the motion  
11 passes 6-0-0.

12                   So we're going to sign-off here and  
13 then hand this over to you.

14                   MR. CARRELL: I beg your pardon?

15                   CHAIRPERSON MILLER: We are going to  
16 sign-off on the application.

17                   So what's the name of the restaurant  
18 you are going to be at?

19                   MR. CARRELL: The Royal.

20                   CHAIRPERSON MILLER: Royal. Where is  
21 that?

22                   MR. CARRELL: It's at 501 Florida.

1 For a number of years there was a liquor store by  
2 the same name that got closed down and we have  
3 now retrofitted it to be a restaurant.

4 CHAIRPERSON MILLER: Oh, okay. Great.

5 MEMBER SHORT: They used to have a  
6 barbershop at 511 Florida Avenue.

7 MR. CARRELL: Oh, yeah? I know there  
8 is a store on that strip, Scott's, I think.

9 MEMBER SHORT: The shop is the LeDroit  
10 Park Barbershop.

11 MR. CARRELL: Yes.

12 CHAIRPERSON MILLER: Okay.

13 MR. CARRELL: I think you and I see  
14 the same barber. Thank you so much.

15 CHAIRPERSON MILLER: All right. Thank  
16 you.

17 MEMBER SHORT: Good luck.

18 CHAIRPERSON MILLER: Good luck.

19 MR. KLINE: Thank you.

20 MEMBER RODRIGUEZ: Good luck.

21 CHAIRPERSON MILLER: Thank you.

22 (Whereupon, the Fact-Finding Hearing

1 in the above-entitled matter was concluded at  
2 2:38 p.m.)  
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