

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

p-----»
IN THE MATTER OF: :
: :
Tanger Corporation :
t/a Tangier Lounge :
2305 18th Street, NW :
Retailer CR :
License No. 87902 : Show Cause
Case No. 12-CMP-00677 : Hearing
ANC 1C :
Substantial Change in :
Operation Without Board :
Approval; Permitting Sale/ :
Service/Consumption of :
Alcoholic Beverages After :
Hours; Violation of :
Settlement Agreement :
p-----¼

JULY 31, 2013

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

PRESENT
RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member

ALSO PRESENT

MICHAEL STERN, OAG
ABYIE GHENENE, ABRA

T-A-B-L-E O-F C-O-N-T-E-N-T-S

Opening Statement for the Government.5
 Opening Statement for Licensee.7
 Closing Statement for the Government.146
 Closing Statement for the Licensee.151

WITNESSES

Abyie Ghenene8
 Abdou Zouaydi49

EXHIBITS

Government's

1 Investigative report.15

Respondent's

1 Photo of the rear of the establishment. . . 65
 2 Photo of mail slot at the front entrance
 of the establishment.76
 3 Photo of the gate at the front entrance of
 the establishment79
 4 Photo of the curtain at the front entrance
 of the establishment.84
 5 Affidavit of Sara Tienda.141

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

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

10:02 a.m.

CHAIRPERSON MILLER: Next case on our calendar is Case No. 12-CMP-00677, Tangier Lounger, located at 2305 18th Street, N.W., License No. 87902 in ANC 1C.

MS. MONDESIR: Good morning.

CHAIRPERSON MILLER: Good morning.

MR. STERN: Michael Stern representing the District of Columbia.

MS. MONDESIR: Jill Mondesir representing Tangier Lounge.

CHAIRPERSON MILLER: What's your last name?

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

CHAIRPERSON MILLER: Mondesir? Okay.

MS. MONDESIR: Yes, introduce yourself.

MR. ZOUAYDI: My name is Abdou Zouaydi. I'm the GM.

1 CHAIRPERSON MILLER: What's your
2 last name?

3 MR. ZOUAYDI: Zouaydi.

4 CHAIRPERSON MILLER: Can you spell
5 that?

6 MR. ZOUAYDI: Z-O-U-A-Y-D-I.

7 CHAIRPERSON MILLER: Okay. Ms.
8 Mondesir, are you an attorney?

9 MS. MONDESIR: Yes, I am.

10 CHAIRPERSON MILLER: Okay. And
11 have you filed an appearance?

12 MS. MONDESIR: I have it right
13 here.

14 CHAIRPERSON MILLER: Okay.

15 MS. MONDESIR: He has a copy and I
16 have one, too.

17 CHAIRPERSON MILLER: All right.
18 Perfect.

19 Okay. Are there any preliminary
20 issues, Mr. Stern?

21 MR. STERN: There are none of
22 which we are aware.

1 CHAIRPERSON MILLER: Okay. And
2 are you ready to proceed with your case?

3 MR. STERN: Yes, we are.

4 CHAIRPERSON MILLER: All right.
5 Ms. Mondesir, I don't know if you've practiced
6 before the Board or not before, but do you
7 have any questions about the proceedings if
8 you haven't?

9 MS. MONDESIR: No, if I have any
10 questions, I will, but thank you for asking.

11 CHAIRPERSON MILLER: Okay. Good.
12 Okay. So, we'll start with opening statements
13 whenever you're ready, Mr. Stern.

14 MR. STERN: Thank you.

15 CHAIRPERSON MILLER: Okay.

16 MR. STERN: In this case the
17 Government's evidence will show that on
18 Monday, November 12th, 2012 investigators from
19 the Alcohol Beverage Regulation Administration
20 were working the area around Tangier Lounge.
21 At approximately 2:57 a.m. the investigators
22 walked up to the front entrance of the lounge

1 and they observed inside the establishment
2 patrons consuming what appeared to be
3 alcoholic beverages. They in fact saw bottles
4 of bear marked Corona and Miller Lite. Two of
5 the investigators went around to the rear of
6 the establishment and they gained entry from
7 the persons inside. While they were in the
8 back one of the original investigators
9 remained out front and he was able to observe
10 someone come up to the bar, remove the bottles
11 and throw them into the trash.

12 At approximately 3:10 that
13 investigator entered the establishment and
14 went to the trash where those bottles were
15 thrown and identified the bottles, which were
16 right on the top, as alcoholic beverages.

17 The service of persons is supposed
18 to end at 2:00. There is a voluntary
19 agreement that says it must end at 2:00 and
20 the law itself provides that on this date the
21 hours are 11:00 a.m. to 2:00 a.m.

22 At the conclusion of the case we

1 are going to ask the Board to find that the
2 Respondent is involved in a substantial change
3 in operation by changing the hours of their
4 establishment, permitting the sale and/or
5 consumption of alcoholic beverages after 2:00
6 a.m. and violation of their voluntary
7 agreement. Thank you.

8 CHAIRPERSON MILLER: Okay. Thank
9 you.

10 Do you have any opening statement?

11 MS. MONDESIR: Thank you.

12 CHAIRPERSON MILLER: Yes.

13 MS. MONDESIR: Very briefly. This
14 is case is basically about the evidence. We
15 will establish that there is a discrepancy
16 between the report, the sworn report by the
17 investigators with the evidence that we have,
18 we will submit, which will be photographs, an
19 affidavit of an individual who was actually at
20 the scene, and testimony by the Respondent.

21 At the conclusion of this we hope
22 that you will find that there were no

1 violations. Thank you.

2 CHAIRPERSON MILLER: Thank you.

3 Okay. Mr. Stern?

4 MR. STERN: The Government would
5 call Investigator Abyie Ghenene.

6 MEMBER ALBERTI: Can I just ask
7 her to move her microphone.

8 CHAIRPERSON MILLER: Okay.

9 MEMBER ALBERTI: Ms. Mondesir,
10 would you please move your microphone closer
11 to yourself so it picks up a little bit --
12 yes, great. Thank you very much.

13 MS. MONDESIR: You're welcome.

14 CHAIRPERSON MILLER: Good morning.

15 INVESTIGATOR GHENENE: Good
16 morning.

17 CHAIRPERSON MILLER: Do you swear
18 to tell the truth, the whole truth, nothing
19 but the truth?

20 INVESTIGATOR GHENENE: Yes, ma'am.

21 CHAIRPERSON MILLER: Okay.

22 MR. STERN: Good morning. Can you

1 give us your name and spell your last name for
2 the court reporter?

3 INVESTIGATOR GHENENE: Sure.

4 Abyie Ghenene. Last name is G-H-E-N-E-N-E.

5 MR. STERN: And are you employed?

6 INVESTIGATOR GHENENE: Yes, sir.

7 MR. STERN: And how are you
8 employed?

9 INVESTIGATOR GHENENE: As an
10 investigator for the Alcohol Beverage
11 Regulation Administration.

12 MR. STERN: And were you employed
13 as an investigator on Monday, November 12th,
14 2012?

15 INVESTIGATOR GHENENE: Yes, sir.

16 MR. STERN: On that day and time
17 did you come into contact with an
18 establishment that became known to you by the
19 trade name of Tangier Lounge?

20 INVESTIGATOR GHENENE: Yes, sir.

21 MR. STERN: And can you tell me
22 how it is that that establishment became known

1 to you?

2 INVESTIGATOR GHENENE: We actually
3 were -- two other ABRA investigators and
4 myself were monitoring that area for after-
5 hours activity, and we approached the
6 establishment and observed some after-hour
7 activity that evening. Early that morning.
8 Later that evening.

9 MR. STERN: Okay. And do you know
10 what time that was?

11 INVESTIGATOR GHENENE: It was
12 approximately 2:57 a.m., I believe.

13 MR. STERN: Okay. So how is it
14 that you came to observe this activity?

15 INVESTIGATOR GHENENE: Well, I
16 approached the door. And there was actually
17 a steel gate or iron gate that was closing it,
18 but through a crack in it or a hole in it you
19 can observe inside the establishment and see
20 the bar area as well as the table area, most
21 of the establishment. And I observed -- I
22 would think it was about between four and

1 seven people inside, definitely two people
2 consuming alcoholic -- what appeared to be
3 alcoholic beverages.

4 MR. STERN: Okay. And what is it
5 that you and the other investigators did when
6 you saw that?

7 INVESTIGATOR GHENENE: I
8 instructed the other two investigators that I
9 was with to go to the rear of the
10 establishment and attempt to gain entry after
11 we had already knocked on the front door and
12 weren't receiving any kind of response. I
13 asked them to go to the rear of the
14 establishment, to knock on the door while I
15 maintained vision on the two what appeared to
16 be alcoholic beverages.

17 MR. STERN: And did they head in
18 that direction when you asked them to do that?

19 INVESTIGATOR GHENENE: Yes, sir.

20 MR. STERN: When was the next
21 contact you had?

22 INVESTIGATOR GHENENE: I remained

1 on the telephone with one of the investigators
2 the entire time.

3 MR. STERN: Okay.

4 INVESTIGATOR GHENENE: And as they
5 were knocking, I maintained my vision on the
6 two what appeared to be beer bottles.

7 MR. STERN: Okay. And what
8 happened while you were watching that?

9 INVESTIGATOR GHENENE: Eventually
10 the back door -- I'm assuming the back door
11 was opened for them. They entered, because I
12 saw them come in. But before that happened
13 the beer bottles were removed and it was
14 dumped into a trash can, which wasn't -- I
15 can't remember if it was visible, but I think
16 it was, but I'm not 100 percent sure. But I
17 saw them removed and dropped some place behind
18 the bar.

19 MR. STERN: From where you were
20 could you identify how the beer bottles were
21 labeled?

22 INVESTIGATOR GHENENE: Yes, I

1 observed that one of the bottles said Corona
2 and one of the bottles said Miller Lite.

3 MR. STERN: Okay. After the came
4 in did there come an occasion when you got
5 into the establishment?

6 INVESTIGATOR GHENENE: Yes, sir.

7 MR. STERN: How did that happen?

8 INVESTIGATOR GHENENE: If I
9 remember correctly, one of the investigators
10 asked Mr. Zouaydi to open the front door, or
11 somebody else from the establishment to open
12 the door and I was let in.

13 MR. STERN: Okay. And what did
14 you do once you got in?

15 INVESTIGATOR GHENENE: Once I got
16 in I went directly to where I saw the bottles
17 be disposed of and I photographed the trash
18 can as it was.

19 MR. STERN: Okay. And did you
20 have occasion to review the establishment's
21 license for hours of operation?

22 INVESTIGATOR GHENENE: Yes, sir.

1 MR. STERN: And what were the
2 establishment's hours of operation?

3 INVESTIGATOR GHENENE: I found
4 that on that night, which would have been
5 Sunday night into Monday, the hours of
6 operation and sales for Tangier Lounge ended
7 at I believe 2:00 a.m.

8 MR. STERN: Okay. And after you
9 had left the establishment did you come back
10 and check the establishment's records?

11 INVESTIGATOR GHENENE: Yes, sir.

12 MR. STERN: Did you find whether
13 or not there was a voluntary agreement
14 regarding this establishment?

15 INVESTIGATOR GHENENE: Yes, sir.

16 MR. STERN: And did you review
17 that voluntary agreement?

18 INVESTIGATOR GHENENE: Yes, sir.

19 MR. STERN: Did the voluntary
20 agreement have any indication of what the
21 hours of operation for the establishment were?

22 INVESTIGATOR GHENENE: Yes, sir.

1 It stated that Sunday through Thursday the
2 hours of operation would be from 11:00 a.m. to
3 2:00 a.m.

4 MR. STERN: Okay. I'm going to
5 show you what will be Government's Exhibit No.
6 1 and ask if you can identify this.

7 INVESTIGATOR GHENENE: Yes, sir.

8 MR. STERN: And what is it?

9 INVESTIGATOR GHENENE: This is the
10 investigative report for Tangier Lounge that
11 I prepared.

12 MR. STERN: Okay. Is that your
13 signature on the investigative report?

14 INVESTIGATOR GHENENE: Yes, sir.

15 MR. STERN: And did you include
16 the exhibits to that report in there?

17 INVESTIGATOR GHENENE: Yes, sir.

18 MR. STERN: Can you tell me what
19 Exhibit No. 1 is?

20 INVESTIGATOR GHENENE: Exhibit No.
21 1 is a photograph of the trash can with the
22 beer bottles on top that I observed.

1 MR. STERN: And Exhibit No. 2?

2 INVESTIGATOR GHENENE: Exhibit No.
3 2 is a copy of the ABC license for Tangier
4 Lounge.

5 MR. STERN: And what does Exhibit
6 No. 2 reflect?

7 INVESTIGATOR GHENENE: Exhibit No.
8 2 reflects the hours of operation and sales
9 for the entire week, including Sunday, which
10 states it runs from 11:00 a.m. to 2:00 a.m.

11 MR. STERN: Okay. And Exhibit No.
12 3?

13 INVESTIGATOR GHENENE: Exhibit No.
14 3 is a copy of a voluntary agreement between
15 Tangier Lounge and the Kalorama Citizens
16 Association and the ANC 1C.

17 MR. STERN: And where in Exhibit
18 No. 3 does it reflect the voluntary
19 agreement's understanding of the hours of
20 operation?

21 INVESTIGATOR GHENENE: In section
22 1 under the heading "Hours and Capacity" it

1 states the hours of operation shall be Sunday
2 through Thursday 11:00 a.m. to 2:00 a.m.

3 MR. STERN: Okay. Now did you see
4 anyone drinking out of those beer bottles?

5 INVESTIGATOR GHENENE: Yes, sir.

6 MR. STERN: And when was that?

7 INVESTIGATOR GHENENE: That was at
8 approximately 2:57 a.m. when I arrived.

9 MR. STERN: Okay. So that was
10 from the outside of the establishment?

11 INVESTIGATOR GHENENE: Yes, sir.

12 MR. STERN: Okay. Thank you. No
13 further questions.

14 CHAIRPERSON MILLER: Cross?

15 MS. MONDESIR: Do you mind if I
16 stand up?

17 CHAIRPERSON MILLER: Do I mind if
18 you stand up? No, if you're picked up on the
19 mic.

20 MS. MONDESIR: Oh, okay. I got
21 you.

22 CHAIRPERSON MILLER: That's what

1 we're most concerned about.

2 MS. MONDESIR: Okay. That's fine.
3 Thank you.

4 CHAIRPERSON MILLER: Okay.

5 MR. STERN: Oh, I'm sorry. Excuse
6 me. If I may? I don't mean to interrupt. I
7 just wanted to move -- it's already part of
8 the record, but I wanted to move Government's
9 Exhibit 1, the case report, into evidence.

10 CHAIRPERSON MILLER: There's no
11 objection is there?

12 MS. MONDESIR: No.

13 CHAIRPERSON MILLER: Great. Okay.
14 Then that's admitted into the record,
15 Government Exhibit No. 1, which is the
16 investigative report.

17 Okay.

18 MS. MONDESIR: Thank you.

19 CHAIRPERSON MILLER: Yes.

20 MS. MONDESIR: Okay. Sir, do you
21 understand that your report forms a basis of
22 ABRA issuing a violation?

1 INVESTIGATOR GHENENE: I'm sorry?

2 MS. MONDESIR: Do you understand
3 that your report forms a basis of ABRA issuing
4 violations to businesses? Do you understand
5 that?

6 INVESTIGATOR GHENENE: I'm not
7 understanding your question.

8 MS. MONDESIR: Do you understand
9 -- I don't know how else to -- do you
10 understand that based on your reports the ABRA
11 issue violations, or the ABC Board issues
12 violations? Allegations. Charges. Do you
13 understand that?

14 INVESTIGATOR GHENENE: I believe
15 that is a tool that is used, but I don't think
16 it's solely represented by my report.

17 MS. MONDESIR: But it's part of
18 that, correct? You understand that?

19 INVESTIGATOR GHENENE: Part of
20 what?

21 MS. MONDESIR: Part of the basis
22 for their issuing charges.

1 INVESTIGATOR GHENENE: Oh, I'm not
2 sure.

3 MS. MONDESIR: Okay.

4 INVESTIGATOR GHENENE: Yes.

5 MS. MONDESIR: Okay. Well, how
6 long have you been working as an investigator?

7 INVESTIGATOR GHENENE: For ABRA?

8 MS. MONDESIR: Yes.

9 INVESTIGATOR GHENENE:
10 Approximately two-and-a-half years.

11 MS. MONDESIR: Okay. And do you
12 take your job seriously?

13 INVESTIGATOR GHENENE: Ma'am?

14 MS. MONDESIR: Do you take your
15 job seriously?

16 INVESTIGATOR GHENENE: Yes, ma'am.

17 MS. MONDESIR: Is English your
18 first language?

19 INVESTIGATOR GHENENE: Yes, ma'am.

20 MS. MONDESIR: Thank you.

21 MS. MONDESIR: You testified that
22 you were responsible for the narrative,

1 however, there are statements referencing what
2 occurred in the back. You were not in the
3 back of the business, correct?

4 INVESTIGATOR GHENENE: Yes, ma'am.

5 MS. MONDESIR: So how do you know
6 what happened in the back? It's included in
7 your narrative.

8 INVESTIGATOR GHENENE: I was on
9 the phone with the investigators that were in
10 the back and we also discussed it after the
11 fact.

12 MS. MONDESIR: Okay. Do you
13 understand that there's common meanings to
14 certain words? For example, this would be
15 commonly understood as being a table, this
16 would be a chair. Do you understand that?

17 INVESTIGATOR GHENENE: I guess so.
18 Yes.

19 MS. MONDESIR: Okay. And do you
20 understand what a window is?

21 INVESTIGATOR GHENENE: Yes.

22 MS. MONDESIR: Okay. Your report

1 indicates that you looked through the window
2 at the front of the business, correct?

3 INVESTIGATOR GHENENE: Yes.

4 MS. MONDESIR: Is there a window
5 at the front of the business?

6 INVESTIGATOR GHENENE: Yes.

7 MS. MONDESIR: Okay. Your report
8 also states that the other investigators
9 knocked on the window in the back of the
10 business. Is there a window in the back of
11 the business?

12 INVESTIGATOR GHENENE: I believe
13 so, yes.

14 MS. MONDESIR: Okay. I just want
15 to give you an opportunity to revisit this.
16 When you just testified just now you said you
17 were looking through a hole, through a slot?

18 INVESTIGATOR GHENENE: Yes.

19 MS. MONDESIR: Is that a window?

20 INVESTIGATOR GHENENE: No, that's
21 a hole.

22 MS. MONDESIR: Okay. So but

1 you're still maintaining that there was a
2 window?

3 INVESTIGATOR GHENENE: Yes, behind
4 the hole.

5 MS. MONDESIR: Okay. So but your
6 report doesn't reference that you were peering
7 through a mail slot. It just says -- because
8 the Board doesn't know. They're looking
9 exactly at what you're writing. You didn't
10 indicate that you were peering through a slot.

11 INVESTIGATOR GHENENE: I said a
12 hole, yes.

13 MS. MONDESIR: Okay. Your report
14 doesn't state that.

15 INVESTIGATOR GHENENE: Okay.

16 MS. MONDESIR: Okay. You
17 indicated that an unidentified person dropped
18 the beer bottles into the trash, correct?

19 INVESTIGATOR GHENENE: I saw them
20 being dropped out of sight.

21 MS. MONDESIR: Okay. Very good.
22 Once you entered -- you did enter. So once

1 you entered did you identify that person?

2 INVESTIGATOR GHENENE: I believe I
3 did, yes.

4 MR. STERN: What is the name of
5 that person?

6 INVESTIGATOR GHENENE: I don't
7 recall.

8 MS. MONDESIR: Shouldn't you have
9 gotten the name of that person?

10 MR. STERN: Objection.

11 CHAIRPERSON MILLER: Sustained.

12 MS. MONDESIR: Did you get the
13 names of the people who were the alleged
14 patrons?

15 INVESTIGATOR GHENENE: No, I did
16 not.

17 MS. MONDESIR: Okay. The report
18 indicates that you formed the basis of the
19 allegation based on -- and if I may, since
20 this is already in evidence, read from it?
21 "The determination was based on Investigator
22 Ghenene's observations and statements from the

1 staff at the establishment." Which staff is
2 this?

3 INVESTIGATOR GHENENE: The person
4 sitting next to you.

5 MS. MONDESIR: So you're saying --
6 I mean I'm trying to understand your
7 statement. You're saying based on his
8 statements that you determined that there was
9 a violation?

10 INVESTIGATOR GHENENE: No.

11 MS. MONDESIR: That's what your
12 report says.

13 INVESTIGATOR GHENENE: No, I said
14 based off of my observations and his
15 statements.

16 MS. MONDESIR: Right. And his
17 statements?

18 INVESTIGATOR GHENENE: Yes.

19 MS. MONDESIR: So I'm not clear.
20 So you're saying that he said something to you
21 that made you think that there was a
22 violation?

1 INVESTIGATOR GHENENE: No, I said
2 based off of my observations and his
3 statements.

4 MEMBER ALBERTI: Asked and
5 answered.

6 MS. MONDESIR: You said two
7 things, correct? Your report is based on,
8 one, your observations?

9 INVESTIGATOR GHENENE: Yes.

10 MR. STERN: And, two, his
11 statements?

12 INVESTIGATOR GHENENE: Yes.

13 MS. MONDESIR: Okay. I'm trying
14 to find out -- you're saying that he stated
15 something that made you think that there was
16 a violation?

17 MR. STERN: Objection. Asked and
18 answered.

19 MS. MONDESIR: He's not --

20 MR. STERN: Three times.

21 MS. MONDESIR: He's not answering.
22 He's not answering. He doesn't understand.

1 MR. STERN: You got an answer.
2 You don't like the answer, but you got an
3 answer.

4 CHAIRPERSON MILLER: Okay. You'd
5 have to rephrase it because you did ask that
6 question.

7 MS. MONDESIR: What did he state
8 that made you think that there were
9 violations?

10 INVESTIGATOR GHENENE: If I
11 remember, it was him apologizing for being
12 open and having people inside. If I remember
13 correctly.

14 MS. MONDESIR: When you saw the
15 individuals consuming alcohol, where were they
16 specifically?

17 INVESTIGATOR GHENENE: Seated at
18 the bar.

19 MS. MONDESIR: Okay. So you had a
20 clear full view of the bar from where you
21 were?

22 INVESTIGATOR GHENENE: A full view

1 on the --

2 MS. MONDESIR: You had a view of
3 the seated area of the bar from where you were
4 looking?

5 INVESTIGATOR GHENENE: I had a
6 view of the patrons -- well, the people inside
7 consuming alcohol, yes.

8 MS. MONDESIR: And you just said
9 that they were at the bar?

10 INVESTIGATOR GHENENE: Yes.

11 MS. MONDESIR: Did you notice that
12 there was a curtain drawn when you looked
13 through the mail slot?

14 INVESTIGATOR GHENENE: There was
15 not a curtain drawn.

16 MS. MONDESIR: Were you surprised
17 to see that there were beer bottles in the
18 trash can?

19 MR. STERN: Objection.

20 CHAIRPERSON MILLER: What's the
21 grounds?

22 MR. STERN: I just don't know the

1 relevance of his surprise.

2 CHAIRPERSON MILLER: Would you
3 respond to that?

4 MS. MONDESIR: It's relevant
5 because he noted it in his report. So it was
6 noteworthy. I'm trying to understand why it
7 was noteworthy. So if he wants me to remove
8 the word "surprise," I can say why is it
9 noteworthy since he referred to it.

10 CHAIRPERSON MILLER: Yes, rephrase
11 the question.

12 MS. MONDESIR: Why is it
13 noteworthy that you saw beer bottles in the
14 trash?

15 INVESTIGATOR GHENENE: It wasn't
16 that I saw beer bottles in the trash. It was
17 that I saw the exact two that I saw on the bar
18 being consumed in the trash.

19 MS. MONDESIR: How could you
20 determine that they were the exact two?

21 INVESTIGATOR GHENENE: I didn't
22 lose sight of the two bottles until they were

1 dropped, and no one else came in that area
2 with anything in their hands.

3 MS. MONDESIR: But you could see
4 the trash can?

5 MR. STERN: Objection. That's
6 been asked and answered.

7 MS. MONDESIR: I have never asked
8 that.

9 CHAIRPERSON MILLER: Go ahead.

10 MR. STERN: Okay. Fine.

11 MS. MONDESIR: I mean how do you
12 know they weren't --

13 CHAIRPERSON MILLER: No, did you
14 see the trash can?

15 INVESTIGATOR GHENENE: No.

16 CHAIRPERSON MILLER: Okay.

17 INVESTIGATOR GHENENE: Or I don't
18 remember. I don't think so though.

19 CHAIRPERSON MILLER: Okay.

20 MS. MONDESIR: How many people
21 were there?

22 INVESTIGATOR GHENENE: I don't

1 really remember how many, but it was probably
2 between four and seven.

3 MS. MONDESIR: Did you question
4 each of them as to whether they were consuming
5 alcohol?

6 INVESTIGATOR GHENENE: No, I spoke
7 directly with the ABC manager.

8 MS. MONDESIR: This gentleman
9 here?

10 INVESTIGATOR GHENENE: Yes.

11 MS. MONDESIR: Okay. That's all
12 for now.

13 CHAIRPERSON MILLER: Okay. Any
14 Board questions?

15 MEMBER ALBERTI: Yes.

16 CHAIRPERSON MILLER: Yes, Mr.
17 Alberti?

18 MEMBER ALBERTI: Investigator
19 Ghenene, thank you for your report.

20 INVESTIGATOR GHENENE: Yes.

21 CHAIRPERSON MILLER: You said that
22 you saw four to seven people inside. When

1 you're referring to those people, are you
2 referring to patrons, staff or the combination
3 of the two?

4 INVESTIGATOR GHENENE: Probably
5 the combination of the two.

6 MEMBER ALBERTI: Okay. How many
7 people do you believe were patrons when you
8 looked in?

9 INVESTIGATOR GHENENE: Just from
10 my I guess experience monitoring it, I
11 recognized two people as people that I've seen
12 there before, so I thought that maybe two to
13 three were probably employees or staff and
14 that the remaining were patrons.

15 MEMBER ALBERTI: Okay. You said
16 you saw the other two investigators enter the
17 bar area while you were looking through this
18 hole, is that correct?

19 INVESTIGATOR GHENENE: Yes, sir.

20 MEMBER ALBERTI: All right. Did
21 you have a view of the two people you believed
22 to be patrons that you just spoke of at that

1 same time?

2 INVESTIGATOR GHENENE: Yes, sir.

3 MEMBER ALBERTI: What did they do
4 when the other investigators came in?

5 INVESTIGATOR GHENENE: One of the
6 people that was standing behind the bar, I
7 observed him grab the bottles that were on top
8 of the bar and take them out of sight and drop
9 them behind the bar. When the investigators
10 came in, everyone was kind of in the same
11 vicinity. No one had left my eyeshot at
12 that --

13 MEMBER ALBERTI: Okay. So maybe
14 you misunderstood my question. The person
15 behind the bar was who?

16 INVESTIGATOR GHENENE: I believe
17 he was a bartender.

18 MEMBER ALBERTI: Okay. The two
19 people you said you recognized as patrons from
20 your past --

21 INVESTIGATOR GHENENE: No, I'm
22 sorry, staff members from my past --

1 MEMBER ALBERTI: Oh, you
2 recognized people as staff members?

3 INVESTIGATOR GHENENE: Yes, sir.

4 MEMBER ALBERTI: Okay. Let's go
5 back. How many people do you believe were
6 patrons at that time?

7 INVESTIGATOR GHENENE: If I
8 remember correctly, maybe three.

9 MEMBER ALBERTI: All right. And
10 where were they when you first observed them?

11 INVESTIGATOR GHENENE: In front of
12 the bar.

13 MEMBER ALBERTI: They were in
14 front of the bar? Standing? Seated?

15 INVESTIGATOR GHENENE: I believe
16 one was seated, but it's possible all three
17 were standing.

18 MEMBER ALBERTI: Did you have a
19 view of those three individuals, two or three
20 individuals at the time the investigators came
21 in?

22 INVESTIGATOR GHENENE: Yes, sir.

1 MEMBER ALBERTI: Okay. And what
2 did they do?

3 INVESTIGATOR GHENENE: I don't
4 believe that they moved.

5 MEMBER ALBERTI: They stayed
6 there?

7 INVESTIGATOR GHENENE: I believe
8 so.

9 MEMBER ALBERTI: Okay. And then
10 you entered --

11 INVESTIGATOR GHENENE: Yes, sir.

12 MEMBER ALBERTI: -- after that?

13 INVESTIGATOR GHENENE: Yes, sir.

14 MEMBER ALBERTI: And what did they
15 do?

16 INVESTIGATOR GHENENE: Same thing.

17 MEMBER ALBERTI: They stayed
18 there?

19 INVESTIGATOR GHENENE: Stayed
20 still.

21 MEMBER ALBERTI: Were there
22 through your entire investigation?

1 INVESTIGATOR GHENENE: I believe
2 so. I believe the ABC manager and I, we were
3 speaking in the back of the restaurant.

4 MEMBER ALBERTI: Yes.

5 INVESTIGATOR GHENENE: And I don't
6 remember anyone leaving.

7 MEMBER ALBERTI: Okay.

8 INVESTIGATOR GHENENE: No.

9 MEMBER ALBERTI: All right. Thank
10 you very much. No further questions.

11 CHAIRPERSON MILLER: Others? Yes,
12 Mr. Brooks?

13 MEMBER BROOKS: Yes, thank you,
14 Madam Chair.

15 Investigator, did you have a
16 conversation with the ABC manager?

17 INVESTIGATOR GHENENE: Yes, sir.

18 MEMBER BROOKS: And what was the
19 essence of that conversation?

20 INVESTIGATOR GHENENE: I advised
21 the ABC manager that they were in violation as
22 for operating after hours and Mr. -- I'm just

1 going to refer to my report for his name --
2 Mr. Zouaydi was very apologetic and asked what
3 the process was and what would happen next.

4 MEMBER BROOKS: Okay. Do you know
5 the owner of the ABC license?

6 INVESTIGATOR GHENENE: Only by
7 name.

8 MEMBER BROOKS: Okay. So have you
9 been there before?

10 INVESTIGATOR GHENENE: Outside of
11 this incident?

12 MEMBER BROOKS: Yes.

13 INVESTIGATOR GHENENE: Maybe once
14 or twice before in an ABRA capacity, but not
15 -- never met the owner.

16 MEMBER BROOKS: Okay. Thank you,
17 Madam Chair.

18 CHAIRPERSON MILLER: Okay. Thank
19 you. Others?

20 (No audible response.)

21 CHAIRPERSON MILLER: All right. I
22 just have a few. You mentioned the time 2:57?

1 INVESTIGATOR GHENENE: Yes, ma'am.

2 CHAIRPERSON MILLER: What happened
3 at 2:57?

4 INVESTIGATOR GHENENE: That's when
5 I first observed the consumption.

6 CHAIRPERSON MILLER: Through the
7 hole?

8 INVESTIGATOR GHENENE: Yes, ma'am.

9 CHAIRPERSON MILLER: And when you
10 were observing that, is that when you said you
11 observed two people consuming what appeared to
12 be alcohol?

13 INVESTIGATOR GHENENE: Yes, ma'am.

14 CHAIRPERSON MILLER: Okay. So why
15 did you think they were consuming alcohol?

16 INVESTIGATOR GHENENE: Because I
17 recognized the bottles to be beer bottles.

18 CHAIRPERSON MILLER: Okay. So how
19 far away was that from where you were looking?

20 INVESTIGATOR GHENENE: Probably
21 from me to the court stenographer.

22 CHAIRPERSON MILLER: Okay.

1 MS. MONDESIR: I'm sorry, I didn't
2 hear the last one, the response.

3 CHAIRPERSON MILLER: Would you
4 repeat your last response?

5 INVESTIGATOR GHENENE: From me to
6 the court stenographer, approximately.

7 CHAIRPERSON MILLER: Okay. So
8 from there you could see what appeared to you
9 to be beer bottles, correct?

10 INVESTIGATOR GHENENE: Yes, ma'am.

11 CHAIRPERSON MILLER: I think at
12 one point you said something about Corona and
13 Miller Lite.

14 INVESTIGATOR GHENENE: Yes, ma'am.

15 CHAIRPERSON MILLER: Could you
16 tell from there that that's what they were?

17 INVESTIGATOR GHENENE: Yes, ma'am.

18 CHAIRPERSON MILLER: Okay. And
19 with respect to the individuals that you have
20 stated that you think were patrons, three
21 patrons --

22 INVESTIGATOR GHENENE: Yes, ma'am.

1 CHAIRPERSON MILLER: -- why do you
2 think that they were patrons as opposed to
3 staff?

4 INVESTIGATOR GHENENE: Only
5 because of where they were seated. And again,
6 like I was explaining to Board Member Alberti,
7 through monitoring in the past I recognized
8 two people as people I've seen there before
9 and working in what looked to be some kind of
10 staff role at Tangier, whereas these people I
11 did not recognize them. But then again, they
12 could have been employees. But either way,
13 they were consuming alcohol.

14 CHAIRPERSON MILLER: Okay. All
15 right. That completes my questioning. Any
16 other Board questions?

17 (No audible response.)

18 CHAIRPERSON MILLER: Okay. So now
19 if there are any questions related to Board
20 questions.

21 MR. STERN: I have some. Yes, I
22 do have some.

1 CHAIRPERSON MILLER: Okay.

2 MR. STERN: I'm showing you the
3 first page of Exhibit 1 again and I've
4 highlighted certain areas. Could you read
5 that aloud for the Board?

6 INVESTIGATOR GHENENE: Sure. "At
7 approximately 2:57 a.m. Investigator Ghenene
8 walked up to the front entrance of Tangier
9 Lounge and observed patrons inside the
10 establishment consuming what appeared to be
11 alcoholic beverages." In parentheses,
12 "(Corona and Miller Lite beer)," end
13 parentheses.

14 MR. STERN: Okay. Does it say
15 there that you looked through a window?

16 INVESTIGATOR GHENENE: No, sir.

17 MR. STERN: Does it say anywhere
18 in your report that you looked through a
19 window?

20 INVESTIGATOR GHENENE: I don't
21 believe so, sir.

22 MR. STERN: Okay. Thank you.

1 CHAIRPERSON MILLER: Mr. Stern,
2 could you identify where you were reading from
3 in the report?

4 MR. STERN: It would be in
5 "Details," the second sentence. The entire
6 sentence.

7 CHAIRPERSON MILLER: Oh, okay.

8 MR. STERN: I want to try just one
9 other abject lesson. Can you tell me what I'm
10 holding in my hand?

11 INVESTIGATOR GHENENE: Pencil.

12 MR. STERN: Can you see the pencil
13 now?

14 INVESTIGATOR GHENENE: Nope.

15 MR. STERN: Can you come outside
16 and tell me if this is the same pencil I was
17 holding in my hand?

18 INVESTIGATOR GHENENE: It is.

19 MR. STERN: How do you know that?

20 INVESTIGATOR GHENENE: Because I
21 saw you drop it.

22 MR. STERN: Thank you.

1 MEMBER ALBERTI: Would the record
2 reflect that Mr. Stern held a yellow pencil in
3 view of -- in front of Investigator Ghenene
4 and then dropped it outside of the witness box
5 on the floor?

6 INVESTIGATOR GHENENE: Yes, sir.

7 MR. STERN: That would be fine.

8 CHAIRPERSON MILLER: Okay. Does
9 that complete your --

10 MR. STERN: That completes my
11 redirect, yes.

12 CHAIRPERSON MILLER: Yes, okay.
13 And do you have any questions on Board
14 questions?

15 MS. MONDESIR: Yes.

16 CHAIRPERSON MILLER: Or redirect?

17 MS. MONDESIR: One question.

18 CHAIRPERSON MILLER: Okay.

19 MS. MONDESIR: So you testified
20 that you could not see the trash can. How do
21 you know that the employee was not -- the
22 bartender was not placing the bottles on the

1 shelves behind the bar and that he was
2 actually dropping them in the trash can? How
3 do you know that that's --

4 INVESTIGATOR GHENENE: I watched
5 them being dropped and then I confirmed the
6 location.

7 MS. MONDESIR: That still doesn't
8 establish --

9 MR. STERN: Objection. That's
10 argument or testimony.

11 CHAIRPERSON MILLER: Sustained.

12 MS. MONDESIR: But you do confirm
13 you did not see the trash can, correct?

14 INVESTIGATOR GHENENE: I confirmed
15 the location of the trash can once I entered
16 the establishment.

17 MS. MONDESIR: But you did not see
18 a trash can while you were outside?

19 INVESTIGATOR GHENENE: No.

20 MS. MONDESIR: Thank you.

21 CHAIRPERSON MILLER: Okay. Thank
22 you very much.

1 INVESTIGATOR GHENENE: Sure.

2 MR. STERN: That's all for the
3 District of Columbia.

4 CHAIRPERSON MILLER: Okay.

5 MS. MONDESIR: One moment, please.

6 CHAIRPERSON MILLER: All right.

7 MS. MONDESIR: I actually need him
8 for direct. I forgot to --

9 CHAIRPERSON MILLER: You're saying
10 you want to call the Government's witness for
11 direct?

12 MS. MONDESIR: On direct, yes.

13 MR. STERN: That would be fine.

14 CHAIRPERSON MILLER: Okay. How
15 many witnesses do you have?

16 MS. MONDESIR: Himself and the two
17 investigators.

18 CHAIRPERSON MILLER: Mr. Ghenene
19 and who else?

20 MS. MONDESIR: Pardon me?

21 CHAIRPERSON MILLER: Who's the
22 other investigator, just so we know?

1 MS. MONDESIR: Erin Mathieson.

2 CHAIRPERSON MILLER: Okay.

3 MS. MONDESIR: I don't want him to
4 leave, so --

5 CHAIRPERSON MILLER: Go ahead.
6 Oh, do you want to call him now? He hasn't
7 left.

8 MS. MONDESIR: Okay. But can we
9 have him outside of the presence of the
10 court --

11 CHAIRPERSON MILLER: Yes.

12 MS. MONDESIR: -- the Board?

13 CHAIRPERSON MILLER: Yes.

14 MS. MONDESIR: As well as Ms.
15 Erin?

16 CHAIRPERSON MILLER: Yes, you want
17 to invoke the rule on witnesses so that they
18 don't hear the testimony?

19 MS. MONDESIR: Yes.

20 CHAIRPERSON MILLER: Okay. Do you
21 have any objection, Mr. Stern? I don't see
22 why you could.

1 MR. STERN: The rule on witnesses
2 doesn't actually apply because it's her
3 witnesses now.

4 CHAIRPERSON MILLER: Oh, that's
5 true.

6 MR. STERN: On the other hand --

7 MEMBER ALBERTI: That's true.

8 CHAIRPERSON MILLER: That's true.

9 MR. STERN: -- it doesn't really
10 matter to me one way or the other. If she
11 wants them to sit outside --

12 CHAIRPERSON MILLER: You're not
13 objecting?

14 MR. STERN: -- that's fine.

15 CHAIRPERSON MILLER: Okay.

16 MR. STERN: You can sit outside.

17 CHAIRPERSON MILLER: Okay.

18 MS. MONDESIR: Please.

19 CHAIRPERSON MILLER: Okay.

20 MS. MONDESIR: Thank you.

21 CHAIRPERSON MILLER: Who are you
22 calling?

1 MS. MONDESIR: I'm calling --

2 CHAIRPERSON MILLER: Okay.

3 MS. MONDESIR: -- Mr. Zouaydi.

4 CHAIRPERSON MILLER: So you're
5 asking that the investigators come back?

6 MS. MONDESIR: Yes, please.

7 CHAIRPERSON MILLER: And Mr. Stern
8 is not objecting.

9 MS. MONDESIR: Thank you

10 CHAIRPERSON MILLER: Okay. So if
11 you want to come back when we're ready for
12 your testimony.

13 Okay. Would you take the witness
14 stand, please. I need to swear you in.

15 MEMBER ALBERTI: Would you stand
16 up, please?

17 CHAIRPERSON MILLER: Do you swear
18 to tell the truth, the whole truth and nothing
19 but the truth?

20 MR. ZOUAYDI: I do.

21 CHAIRPERSON MILLER: Okay.

22 MS. MONDESIR: Please state your

1 name for the record.

2 MR. ZOUAYDI: The first name,
3 Abdoumoula. The last name Zouaydi.

4 MEMBER SILVERSTEIN: Please speak
5 up.

6 MR. ZOUAYDI: The first name
7 Abdoumoula.

8 MS. MONDESIR: Yes.

9 MR. ZOUAYDI: The last name
10 Zouaydi.

11 MEMBER SILVERSTEIN: Could you
12 spell that, please?

13 MR. ZOUAYDI: Last name, Z-O-U-A-
14 Y-D-I.

15 MS. MONDESIR: Okay. Thank you.
16 Is English your first language?

17 MR. ZOUAYDI: No, it is the fourth
18 language.

19 MS. MONDESIR: Okay. So I will
20 speak slowly and try to be careful so the
21 Board can understand you clearly.

22 MR. ZOUAYDI: Yes, please.

1 MS. MONDESIR: Are you associated
2 with Tangier Lounge?

3 MR. ZOUAYDI: Yes.

4 MS. MONDESIR: How so?

5 MR. ZOUAYDI: Manager.

6 MEMBER ALBERTI: I didn't hear the
7 last response.

8 MR. ZOUAYDI: I'm the GM of -- for
9 Tangier Lounge.

10 CHAIRPERSON MILLER: We need to --

11 MEMBER ALBERTI: You need --

12 CHAIRPERSON MILLER: -- get picked
13 up by the mic somehow, or speak louder. What
14 is your position?

15 MR. ZOUAYDI: Yes, so I'm managing
16 Tangier Lounge.

17 CHAIRPERSON MILLER: Manager?

18 MR. ZOUAYDI: Yes, I'm the GM.

19 MS. MONDESIR: On the morning of
20 November 12 were you at Tangier Lounge at or
21 about 2:30?

22 MR. ZOUAYDI: Yes.

1 MS. MONDESIR: What were you doing
2 around that time?

3 MR. ZOUAYDI: Doing all the
4 establishment for the paperwork and the paper
5 from the whole week.

6 MS. MONDESIR: Okay.

7 CHAIRPERSON MILLER: I'm sorry, I
8 didn't catch that. Paperwork and what?

9 MR. ZOUAYDI: Because it's Sunday,
10 it is the last day of the week, because we
11 close every Monday. So we do the paperwork
12 for the next week, for the kitchen, for the
13 liquor, for --

14 CHAIRPERSON MILLER: Okay.

15 MR. ZOUAYDI: -- everything that
16 we need.

17 MS. MONDESIR: Okay. So was it
18 unusual for you to be there around that time
19 of the morning, or was it typical?

20 MR. ZOUAYDI: No, is always.

21 MS. MONDESIR: Okay. What time
22 did Tangier Lounge close at on that day?

1 MR. ZOUAYDI: It close five
2 minutes before 2:00 a.m.

3 MS. MONDESIR: Okay.

4 MR. ZOUAYDI: It was 1:50, 1:55 --

5 MS. MONDESIR: Okay.

6 MR. ZOUAYDI: -- exactly.

7 MS. MONDESIR: And what is the
8 actual process for closing the lounge?

9 MR. ZOUAYDI: The closing we have
10 to do the clean from the back to the forward,
11 back to forward, you know? Then we start from
12 the kitchen going -- you know, the bar is the
13 last thing, you know, we do.

14 MS. MONDESIR: Okay. The actual
15 process of closing. So when do you stop
16 serving alcohol?

17 MR. ZOUAYDI: Oh --

18 MS. MONDESIR: What time do you
19 stop serving alcohol?

20 MR. ZOUAYDI: We stop serving
21 alcohol around 1:45.

22 MS. MONDESIR: Okay. And --

1 MR. ZOUAYDI: That's the way that
2 we -- I'm sorry, last call, you know, is 1:30
3 and we stop, you know, after that, but it's
4 going to be like, you know, 1:45. That's the
5 last time, you know, for anything.

6 MS. MONDESIR: Okay. So I'm
7 sorry, when you close --

8 MR. ZOUAYDI: Yes, ma'am.

9 MS. MONDESIR: -- what is the
10 process of actually closing up, not the
11 cleaning aspect, but closing up the lounge?

12 MR. ZOUAYDI: You know, what I
13 said before. you know, every Sunday, you
14 know, we have to do, you know, this, you know,
15 the paperwork plus what we need to know for
16 the new week, you know, because we closing on
17 every Monday.

18 MS. MONDESIR: Right. No, I
19 understand that.

20 MR. ZOUAYDI: Yes, I'm sorry. Ask
21 your question.

22 MS. MONDESIR: Does the front door

1 lock?

2 MR. ZOUAYDI: Yes.

3 MS. MONDESIR: The front door of
4 Tangier Lounge, the actual physical door?

5 MR. ZOUAYDI: Yes.

6 MS. MONDESIR: Not the shutter.
7 The door itself, it locks?

8 MR. ZOUAYDI: It locks, yes.

9 MS. MONDESIR: Are you sure?

10 MR. STERN: Objection.

11 CHAIRPERSON MILLER: Sustained.

12 MR. STERN: He answered it twice
13 now.

14 CHAIRPERSON MILLER: Right.

15 MR. ZOUAYDI: The --

16 MS. MONDESIR: I mean the front
17 door

18 MR. STERN: Consistently.

19 MS. MONDESIR: -- that you --

20 MR. STERN: Twice.

21 MR. ZOUAYDI: Oh, the -- okay.

22 I'm sorry. So I missed your question.

1 Between the gates and the door?

2 MS. MONDESIR: No, I meant the
3 door itself.

4 MR. ZOUAYDI: Okay. The door
5 doesn't lock from the first day when we took
6 over of Tangier Lounge. So the doors, that's
7 locked. We locked.

8 MEMBER SILVERSTEIN: The door?

9 MR. ZOUAYDI: It is the gate and
10 it is a door. So the door doesn't lock.
11 Never. From the first day when we take over
12 of Tangier Lounge and the landlord is already
13 to approve that from the first day when we
14 took over. We lock the gate. The gate, we do
15 have the lock. That's what we do. So we do
16 close it -- to close it.

17 MS. MONDESIR: Okay. So --

18 MR. ZOUAYDI: That is gate.

19 MS. MONDESIR: I'm sorry.

20 MR. ZOUAYDI: Yes.

21 MS. MONDESIR: Okay. So if the
22 door doesn't lock, how do you stop patrons

1 from coming in when you're about to close?

2 MR. ZOUAYDI: Fifteen minute to
3 ten minutes before we came to the time, you
4 know, we use the curtain.

5 MS. MONDESIR: Okay. So could you
6 explain that? There's a curtain there?

7 MR. ZOUAYDI: Curtain is draw the
8 right door to go out from establishment. That
9 means the bar behind the curtain. That's
10 where we have the curtain, only on the right
11 side, not on the left side.

12 MS. MONDESIR: Okay.

13 MR. ZOUAYDI: Because the curtain
14 covering the bar.

15 MS. MONDESIR: Okay. On the
16 morning in question when you closed that, I
17 think you said five minutes to 2:00, were
18 there any patrons left or customers left
19 inside the bar after you closed?

20 MR. ZOUAYDI: I'm sorry. One more
21 time.

22 MS. MONDESIR: On the morning of

1 November 12th --

2 MR. ZOUAYDI: Yes.

3 MS. MONDESIR: -- after you
4 closed --

5 MR. ZOUAYDI: Yes.

6 MS. MONDESIR: -- did any
7 customers remain in the bar?

8 MR. ZOUAYDI: No, it is no
9 customers. That means nobody except one
10 person. She's a lady. Her name Sara. And
11 Sara, she's with me and she's waiting to give
12 me a ride.

13 MS. MONDESIR: Okay. So how many
14 people actually remained after the bar was
15 closed --

16 MR. ZOUAYDI: Nobody.

17 MS. MONDESIR: -- including
18 yourself?

19 MR. ZOUAYDI: At time is three.
20 That means the bartender, Sara and I.

21 MS. MONDESIR: Okay. Was there
22 any alcohol sold after you were closed on that

1 morning?

2 MR. ZOUAYDI: None.

3 MS. MONDESIR: Was there any
4 alcohol given?

5 MR. ZOUAYDI: No again.

6 MS. MONDESIR: Okay. Do you
7 remember the incident of the morning of
8 November 12 when the investigators came to the
9 bar, to the lounge?

10 MR. ZOUAYDI: I do remember.

11 MS. MONDESIR: Do you remember the
12 incident? Do you remember that morning?

13 MR. ZOUAYDI: I do remember.

14 MS. MONDESIR: Okay. How did the
15 investigators enter the establishment?

16 MR. ZOUAYDI: From the back door.

17 MS. MONDESIR: Did all of them, or
18 one or two?

19 MR. ZOUAYDI: No, it was one, the
20 gentleman. I forgot his name. So he was in
21 front. And the lady and the other, they was
22 in the back door.

1 MS. MONDESIR: And how did they
2 enter?

3 MR. ZOUAYDI: I let them in.

4 MS. MONDESIR: Did anyone enter
5 through the front door?

6 MR. ZOUAYDI: The front door?
7 Nobody can come in from the front door.

8 MS. MONDESIR: Why not?

9 MR. ZOUAYDI: Because we lock the
10 gate from outside.

11 MS. MONDESIR: The report states
12 that there is a window in the front. Is there
13 a window in the front?

14 MR. ZOUAYDI: It is no window. It
15 is a slot of the mail box.

16 MS. MONDESIR: Okay.

17 MR. ZOUAYDI: That was what --

18 MS. MONDESIR: The report --

19 MR. STERN: Objection. I'm sorry.
20 Assumes facts that are not in evidence. We
21 already heard from another witness, and the
22 report is in evidence, that it doesn't say

1 anything about a window in the front. She's
2 now twice asked witnesses about a window in
3 front. It's assuming facts that are not in
4 evidence. If she'd like to show him where it
5 says there's a window in front, I'm open to
6 that.

7 CHAIRPERSON MILLER: Okay.

8 MS. MONDESIR: Okay.

9 CHAIRPERSON MILLER: Sustained.

10 MS. MONDESIR: I can do that.

11 MR. STERN: She's showing him --
12 I'm objecting to her showing this. This is
13 the charging document that I wrote. I was not
14 there. It may be something that I said there,
15 but I was not there, so unless she has some
16 evidence that the investigator wrote there's
17 a window in the front, I would object to her
18 showing that document.

19 MS. MONDESIR: If I may?

20 CHAIRPERSON MILLER: Okay.

21 MS. MONDESIR: If I may? This is
22 the Notice of Status in a Show Cause Hearing,

1 the charging document. It's part of the
2 record. There's the charges.

3 CHAIRPERSON MILLER: Okay.

4 MS. MONDESIR: And that's part of
5 that. He states the fact that support the
6 charge.

7 CHAIRPERSON MILLER: I understand
8 that, but I think the point now is he is not
9 alleging that there was a window, so why are
10 we spending time arguing about whether there
11 was a window when no one is saying there was
12 a window?

13 MR. STERN: And more importantly
14 she can't use it to impeach the witness who
15 testified that he was looking through the slot
16 because he didn't write it or affirm it in any
17 way. I wrote it.

18 MS. MONDESIR: It's still part of
19 the record.

20 CHAIRPERSON MILLER: It is part of
21 the record, but as far as this examination
22 goes it doesn't seem relevant anymore.

1 MS. MONDESIR: Okay. Thank you.

2 CHAIRPERSON MILLER: Does that
3 complete your --

4 MS. MONDESIR: Yes.

5 CHAIRPERSON MILLER: -- direct?

6 MS. MONDESIR: No, no, no. No.

7 CHAIRPERSON MILLER: Oh.

8 MS. MONDESIR: No, no, no. I'm
9 sorry.

10 CHAIRPERSON MILLER: Okay. Just
11 that matter? Okay.

12 MS. MONDESIR: If I may, may I
13 please approach the witness with what is
14 Exhibit 1?

15 CHAIRPERSON MILLER: Okay.

16 MS. MONDESIR: Would it be okay if
17 I --

18 CHAIRPERSON MILLER: Okay. It's
19 in evidence.

20 MR. ZOUAYDI: Mr. Mathieson and
21 Lawson went to the rear of the establishment
22 and --

1 MEMBER ALBERTI: Could you speak
2 up and read it louder, please?

3 MR. ZOUAYDI: Okay. So Mr.
4 Mathieson and Lawson went to the rear of the
5 establishment and knocked from the door and
6 window. While Investigator Lawson and
7 Mathieson knocked on the door, the
8 investigator Ghenene observe and identify --

9 MS. MONDESIR: Okay.

10 MEMBER ALBERTI: Which sentence is
11 this again? Could you tell us?

12 MS. MONDESIR: It is under
13 "Details."

14 MEMBER ALBERTI: Yes.

15 MS. MONDESIR: And begins with the
16 fifth -- the first sentence down. Mathieson
17 and Lawson.

18 MEMBER ALBERTI: While Mathieson
19 and Lawson? Or, no, Mathieson -- okay.

20 CHAIRPERSON MILLER: The
21 investigators?

22 MEMBER ALBERTI: Oh, okay.

1 MS. MONDESIR: Investigators

2 Mathieson and Lawson went to --

3 MEMBER ALBERTI: Okay. All right.

4 Fine. Thank you. That one sentence. Thank

5 you.

6 MS. MONDESIR: Yes. That sentence

7 states that they knocked on the window in the

8 back, correct?

9 MR. ZOUAYDI: There is no window

10 in the back.

11 MS. MONDESIR: That's what this

12 says and that's what you stated, correct?

13 MEMBER ALBERTI: Ms. Mondesir?

14 MS. MONDESIR: Yes.

15 MEMBER ALBERTI: If you're going

16 to stand there, you need to speak much louder

17 because the court reporter is not picking you

18 up. So you either have to sit down or speak

19 very loud.

20 MS. MONDESIR: Okay. Thank you

21 very much.

22 MEMBER ALBERTI: You have two

1 choices.

2 MS. MONDESIR: Thank you. Do you
3 recognize this?

4 MEMBER ALBERTI: Ms. Mondesir, you
5 need to speak loud.

6 MS. MONDESIR: Yes. Do you
7 recognize this?

8 MR. ZOUAYDI: Yes, I do.

9 MS. MONDESIR: What is it?

10 MR. ZOUAYDI: This is the back
11 door.

12 MS. MONDESIR: The back door of
13 what?

14 MR. ZOUAYDI: Of Tangier Lounge.

15 MS. MONDESIR: Okay. Is there a
16 window there?

17 MR. ZOUAYDI: No, there's no
18 window.

19 MS. MONDESIR: I'd like to enter
20 this.

21 CHAIRPERSON MILLER: Do you have
22 any objections, Mr. Stern?

1 MR. STERN: Yes, actually.

2 CHAIRPERSON MILLER: Okay.

3 MR. STERN: I have an objection on
4 relevancy. The investigator stated he wasn't
5 there and didn't see it. It can't be used to
6 impeach him. Whether or not there's a window
7 in the back isn't relevant to whether he could
8 see or whether there was drinking in the
9 front. The charges are not reliant on what
10 was seen in the back.

11 MS. MONDESIR: If I may?

12 CHAIRPERSON MILLER: Yes. I also
13 need to look at it.

14 MS. MONDESIR: Yes.

15 CHAIRPERSON MILLER: All right.
16 Take it to our assistant. Okay. Briefly just
17 the relevance of it? I think he's objecting.

18 MR. STERN: Yes.

19 MS. MONDESIR: The relevance is
20 that there is a direct statement by one of the
21 investigators which forms a basis of the
22 report and in --

1 MEMBER ALBERTI: Ms. Mondesir,
2 again, you're not being picked up.

3 CHAIRPERSON MILLER: Okay.

4 MEMBER ALBERTI: I'm sorry.

5 CHAIRPERSON MILLER: I know.

6 MS. MONDESIR: I'll sit down.

7 CHAIRPERSON MILLER: Yes, if you
8 could speak -- because you need to have the
9 mic pick you up.

10 MS. MONDESIR: Okay.

11 CHAIRPERSON MILLER: Okay.

12 MS. MONDESIR: The relevance is
13 that there's a direct statement in the case
14 report which is a basis of the allegations
15 which specifically states that they knocked on
16 a rear window in the back of the
17 establishment.

18 CHAIRPERSON MILLER: Okay.

19 MS. MONDESIR: That is a sworn
20 statement of one of the investigators.

21 CHAIRPERSON MILLER: Okay.

22 MR. STERN: If I may, it's not a

1 statement of one of the investigators. It's
2 a statement of the investigator who testified
3 who also testified that he was never back
4 there. Okay? So the relevancy of that is
5 zero. The fact of the matter is there was no
6 foundation for that question. She could have
7 asked the foundation to tie him to the
8 statement, but that was never asked of him.

9 CHAIRPERSON MILLER: Okay. I'm
10 going to let this in. Okay. I think that it
11 is relevant if it is a part of the scene, it's
12 part of the establishment. And I understand
13 for whatever weight it's worth, that it goes
14 to the question of whether or not the report
15 accurately reflects whether there was a window
16 there. Okay.

17 MS. MONDESIR: Thank you.

18 CHAIRPERSON MILLER: This is
19 Respondent's Exhibit No. 1.

20 MS. MONDESIR: Yes, it is.

21 CHAIRPERSON MILLER: Okay.

22 MS. MONDESIR: Thank you. Sorry

1 about that.

2 Okay. You said there was one
3 other individual who was not a staff member
4 who was present at Tangier Lounge on that
5 morning after closing?

6 MR. ZOUAYDI: Yes.

7 MS. MONDESIR: What is her name
8 for the record, please?

9 MR. ZOUAYDI: Her name is Sara
10 Tienda.

11 MS. MONDESIR: Okay. And why was
12 she there?

13 MR. ZOUAYDI: She's just waiting
14 for me.

15 MS. MONDESIR: She was waiting for
16 you?

17 MR. ZOUAYDI: Yes, give me a ride.

18 MS. MONDESIR: And was she
19 consuming any alcohol?

20 MR. ZOUAYDI: No.

21 MS. MONDESIR: Okay. As the
22 general manager have you ever looked through

1 the mail slot yourself?

2 MR. ZOUAYDI: We do. We do.

3 MS. MONDESIR: We did?

4 MR. ZOUAYDI: Yes.

5 MS. MONDESIR: Okay. So --

6 CHAIRPERSON MILLER: What's the
7 answer to that question? We did?

8 MR. ZOUAYDI: I'm sorry.

9 CHAIRPERSON MILLER: What did you
10 say?

11 MR. ZOUAYDI: I said we did. So
12 because I show her the gates from outside and
13 the slot of the mail. Then we took a picture.
14 I did took a picture. Then we were looking
15 because what I understand what we can see from
16 outside to inside, especially from the slot of
17 the mail.

18 CHAIRPERSON MILLER: Okay. So
19 because of this case you looked through the
20 mail slot to see what you could see?

21 MR. ZOUAYDI: Because, you know, I
22 read the report, too, so I didn't see no

1 window. So how can that happening?

2 CHAIRPERSON MILLER: Okay.

3 MR. ZOUAYDI: Because I want to
4 understand, you know, what's going on. So at
5 least we will have idea.

6 MS. MONDESIR: Okay. And when you
7 peer through the mail slot what are you able
8 to see on the other side?

9 MR. ZOUAYDI: The wall and start
10 of the bar and the lights and the wall.

11 MS. MONDESIR: Okay.

12 MR. ZOUAYDI: That you can see,
13 too. That's impossible you can see the bar
14 from the slot. Impossible.

15 MS. MONDESIR: Okay. So it's
16 your --

17 MR. ZOUAYDI: Impossible.

18 MS. MONDESIR: -- testimony you
19 cannot see the bar itself --

20 MR. ZOUAYDI: Absolutely not.

21 MS. MONDESIR: -- from the slot?

22 MR. ZOUAYDI: Impossible.

1 MS. MONDESIR: Did the bartender
2 or yourself or anyone throw away beer bottles
3 as stated in the report on that night?

4 MR. ZOUAYDI: Absolutely not.

5 MS. MONDESIR: Okay. Did you
6 apologize to the investigator after they came
7 in --

8 MR. ZOUAYDI: This doesn't happen.
9 Absolutely doesn't happen. I didn't apologize
10 to nobody.

11 MS. MONDESIR: Okay. Was it
12 possible that anyone left the premises because
13 the investigator is saying that there was four
14 to seven people? Is it possible that anyone
15 left the premises while they were there?

16 MR. ZOUAYDI: How come somebody is
17 going to left and two in the back door and one
18 in the front? How come somebody is going to
19 let you? It is one door. Then when gets in
20 the front and the back door, it is one door.
21 And two it was at the back door. One it was
22 in the front. How come somebody is going to

1 left?

2 MEMBER ALBERTI: Excuse me. Ms.
3 Mondesir, that question is incredibly unclear.
4 Did anyone leave the establishment? Leave the
5 establishment at any time during the evening?

6 MS. MONDESIR: No.

7 MEMBER ALBERTI: At 4:00 in the
8 morning? I mean --

9 MS. MONDESIR: I'm sorry.

10 MEMBER ALBERTI: -- it is --

11 MS. MONDESIR: After the bar --

12 MEMBER ALBERTI: -- totally --

13 MS. MONDESIR: Okay.

14 MEMBER ALBERTI: -- uninformative
15 to me.

16 MS. MONDESIR: I will clarify.
17 After the bar closed, at the time
18 that the investigators were there --

19 MR. ZOUAYDI: Yes.

20 MS. MONDESIR: -- when they
21 knocked on the -- between that time and the
22 investigators entering was it possible that

1 anyone left?

2 MR. ZOUAYDI: No. I said no. I
3 was clear. It was Sara Tienda, Frank and I.
4 And two investigator that was in the back
5 door. One it was in the front door.

6 MS. MONDESIR: And where is Sara
7 Tienda now?

8 MR. ZOUAYDI: She's in California.

9 MS. MONDESIR: And how long have
10 you been managing Tangier Lounge?

11 MR. ZOUAYDI: Six years.

12 MS. MONDESIR: And are you
13 familiar with the regulations against
14 consuming --

15 MR. ZOUAYDI: Yes, I am.

16 MS. MONDESIR: -- alcohol after
17 the closing?

18 MR. ZOUAYDI: Yes, I am.

19 MS. MONDESIR: Have you ever been
20 charged with a violation --

21 MR. ZOUAYDI: No.

22 MS. MONDESIR: -- like this

1 before?

2 MR. ZOUAYDI: Never.

3 MS. MONDESIR: At the time that
4 the investigators enter the premises had you
5 yet taken out the trash?

6 MR. ZOUAYDI: Not yet.

7 MS. MONDESIR: And why not?

8 MR. ZOUAYDI: Because the trash is
9 the last thing, you know, we do with out --
10 with us when we left.

11 MS. MONDESIR: So there --

12 MR. ZOUAYDI: Because that means
13 that the last thing we do every night.

14 MS. MONDESIR: So the beer bottles
15 that were in the trash, where did they come
16 from?

17 MR. ZOUAYDI: From the sale before
18 we close. And we still have; sorry about
19 that, the trash of the restaurant and the
20 kitchen. We did not take no one of them. All
21 of them was there.

22 MS. MONDESIR: Okay.

1 CHAIRPERSON MILLER: Can you tell
2 us what you're doing?

3 MS. MONDESIR: Yes, I'm sorry.

4 CHAIRPERSON MILLER: Okay.

5 MS. MONDESIR: Approaching the
6 witness. I have a photograph of his
7 establishment.

8 CHAIRPERSON MILLER: Wait, you're
9 not on mic. So you can tell us from over
10 there what you're doing.

11 MS. MONDESIR: Okay. Do you
12 recognize this?

13 CHAIRPERSON MILLER: So you're
14 approaching --

15 MR. ZOUAYDI: Yes.

16 CHAIRPERSON MILLER: -- the
17 witness and showing the witness a photograph?

18 MS. MONDESIR: A photograph, yes.

19 MR. ZOUAYDI: Yes. Yes.

20 MS. MONDESIR: And what is it?

21 MR. ZOUAYDI: This the slot of the
22 gate of the entrance of Tangier Lounge.

1 MS. MONDESIR: Okay. I'd like to
2 move this into evidence, please.

3 CHAIRPERSON MILLER: Do you have
4 an objection, Mr. Stern?

5 MR. STERN: Well, I guess if the
6 witness will say it accurately reflects the
7 way the slot was on the night in question, I
8 don't have an objection.

9 CHAIRPERSON MILLER: Let me see
10 what it is. Okay.

11 MR. STERN: It's a photograph of
12 the --

13 MS. MONDESIR: Yes.

14 MR. STERN: To be introduced into
15 evidence it has to be relevant and it has to
16 be tied to the day in question.

17 CHAIRPERSON MILLER: Right.

18 MR. STERN: If the witness will
19 say that it accurately depicts the way the
20 slot looked on the day in question, then I
21 don't have an objection. He hasn't said that
22 yet.

1 CHAIRPERSON MILLER: Correct.

2 MS. MONDESIR: Does that picture
3 reflect what the slot looked like on the day
4 of November 12th?

5 MR. ZOUAYDI: Yes, ma'am.

6 MS. MONDESIR: I'd like to move it
7 into evidence, please. So, I have one --

8 CHAIRPERSON MILLER: When was this
9 picture taken?

10 MS. MONDESIR: I have one more.
11 Yes. When was that picture taken?

12 MR. ZOUAYDI: Fifteen days, ten
13 days, something like that. You know, last ten
14 days, fifteen days ago.

15 CHAIRPERSON MILLER: And who took
16 it?

17 MR. ZOUAYDI: Me and my staff.

18 CHAIRPERSON MILLER: You took it?
19 Okay.

20 MS. MONDESIR: I'd like to move it
21 into evidence, please.

22 MR. STERN: No objection.

1 CHAIRPERSON MILLER: Okay. It's
2 Respondent's Exhibit No. 2.

3 MS. MONDESIR: I'm preparing to
4 approach the witness with another photograph.

5 CHAIRPERSON MILLER: Okay.

6 MS. MONDESIR: Thank you. Sir, do
7 you recognize that picture?

8 MR. ZOUAYDI: I do.

9 MS. MONDESIR: What is it?

10 MR. ZOUAYDI: Is the gate of
11 Tangier Lounge.

12 MS. MONDESIR: Is that the
13 condition that it was in on the night in
14 question after -- around --

15 MR. ZOUAYDI: Yes, ma'am.

16 MS. MONDESIR: -- 2:57 --

17 MR. ZOUAYDI: Yes.

18 MS. MONDESIR: -- as reflected in
19 the report?

20 MR. ZOUAYDI: Yes, ma'am. That
21 the sign to approve all and the gates and --

22 MS. MONDESIR: And who took that

1 picture?

2 MR. ZOUAYDI: Oh, the same as --

3 CHAIRPERSON MILLER: Sir, you need
4 to remember to speak up, okay, into the
5 microphone.

6 MR. ZOUAYDI: Oh, sure. I'm
7 sorry.

8 CHAIRPERSON MILLER: Okay.

9 MR. ZOUAYDI: Okay. So this is
10 the gate of Tangier Lounge.

11 CHAIRPERSON MILLER: Okay.

12 MR. ZOUAYDI: And that's how we
13 close every night. So that means is
14 impossible to anybody, you know, to open the
15 gates because we lock it from outside. So is
16 no chance to -- nobody to unlock the door.

17 MS. MONDESIR: Okay. And is the
18 slot, the previous picture that we looked at,
19 is that on that gate?

20 MR. ZOUAYDI: Yes, it is.

21 MS. MONDESIR: Okay. And who took
22 that picture?

1 MR. ZOUAYDI: Like what I said
2 before, is me and my staff.

3 MS. MONDESIR: And when was it
4 taken?

5 MR. ZOUAYDI: This is after
6 closing.

7 MS. MONDESIR: Right, but how
8 many --

9 MR. ZOUAYDI: How many days, it's
10 going -- I say that was 10 days ago, 15 days
11 ago.

12 MS. MONDESIR: Okay.

13 MR. ZOUAYDI: Fifteen, ten.
14 Because we took different pictures. Too many,
15 I mean.

16 MS. MONDESIR: I would like to
17 move that into evidence, please.

18 CHAIRPERSON MILLER: Any
19 objection?

20 MR. STERN: No objection.

21 CHAIRPERSON MILLER: I just need
22 to take a look at it.

1 MS. MONDESIR: One moment, please.

2 I'm sorry.

3 CHAIRPERSON MILLER: Sir, what
4 time was this picture taken?

5 MR. ZOUAYDI: This after closing.

6 CHAIRPERSON MILLER: After
7 closing?

8 MR. ZOUAYDI: Yes, after closing.

9 CHAIRPERSON MILLER: Well, it
10 looks kind of light. Is it the street light?
11 Is it the camera?

12 MR. ZOUAYDI: Yes, this is Adams
13 Morgan light. The District light, yes.

14 CHAIRPERSON MILLER: Adams Morgan?
15 Okay.

16 MR. ZOUAYDI: Yes.

17 CHAIRPERSON MILLER: I just want
18 to clarify. I thought that you said you and
19 your staff took the picture.

20 MR. ZOUAYDI: Yes, ma'am.

21 CHAIRPERSON MILLER: Who took the
22 picture? Only one person takes a picture,

1 correct?

2 MR. ZOUAYDI: Yes, so we was
3 working together on it. So we took picture.
4 That means the gate is closing. Then we --
5 after darkness. And we took the picture of
6 the back door, too, after closing. That means
7 the time, too.

8 CHAIRPERSON MILLER: But who had
9 the camera? Who actually took the picture?

10 MR. ZOUAYDI: One of my staff.

11 CHAIRPERSON MILLER: One of your
12 staff?

13 MR. ZOUAYDI: Yes.

14 CHAIRPERSON MILLER: Okay. You
15 were with your staff?

16 MR. ZOUAYDI: Yes.

17 CHAIRPERSON MILLER: Okay.

18 MR. ZOUAYDI: Yes, ma'am.

19 CHAIRPERSON MILLER: All right.
20 So it made it in as Respondent's Exhibit No.
21 3, photograph of the gate.

22 MS. MONDESIR: One moment, please.

1 Thank you.

2 CHAIRPERSON MILLER: Yes.

3 MS. MONDESIR: Do you recognize
4 that picture?

5 MR. ZOUAYDI: Yes, I do.

6 MS. MONDESIR: What is it?

7 MR. ZOUAYDI: This is a picture --
8 we took this picture inside the establishment
9 on Tangier Lounge. That was before I want to
10 say 15 minutes, 10 minutes before closing. We
11 turn the curtain. You know, that means we
12 start closing and we came took those, then we
13 done.

14 MS. MONDESIR: Okay.

15 MR. ZOUAYDI: So this picture
16 inside Tangier Lounge.

17 MS. MONDESIR: Okay.

18 MR. ZOUAYDI: And that's the
19 curtain.

20 MS. MONDESIR: Okay.

21 MR. ZOUAYDI: Inside.

22 MS. MONDESIR: Can you see the bar

1 when the curtain is drawn?

2 MR. ZOUAYDI: No, absolutely not.

3 MS. MONDESIR: And the curtain is
4 always drawn before the closing of the bar?

5 MR. ZOUAYDI: Always 15 minutes,
6 10 minutes before closing every night.

7 MS. MONDESIR: Okay. Who took the
8 picture?

9 MR. ZOUAYDI: Like, you know, what
10 I said, you know, one of my staff, but we --
11 you know, I'm partner and I'm sharing with
12 him, you know, which picture we need.

13 MS. MONDESIR: Okay. And when was
14 the picture taken?

15 MR. ZOUAYDI: Well, like what I
16 said, you know, 10 day of -- 10 days, 15 days.

17 MS. MONDESIR: And that picture,
18 is that an accurate reflection of how it
19 looked on the evening of November 12th?

20 MR. ZOUAYDI: That's true.

21 MS. MONDESIR: Okay. I'd like
22 to --

1 MR. ZOUAYDI: Like, you know, like
2 every night that's how it looks like every
3 night.

4 MS. MONDESIR: I'd like to move
5 the picture into evidence.

6 MR. STERN: I don't have an
7 objection to the picture for purposes of
8 showing what the curtain looked like.

9 CHAIRPERSON MILLER: Right.

10 MR. STERN: To show what the scene
11 was on that night I would object, so for what
12 it is.

13 MS. MONDESIR: He just testified
14 that as a procedure to closing every single
15 night there are -- he's the general manager
16 and as the general manager there are
17 established processes and he's testifying to
18 that. And based on -- I mean they can give
19 the weight, but that's his testimony.

20 CHAIRPERSON MILLER: Can you pass
21 it up so I know what we're looking at?

22 MR. STERN: My recollection --

1 CHAIRPERSON MILLER: I understand
2 what you're saying.

3 MR. STERN: -- of the picture is
4 that in fact the curtain is open in that
5 picture. So it doesn't even relate to his
6 testimony.

7 MEMBER ALBERTI: I think, Mr.
8 Stern, your objection is that this picture was
9 not taken on the night of the --

10 MR. STERN: Right.

11 MEMBER ALBERTI: -- incident so it
12 cannot be represented as reflecting the scene
13 on that night?

14 MR. STERN: That's correct.

15 MEMBER ALBERTI: Thank you.

16 CHAIRPERSON MILLER: I can't even
17 tell what it is. What is this supposed to
18 show?

19 MEMBER ALBERTI: It doesn't
20 matter. It's her picture.

21 MS. MONDESIR: It showing the
22 curtain. That's the whole point is that

1 you --

2 CHAIRPERSON MILLER: You need to
3 be on the microphone. You're not on the mic
4 here.

5 MS. MONDESIR: I'm sorry.

6 CHAIRPERSON MILLER: So, sorry.

7 MS. MONDESIR: Let me just point
8 this out. This is the edge of the curtain.
9 It shows the edge of the curtain and the point
10 of the picture is that much of the bar is
11 blocked by the curtain.

12 CHAIRPERSON MILLER: Okay. You
13 have no objection to admitting it for the
14 weight that we give it, not --

15 MR. STERN: I don't mind --

16 CHAIRPERSON MILLER: Yes.

17 MR. STERN: -- that shows that
18 there is a curtain there.

19 CHAIRPERSON MILLER: There's a
20 curtain.

21 MR. STERN: And there was a
22 curtain there the day. It doesn't depict

1 exactly what the scene looked like on that
2 day.

3 CHAIRPERSON MILLER: Okay. Yes, I
4 think that that's what we will admit it for,
5 what this curtain looks like there, but not
6 necessarily on that day.

7 MS. MONDESIR: As the general
8 manager testified to that they have a
9 procedure and a process that they carry out.
10 For example, every 1:30 they will say last
11 call. Every 1:45 they will pull the curtain.
12 He testified to that, so our position is that
13 at the time in question that that was in fact
14 the situation because there is no --

15 CHAIRPERSON MILLER: Okay. We had
16 an 11:00 hearing that --

17 MS. MONDESIR: Okay.

18 CHAIRPERSON MILLER: -- we're late
19 for already. So the ruling is that we'll
20 admit it for how that procedure looks
21 normally, or is supposed to look, but not
22 necessarily that it did that day at that time.

1 MS. MONDESIR: Thank you.

2 CHAIRPERSON MILLER: Okay.

3 MS. MONDESIR: i have no further
4 questions.

5 MR. STERN: I have a question.

6 Can you -- I want to -- this is No. 2?

7 CHAIRPERSON MILLER: Okay.

8 MEMBER ALBERTI: I think we have
9 Board questions first.

10 MR. STERN: I'm going to show you
11 again Exhibit No. 2 and ask you if you can
12 show me on here where the mail slot is.

13 MR. ZOUAYDI: Here. You know it
14 is too complicated, you know, to --

15 CHAIRPERSON MILLER: You need to
16 speak louder --

17 MR. ZOUAYDI: Okay.

18 CHAIRPERSON MILLER: -- so that
19 the court reporter --

20 MR. ZOUAYDI: You know, I can see
21 where is the slot where, you know, but, you
22 know, it's too hard, you know, for you to can

1 see it. For me is right here.

2 CHAIRPERSON MILLER: Mr. Stern,
3 what are you showing the witness?

4 MR. STERN: Respondent's Exhibit
5 No. 2 --

6 CHAIRPERSON MILLER: Okay.

7 MR. STERN: -- of the gate, I
8 believe.

9 CHAIRPERSON MILLER: Okay.

10 MR. STERN: So the mail slot is in
11 the gate?

12 MR. ZOUAYDI: Yes, in the gate.

13 MR. STERN: Okay.

14 INVESTIGATOR GHENENE: You cannot
15 see it now, but I know where is it.

16 MR. STERN: And if you hold the
17 mail slot open, you could see into the
18 establishment, is that right, absent the
19 curtain?

20 MR. ZOUAYDI: You cannot see the
21 bar.

22 MR. STERN: Okay. I understand

1 what you said.

2 MR. ZOUAYDI: Yes, sir.

3 MR. STERN: I can see into the
4 establishment?

5 MR. ZOUAYDI: You can see the
6 wall.

7 MR. STERN: Okay.

8 MR. ZOUAYDI: Yes, sir.

9 MR. STERN: Now if I were to look
10 through the mail slot I could look at it
11 straight on, correct?

12 MR. ZOUAYDI: You're going to see
13 one part.

14 MR. STERN: Okay.

15 MR. ZOUAYDI: Going to see one
16 part. You're going to see the wall and --

17 MR. STERN: Okay.

18 MR. ZOUAYDI: -- the light.

19 MR. STERN: I'm asking --

20 MR. ZOUAYDI: Okay.

21 MR. STERN: -- yes or no --

22 MR. ZOUAYDI: Okay, sir.

1 MR. STERN: -- when I look through
2 to the establishment, I could look at it
3 straight on, is that correct?

4 MR. ZOUAYDI: Yes. Yes, sir.

5 MR. STERN: Okay. And then I
6 could move all the way to the side over here
7 and look through it, isn't that correct?

8 MR. ZOUAYDI: Yes, sir.

9 MR. STERN: And I'd get a
10 different angle, isn't that right?

11 MR. ZOUAYDI: No, it is not.

12 MR. STERN: It's not a different
13 angle if I looked at it from the side?

14 MR. ZOUAYDI: No, it's going to be
15 always the wall stuck in the bar. You can see
16 one -- one side.

17 MR. STERN: Okay. So your
18 testimony is you can't get a different angle
19 if you move all the way to the left or all the
20 way to the right to look through the mail
21 slot? You don't get any different angle than
22 if you looked at it straight on?

1 MR. ZOUAYDI: No, you cannot sir,
2 because it is -- the slot is like that, this
3 side. You don't have enough space, you know,
4 to see too many corners.

5 MR. STERN: Okay.

6 MR. ZOUAYDI: It is like that. So
7 you're --

8 MR. STERN: Now --

9 MR. ZOUAYDI: -- going to see one
10 part.

11 MR. STERN: Okay. How many
12 employees do you have at closing?

13 MR. ZOUAYDI: It was one with me.

14 MR. STERN: Okay. How many
15 employees do you have at closing?

16 MR. ZOUAYDI: At closing, usually,
17 you know, about -- difference about weekdays
18 and weekends. You know, the weekdays I do
19 have, you know, four --

20 MR. STERN: Saturday night, for
21 instance, like this into Sunday morning.

22 MR. ZOUAYDI: Oh, six people, but

1 different, you know, differences because, you
2 know, we closing them -- the difference
3 between the people who working in the kitchen
4 and people be working, you know, in the floor,
5 you know?

6 MR. STERN: Okay. So six is the
7 answer?

8 MR. ZOUAYDI: Yes, sir.

9 MR. STERN: And they all left
10 sometime after closing except for the one
11 bartender and your girlfriend?

12 MR. ZOUAYDI: I'm sorry, one more
13 time.

14 MR. STERN: You have six employees
15 at closing?

16 MR. ZOUAYDI: Yes.

17 MR. STERN: Is that what you
18 testified to?

19 MR. ZOUAYDI: No. Now are we
20 talking about Sunday? It was two plus me.
21 Three that it was for Sunday. We're talking
22 about November 12th. It was two employees

1 plus me. That means three. And I send one
2 around midnight. Then I keep Frank with me as
3 a bartender.

4 MR. STERN: Okay. You testified
5 that it would be impossible to leave. Can you
6 tell me again why it would have been
7 impossible for someone to leave at 3:00?

8 MR. ZOUAYDI: Sure. Number one --
9 I'm sorry. So the inspectors, you know, when
10 they came, they came around 2:30, 2:35, not
11 2:57. That's number one.

12 MR. STERN: Okay.

13 MR. ZOUAYDI: Number two, every
14 Sunday we have to do this inventory for the
15 new week, because we close every Monday. So
16 that means we need for the kitchen the food --

17 MR. STERN: Okay. I'm still
18 trying to find out why it would have been
19 impossible for somebody to leave after that
20 time.

21 MR. ZOUAYDI: I'm sorry, what do
22 you --

1 MR. STERN: You testified --

2 MR. ZOUAYDI: Yes.

3 MR. STERN: You were asked did
4 anyone leave after the investigators were
5 there? And you said it would have been
6 impossible for somebody to leave after the
7 investigators were there.

8 MR. ZOUAYDI: Well, it is me and
9 Frank and that's what I said. So --

10 MR. STERN: Okay. You said that
11 there were two -- I don't mean -- I'm sorry.
12 I'm sorry. What's your point exactly? What
13 do you mean, somebody leave or somebody --
14 what do you mean about that? So I want to be
15 -- I want to -- I'm sorry, because my
16 English --

17 CHAIRPERSON MILLER: Wait, maybe I
18 can --

19 MR. ZOUAYDI: English is my fourth
20 language.

21 CHAIRPERSON MILLER: Okay. Let me
22 see.

1 MR. ZOUAYDI: I want to
2 understand.

3 CHAIRPERSON MILLER: He said --

4 MR. ZOUAYDI: Yes, ma'am.

5 CHAIRPERSON MILLER: -- he thought
6 you said that once the investigators came it
7 would be impossible for anyone to leave. Did
8 you say that?

9 MR. ZOUAYDI: Yes, I said that.

10 CHAIRPERSON MILLER: Okay. Why
11 would it be impossible for someone to leave?

12 MR. ZOUAYDI: Because it is -- the
13 gate's in the front and the back door it was
14 two of them holding the back door and one of
15 them it was in the front. So how can
16 somebody's going to leave?

17 MR. STERN: Okay. Then that's
18 what I wanted to ask you about.

19 MR. ZOUAYDI: Yes, sir.

20 MR. STERN: How did you know
21 somebody was in the front?

22 MR. ZOUAYDI: Because he was

1 knocking the door, the front door, and the
2 others they were knocking the back door.

3 MR. STERN: Okay. So he didn't
4 come in --

5 MR. ZOUAYDI: He was -- they was
6 knocking. They was knocking the door, the
7 front and the back.

8 MR. STERN: Okay. So he didn't
9 come in through the back?

10 MR. ZOUAYDI: No, I let them in
11 from the back.

12 MR. STERN: Okay. Now you also
13 testified that the curtain gets closed at the
14 time you're preparing to close the
15 establishment, right?

16 MR. ZOUAYDI: Yes, sir.

17 MR. STERN: And the purpose of
18 closing the establishment is so that no
19 customers can come in after that time, is that
20 right?

21 MR. ZOUAYDI: Yes, sir.

22 MR. STERN: But once you lock the

1 gate the curtain doesn't have to be closed
2 anymore?

3 MR. ZOUAYDI: No, we keep it
4 closed.

5 MR. STERN: Why?

6 MR. ZOUAYDI: Because that the
7 process. And when we close, we close the
8 door.

9 MR. STERN: Okay. So there's no
10 real reason. It's just that you do it?

11 MR. ZOUAYDI: No, we do it for a
12 reason. You know, because it is 15 minutes
13 before we closing, so we have to --

14 MR. STERN: Okay. But once the
15 gate is closed --

16 MR. ZOUAYDI: Yes.

17 MR. STERN: -- the curtain no
18 longer serves that purpose, does it?

19 MR. ZOUAYDI: No, we leave it like
20 that until the morning. So, you know, we open
21 -- and, you know, so that means we start doing
22 our job --

1 MR. STERN: Do you have an office?

2 MR. ZOUAYDI: No.

3 MR. STERN: Okay. When you do
4 paperwork you have to sit down somewhere and
5 do the paperwork, right?

6 MR. ZOUAYDI: Yes, sir.

7 MR. STERN: Where do you do that?

8 MR. ZOUAYDI: Usually a table.
9 Usually the bar. Between the bar and tables.

10 MR. STERN: Okay. Now --

11 MR. ZOUAYDI: And by the way, the
12 -- when -- I'm sorry about that. When the
13 inspectors, you know, coming in, they find the
14 paperwork, you know, in the top of the bar.

15 MR. STERN: Okay. Were there two
16 empty bottles of beer on the bar?

17 MR. ZOUAYDI: It was not two. It
18 was more than two, because, you know, last
19 thing we do we took with us is the trash.

20 MR. STERN: Okay. So at 3:00 in
21 the morning when the investigators came, or
22 just before 3:00 when the investigators came

1 there were several bottles of beer on the bar?

2 MR. ZOUAYDI: Okay. What I'm
3 going to say I heard that the inspector said
4 it is 24 people or something like that, so
5 it's supposed to be full. The trash, it's
6 supposed to be full. That means -- I missed,
7 you know, what --

8 MR. STERN: He said three or four,
9 not twenty-four.

10 MR. ZOUAYDI: He said three or
11 four?

12 MR. STERN: Yes.

13 MR. ZOUAYDI: It was nobody at --
14 you know, Sara Tienda, you know, waiting. And
15 the lady, she ask her clear questions. She
16 ask her are you a customer? She said -- Sara
17 Tienda -- no, that's my man. I'm waiting --

18 MR. STERN: Okay.

19 MR. ZOUAYDI: -- for him to finish
20 his work.

21 MR. STERN: Okay. I'm going back
22 to --

1 CHAIRPERSON MILLER: Okay. Let's
2 just --

3 MR. STERN: -- whether or not
4 there --

5 MR. ZOUAYDI: I'm sorry.

6 CHAIRPERSON MILLER: Let's try to
7 just answer the question.

8 MR. STERN: Okay.

9 MR. ZOUAYDI: Yes, ma'am.

10 CHAIRPERSON MILLER: Okay.
11 Because --

12 MR. STERN: Was there --

13 CHAIRPERSON MILLER: -- it's
14 getting late.

15 MS. MONDESIR: Yes, ma'am.

16 MR. STERN: -- bottles of bear on
17 the bar when the investigators came in?

18 MR. ZOUAYDI: Well --

19 MR. STERN: Excuse me. Just
20 before the investigators came in.

21 MR. ZOUAYDI: Yes, it was there
22 before, before they get.

1 MR. STERN: Before they came in
2 there were bottles of beer on the bar?

3 MR. ZOUAYDI: Yes, sir. Yes, sir.

4 MR. STERN: Okay. And somebody
5 cleared them away and threw them in the
6 garbage before the investigators came in?

7 MR. ZOUAYDI: No, no, no, no, no.
8 Already is in the trash, in the garbage
9 already. Is nobody move anything. Nobody
10 took anything from the bar. It was there
11 before closing. Is the same selection, the
12 same position.

13 MR. STERN: Okay.

14 MR. ZOUAYDI: Is nobody move
15 anything.

16 MR. STERN: Okay.

17 MR. ZOUAYDI: And how come he's
18 going to see the bar and somebody move the --

19 MR. STERN: I ask the questions.

20 CHAIRPERSON MILLER: Okay.

21 MR. ZOUAYDI: I'm sorry. I'm
22 sorry.

1 MR. STERN: I'm a little confused
2 because --

3 MR. ZOUAYDI: -Yes, sir.

4 MR. STERN: -- you've given me
5 what I interpret anyway as --

6 MR. ZOUAYDI: Yes, sir.

7 MR. STERN: -- different answers.
8 So let me --

9 MR. ZOUAYDI: Yes, sir.

10 MR. STERN: I just want to be
11 clear.

12 MR. ZOUAYDI: Yes, sir.

13 MR. STERN: Okay? There were
14 bottles of beer on the bar immediately before
15 the investigators came in, correct?

16 MR. ZOUAYDI: No, it is nothing in
17 the bar. If you're talking about the trash,
18 yes, it is in the trash.

19 MR. STERN: Okay.

20 MR. ZOUAYDI: In the bar it is no
21 beer in the bar.

22 MS. MONDESIR: Can you distinguish

1 the bar counter top? I think he
2 misunderstands.

3 MR. ZOUAYDI: No, no, I'm
4 talking --

5 MR. STERN: On the bar.

6 MR. ZOUAYDI: Yes, I'm --

7 MS. MONDESIR: He's asking on the
8 bar.

9 MR. STERN: Not the tables. It's
10 a commonly used term.

11 MS. MONDESIR: Right.

12 MR. ZOUAYDI: I know. Something
13 on the bar? No, nothing on the bar.

14 MR. STERN: Okay. So all of that
15 was cleaned by what time that night?

16 MR. ZOUAYDI: That time -- what I
17 said, again they came around 2:30, not 2:57.
18 They left around 2:57.

19 CHAIRPERSON MILLER: The question
20 is when was the bar clean?

21 MR. ZOUAYDI: The bar is last
22 thing because, you know, we doing paperwork.

1 Then we -- usually take us like, you know --

2 MR. STERN: The answer to that
3 question is a time.

4 CHAIRPERSON MILLER: Right.

5 MR. ZOUAYDI: A time? So
6 usually --

7 CHAIRPERSON MILLER: Not usually.
8 Do you know that night what time it was clean?
9 What time was the bar clean of any bottles or
10 glasses?

11 MR. ZOUAYDI: The bar that time is
12 like around 2:30. I know so the bar is clean,
13 because we start after -- we close 2:00. We
14 start from the kitchen --

15 MR. STERN: I'm not sure --

16 MR. ZOUAYDI: -- going forward.

17 MR. STERN: -- you answered the
18 question yet.

19 MR. ZOUAYDI: Yes, sir.

20 MR. STERN: Was the bar cleaned at
21 2:30 or by 2:30?

22 MR. ZOUAYDI: It's clean. Well,

1 that time, you know --

2 MR. STERN: Okay. What time
3 exactly did someone go and clean the bar off
4 of all the beer bottles?

5 MR. ZOUAYDI: Are you talking
6 about the trash, taking away the --

7 MR. STERN: No. No, I'm talking
8 about the bar itself. On the bar.

9 MR. ZOUAYDI: Yes.

10 MR. STERN: When you closed --

11 MR. ZOUAYDI: Yes.

12 MR. STERN: -- people had been
13 served beer, right?

14 MR. ZOUAYDI: No, no, no. When we
15 closing there's nobody serving anything. So
16 that time, you know --

17 CHAIRPERSON MILLER: Okay.

18 MR. ZOUAYDI: I'm sorry.

19 CHAIRPERSON MILLER: We can't
20 spend hours on this question. It's very
21 simple. He just wants to know what time was
22 the bar clean of bottles, glasses? The bar.

1 The bar counter. The bar.

2 MR. ZOUAYDI: Yes, after closing.

3 CHAIRPERSON MILLER: What time?

4 MR. STERN: What time?

5 MR. ZOUAYDI: So that means, you
6 know, after 2:00. That means, you know, it is
7 two people -- it is after --

8 CHAIRPERSON MILLER: What time?

9 MR. ZOUAYDI: After 2:00 that
10 night.

11 CHAIRPERSON MILLER: 2:00?

12 MR. STERN: Do you not know what
13 time?

14 MR. ZOUAYDI: Yes, 2:30 was done.
15 So that means --

16 MR. STERN: No, I don't want to
17 know when it was done by. I want to know when
18 they cleaned it. It only takes a few seconds
19 to clean off the bar.

20 MR. ZOUAYDI: Yes, yes. After
21 2:00. After 2:00, you know --

22 MR. STERN: Okay. Was it at 2:00?

1 Was it at 2:05? Was it 2:10? Was it 2:15?

2 Was it 2:20? What time was it?

3 MR. ZOUAYDI: Can be, you know,
4 around 2:10, 15. After 2:00, something like
5 that.

6 CHAIRPERSON MILLER: Okay. Let's
7 move on.

8 MEMBER ALBERTI: I think that's
9 his answer, Mr. Stern.

10 CHAIRPERSON MILLER: Yes.

11 MR. ZOUAYDI: I know 10, 15,
12 around -- after -- after -- something like
13 that.

14 MR. STERN: don't' have anything
15 further.

16 CHAIRPERSON MILLER: Okay. Any
17 Board questions?

18 MEMBER ALBERTI: Yes, I do,
19 unfortunately.

20 CHAIRPERSON MILLER: Okay.

21 MEMBER ALBERTI: Okay. Would
22 someone approach the witness and show them --

1 I think it's Defendant's Exhibit No. 3, the
2 one with the curtain?

3 Do you have a copy you've been
4 handed?

5 (No audible response.)

6 MEMBER BROOKS: Mr. Stern, do you
7 have a copy?

8 MR. STERN: I don't have a copy,
9 but I can --

10 MEMBER ALBERTI: All right.

11 MR. STERN: -- look over
12 somebody's --

13 MEMBER ALBERTI: We only have one
14 copy?

15 MS. MONDESIR: Yes, I'm sorry. I
16 thought I had a copy. I don't.

17 MEMBER ALBERTI: Okay.

18 MS. MONDESIR: Sorry.

19 CHAIRPERSON MILLER: Which exhibit
20 is that? Or what is it a picture of?

21 MEMBER ALBERTI: No. 3.

22 CHAIRPERSON MILLER: Okay.

1 MEMBER ALBERTI: This is the
2 exhibit of --

3 CHAIRPERSON MILLER: The curtain?

4 MEMBER ALBERTI: It has an exit
5 sign in the top of the picture. It appears to
6 be taken in the interior of the establishment.
7 There's an exit sign at the very top in the
8 middle of the picture.

9 Okay. To the left of that picture
10 it looks like I can see the street. Is that
11 correct?

12 MR. ZOUAYDI: Yes.

13 MEMBER ALBERTI: Am I correct in
14 that assumption?

15 MR. ZOUAYDI: Yes, sir. Yes.

16 MEMBER ALBERTI: Okay. What is to
17 the left? Okay. Discounting the street.
18 Don't count the street, that I can see it.

19 MR. ZOUAYDI: Okay.

20 MEMBER ALBERTI: To the left of
21 that picture what am I looking at?

22 MR. ZOUAYDI: To the left?

1 MEMBER ALBERTI: Yes. On the
2 left-hand side of the picture what am I
3 looking at?

4 MR. ZOUAYDI: This? Door.

5 MEMBER ALBERTI: A door?

6 MR. ZOUAYDI: Yes, sir.

7 MEMBER ALBERTI: And that door has
8 a window?

9 MR. ZOUAYDI: Yes, sir.

10 MEMBER ALBERTI: Or is that a hole
11 in the door?

12 MR. ZOUAYDI: No, it is a window.

13 MEMBER ALBERTI: It's a window?

14 MR. ZOUAYDI: Yes, sir.

15 MEMBER ALBERTI: Okay. Very good.
16 So the curtain doesn't cover the entire door?
17 In that picture the curtain did not cover the
18 entire door?

19 MR. ZOUAYDI: Yes, you know, on
20 the right side, you know, the curtain, you
21 know, is covering the door.

22 MEMBER ALBERTI: Okay. Very good.

1 All right. So thank you.

2 MR. ZOUAYDI: I forgot --

3 MEMBER ALBERTI: That's good.

4 Thank you.

5 MR. ZOUAYDI: Yes.

6 MEMBER ALBERTI: All right.

7 MR. ZOUAYDI: Yes, sir.

8 MEMBER ALBERTI: Does the curtain
9 normally cover the entire door?

10 MR. ZOUAYDI: The right one.

11 MEMBER ALBERTI: The right one?

12 Okay. So describe the door for me. You may
13 sit down.

14 MR. ZOUAYDI: Yes, sir.

15 MEMBER ALBERTI: Describe the door
16 for me. Is it one door or is two doors that
17 open?

18 MR. ZOUAYDI: It is two door.

19 MEMBER ALBERTI: Two doors?

20 MR. ZOUAYDI: It is the one the
21 curtain cover the right side and it is the
22 second one on the left side.

1 MEMBER ALBERTI: On the left side?

2 Okay.

3 MR. ZOUAYDI: Yes.

4 MEMBER ALBERTI: And does the one
5 on the right side have a window?

6 MR. ZOUAYDI: Is the same like,
7 you know, the left.

8 MEMBER ALBERTI: So it looks
9 similar to the one I'm seeing on the left?

10 MR. ZOUAYDI: Yes, sir.

11 MEMBER ALBERTI: Okay. All right.
12 Your normal procedure at closing is to what
13 with respect to the door? In your normal
14 procedure at closing do you close the two
15 interior doors? Well, okay. While you're
16 open and running for business, when you're
17 open for business are the two interior doors
18 closed or open?

19 MR. ZOUAYDI: No, the left one
20 doesn't have a lock. The right one --

21 MEMBER ALBERTI: Let's step back.

22 MR. ZOUAYDI: Okay.

1 MEMBER ALBERTI: It's November.
2 It's cold outside.

3 MR. ZOUAYDI: Okay.

4 MEMBER ALBERTI: The two interior
5 doors, while you're operating, while you're
6 serving customers --

7 MR. ZOUAYDI: Yes.

8 MEMBER ALBERTI: -- would they be
9 open or closed?

10 MR. ZOUAYDI: No, closed.

11 MEMBER ALBERTI: Closed? All
12 right.

13 MR. ZOUAYDI: Closed.

14 MEMBER ALBERTI: All right. So
15 what's the purpose of drawing the curtain over
16 the right one?

17 MR. ZOUAYDI: Because when we came
18 to 1:30 -- so it is last call I said. So the
19 people, you know, this starts thinking to
20 coming in because 1:30, you know, we start
21 refusing people to coming in.

22 MEMBER ALBERTI: So if I

1 approached your front doors before the rolling
2 doors is --

3 MR. ZOUAYDI: Against --

4 MEMBER ALBERTI: So you close the
5 front doors and you pull the curtain.

6 Normally how long after that do you pull the
7 rolling door down?

8 MR. ZOUAYDI:

9 (No audible response.)

10 MEMBER ALBERTI: All right.

11 MR. ZOUAYDI: I'm sorry.

12 MEMBER ALBERTI: I'm holding up
13 the Licensee's Exhibit 2, which is a picture
14 of the front of the establishment with a
15 rolling door.

16 MR. ZOUAYDI: Yes.

17 MEMBER ALBERTI: Is that correct?

18 MR. ZOUAYDI: Yes.

19 MEMBER ALBERTI: Normally when do
20 you close the rolling door? How long after
21 closing?

22 MR. ZOUAYDI: We closing because

1 the gates, you know, in that time usually, you
2 know, about weekdays 1:55 to the weekends, you
3 know, 2:55.

4 MEMBER ALBERTI: All right. So
5 you do this just before you close? You pull
6 the gate down? Just --

7 MR. ZOUAYDI: Yes.

8 MEMBER ALBERTI: -- you're saying
9 5 or 10 -- from your answer I infer that it's
10 5 or 10 minutes before you close that you pull
11 the gate down. Is that correct?

12 MR. ZOUAYDI: No, no, no.

13 MEMBER ALBERTI: No? Okay. When
14 do you --

15 MR. ZOUAYDI: I didn't --

16 MEMBER ALBERTI: When do you pull
17 the closing --

18 MR. ZOUAYDI: Gates.

19 MEMBER ALBERTI: It's a night and
20 you're closing.

21 MR. ZOUAYDI: The gates.

22 MEMBER ALBERTI: When do you pull

1 that gate down?

2 MR. ZOUAYDI: The gate is 2:00,
3 sometimes five minutes, you know, before time
4 in weekdays. The weekend the same. 3:00 the
5 max. Five minutes before 3:00 --

6 MEMBER ALBERTI: Okay. So your
7 testimony is that you pull this gate down --
8 your normal procedure is to pull this rolling
9 gate down --

10 MR. ZOUAYDI: We --

11 MEMBER ALBERTI: Wait, wait.

12 MR. ZOUAYDI: Sorry, sir. I'm
13 sorry. I'm sorry.

14 MEMBER ALBERTI: Please.

15 MR. ZOUAYDI: I'm sorry. I'm
16 sorry.

17 MEMBER ALBERTI: -- five minutes
18 before closing or at closing? That's what you
19 just told me. Is that correct?

20 MR. ZOUAYDI: That's because if
21 you have --

22 MEMBER ALBERTI: Okay.

1 MR. ZOUAYDI: -- if we've got
2 customers difference. If we got customers on
3 it. If we're not, so that means 2:00 -- it is
4 2:00, 3:00 and it's 3:00.

5 MEMBER ALBERTI: Okay. So if you
6 don't have customers, that's your answer? If
7 you have customers when do you pull the
8 rolling gate down?

9 MR. ZOUAYDI: Five minutes before
10 2:00, or five minutes before 3:00. If we do
11 have customers at that time, it's different --

12 MEMBER ALBERTI: Fine. Great.
13 Thank you for your answer.

14 MR. ZOUAYDI: Yes.

15 MEMBER ALBERTI: Okay. So again
16 what's the purpose of the curtain?

17 MR. ZOUAYDI: I mean is the idea
18 of the curtain?

19 MEMBER ALBERTI: What's the
20 purpose of the curtain?

21 MR. ZOUAYDI: You know, I said,
22 you know, 1:30 last call or 2:30 last call, so

1 you know, we use curtain. That means strictly
2 there is nobody allowed to coming in. Because
3 some of them, you know, when they see, you
4 know, the -- we see that customer inside, they
5 try to coming in. So we start, you know, we
6 do that stuff.

7 MEMBER ALBERTI: So you're saying
8 the first thing you do -- so how soon before
9 closing do you close the curtains?

10 MR. ZOUAYDI: Well, usually 15
11 minutes, 10 minutes before closing.

12 MEMBER ALBERTI: Okay.

13 MR. ZOUAYDI: That the time.

14 MEMBER ALBERTI: So if I
15 approached and was looking at your front
16 doors, according to your testimony, 10 minutes
17 before closing --

18 MR. ZOUAYDI: Yes.

19 MEMBER ALBERTI: -- all right --
20 look at the front door, I would expect to see
21 -- as I'm facing them I would expect -- as I'm
22 facing the front doors I would expect to see

1 the left one with a window that I couldn't see
2 through because there was something behind it?
3 And you're saying it's a curtain. Is that
4 correct?

5 MR. ZOUAYDI: Talking about the
6 right window or the left?

7 MEMBER ALBERTI: Well, okay.

8 MR. ZOUAYDI: Doors and window to
9 the --

10 MEMBER ALBERTI: It's --

11 MR. ZOUAYDI: Yes.

12 MEMBER ALBERTI: What would be the
13 right door as I'm looking at this picture,
14 Exhibit No. 3.

15 MR. ZOUAYDI: Yes.

16 MEMBER ALBERTI: As a customer I
17 approach the front.

18 MR. ZOUAYDI: Yes.

19 MEMBER ALBERTI: I look at the
20 window and I can't see through it because
21 there's something behind it. And you're
22 saying that's a curtain. Is that correct?

1 MR. ZOUAYDI: Yes.

2 MEMBER ALBERTI: Okay. How long
3 is that curtain?

4 MR. ZOUAYDI: How long?

5 MEMBER ALBERTI: How long is it?

6 MR. ZOUAYDI: It's as like from
7 the opening we have --

8 MEMBER ALBERTI: No, how long?
9 How tall? It goes from the top of the door
10 approximately to where?

11 MR. ZOUAYDI: Yes.

12 MEMBER ALBERTI: How far down does
13 it go?

14 MR. ZOUAYDI: Yes, it's from the
15 -- exit is, you know, the top of the door, so
16 from exit, you know, to the floor.

17 MEMBER ALBERTI: To the floor?

18 MR. ZOUAYDI: Yes, sir.

19 MEMBER ALBERTI: Okay. Now the
20 other door, the one that's the left-hand door
21 in this picture --

22 MR. ZOUAYDI: Yes, sir.

1 MEMBER ALBERTI: -- I can see
2 through that door, correct?

3 MR. ZOUAYDI: Yes. Yes, sir.

4 MEMBER ALBERTI: All right? And
5 these doors don't lock, right?

6 MR. ZOUAYDI: Yes, that time, you
7 know, we took picture, so that means the
8 gate --

9 MEMBER ALBERTI: Right. So as a
10 customer I could look through that window and
11 see that you're open, is that correct?

12 MR. ZOUAYDI: That's correct.

13 MEMBER ALBERTI: And I could open
14 the door, is that correct?

15 MR. ZOUAYDI: Yes, you can open
16 the door.

17 MEMBER ALBERTI: So what's the
18 purpose of the curtain? If I can still see in
19 there and see that you're operating, how does
20 this curtain discourage me from entering?

21 MR. ZOUAYDI: Yes, so the curtain
22 is -- that means we close. That's what we --

1 we use it, you know, 15 minutes, you know,
2 before 3:00 or 15 minutes before 2:00. That
3 means we closed. That means nobody allowed to
4 coming in.

5 MEMBER ALBERTI: So the only thing
6 that you're --

7 MR. ZOUAYDI: Not -- I'm sorry.

8 MEMBER ALBERTI: You're assuming
9 that someone who approaches it and sees one
10 window covered would assume that you're
11 closed, even though the other window is open?
12 Is that correct?

13 MR. ZOUAYDI: Yes, sir.

14 MEMBER ALBERTI: All right. Thank
15 you. I have no further questions.

16 CHAIRPERSON MILLER: Okay. Any
17 other questions, Board questions?

18 (No audible response.)

19 CHAIRPERSON MILLER: I just want
20 to say I know that the next case is here and
21 it was scheduled for 11:00, and I can't
22 imagine we'll get to it before 12:00 anyway,

1 in case you don't want to stay in the hearing
2 room all this time.

3 Okay. So are there any questions
4 on Board questions?

5 MS. MONDESIR: Yes, just two.

6 CHAIRPERSON MILLER: Okay.

7 MS. MONDESIR: Clarify, please,
8 the curtain, does it block the door or the
9 window?

10 MR. ZOUAYDI: The door.

11 MS. MONDESIR: So can a person
12 come through the door? So when a person
13 approaches the door, they'll see a curtain
14 drawn, is that correct?

15 MR. ZOUAYDI: Yes.

16 MS. MONDESIR: Okay. And when you
17 took that picture was the gate down or was it
18 up, when you took the third picture, Exhibit
19 3?

20 MR. ZOUAYDI: No, three, that
21 means the gate is open.

22 MS. MONDESIR: Okay.

1 MR. ZOUAYDI: Because we cannot
2 take that picture if the gate isn't always
3 closed. Is locked. Yes.

4 MS. MONDESIR: That's all I have.

5 MR. ZOUAYDI: So we took it, you
6 know, and the gate is open. Is unlocked.
7 Open.

8 MS. MONDESIR: That's all I have.
9 Thank you.

10 CHAIRPERSON MILLER: Any redirect?

11 MR. STERN: Nothing further.

12 CHAIRPERSON MILLER: No? Okay.
13 Thank you very much.

14 Ms. Mondesir, are you still
15 intending to call two witnesses?

16 MS. MONDESIR: I'll just call one,
17 and I'll just have a couple of questions.

18 CHAIRPERSON MILLER: Okay. The
19 investigator that wasn't already on the stand?

20 MS. MONDESIR: Yes.

21 CHAIRPERSON MILLER: Okay.

22 MS. MONDESIR: No. No, actually I

1 want the same individual.

2 CHAIRPERSON MILLER: You want Mr.
3 Ghenene?

4 MR. ZOUAYDI: Yes.

5 CHAIRPERSON MILLER: Okay. Could
6 you just educate me on this, because I really
7 haven't seen an opponent's witness being
8 called as a direct witness?

9 MS. MONDESIR: Oh, because I could
10 not have introduced my evidence while he was
11 doing his direct. So now I want to have him
12 look at the pictures which are now in
13 evidence. They were not in evidence at the
14 time he was before the Board.

15 CHAIRPERSON MILLER: Oh, okay. Is
16 that your understanding, Mr. Stern?

17 MR. STERN: Well, she could have
18 showed him the pictures and introduced them
19 later.

20 CHAIRPERSON MILLER: Right.

21 MR. STERN: But that's fine. Let
22 him answer the questions.

1 CHAIRPERSON MILLER: Okay. So,
2 Mr. Ghenene --

3 MEMBER ALBERTI: She went to get
4 him.

5 CHAIRPERSON MILLER: Okay. Great.
6 Okay. So you will be asking him --

7 MS. MONDESIR: In reference to --

8 CHAIRPERSON MILLER: -- in
9 reference to your exhibits and stuff?

10 Okay. Mr. Ghenene, I already
11 swore you in, so you're fine.

12 INVESTIGATOR GHENENE: Yes, ma'am.

13 CHAIRPERSON MILLER: Okay. Thank
14 you for coming back.

15 INVESTIGATOR GHENENE: Sure.
16 Thank you.

17 CHAIRPERSON MILLER: Okay.

18 MS. MONDESIR: If I may approach
19 the witness?

20 CHAIRPERSON MILLER: Okay.

21 MS. MONDESIR: This is in
22 reference to Plaintiff --

1 MEMBER ALBERTI: You're not being
2 picked up. You need to get very close --

3 CHAIRPERSON MILLER: He has a mic
4 there.

5 MEMBER ALBERTI: -- and you need
6 to speak in that mic.

7 MS. MONDESIR: This is in
8 reference to Prosecutor's Exhibit 1.

9 CHAIRPERSON MILLER: Okay.

10 MS. MONDESIR: Would you please
11 read from the same location, I believe, under
12 "Details," starting with "The investigators" I
13 think on 4? It starts with "The
14 investigators."

15 INVESTIGATOR GHENENE:
16 "Investigators Mathieson and Lawson went to
17 the rear of the establishment and knocked on
18 the door and window while Investigator Ghenene
19 remained at the front of the establishment
20 observing the inside of the establishment."

21 MS. MONDESIR: Okay. Could I
22 please see the -- I believe it's Exhibit 2.

1 MEMBER ALBERTI: I'll give you all
2 exhibits.

3 MS. MONDESIR: I'm sorry, I
4 believe this is --

5 MEMBER ALBERTI: That's your
6 Exhibit 1, I believe, Ms. Mondesir.

7 MS. MONDESIR: Oh, there is one
8 missing. Was that all?

9 CHAIRPERSON MILLER: I thought we
10 had four.

11 MEMBER ALBERTI: Excuse me. I was
12 wrong on which exhibit that was.

13 MS. MONDESIR: Per your report --

14 MEMBER ALBERTI: Before we go
15 forward, Ms. Mondesir, can you label those for
16 us?

17 MS. MONDESIR: Yes.

18 MEMBER ALBERTI: Yes, I mean I
19 think it would be helpful.

20 CHAIRPERSON MILLER: With a
21 sticker?

22 MEMBER ALBERTI: She's going to

1 write on the back, which is fine.

2 CHAIRPERSON MILLER: Oh, okay.

3 Fine. Okay.

4 MS. MONDESIR: Should I --

5 CHAIRPERSON MILLER: My
6 understanding is the photo of the door was
7 Respondent's Exhibit No. 1.

8 MS. MONDESIR: Yes.

9 CHAIRPERSON MILLER: The photo of
10 the slot was No. 2.

11 MS. MONDESIR: Yes.

12 CHAIRPERSON MILLER: I have the
13 curtain as No. 4. What's the other one, the
14 gate?

15 MS. MONDESIR: The gate.

16 CHAIRPERSON MILLER: The gate is
17 No. 3. Okay.

18 MS. MONDESIR: In the statement
19 you just read it references that the
20 investigators knocked on the door and window
21 in the back. Is there a window in that
22 picture?

1 INVESTIGATOR GHENENE: I don't --

2 MR. STERN: Objection. You got to
3 make sure he knows what that picture is.

4 CHAIRPERSON MILLER: Yes, what
5 picture are you referring to?

6 MS. MONDESIR: I'm sorry. Do you
7 recognize that picture? That is --

8 CHAIRPERSON MILLER: Which
9 exhibit?

10 MS. MONDESIR: Let me --

11 MEMBER ALBERTI: Please refer to
12 it by Exhibit number.

13 MS. MONDESIR: Yes, that is
14 Exhibit No. 3.

15 CHAIRPERSON MILLER: I thought
16 that was Exhibit No. --

17 MS. MONDESIR: No, that's 3.

18 CHAIRPERSON MILLER: What is it?

19 MS. MONDESIR: It's a picture of
20 the back door.

21 CHAIRPERSON MILLER: It's hard.
22 We only have one. When I admitted them, I

1 admitted Exhibit No. 1, photo of door; No. 2,
2 photo of slot. That's the door. So I think
3 that's Exhibit No. 1.

4 MS. MONDESIR: No, No. 1 is the
5 front door.

6 CHAIRPERSON MILLER: Oh, there's a
7 front door?

8 MS. MONDESIR: Yes.

9 CHAIRPERSON MILLER: Can I see
10 that so that --

11 MR. STERN: No, that was No. 1.

12 CHAIRPERSON MILLER: Am I wrong?

13 MS. WALKER: You were right.

14 MEMBER ALBERTI: You were right.

15 CHAIRPERSON MILLER: Right. This
16 is --

17 MS. WALKER: The gate is No. 3.

18 CHAIRPERSON MILLER: This is what
19 we called the gate. This is the gate?
20 Curtain? Gate? This is a gate.

21 MEMBER ALBERTI: Why don't we just
22 for the record just settle on the way she's

1 numbered them?

2 CHAIRPERSON MILLER: Because we
3 have -- all right. We have already --

4 MS. MONDESIR: I'll take the
5 official. Whatever she says.

6 CHAIRPERSON MILLER: Okay.

7 MS. WALKER: Yes, that was No. 3,
8 the gate.

9 CHAIRPERSON MILLER: This is No.
10 3? This is the way we've already entered it.

11 MS. MONDESIR: So, let's put three
12 on the back.

13 MEMBER ALBERTI: If you would
14 please put three on the back.

15 CHAIRPERSON MILLER: No. 1 is the
16 door that you're showing him. No. 2 is that
17 mail slot.

18 MS. MONDESIR: Showing you Exhibit
19 No. 1. That has been identified on the record
20 as the back door of Tangier Lounge. Is there
21 a window there as stated in your report?

22 INVESTIGATOR GHENENE: As stated,

1 that picture wasn't in my report.

2 MS. MONDESIR: No, I didn't say
3 that it was. But you said in your report that
4 the investigators knocked on a window at the
5 back door. Do you see a window at the back
6 door? Is there a window at the back door?

7 INVESTIGATOR GHENENE: The night
8 of the incident I kind of recall there being
9 a window attached to the door. I don't know
10 when that picture was taken, but the night of
11 the incident I vaguely remember there being
12 one. But if there wasn't one, then I
13 misspoke.

14 MS. MONDESIR: Then you misspoke?

15 INVESTIGATOR GHENENE: Yes.

16 MS. MONDESIR: Okay. I mean this
17 is an official court document and when we
18 initially -- when I asked you questions
19 earlier you understood that the basis for the
20 charges and allegations that are brought
21 against the Respondent are based on your
22 statements. So in essence you're stating that

1 your statement is incorrect.

2 MR. STERN: Objection.

3 MS. MONDESIR: Based on --

4 MR. STERN: Again, that's
5 argument. That's not --

6 MS. MONDESIR: Based on --

7 MR. STERN: -- a question.

8 MS. MONDESIR: -- the picture
9 which is an actual picture of the location at
10 the time that you entered on November 12th
11 based on that fact. There's no window --

12 CHAIRPERSON MILLER: You know
13 what?

14 MS. MONDESIR: -- as you stated.

15 CHAIRPERSON MILLER: I think that
16 the picture speaks for itself and I think
17 that the charges speak --

18 MS. MONDESIR: That's fine.

19 CHAIRPERSON MILLER: -- for
20 itself.

21 MS. MONDESIR: That's fine.

22 CHAIRPERSON MILLER: Okay. Thank

1 you. Let's move on.

2 MS. MONDESIR: That's all I have.

3 CHAIRPERSON MILLER: Okay. Mr.
4 Stern, do you have any questions?

5 MR. STERN: Yes, just briefly.

6 Investigator, were you there when
7 they knocked on the back door?

8 INVESTIGATOR GHENENE: I was not
9 present in the back, no.

10 MR. STERN: Okay. So that
11 information came from somebody else?

12 INVESTIGATOR GHENENE: Yes, sir.

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

15 CHAIRPERSON MILLER: Board --

16 MS. MONDESIR: Well, I have one
17 question.

18 CHAIRPERSON MILLER: Wait, there's
19 Board questions first.

20 MS. MONDESIR: Thank you.

21 CHAIRPERSON MILLER: I just have
22 one question. I'm not sure I understand this

1 whole scene or not, but it looks like there's
2 a mail slot that you looked through and this
3 curtain, is that correct?

4 INVESTIGATOR GHENENE: I can't
5 recall if it was a mail slot or if there was
6 a hole in the gate. It could have been one of
7 the two.

8 CHAIRPERSON MILLER: Okay.

9 INVESTIGATOR GHENENE: But I did
10 look through --

11 CHAIRPERSON MILLER: Why did you
12 have reason to look through the slot?

13 INVESTIGATOR GHENENE: Well, it's
14 customary that when we're looking for people
15 to be -- or establishments to be operating
16 after hours that we do peer behind -- in
17 between blinds or --

18 CHAIRPERSON MILLER: Oh, okay.

19 INVESTIGATOR GHENENE: -- between
20 curtains when they're there or things of that
21 nature.

22 CHAIRPERSON MILLER: Thank you.

1 INVESTIGATOR GHENENE: So

2 that's --

3 CHAIRPERSON MILLER: Okay. Thank
4 you very much.

5 INVESTIGATOR GHENENE: Yes, ma'am.

6 CHAIRPERSON MILLER: All right.

7 Anything else? Questions on Board questions?

8 MR. STERN: Nothing.

9 CHAIRPERSON MILLER: Okay.

10 MS. MONDESIR: Nothing.

11 CHAIRPERSON MILLER: Nothing?

12 Okay. Then we can excuse this witness?

13 (No audible response.)

14 CHAIRPERSON MILLER: Thank you
15 very much.

16 INVESTIGATOR GHENENE: Sure. No
17 problem.

18 CHAIRPERSON MILLER: Okay. I
19 think we're ready for closing?

20 MR. STERN: Yes.

21 CHAIRPERSON MILLER: Okay.

22 MR. STERN: On behalf of the

1 District of Columbia we --

2 MEMBER ALBERTI: Wait. Do you
3 rest, Ms. Mondesir?

4 MR. STERN: Oh, I'm sorry.

5 MS. MONDESIR: I'm sorry. I just
6 had -- I wanted to enter one last item into
7 evidence. It's an affidavit of Sara Tienda,
8 who was present at the time of the night the
9 investigators came on premises. It basically
10 addresses the night in question.

11 MR. STERN: I would objection to
12 an affidavit. I don't have the ability to
13 cross-examine an affidavit. It doesn't matter
14 what it says.

15 CHAIRPERSON MILLER: And she's
16 unavailable to come to the hearing?

17 MS. MONDESIR: Ms. Tienda no
18 longer resides here. She resides in -- I
19 think it's California.

20 MR. ZOUAYDI: California.

21 MS. MONDESIR: However, the
22 essential issues before this case; how many

1 people were there, why she personally was
2 there and whether or not she was drinking
3 alcohol, the essential facts or issues in this
4 case are addressed in her affidavit, therefore
5 it's relevant.

6 MEMBER ALBERTI: Can I ask a
7 question?

8 CHAIRPERSON MILLER: Sure.

9 MEMBER ALBERTI: Ms. Mondesir, is
10 it notarized?

11 MS. MONDESIR: Yes, it is.

12 MEMBER ALBERTI: Have you seen it,
13 Mr. Stern?

14 MR. STERN: Have not yet.

15 CHAIRPERSON MILLER: Why don't you
16 take a careful look at it?

17 MS. MONDESIR: Can I just --

18 CHAIRPERSON MILLER: Wait. Ms.
19 Walker? Yes, maybe we --

20 MS. MONDESIR: I'm handing over
21 the original and copies for each.

22 MR. STERN: This is cumulative in

1 any event. Yes, all of this has been
2 testified to by the witness who was here
3 already and this doesn't add anything. And as
4 I say, there's no opportunity to cross-examine
5 about recollection or about the ability to
6 observe or any of that. So we would ask that
7 it not be admitted.

8 MEMBER ALBERTI: I found this
9 interesting that it contradicts the testimony
10 of the Licensee, but I'll leave it at that.

11 MS. MONDESIR: I'm sorry, how does
12 it contradict?

13 MEMBER ALBERTI: We have it and we
14 accept it in evidence. I will take it for
15 what it's worth.

16 CHAIRPERSON MILLER: Right. Okay.
17 Well, I believe we also heard under oath that
18 she was unable to be here because she's in
19 California, so I would just taking it for
20 giving the weight it's worth. Yes, for the
21 weight it's worth. We can't rely on very much
22 testimony that isn't subject to cross-

1 examination, but we can take it into the
2 record. Okay. So that's Respondent's Exhibit
3 No. 5.

4 MS. MONDESIR: Thank you.

5 CHAIRPERSON MILLER: Okay.

6 Anything else? I'm sorry, I didn't mean --

7 MR. STERN: Yes. Oh, I'm sorry.

8 CHAIRPERSON MILLER: You rest your
9 case?

10 MS. MONDESIR: I rest.

11 CHAIRPERSON MILLER: Okay. Then
12 we're ready for cross.

13 MR. STERN: Closing?

14 CHAIRPERSON MILLER: I'm sorry.
15 Closing.

16 MS. MONDESIR: Can I make one
17 request? I don't know if -- how orthodox. I
18 don't know the process, but I would ask before
19 the Board renders its decision that they
20 actually go to the location and peer into the
21 slot and see that there is a wall and you
22 cannot see -- you cannot -- and I would offer

1 as an officer of the court, as an attorney
2 that I peered through there and there is a
3 wall. You cannot --

4 MR. STERN: Objection.

5 MS. MONDESIR: -- actually see the
6 bar. And I would ask that one of the members
7 of the Board -- because of the fact that this
8 establishment --

9 CHAIRPERSON MILLER: Okay. Mr.
10 Stern has made an objection. I think we ought
11 to -- you object to the request, to her
12 speaking any further to this?

13 MR. STERN: I object to the
14 testimony of --

15 CHAIRPERSON MILLER: Right. Okay.
16 Right. Yes, which we can't do, accept
17 testimony of the attorney representative. And
18 we don't do site visits.

19 MS. MONDESIR: Would the Board
20 have another investigator, or even opposing
21 counsel?

22 CHAIRPERSON MILLER: Okay.

1 MS. MONDESIR: We feel that
2 strongly about the fact.

3 CHAIRPERSON MILLER: Okay. We
4 hear you. We hear you. Okay. But this was
5 the --

6 MR. STERN: I would object.

7 CHAIRPERSON MILLER: This was the
8 time to make your case, so that was the time
9 to get the evidence in, unless Mr. Stern wants
10 to accept to leave the record open, which I
11 don't think so.

12 MR. STERN: I have no interest in
13 doing that.

14 CHAIRPERSON MILLER: Okay. So
15 it's closing. All right.

16 MR. STERN: Yes, the District
17 believes that we have proven each of the
18 elements of the three charges.

19 If I may review? This really
20 comes down to a question of credibility. We
21 look at on the one hand the credibility of the
22 investigator who was there doing his job.

1 When we look at that credibility, the question
2 has to be raised why he would falsify
3 information about someone drinking at the bar
4 and how coincidental that there happens to be
5 two beer bottles which we see pictures of in
6 the report dumped there exactly in the manner
7 in which he claims he saw someone dump beer
8 bottles in the -- it would seem to me that the
9 coincidence of there being beer bottles there
10 at that time is just too high to discount his
11 credibility in any way.

12 On the other hand we have the
13 credibility of the Respondent's witness who
14 faces substantial fines, potential suspension
15 of his license and his livelihood if he's
16 found involved. I would ask the Board to find
17 that in the balancing of credibility there are
18 too many things that support what the
19 investigators say and nothing that supports
20 what the Respondent says.

21 Aside from everything else, the
22 Respondent testified that when he looks

1 through the mail slot, which the investigator
2 said he looked through; mail slot, hole,
3 whichever we call it, he can only see one
4 angle. Common sense tells us that's not
5 accurate. Common sense says you can move 180
6 degrees and your view will be 180 degrees if
7 you move from side to side and turn your eyes
8 in the different directions which your eyes
9 will go to view what's going on there, what's
10 going on inside. So his credibility is hurt
11 by that.

12 I think his credibility is also hurt by
13 this sweeping declaration that we always keep
14 the curtain closed after closing team, because
15 the only reason he claims that they keep the
16 curtain closed after closing time is to
17 prevent someone from coming in through an open
18 door. But at this time the door wasn't open.
19 There was a locked security gate in front of
20 the door. So there was no reason and he could
21 come up with no other reason for why the
22 curtain would be there. And even if the

1 curtain was there, half of the doorway is
2 visible when the curtain is there.

3 The other thing that I believe was
4 never explained and hurts the credibility of
5 the Respondent is he claims there were only
6 three people there; his friend, he and the
7 bartender. He claims as much as a half hour
8 before the investigators showed up the bar was
9 completely cleaned. If the bar was completely
10 cleaned, what would the bartender have been
11 doing there at that time? He also said that
12 in fact the kitchen is cleaned before the bar
13 is. The bar is the last thing to be cleaned.
14 So there was no purpose for that bartender to
15 be there unless he was serving drinks at that
16 time.

17 I think if we look at all of these
18 things and the overall testimony of each and
19 what the motivation of each of the testifying
20 witnesses would be, I think that we have to
21 find that the investigator is the most
22 credible.

1 And in doing that I believe the
2 District has proven that the Respondent was
3 operating after hours in which he was allowed.
4 Even by his own testimony, at the very worst
5 it's 2:30, though I would submit that again in
6 the matter of credibility 2:51, being so
7 specific and it being the investigator's job
8 to pinpoint the time, whereas the Respondent
9 has no reason to pinpoint the time when
10 they're coming in, the investigator is more
11 believable.

12 Their closing time, as we showed,
13 is 2:00. They also have a voluntary
14 agreement, so there's a separate element there
15 that they violated by going after closing.
16 And in doing this they change substantially by
17 definition one of the aspects of their
18 operation.

19 For those reasons the District is
20 asking that the Board impose a fine of \$4,500;
21 \$2,000 for charge 1, \$2,000 for charge 2, and
22 \$500 for charge 3, which is a secondary

1 offense. Thank you.

2 CHAIRPERSON MILLER: Okay.

3 MS. MONDESIR: Thank you. We
4 would ask that the Court looks very closely at
5 the evidence that has been submitted before
6 the Board. In particular, Plaintiff's Exhibit
7 No. 1, the case report. The case report
8 states incorrect statements which the
9 investigator admitted to stating that there
10 was a window in the back when in fact based on
11 the pictures we've identified there is no
12 window.

13 Additionally, he stated that he
14 looked through to the window to see what was
15 going on, but we know that there was a mail
16 slot. He was not clear in his report that it
17 was not a window, that it was in fact a mail
18 slot. There is a big difference between
19 peering through a mail slot and looking
20 through a window.

21 We have the testimony of the
22 general manager who stated specifically that

1 they were not drinking alcohol and that they
2 were present at the time, he and his employee,
3 conducting an inventory, which they do every
4 Sunday for the next week. So the facts do
5 show why the bartender was there. And he
6 testified that they were conducting an
7 inventory.

8 Secondly, we have the affidavit of
9 the only other person who was there, not a
10 staff member, Ms. Tienda, stating that she was
11 there in order to pick up the general manager
12 and she was there also not drinking alcohol.

13 The Respondent testified that he
14 did not in fact apologize concerning having
15 the place open because it was his custom to be
16 there for such a period long time because
17 again he was conducting inventory for the next
18 week.

19 We would submit that there is
20 really a want of evidence here. The
21 investigator testified that he did not see the
22 trash can itself while he was outside. He

1 just someone removing bottles from the
2 counter. The Respondent has testified that
3 there was no bottles on the counter, that the
4 counter had been cleared by that point and no
5 one had been consuming alcohol.

6 Additionally, we agree that these
7 charges affect the livelihood of the
8 Respondent, so we think it's very important
9 that the investigator is very precise. For
10 example, he said that he identified an
11 unidentified person throwing away the bottles.
12 A few minutes later he entered the premises.
13 He did not identify the person by their name.
14 He did not apparently choose to do so. He did
15 not get the names of the individuals who were
16 allegedly consuming alcohol.

17 The Prosecution is asking that the
18 Respondent be charged in excess of \$4,000. So
19 if that is the case, the basis, which we know
20 that the case report is -- the basis for those
21 charges should be very precise. We don't know
22 who the names of the people who were allegedly

1 drinking. We don't know who allegedly threw
2 -- they had the opportunity. Because this is
3 their job as an investigator, I mean the fact
4 that they would misidentify that there was a
5 window in the back door is crucial to me.

6 You're preparing a sworn statement
7 before the District government, an arm, an
8 agency of the District government and you're
9 putting incorrect information in that
10 statement. So they were inept in essence.
11 There is a want of evidence. And again I
12 would reiterate for \$4,000, which is a
13 tremendous amount, it would be more than the
14 establishment makes in a couple of weeks --
15 that we would reiterate that we would like
16 someone from the organization to actually --
17 even if it's an investigator, that we would
18 rest the case before a decision is brought
19 about that they'll actually go and look
20 through the slot and see that --

21 MR. STERN: Objection.

22 MS. MONDESIR: -- there is a wall

1 and you cannot -- the Respondent --

2 MR. STERN: This is not proper
3 closing.

4 MS. MONDESIR: -- testified that
5 you cannot -- we looked through the slot and
6 you cannot see the bar because of a wall in
7 front of the slot.

8 Opposing party made a big deal
9 that you can move around, however, Respondent
10 testified the slot is this -- he put his
11 fingers like this. You can't move like this.
12 You can't move around. You only have the
13 option to see what is before you. So, no, if
14 the curtain is closed and there is a wall, you
15 cannot see what is occurring. You cannot see
16 a s he identified. You cannot actually
17 see the bar. And he said in his testimony,
18 the investigator did, that he saw people
19 sitting at the bar. And that is impossible.
20 And we would reiterate for justice's sake that
21 you would send in an another --

22 MR. STERN: Objection.

1 CHAIRPERSON MILLER: Okay. We've
2 heard your request.

3 MS. MONDESIR: It's my closing.

4 MR. STERN: This is not closing
5 argument.

6 MS. MONDESIR: It's my closing.
7 You're objecting to my closing.

8 MR. STERN: That's okay. You're
9 still doing improper argument.

10 MS. MONDESIR: No, I'm not.
11 I'm --

12 CHAIRPERSON MILLER: She's making
13 a request --

14 MS. MONDESIR: -- making a
15 request.

16 CHAIRPERSON MILLER: -- which is
17 -- but that's not exactly closing, a request.
18 So, yes, we've heard your request.

19 MS. MONDESIR: Yes, I was
20 reiterating. So we would ask that the Court
21 would find that there is not sufficient
22 evidence to charge the Respondent with those

1 three violations and to fine \$4,000 worth --
2 \$4,000 against him based on the evidence.
3 Thank you.

4 CHAIRPERSON MILLER: Okay. I'm
5 now going to close the record; I believe
6 everyone has put in the evidence, and I'm
7 going to ask you if parties want to file
8 proposed findings of facts and conclusions of
9 law, or waive their right to do so.

10 MR. STERN: We would waive.

11 MS. MONDESIR: I'm sorry I didn't
12 hear.

13 CHAIRPERSON MILLER: Okay. The
14 rules allow you to file proposed findings of
15 fact and conclusions of law. It's very, very,
16 very rarely done in these proceedings, but you
17 do have the opportunity if you so choose.

18 MS. MONDESIR: And we choose to do
19 so, please.

20 CHAIRPERSON MILLER: Okay. So
21 what will happen is that there is a transcript
22 being made of these proceedings, and I think

1 it takes about two weeks or so. Three? Two.
2 Okay. So then we will -- do we get in touch
3 with her, or does she get in touch --

4 MEMBER ALBERTI: Yes.

5 CHAIRPERSON MILLER: Oh, we'll
6 send it to you, the transcript.

7 MS. MONDESIR: Okay.

8 CHAIRPERSON MILLER: Then you'll
9 have 30 days from then to file proposed
10 findings of fact and conclusions of law based
11 on the evidence in the transcript and all the
12 evidence in the record. And then Board will
13 deliberate upon the record in closed session;
14 I'm going to be reading the instructions for
15 that, and issue an order within 90 days after.

16 Do you have a question about that?

17 MS. MONDESIR: Yes, I have a
18 question.

19 CHAIRPERSON MILLER: Yes, okay.

20 MS. MONDESIR: Perhaps it's
21 unorthodox, but I really would like to request
22 that maybe -- I understand the Board does not

1 do so --

2 CHAIRPERSON MILLER: Are you --

3 MS. MONDESIR: -- but have an
4 investigator to go out.

5 MR. STERN: Objection.

6 MEMBER SILVERSTEIN: No.

7 CHAIRPERSON MILLER: Okay.

8 MEMBER ALBERTI: May I just make
9 one comment? Ms. Mondesir, do you understand
10 that the proposed findings of fact and
11 conclusions of law need to be provided to Mr.
12 Stern as well as to the Board?

13 MS. MONDESIR: He has to be
14 served. A certificate of service has to be
15 attached and he --

16 MEMBER ALBERTI: Okay. You
17 understand that? Okay. Thank you.

18 MS. MONDESIR: Absolutely.

19 MEMBER ALBERTI: Thank you.

20 CHAIRPERSON MILLER: So she has
21 made this request several times, Ms. Mondesir,
22 about leaving the record open for an

1 investigator or someone to do a site visit.
2 And my understanding is that the record is
3 closed at this point and we don't allow that
4 in our proceedings. The opportunity to make
5 the case was today. But I just want to make
6 sure that no Board Member feels otherwise on
7 that issue.

8 MS. MONDESIR: I did propose --

9 CHAIRPERSON MILLER: Excuse me.
10 Wait. I just want to make sure no Board
11 Member feels otherwise. Okay.

12 MEMBER SILVERSTEIN: I agree,
13 Madam Chair.

14 CHAIRPERSON MILLER: All right.

15 MEMBER ALBERTI: I agree, Ms.
16 Miller.

17 CHAIRPERSON MILLER: Thank you.
18 Okay. So if we had to go do site visits for
19 all our cases, we would really have a full-
20 time job.

21 Okay. So now the only thing
22 remaining to be done I believe is to read the

1 instructions for the closed meeting on the
2 deliberation and to take a vote on that. So
3 I'm going to do that right now.

4 As Chairperson of the Alcoholic
5 Beverage Control Board for the District of
6 Columbia and in accordance with Section 405 of
7 the Open Meetings Amendment Act of 2010, I
8 move that the ABC Board hold a closed meeting
9 for the purpose of seeking legal advice from
10 our counsel on Case No. 12-CMP-00677, Tangier
11 Lounge, located at 2305 18th Street, N.W., per
12 Section 405(b) of the Open Meetings Amendment
13 Act of 2010, and deliberating upon this case
14 for the reason cited in Section 405(b)(13) of
15 the Open Meetings Amendment Act of 2010.

16 Is there a second?

17 MEMBER SILVERSTEIN: Second.

18 CHAIRPERSON MILLER: Mr.

19 Silverstein has seconded the motion. I'll now
20 take a roll call vote on the motion now that
21 it's been seconded. Mr. Brooks?

22 MEMBER BROOKS: I agree.

1 CHAIRPERSON MILLER: Mr. Alberti?

2 MEMBER ALBERTI: I agree.

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

5 MEMBER SILVERSTEIN: I agree,
6 Madam Chair.

7 CHAIRPERSON MILLER: Okay. It
8 appears that the motion has passed then by a
9 vote of 4-0-0. I hereby give notice that the
10 ABC Board will hold a closed meeting in the
11 ABC Board conference room upon receipt of
12 proposed findings of facts and conclusions of
13 law in this case and pursuant to the Open
14 Meetings Amendment Act of 2010 and issue an
15 order within 90 days from receipt of the
16 findings of facts and conclusions of law.

17 Then that completes this case.

18 MR. STERN: Thank you.

19 CHAIRPERSON MILLER: Thank you.

20 MS. MONDESIR: Thank you.

21 (Whereupon, the hearing was
22 concluded at 12:04 p.m.)

A	
ABC 16:3 19:11 31:7 36:2,16,21 37:5 161:8 162:10 162:11	affidavit 2:22 7:19 141:7,12,13 142:4 152:8
Abdou 2:6 3:21	affirm 61:16
Abdoumoula 49:3,7	after-hour 10:6
ability 141:12 143:5	agency 154:8
abject 42:9	ago 78:14 81:10,11
able 6:9 71:7	agree 153:6 160:12 160:15 161:22 162:2,5
ABRA 1:25 10:3 18:22 19:3,10 20:7 37:14	agreement 1:14 6:19 7:7 14:13,17 14:20 16:14 150:14
absent 91:18	agreement's 16:19
absolutely 71:20 72:4,9 85:2 159:18	agrees 162:4
Abyie 1:25 2:6 8:5 9:4	ahead 30:9 46:5
accept 143:14 145:16 146:10	Alberti 1:21 8:6,9 26:4 31:15,17,18 32:6,15,20 33:3 33:13,18 34:1,4,9 34:13,18 35:1,5,9 35:12,14,17,21 36:4,7,9 40:6 43:1 47:7 48:15 50:6 50:11 63:1,10,14 63:18,22 64:3,13 64:15,22 65:4 67:1,4 73:2,7,10 73:12,14 87:7,11 87:15,19 90:8 110:8,18,21 111:10,13,17,21 112:1,4,13,16,20 113:1,5,7,10,13 113:15,22 114:3,6 114:8,11,15,19 115:1,4,8,11,21 116:1,4,8,11,14 116:22 117:4,10 117:12,17,19 118:4,8,13,16,19 118:22 119:6,11 119:14,17,22 120:5,12,15,19 121:7,12,14,19 122:7,10,12,16,19
accurate 85:18 148:5	alcohol 5:19 9:10 27:15 28:7 31:5 38:12,15 40:13 52:16,19,21 57:22 58:4 69:19 74:16 142:3 152:1,12 153:5,16
accurately 68:15 77:6,19	alcoholic 1:2,13,17 1:17 6:3,16 7:5 11:2,3,16 41:11 161:4
Act 161:7,13,15 162:14	allegation 24:19
activity 10:5,7,14	allegations 19:12 67:14 136:20
actual 52:8,14 54:4 137:9	alleged 24:13
Adams 82:12,14	allegedly 153:16,22 154:1
add 143:3	alleging 61:9
Additionally 151:13 153:6	allow 157:14 160:3
addressed 142:4	allowed 121:2 125:3 150:3
addresses 141:10	aloud 41:5
Administration 5:19 9:11	Amendment 161:7 161:12,15 162:14
admit 89:4,20	amount 154:13
admitted 18:14 133:22 134:1 143:7 151:9	ANC 1:10 3:6 16:16
admitting 88:13	and/or 7:4
advice 161:9	angle 93:10,13,18 93:21 148:4
advised 36:20	answer 27:1,2,3 70:7 95:7 103:7 107:2 110:9 118:9 120:6,13 128:22
affect 153:7	answered 26:5,18 123:2,5,8,12,17 123:19 124:1,4,9 124:13,17 125:5,8 125:14 129:3 130:1,5 131:1,5 131:11,14,18,22 133:11 134:14,21 135:13 141:2 142:6,9,12 143:8 143:13 158:4 159:8,16,19 160:15 162:1,2
	30:6 54:12 107:17
	answering 26:21,22
	answers 105:7
	anybody 80:14
	anymore 61:22 100:2
	anyway 105:5 125:22
	apologetic 37:2
	apologize 72:6,9 152:14
	apologizing 27:11
	apparently 153:14
	appearance 4:11
	appeared 6:2 11:2 11:15 12:6 38:11 39:8 41:10
	appears 112:5 162:8
	apply 47:2
	approach 62:13 79:4 110:22 122:17 129:18
	approached 10:5 10:16 117:1 121:15
	approaches 125:9 126:13
	approaching 76:5 76:14
	Approval 1:12
	approve 55:13 79:21
	approximately 5:21 6:12 10:12 17:8 20:10 39:6 41:7 123:10
	area 5:20 10:4,20 10:20 28:3 30:1 32:17
	areas 41:4
	arguing 61:10
	argument 44:10 137:5 156:5,9
	arm 154:7
	arrived 17:8
	Aside 147:21
	asked 11:13,18 13:10 26:4,17 30:6,7 37:2 60:2 68:7,8 97:3 136:18
	asking 5:10 48:5 92:19 106:7 129:6 150:20 153:17
	aspect 53:11
	aspects 150:17
	assistant 66:16
	associated 50:1
	Association 16:16
	assume 125:10
	Assumes 59:20
	assuming 12:10 60:3 125:8
	assumption 112:14
	attached 136:9 159:15
	attempt 11:10
	attorney 4:8 145:1 145:17
	audible 37:20 40:17 111:5 117:9 125:18 140:13
	aware 4:22
	a.m 3:2 5:21 6:21 6:21 7:6 10:12 14:7 15:2,3 16:10 16:10 17:2,2,8 41:7 52:2
	B
	back 6:8 12:10,10 14:9 21:2,3,6,10 22:9,10 34:5 36:3 48:5,11 52:10,11 58:16,22 64:8,10 65:10,12 66:7,10 67:16 68:3 72:17 72:20,21 74:4 83:6 98:13,14 99:2,7,9,11 102:21 115:21 129:14 132:1,21 133:20 135:12,14

135:20 136:5,5,6 138:7,9 151:10 154:5 balancing 147:17 bar 6:10 10:20 12:18 27:18,20 28:3,9 29:17 32:17 33:6,8,9,15 34:12,14 44:1 52:12 56:9,14,19 57:7,14 58:9 71:10,13,19 73:11 73:17 84:22 85:4 88:10 91:21 93:15 101:9,9,14,16 102:1 103:17 104:2,10,18 105:14,17,20,21 106:1,5,8,13,13 106:20,21 107:9 107:11,12,20 108:3,8,8,22,22 109:1,1,19 145:6 147:3 149:8,9,12 149:13 155:6,17 155:19 bartender 33:17 43:22 57:20 72:1 95:11 96:3 149:7 149:10,14 152:5 based 19:10 24:19 24:21 25:7,14 26:2,7 86:18 136:21 137:3,6,11 151:10 157:2 158:10 basically 7:14 141:9 basis 18:21 19:3,21 24:18 66:21 67:14 136:19 153:19,20 bear 6:4 103:16 beer 12:6,13,20 15:22 17:4 23:18 28:17 29:13,16 38:17 39:9 41:12 72:2 75:14 101:16	102:1 104:2 105:14,21 108:4 108:13 147:5,7,9 begins 63:15 behalf 140:22 believable 150:11 believe 10:12 14:7 19:14 22:12 24:2 32:7 33:16 34:5 34:15 35:4,7 36:1 36:2 41:21 91:8 130:11,22 131:4,6 143:17 149:3 150:1 157:5 160:22 believed 32:21 believes 146:17 Beverage 1:2,17,17 5:19 9:10 161:5 beverages 1:13 6:3 6:16 7:5 11:3,16 41:11 big 151:18 155:8 bit 8:11 blinds 139:17 block 126:8 blocked 88:11 Board 1:2,11,17 5:6 7:1 19:11 23:8 31:14 40:6 40:16,19 41:5 43:13 46:12 49:21 90:9 110:17 125:17 126:4 128:14 138:15,19 140:7 144:19 145:7,19 147:16 150:20 151:6 158:12,22 159:12 160:6,10 161:5,8 162:10,11 bottles 6:3,10,14,15 12:6,13,20 13:1,2 13:16 15:22 17:4 23:18 28:17 29:13 29:16,22 33:7 38:17,17 39:9	43:22 72:2 75:14 101:16 102:1 103:16 104:2 105:14 107:9 108:4,22 147:5,8 147:9 153:1,3,11 box 43:4 59:15 briefly 7:13 66:16 138:5 Brooks 1:22 36:12 36:13,18 37:4,8 37:12,16 111:6 161:21,22 brought 136:20 154:18 Building 1:18 business 21:3 22:2 22:5,10,11 115:16 115:17 businesses 19:4 <hr/> C <hr/> calendar 3:4 California 74:8 141:19,20 143:19 call 8:5 45:10 46:6 53:2 89:11 116:18 120:22,22 127:15 127:16 148:3 161:20 called 128:8 134:19 calling 47:22 48:1 camera 82:11 83:9 capacity 16:22 37:14 careful 49:20 142:16 carry 89:9 case 1:9 3:3,4 5:2 5:16 6:22 7:14 18:9 67:13 70:19 125:20 126:1 141:22 142:4 144:9 146:8 151:7 151:7 153:19,20 154:18 160:5 161:10,13 162:13	162:17 cases 160:19 catch 51:8 Cause 1:9 60:22 certain 21:14 41:4 certificate 159:14 chair 21:16 36:14 37:17 160:13 162:6 Chairperson 1:19 1:21 3:3,8,13,17 4:1,4,7,10,14,17 5:1,4,11,15 7:8,12 8:2,8,14,17,21 17:14,17,22 18:4 18:10,13,19 24:11 27:4 28:20 29:2 29:10 30:9,13,16 30:19 31:13,16,21 36:11 37:18,21 38:2,6,9,14,18,22 39:3,7,11,15,18 40:1,14,18 41:1 42:1,7 43:8,12,16 43:18 44:11,21 45:4,6,9,14,18,21 46:2,5,11,13,16 46:20 47:4,8,12 47:15,17,19,21 48:2,4,7,10,17,21 50:10,12,17 51:7 51:14 54:11,14 60:7,9,20 61:3,7 61:20 62:2,5,7,10 62:15,18 63:20 65:21 66:2,12,15 67:3,5,7,11,18,21 68:9,18,21 70:6,9 70:18 71:2 76:1,4 76:8,13,16 77:3,9 77:17 78:1,8,15 78:18 79:1,5 80:3 80:8,11 81:18,21 82:3,6,9,14,17,21 83:8,11,14,17,19 84:2 86:9,20 87:1 87:16 88:2,6,12	88:16,19 89:3,15 89:18 90:2,7,15 90:18 91:2,6,9 97:17,21 98:3,5 98:10 103:1,6,10 103:13 104:20 106:19 107:4,7 108:17,19 109:3,8 109:11 110:6,10 110:16,20 111:19 111:22 112:3 125:16,19 126:6 127:10,12,18,21 128:2,5,15,20 129:1,5,8,13,17 129:20 130:3,9 131:9,20 132:2,5 132:9,12,16 133:4 133:8,15,18,21 134:6,9,12,15,18 135:2,6,9,15 137:12,15,19,22 138:3,15,18,21 139:8,11,18,22 140:3,6,9,11,14 140:18,21 141:15 142:8,15,18 143:16 144:5,8,11 144:14 145:9,15 145:22 146:3,7,14 151:2 156:1,12,16 157:4,13,20 158:5 158:8,19 159:2,7 159:20 160:9,14 160:17 161:4,18 162:1,3,7,19 chance 80:16 change 1:10 7:2 150:16 changing 7:3 charge 61:6 150:21 150:21,22 156:22 charged 74:20 153:18 charges 19:12,22 61:2 66:9 136:20 137:17 146:18
---	--	--	---	---

153:7,21 charging 60:13 61:1 check 14:10 choices 65:1 choose 153:14 157:17,18 cited 161:14 Citizens 16:15 claims 147:7 148:15 149:5,7 clarify 73:16 82:18 126:7 clean 52:10 106:20 107:8,9,12,22 108:3,22 109:19 cleaned 106:15 107:20 109:18 149:9,10,12,13 cleaning 53:11 clear 25:19 27:20 74:3 102:15 105:11 151:16 cleared 104:5 153:4 clearly 49:21 close 51:11,22 52:1 53:7 55:16,16 56:1 75:18 80:13 96:15 99:14 100:7 100:7 107:13 115:14 117:4,20 118:5,10 121:9 124:22 130:2 157:5 closed 56:16,19 57:4,15,22 73:17 99:13 100:1,4,15 108:10 115:18 116:9,10,11,13 125:3,11 127:3 148:14,16 155:14 158:13 160:3 161:1,8 162:10 closely 151:4 closer 8:10 closing 2:3,4 10:17	52:8,9,15 53:10 53:11,16 69:5 74:17 81:6 82:5,7 82:8 83:4,6 84:10 84:12 85:4,6 86:14 94:12,15,16 95:2,10,15 99:18 100:13 104:11 108:15 109:2 115:12,14 117:21 117:22 118:17,20 119:18,18 121:9 121:11,17 140:19 144:13,15 146:15 148:14,16 150:12 150:15 155:3 156:3,4,6,7,17 coincidence 147:9 coincidental 147:4 cold 116:2 Columbia 1:1 3:10 45:3 141:1 161:6 combination 32:2,5 come 6:10 9:17 12:12 13:4 14:9 42:15 48:5,11 59:7 72:16,18,22 75:15 99:4,9,19 104:17 126:12 141:16 148:21 comes 146:20 coming 56:1 101:13 116:20,21 121:2,5 125:4 129:14 148:17 150:10 comment 159:9 common 21:13 148:4,5 commonly 21:15 106:10 complete 43:9 62:3 completely 149:9,9 completes 40:15 43:10 162:17 complicated 90:14 concerned 18:1	concerning 152:14 concluded 162:22 conclusion 6:22 7:21 conclusions 157:8 157:15 158:10 159:11 162:12,16 condition 79:13 conducting 152:3,6 152:17 conference 162:11 confirm 44:12 confirmed 44:5,14 confused 105:1 Consistently 54:18 consumed 29:18 consuming 6:2 11:2 27:15 28:7 31:4 38:11,15 40:13 41:10 69:19 74:14 153:5,16 consumption 7:5 38:5 contact 9:17 11:21 contradict 143:12 contradicts 143:9 Control 1:2,17,17 161:5 conversation 36:16 36:19 copies 142:21 copy 4:15 16:3,14 111:3,7,8,14,16 corners 94:4 Corona 6:4 13:1 39:12 41:12 Corporation 1:6 correct 19:18 21:3 22:2 23:18 26:7 32:18 39:9 44:13 64:8,12 78:1 83:1 87:14 92:11 93:3 93:7 105:15 112:11,13 117:17 118:11 119:19 122:4,22 124:2,11 124:12,14 125:12	126:14 139:3 correctly 13:9 27:13 34:8 counsel 145:21 161:10 count 112:18 counter 106:1 109:1 153:2,3,4 couple 127:17 154:14 court 9:2 38:21 39:6 46:10 64:17 90:19 136:17 145:1 151:4 156:20 cover 113:16,17 114:9,21 covered 125:10 covering 56:14 113:21 CR 1:8 crack 10:18 credibility 146:20 146:21 147:1,11 147:13,17 148:10 148:12 149:4 150:6 credible 149:22 cross 17:14 143:22 144:12 cross-examine 141:13 143:4 crucial 154:5 cumulative 142:22 curtain 2:19 28:12 28:15 56:4,6,7,9 56:10,13 84:11,19 85:1,3 86:8 87:4 87:22 88:8,9,11 88:18,20,22 89:5 89:11 91:19 99:13 100:1,17 111:2 112:3 113:16,17 113:20 114:8,21 116:15 117:5 120:16,18,20 121:1 122:3,22	123:3 124:18,20 124:21 126:8,13 132:13 134:20 139:3 148:14,16 148:22 149:1,2 155:14 curtains 121:9 139:20 custom 152:15 customary 139:14 customer 102:16 121:4 122:16 124:10 customers 56:18 57:7,9 99:19 116:6 120:2,2,6,7 120:11 C-O-N-T-E-N-T-S 2:1
D				
darkness 83:5 date 6:20 day 9:16 51:10,22 55:5,11,13 77:16 77:20 78:3 85:16 88:22 89:2,6,22 days 78:12,13,14 78:14 81:9,10,10 85:16,16 158:9,15 162:15 deal 155:8 decision 144:19 154:18 declaration 148:13 Defendant's 111:1 definitely 11:1 definition 150:17 degrees 148:6,6 deliberate 158:13 deliberating 161:13 deliberation 161:2 depict 88:22 depicts 77:19 describe 114:12,15 Details 42:5 63:13				

130:12 determination 24:21 determine 29:20 determined 25:8 difference 94:17 95:2 120:2 151:18 differences 95:1 different 81:14 93:10,12,18,21 95:1 105:7 120:11 148:8 direct 45:8,11,12 62:5 66:20 67:13 128:8,11 direction 11:18 directions 148:8 directly 13:16 31:7 discount 147:10 Discounting 112:17 discourage 124:20 discrepancy 7:15 discussed 21:10 disposed 13:17 distinguish 105:22 District 1:1 3:10 45:3 82:13 141:1 146:16 150:2,19 154:7,8 161:5 document 60:13,18 61:1 136:17 doing 51:1,3 76:2 76:10 100:21 106:22 128:11 146:13,22 149:11 150:1,16 156:9 DONALD 1:22 door 10:16 11:11 11:14 12:10,10 13:10,12 53:22 54:3,4,7,17 55:1,3 55:4,8,10,10,22 56:8 58:16,22 59:5,6,7 63:5,7 65:11,12 72:17,19 72:20,20,21 74:5 74:5 80:16 83:6	98:13,14 99:1,1,2 99:6 100:8 113:4 113:5,7,11,16,18 113:21 114:9,12 114:15,16,18 115:13 117:7,15 117:20 121:20 122:13 123:9,15 123:20,20 124:2 124:14,16 126:8 126:10,12,13 130:18 132:6,20 133:20 134:1,2,5 134:7 135:16,20 136:5,6,6,9 138:7 148:18,18,20 154:5 doors 55:6 114:16 114:19 115:15,17 116:5 117:1,2,5 121:16,22 122:8 124:5 doorway 149:1 draw 56:7 drawing 116:15 drawn 28:12,15 85:1,4 126:14 drinking 17:4 66:8 142:2 147:3 152:1 152:12 154:1 drinks 149:15 drop 33:8 42:21 dropped 12:17 23:17,20 30:1 43:4 44:5 dropping 44:2 dump 147:7 dumped 12:14 147:6 D.C 1:18 <hr/> E <hr/> earlier 136:19 Early 10:7 edge 88:8,9 educate 128:6 either 40:12 64:18	element 150:14 elements 146:18 employed 9:5,8,12 employee 43:21 152:2 employees 32:13 40:12 94:12,15 95:14,22 empty 101:16 ended 14:6 English 20:17 49:16 97:16,19 enter 23:22 32:16 58:15 59:2,4 65:19 75:4 141:6 entered 6:13 12:11 23:22 24:1 35:10 44:15 135:10 137:10 153:12 entering 73:22 124:20 entire 12:2 16:9 35:22 42:5 113:16 113:18 114:9 entrance 2:15,17 2:19 5:22 41:8 76:22 entry 6:6 11:10 Erin 46:1,15 especially 70:16 essence 36:19 136:22 154:10 essential 141:22 142:3 establish 7:15 44:8 established 86:17 establishment 2:14 2:16,18,20 6:1,6 6:13 7:4 9:18,22 10:6,19,21 11:10 11:14 13:5,11 14:9,14,21 17:10 25:1 41:10 44:16 51:4 56:8 58:15 62:21 63:5 67:17 68:12 73:4,5 76:7 84:8 91:18 92:4	93:2 99:15,18 112:6 117:14 130:17,19,20 145:8 154:14 establishments 139:15 establishment's 13:20 14:2,10 evening 10:7,8 73:5 85:19 event 143:1 Eventually 12:9 evidence 5:17 7:14 7:17 18:9 24:20 59:20,22 60:4,16 62:19 77:2,15 78:7,21 81:17 86:5 128:10,13,13 141:7 143:14 146:9 151:5 152:20 154:11 156:22 157:2,6 158:11,12 exact 29:17,20 exactly 23:9 52:6 89:1 97:12 108:3 147:6 156:17 examination 61:21 144:1 example 21:14 89:10 153:10 excess 153:18 excuse 18:5 73:2 103:19 131:11 140:12 160:9 exhibit 15:5,19,20 16:1,2,5,7,11,13 16:17 18:9,15 41:3 62:14 68:19 79:2 83:20 90:11 91:4 111:1,19 112:2 117:13 122:14 126:18 130:8,22 131:6,12 132:7 133:9,12,14 133:16 134:1,3 135:18 144:2	151:6 exhibits 2:8 15:16 129:9 131:2 exit 112:4,7 123:15 123:16 expect 121:20,21 121:22 experience 32:10 explain 56:6 explained 149:4 explaining 40:6 eyes 148:7,8 eyeshot 33:11 <hr/> F <hr/> faces 147:14 facing 121:21,22 fact 6:3 21:11 61:5 68:5 87:4 89:13 137:11 145:7 146:2 149:12 151:10,17 152:14 154:3 157:15 158:10 159:10 facts 59:20 60:3 142:3 152:4 157:8 162:12,16 falsify 147:2 familiar 74:13 far 38:19 61:21 123:12 feel 146:1 feels 160:6,11 fifteen 56:2 78:12 78:14 81:13 fifth 63:16 file 157:7,14 158:9 filed 4:11 find 7:1,22 14:12 26:14 96:18 101:13 147:16 149:21 156:21 findings 157:8,14 158:10 159:10 162:12,16 fine 18:2 30:10 43:7 45:13 47:14
---	--	--	--	---

64:4 120:12 128:21 129:11 132:1,3 137:18,21 150:20 157:1 fin s 147:14 fingers 155:11 finish 102:19 first 20:18 34:10 38:5 41:3 49:2,6 49:16 55:5,11,13 63:16 90:9 121:8 138:19 five 52:1 56:17 119:3,5,17 120:9 120:10 floor 43:5 95:4 123:16,17 food 96:16 forgot 45:8 58:20 114:2 formed 24:18 forms 18:21 19:3 66:21 forward 52:10,11 107:16 131:15 found 14:3 143:8 147:16 foundation 68:6,7 four 10:22 31:2,22 72:13 94:19 102:8 102:11 131:10 fourth 49:17 97:19 Frank 74:3 96:2 97:9 friend 149:6 front 2:15,17,19 5:22 6:9 11:11 13:10 22:2,5 34:11,14 41:8 43:3 53:22 54:3 54:16 58:21 59:5 59:6,7,12,13 60:1 60:3,5,17 66:9 72:18,20,22 74:5 98:13,15,21 99:1 99:7 117:1,5,14 121:15,20,22	122:17 130:19 134:5,7 148:19 155:7 full 27:20,22 102:5 102:6 160:19 further 17:13 36:10 90:3 110:15 125:15 127:11 145:12 <hr/> G <hr/> gain 11:10 gained 6:6 garbage 104:6,8 gate 2:17 10:17,17 55:9,14,14,18 59:10 76:22 79:10 80:10,19 83:4,21 91:7,11,12 100:1 100:15 118:6,11 119:1,2,7,9 120:8 124:8 126:17,21 127:2,6 132:14,15 132:16 134:17,19 134:19,20,20 135:8 139:6 148:19 gates 55:1 70:12 79:21 80:15 118:1 118:18,21 gate's 98:13 general 69:22 86:15,16 89:7 151:22 152:11 gentleman 31:8 58:20 getting 103:14 Ghenene 1:25 2:6 8:5,15,20 9:3,4,6 9:9,15,20 10:2,11 10:15 11:7,19,22 12:4,9,22 13:6,8 13:15,22 14:3,11 14:15,18,22 15:7 15:9,14,17,20 16:2,7,13,21 17:5 17:7,11 19:1,6,14	19:19 20:1,4,7,9 20:13,16,19 21:4 21:8,17,21 22:3,6 22:12,18,20 23:3 23:11,15,19 24:2 24:6,15 25:3,10 25:13,18 26:1,9 26:12 27:10,17,22 28:5,10,14 29:15 29:21 30:15,17,22 31:6,10,19,20 32:4,9,19 33:2,5 33:16,21 34:3,7 34:11,15,22 35:3 35:7,11,13,16,19 36:1,5,8,17,20 37:6,10,13 38:1,4 38:8,13,16,20 39:5,10,14,17,22 40:4 41:6,7,16,20 42:11,14,18,20 43:3,6 44:4,14,19 45:1,18 63:8 91:14 128:3 129:2 129:10,12,15 130:15,18 133:1 135:22 136:7,15 138:8,12 139:4,9 139:13,19 140:1,5 140:16 Ghenene's 24:22 girlfriend 95:11 give 9:1 22:15 57:11 69:17 86:18 88:14 131:1 162:9 given 58:4 105:4 giving 143:20 glasses 107:10 108:22 GM 3:22 50:8,18 go 11:9,13 30:9 34:4 46:5 56:8 108:3 123:13 131:14 144:20 148:9 154:19 159:4 160:18 goes 61:22 68:13	123:9 going 7:1 15:4 37:1 52:12 53:4 64:15 68:10 71:4 72:17 72:18,22 81:10 90:10 92:12,15,16 93:14 94:9 98:16 102:3,21 104:18 107:16 131:22 148:9,10 150:15 151:15 157:5,7 158:14 161:3 good 3:7,8 5:11 8:14,15,22 23:21 113:15,22 114:3 gotten 24:9 government 2:2,3 8:4 18:15 154:7,8 Government's 2:9 5:17 15:5 18:8 45:10 grab 33:7 great 8:12 18:13 120:12 129:5 grounds 28:21 guess 21:17 32:10 77:5 G-H-E-N-E-N-E 9:4 <hr/> H <hr/> half 149:1,7 hand 42:10,17 47:6 146:21 147:12 handed 111:4 handing 142:20 hands 30:2 happen 13:7 37:3 72:8,9 157:21 happened 12:8,12 21:6 38:2 happening 71:1 happens 147:4 hard 90:22 133:21 head 11:17 heading 16:22 hear 39:2 46:18	50:6 146:4,4 157:12 heard 59:21 102:3 143:17 156:2,18 hearing 1:9,18 60:22 89:16 126:1 141:16 162:21 held 43:2 helpful 131:19 high 147:10 highlighted 41:4 hold 91:16 161:8 162:10 holding 42:10,17 98:14 117:12 hole 10:18 22:17,21 23:4,12 32:18 38:7 113:10 139:6 148:2 hope 7:21 hour 149:7 hours 1:13 6:21 7:3 10:5 13:21 14:2,5 14:21 15:2 16:8 16:19,22 17:1 36:22 108:20 139:16 150:3 hurt 148:10,12 hurts 149:4 <hr/> I <hr/> idea 71:5 120:17 identified 6:15 135:19 151:11 153:10 155:16 identify 12:20 15:6 24:1 42:2 63:8 153:13 imagine 125:22 immediately 105:14 impeach 61:14 66:6 important 153:8 importantly 61:13 impose 150:20 impossible 71:13
--	--	---	---	--

71:14,17,22 80:14
 96:5,7,19 97:6
 98:7,11 155:19
improper 156:9
incident 37:11 58:7
 58:12 87:11 136:8
 136:11
include 15:15
included 21:6
including 16:9
 57:17
incorrect 137:1
 151:8 154:9
incredibly 73:3
indicate 23:10
indicated 23:17
indicates 22:1
 24:18
indication 14:20
individual 7:19
 69:3 128:1
individuals 27:15
 34:19,20 39:19
 153:15
inept 154:10
infer 118:9
information 138:11
 147:3 154:9
initially 136:18
inside 6:1,7 10:19
 11:1 27:12 28:6
 31:22 41:9 56:19
 70:16 84:8,16,21
 121:4 130:20
 148:10
inspector 102:3
inspectors 96:9
 101:13
instance 94:21
instructed 11:8
instructions 158:14
 161:1
intending 127:15
interest 146:12
interesting 143:9
interior 112:6
 115:15,17 116:4

interpret 105:5
interrupt 18:6
introduce 3:19
introduced 77:14
 128:10,18
inventory 96:14
 152:3,7,17
investigation 35:22
investigative 2:10
 15:10,13 18:16
investigator 6:13
 8:5,15,20 9:3,6,9
 9:10,13,15,20
 10:2,11,15 11:7
 11:19,22 12:4,9
 12:22 13:6,8,15
 13:22 14:3,11,15
 14:18,22 15:7,9
 15:14,17,20 16:2
 16:7,13,21 17:5,7
 17:11 19:1,6,14
 19:19 20:1,4,6,7,9
 20:13,16,19 21:4
 21:8,17,21 22:3,6
 22:12,18,20 23:3
 23:11,15,19 24:2
 24:6,15,21 25:3
 25:10,13,18 26:1
 26:9,12 27:10,17
 27:22 28:5,10,14
 29:15,21 30:15,17
 30:22 31:6,10,18
 31:20 32:4,9,19
 33:2,5,16,21 34:3
 34:7,11,15,22
 35:3,7,11,13,16
 35:19 36:1,5,8,15
 36:17,20 37:6,10
 37:13 38:1,4,8,13
 38:16,20 39:5,10
 39:14,17,22 40:4
 41:6,7,16,20
 42:11,14,18,20
 43:3,6 44:4,14,19
 45:1,22 60:16
 63:6,8 66:4 68:2
 72:6,13 74:4

91:14 127:19
 129:12,15 130:15
 130:18 133:1
 135:22 136:7,15
 138:6,8,12 139:4
 139:9,13,19 140:1
 140:5,16 145:20
 146:22 148:1
 149:21 150:10
 151:9 152:21
 153:9 154:3,17
 155:18 159:4
 160:1
investigators 5:18
 5:21 6:5,8 7:17
 10:3 11:5,8 12:1
 13:9 21:9 22:8
 32:16 33:4,9
 34:20 45:17 48:5
 58:8,15 63:21
 64:1 66:21 67:20
 68:1 73:18,22
 75:4 97:4,7 98:6
 101:21,22 103:17
 103:20 104:6
 105:15 130:12,14
 130:16 132:20
 136:4 141:9
 147:19 149:8
investigator's
 150:7
invoke 46:17
involved 7:2
 147:16
iron 10:17
issue 19:11 158:15
 160:7 162:14
issues 4:20 19:11
 141:22 142:3
issuing 18:22 19:3
 19:22
item 141:6

J

Jill 3:11
job 20:12,15
 100:22 146:22

150:7 154:3
 160:20
JULY 1:15
justice's 155:20

K

Kalorama 16:15
keep 96:2 100:3
 148:13,15
kind 11:12 33:10
 40:9 82:10 136:8
kitchen 51:12
 52:12 75:20 95:3
 96:16 107:14
 149:12
knock 11:14
knocked 11:11
 22:9 63:5,7 64:7
 67:15 73:21
 130:17 132:20
 136:4 138:7
knocking 12:5 99:1
 99:2,6,6
know 5:5 10:9 19:9
 21:5 23:8 28:22
 30:12 37:4 42:19
 43:21 44:3 45:22
 52:11,12,13 53:2
 53:3,4,5,12,13,14
 53:14,14,15,16
 56:4 67:5 70:21
 71:4 75:9 78:13
 80:14 84:11 85:9
 85:10,11,12,16
 86:1,21 90:13,14
 90:20,21,22,22
 91:15 94:3,17,18
 94:19 95:1,2,4,5
 96:9 98:20 100:12
 100:20,21 101:13
 101:14,18 102:7
 102:14,14 106:12
 106:22 107:1,8,12
 108:1,16,21 109:6
 109:6,12,17,17,21
 110:3,11 113:19
 113:20,21 115:7

116:19,20 118:1,2
 118:3 119:3
 120:21,22 121:1,3
 121:4,5 123:15,16
 124:7 125:1,1,20
 127:6 136:9
 137:12 144:17,18
 151:15 153:19,21
 154:1
known 9:18,22
knows 133:3

L

label 131:15
labeled 12:21
lady 57:10 58:21
 102:15
landlord 55:12
language 20:18
 49:16,18 97:20
late 89:18 103:14
law 6:20 157:9,15
 158:10 159:11
 162:13,16
Lawson 62:21 63:4
 63:6,17,19 64:2
 130:16
leave 46:4 73:4,4
 96:5,7,19 97:4,6
 97:13 98:7,11,16
 100:19 143:10
 146:10
leaving 36:6 159:22
left 14:9 33:11 46:7
 56:11,18,18 72:12
 72:15,17 73:1
 74:1 75:10 93:19
 95:9 106:18 112:9
 112:17,20,22
 114:22 115:1,7,9
 115:19 122:1,6
left-hand 113:2
 123:20
legal 161:9
lesson 42:9
let's 34:4 103:1,6
 110:6 115:21

135:11 138:1 license 1:9 3:6 13:21 16:3 37:5 147:15 Licensee 2:2,4 143:10 Licensee's 117:13 light 82:10,10,13 82:13 92:18 lights 71:10 liquor 51:13 Lite 6:4 13:2 39:13 41:12 little 8:11 105:1 livelihood 147:15 153:7 located 3:5 161:11 location 44:6,15 130:11 137:9 144:20 lock 54:1 55:5,10 55:14,15,22 59:9 80:15 99:22 115:20 124:5 locked 55:7,7 127:3 148:19 locks 54:7,8 long 20:6 74:9 117:6,20 123:2,4 123:5,8 152:16 longer 100:18 141:18 look 66:13 81:22 89:21 92:9,10 93:1,2,7,20 111:11 121:20 122:19 124:10 128:12 139:10,12 142:16 146:21 147:1 149:17 154:19 looked 22:1 28:12 32:8 40:9 41:15 41:18 69:22 70:19 77:20 78:3 80:18 85:19 86:8 89:1 93:13,22 139:2	148:2 151:14 155:5 looking 22:17 23:8 28:4 32:17 38:19 61:15 70:14 86:21 112:21 113:3 121:15 122:13 139:14 151:19 looks 82:10 86:2 89:5,20 112:10 115:8 139:1 147:22 151:4 lose 29:22 loud 64:19 65:5 louder 50:13 63:2 64:16 90:16 lounge 1:7 3:12 5:20,22 9:19 14:6 15:10 16:4,15 41:9 50:2,9,16,20 51:22 52:8 53:11 54:4 55:6,12 58:9 65:14 69:4 74:10 76:22 79:11 80:10 84:9,16 135:20 161:11 Lounger 3:5 <hr/> M <hr/> Madam 36:14 37:17 160:13 162:6 mail 2:15 23:7 28:13 59:15 70:1 70:13,17,20 71:7 90:12 91:10,17 92:10 93:20 135:17 139:2,5 148:1,2 151:15,17 151:19 maintained 11:15 12:5 maintaining 23:1 making 156:12,14 man 102:17 manager 31:7 36:2 36:16,21 50:5,17	69:22 86:15,16 89:8 151:22 152:11 managing 50:15 74:10 manner 147:6 marked 6:4 Mathieson 46:1 62:20 63:4,7,16 63:18,19 64:2 130:16 matter 1:5 47:10 62:11 68:5 87:20 141:13 150:6 max 119:5 ma'am 8:20 20:13 20:16,19 21:4 38:1,8,13 39:10 39:14,17,22 53:8 78:5 79:15,20 82:20 83:18 98:4 103:9,15 129:12 140:5 mean 18:6 25:6 30:11 54:16 73:8 81:15 86:18 97:11 97:13,14 120:17 131:18 136:16 144:6 154:3 meanings 21:13 means 56:9 57:9,20 75:12 80:13 83:4 83:6 84:11 96:1 96:16 100:21 102:6 109:5,6,15 120:3 121:1 124:7 124:22 125:3,3 126:21 meant 55:2 meeting 1:3 161:1 161:8 162:10 Meetings 161:7,12 161:15 162:14 member 1:21,22,22 8:6,9 26:4 31:15 31:18 32:6,15,20 33:3,13,18 34:1,4	34:9,13,18 35:1,5 35:9,12,14,17,21 36:4,7,9,13,18 37:4,8,12,16 40:6 43:1 47:7 48:15 49:4,11 50:6,11 55:8 63:1,10,14 63:18,22 64:3,13 64:15,22 65:4 67:1,4 69:3 73:2,7 73:10,12,14 87:7 87:11,15,19 90:8 110:8,18,21 111:6 111:10,13,17,21 112:1,4,13,16,20 113:1,5,7,10,13 113:15,22 114:3,6 114:8,11,15,19 115:1,4,8,11,21 116:1,4,8,11,14 116:22 117:4,10 117:12,17,19 118:4,8,13,16,19 118:22 119:6,11 119:14,17,22 120:5,12,15,19 121:7,12,14,19 122:7,10,12,16,19 123:2,5,8,12,17 123:19 124:1,4,9 124:13,17 125:5,8 125:14 129:3 130:1,5 131:1,5 131:11,14,18,22 133:11 134:14,21 135:13 141:2 142:6,9,12 143:8 143:13 152:10 158:4 159:6,8,16 159:19 160:6,11 160:12,15 161:17 161:22 162:2,5 members 33:22 34:2 145:6 mentioned 37:22 met 1:17 37:15 mic 17:19 50:13	67:9 76:9 88:3 130:3,6 Michael 1:24 3:9 microphone 8:7,10 80:5 88:3 middle 112:8 midnight 96:2 MIKE 1:22 Miller 1:19,21 3:3 3:8,13,17 4:1,4,7 4:10,14,17 5:1,4 5:11,15 6:4 7:8,12 8:2,8,14,17,21 13:2 17:14,17,22 18:4,10,13,19 24:11 27:4 28:20 29:2,10 30:9,13 30:16,19 31:13,16 31:21 36:11 37:18 37:21 38:2,6,9,14 38:18,22 39:3,7 39:11,13,15,18 40:1,14,18 41:1 41:12 42:1,7 43:8 43:12,16,18 44:11 44:21 45:4,6,9,14 45:18,21 46:2,5 46:11,13,16,20 47:4,8,12,15,17 47:19,21 48:2,4,7 48:10,17,21 50:10 50:12,17 51:7,14 54:11,14 60:7,9 60:20 61:3,7,20 62:2,5,7,10,15,18 63:20 65:21 66:2 66:12,15 67:3,5,7 67:11,18,21 68:9 68:18,21 70:6,9 70:18 71:2 76:1,4 76:8,13,16 77:3,9 77:17 78:1,8,15 78:18 79:1,5 80:3 80:8,11 81:18,21 82:3,6,9,14,17,21 83:8,11,14,17,19 84:2 86:9,20 87:1
---	---	---	--	---

87:16 88:2,6,12 88:16,19 89:3,15 89:18 90:2,7,15 90:18 91:2,6,9 97:17,21 98:3,5 98:10 103:1,6,10 103:13 104:20 106:19 107:4,7 108:17,19 109:3,8 109:11 110:6,10 110:16,20 111:19 111:22 112:3 125:16,19 126:6 127:10,12,18,21 128:2,5,15,20 129:1,5,8,13,17 129:20 130:3,9 131:9,20 132:2,5 132:9,12,16 133:4 133:8,15,18,21 134:6,9,12,15,18 135:2,6,9,15 137:12,15,19,22 138:3,15,18,21 139:8,11,18,22 140:3,6,9,11,14 140:18,21 141:15 142:8,15,18 143:16 144:5,8,11 144:14 145:9,15 145:22 146:3,7,14 151:2 156:1,12,16 157:4,13,20 158:5 158:8,19 159:2,7 159:20 160:9,14 160:16,17 161:18 162:1,3,3,7,19 mind 17:15,17 88:15 minute 56:2 minutes 52:2 56:3 56:17 84:10,10 85:5,6 100:12 118:10 119:3,5,17 120:9,10 121:11 121:11,16 125:1,2 153:12	misidentify 154:4 missed 54:22 102:6 missing 131:8 misspoke 136:13 136:14 misunderstands 106:2 misunderstood 33:14 moment 45:5 82:1 83:22 Monday 5:18 9:13 14:5 51:11 53:17 96:15 Mondesir 3:7,11,11 3:15,16,17,19 4:8 4:9,12,15 5:5,9 7:11,13 8:9,13 17:15,20 18:2,12 18:18,20 19:2,8 19:17,21 20:3,5,8 20:11,14,17,20,21 21:5,12,19,22 22:4,7,14,19,22 23:5,13,16,21 24:8,12,17 25:5 25:11,16,19 26:6 26:13,19,21 27:7 27:14,19 28:2,8 28:11,16 29:4,12 29:19 30:3,7,11 30:20 31:3,8,11 39:1 43:15,17,19 44:7,12,17,20 45:5,7,12,16,20 46:1,3,8,12,14,19 47:18,20 48:1,3,6 48:9,22 49:8,15 49:19 50:1,4,19 51:1,6,17,21 52:3 52:5,7,14,18,22 53:6,9,18,22 54:3 54:6,9,16,19 55:2 55:17,19,21 56:5 56:12,15,22 57:3 57:6,13,17,21 58:3,6,11,14,17	59:1,4,8,11,16,18 60:8,10,19,21 61:4,18 62:1,4,6,8 62:12,16 63:9,12 63:15 64:1,6,11 64:13,14,20 65:2 65:4,6,9,12,15,19 66:11,14,19 67:1 67:6,10,12,19 68:17,20,22 69:7 69:11,15,18,21 70:3,5 71:6,11,15 71:18,21 72:1,5 72:11 73:3,6,9,11 73:13,16,20 74:6 74:9,12,16,19,22 75:3,7,11,14,22 76:3,5,11,18,20 77:1,13 78:2,6,10 78:20 79:3,6,9,12 79:16,18,22 80:17 80:21 81:3,7,12 81:16 82:1 83:22 84:3,6,14,17,20 84:22 85:3,7,13 85:17,21 86:4,13 87:21 88:5,7 89:7 89:17 90:1,3 103:15 105:22 106:7,11 111:15 111:18 126:5,7,11 126:16,22 127:4,8 127:14,16,20,22 128:9 129:7,18,21 130:7,10,21 131:3 131:6,7,13,15,17 132:4,8,11,15,18 133:6,10,13,17,19 134:4,8 135:4,11 135:18 136:2,14 136:16 137:3,6,8 137:14,18,21 138:2,16,20 140:10 141:3,5,17 141:21 142:9,11 142:17,20 143:11 144:4,10,16 145:5	145:19 146:1 151:3 154:22 155:4 156:3,6,10 156:14,19 157:11 157:18 158:7,17 158:20 159:3,9,13 159:18,21 160:8 162:20 monitoring 10:4 32:10 40:7 Morgan 82:13,14 morning 3:7,8 8:14 8:16,22 10:7 50:19 51:19 56:16 56:22 58:1,7,12 69:5 73:8 94:21 100:20 101:21 motion 161:19,20 162:8 motivation 149:19 move 8:7,10 18:7,8 77:2 78:6,20 81:17 86:4 93:6 93:19 104:9,14,18 110:7 138:1 148:5 148:7 155:9,11,12 161:8 moved 35:4 M-O-N-D-E-S-I-R 3:15 <hr/> N <hr/> name 3:14,21 4:2 9:1,1,4,19 24:4,9 37:1,7 49:1,2,3,6 49:9,13 57:10 58:20 69:7,9 153:13 names 24:13 153:15,22 narrative 20:22 21:7 nature 139:21 necessarily 89:6,22 need 45:7 48:14 50:10,11 51:16 53:15 64:16 65:5	66:13 67:8 80:3 81:21 85:12 88:2 90:15 96:16 130:2 130:5 159:11 never 30:7 37:15 55:11 68:3,8 75:2 149:4 new 53:16 96:15 NICK 1:21 night 14:4,5 72:3 75:13 77:7 79:13 80:13 85:6 86:2,3 86:11,15 87:9,13 94:20 106:15 107:8 109:10 118:19 136:7,10 141:8,10 Nope 42:14 normal 115:12,13 119:8 normally 89:21 114:9 117:6,19 notarized 142:10 noted 29:5 noteworthy 29:6,7 29:9,13 notice 28:11 60:22 162:9 November 5:18 9:13 50:20 57:1 58:8 78:4 85:19 95:22 116:1 137:10 number 96:8,11,13 133:12 numbered 135:1 NW 1:8 N.W 1:18 3:5 161:11 <hr/> O <hr/> OAG 1:24 oath 143:17 object 60:17 86:11 145:11,13 146:6 objecting 47:13 48:8 60:12 66:17
---	---	--	---	--

156:7	20:3,5,11 21:12	99:3,8,12 100:9	159:22 161:7,12	19:21 61:1,4,18
objection 18:11	21:19,22 22:7,14	100:14 101:3,10	161:15 162:13	61:20 68:11,12
24:10 26:17 28:19	22:22 23:5,13,15	101:15,20 102:2	opened 12:11	92:13,16 94:10
30:5 44:9 46:21	23:16,21 24:17	102:18,21 103:1,8	opening 2:2,2 5:12	particular 151:6
54:10 59:19 66:3	26:13 27:4,19	103:10 104:4,13	7:10 123:7	parties 157:7
77:4,8,21 78:22	30:10,16,19 31:11	104:16,20 105:13	operating 36:22	partner 85:11
81:19,20 86:7	31:13 32:6,15	105:19 106:14	116:5 124:19	party 155:8
87:8 88:13 133:2	33:13,18 34:4	108:2,17 109:22	139:15 150:3	pass 86:20
137:2 141:11	35:1,9 36:7 37:4,8	110:6,16,20,21	operation 1:11 7:3	passed 162:8
145:4,10 154:21	37:16,18 38:14,18	111:17,22 112:9	13:21 14:2,6,21	patrons 6:2 24:14
155:22 159:5	38:22 39:7,18	112:16,17,19	15:2 16:8,20 17:1	28:6 32:2,7,14,22
objections 65:22	40:14,18 41:1,14	113:15,22 114:12	150:18	33:19 34:6 39:20
observations 24:22	41:22 42:7 43:8	115:2,11,15,22	opponent's 128:7	39:21 40:2 41:9
25:14 26:2,8	43:12,18 44:21	116:3 118:13	opportunity 22:15	55:22 56:18
observe 6:9 10:14	45:4,14 46:2,8,20	119:6,22 120:5,15	143:4 154:2	peer 71:7 139:16
10:19 63:8 143:6	47:15,17,19 48:2	121:12 122:7	157:17 160:4	144:20
observed 6:1 10:6	48:10,13,21 49:15	123:2,19 125:16	opposed 40:2	peered 145:2
10:21 13:1 15:22	49:19 51:6,14,17	126:3,6,16,22	opposing 145:20	peering 23:6,10
33:7 34:10 38:5	51:21 52:3,5,14	127:12,18,21	155:8	151:19
38:11 41:9	52:22 53:6 54:21	128:5,15 129:1,5	option 155:13	pencil 42:11,12,16
observing 38:10	55:4,17,21 56:5	129:6,10,13,17,20	order 152:11	43:2
130:20	56:12,15 57:13,21	130:9,21 132:2,3	158:15 162:15	people 11:1,1 24:13
occasion 13:4,20	58:6,14 59:16	132:17 135:6	organization	27:12 28:6 30:20
occurred 21:2	60:7,8,20 61:3	136:16 137:22	154:16	31:22 32:1,7,11
occurring 155:15	62:1,10,11,15,16	138:3,10 139:8,18	original 6:8 142:21	32:11,21 33:6,19
offense 151:1	62:18 63:3,9,19	140:3,9,12,18,21	orthodox 144:17	34:2,5 38:11 40:8
offer 144:22	63:22 64:3,20	143:16 144:2,5,11	ought 145:10	40:8,10 57:14
office 101:1	65:15 66:2,16	145:9,15,22 146:3	outside 17:10 37:10	72:14 94:22 95:3
officer 145:1	67:3,10,11,18,21	146:4,14 151:2	42:15 43:4 44:18	95:4 102:4 108:12
official 135:5	68:4,9,10,16,21	156:1,8 157:4,13	46:9 47:11,16	109:7 116:19,21
136:17	69:2,11,21 70:5	157:20 158:2,7,19	59:10 70:12,16	139:14 142:1
Oh 17:20 18:5 20:1	70:18 71:2,6,11	159:7,16,17	80:15 116:2	149:6 153:22
34:1 42:7 46:6	71:15 72:5,11	160:11,18,21	152:22	155:18
47:4 52:17 54:21	73:13 75:22 76:4	162:7	overall 149:18	percent 12:16
62:7 63:22 80:2,6	76:11 77:1,10	once 13:14,15	owner 37:5,15	Perfect 4:18
94:22 128:9,15	78:19 79:1,5 80:4	23:22,22 37:13	O-F 2:1	period 152:16
131:7 132:2 134:6	80:8,9,11,17,21	44:15 98:6 99:22		permitting 1:12 7:4
139:18 141:4	81:12 82:15 83:14	100:14	P	person 23:17 24:1
144:7 158:5	83:17 84:14,17,20	open 13:10,11	page 41:3	24:5,9 25:3 33:14
okay 3:18 4:7,10,14	85:7,13,21 88:12	27:12 60:5 80:14	paper 51:4	57:10 82:22
4:19 5:1,11,12,15	89:3,15,17 90:2,7	87:4 91:17 100:20	paperwork 51:4,8	126:11,12 152:9
7:8 8:3,8,21 10:9	90:17 91:6,9,13	114:17 115:16,17	51:11 53:15 101:4	153:11,13
10:13 11:4 12:3,7	91:22 92:7,14,17	115:18 116:9	101:5,14 106:22	personally 142:1
13:3,13,19 14:8	92:20,22 93:5,17	124:11,13,15	Pardon 45:20	persons 6:7,17
15:4,12 16:11	94:5,11,14 95:6	125:11 126:21	parentheses 41:11	phone 21:9
17:3,9,12,20 18:2	96:4,12,17 97:10	127:6,7 146:10	41:13	photo 2:14,15,17
18:4,13,17,20	97:21 98:10,17	148:17,18 152:15	part 18:7 19:17,19	2:19 132:6,9

134:1,2 photograph 15:21 76:6,17,18 77:11 79:4 83:21 photographed 13:17 photographs 7:18 physical 54:4 pick 67:9 152:11 picked 17:18 50:12 67:2 130:2 picking 64:17 picks 8:11 picture 70:13,14 78:2,9,11 79:7 80:1,18,22 82:4 82:19,22,22 83:3 83:5,9 84:4,7,8,15 85:8,12,14,17 86:5,7 87:3,5,8,20 88:10 111:20 112:5,8,9,21 113:2,17 117:13 122:13 123:21 124:7 126:17,18 127:2 132:22 133:3,5,7,19 136:1,10 137:8,9 137:16 pictures 81:14 128:12,18 147:5 151:11 pinpoint 150:8,9 place 12:17 152:15 placing 43:22 Plaintiff 129:22 Plaintiff's 151:6 please 8:10 45:5 47:18 48:6,14,16 48:22 49:4,12,22 62:13 63:2 69:8 77:2 78:7,21 81:17 82:1 83:22 119:14 126:7 130:10,22 133:11 135:14 157:19 plus 53:15 95:20	96:1 point 39:12 61:8 87:22 88:7,9 97:12 153:4 160:3 position 50:14 89:12 104:12 possible 34:16 72:12,14 73:22 potential 147:14 practiced 5:5 precise 153:9,21 preliminary 4:19 premises 72:12,15 75:4 141:9 153:12 prepared 15:11 preparing 79:3 99:14 154:6 presence 46:9 present 1:20,23 69:4 138:9 141:8 152:2 presiding 1:19 prevent 148:17 previous 80:18 probably 31:1 32:4 32:13 38:20 problem 140:17 procedure 86:14 89:9,20 115:12,14 119:8 proceed 5:2 proceedings 5:7 157:16,22 160:4 process 37:3 52:8 52:15 53:10 89:9 100:7 144:18 processes 86:17 proper 155:2 propose 160:8 proposed 157:8,14 158:9 159:10 162:12 Prosecution 153:17 Prosecutor's 130:8 proven 146:17 150:2 provided 159:11	provides 6:20 pull 89:11 117:5,6 118:5,10,16,22 119:7,8 120:7 purpose 99:17 100:18 116:15 120:16,20 124:18 149:14 161:9 purposes 86:7 pursuant 162:13 put 135:11,14 155:10 157:6 putting 154:9 P-R-O-C-E-E-D-... 3:1 p.m 162:22	reading 42:2 158:14 ready 5:2,13 48:11 140:19 144:12 real 100:10 really 31:1 47:9 128:6 146:19 152:20 158:21 160:19 rear 2:14 6:5 11:9 11:13 62:21 63:4 67:16 130:17 reason 100:10,12 139:12 148:15,20 148:21 150:9 161:14 reasons 150:19 recall 24:7 136:8 139:5 receipt 162:11,15 receiving 11:12 recognize 40:11 65:3,7 76:12 79:7 84:3 133:7 recognized 32:11 33:19 34:2 38:17 40:7 recollection 86:22 143:5 record 18:8,14 43:1 49:1 61:2,19,21 69:8 134:22 135:19 144:2 146:10 157:5 158:12,13 159:22 160:2 records 14:10 redirect 43:11,16 127:10 Reeves 1:18 refer 37:1 133:11 reference 23:6 129:7,9,22 130:8 references 132:19 referencing 21:1 referred 29:9 referring 32:1,2	133:5 reflect 16:6,18 43:2 78:3 reflected 79:18 reflecting 87:12 reflection 85:18 reflects 16:8 68:15 77:6 refusing 116:21 regarding 14:14 Regulation 5:19 9:11 regulations 74:13 reiterate 154:12,15 155:20 reiterating 156:20 relate 87:5 related 40:19 relevance 29:1 66:17,19 67:12 relevancy 66:4 68:4 relevant 29:4 61:22 66:7 68:11 77:15 142:5 reliant 66:9 rely 143:21 remain 57:7 remained 6:9 11:22 57:14 130:19 remaining 32:14 160:22 remember 12:15 13:9 27:11,12 30:18 31:1 34:8 36:6 58:7,10,11 58:12,13 80:4 136:11 remove 6:10 29:7 removed 12:13,17 removing 153:1 renders 144:19 repeat 39:4 rephrase 27:5 29:10 report 2:10 7:16,16 15:10,13,16 18:9
Q				
question 19:7 27:6 29:11 31:3 33:14 43:17 53:21 54:22 56:16 68:6,14 70:7 73:3 77:7,16 77:20 79:14 89:13 90:5 103:7 106:19 107:3,18 108:20 137:7 138:17,22 141:10 142:7 146:20 147:1 158:16,18 questioning 40:15 questions 5:7,10 17:13 31:14 36:10 40:16,19,20 43:13 43:14 90:4,9 102:15 104:19 110:17 125:15,17 125:17 126:3,4 127:17 128:22 136:18 138:4,19 140:7,7				
R				
raised 147:2 rarely 157:16 read 24:20 41:4 63:2 70:22 130:11 132:19 160:22				

18:16,21 19:3,16 21:22 22:7 23:6 23:13 24:17 25:12 26:7 29:5 31:19 37:1 41:18 42:3 59:11,18,22 66:22 67:14 68:14 70:22 72:3 79:19 131:13 135:21 136:1,3 147:6 151:7,16 153:20 reporter 9:2 64:17 90:19 reports 19:10 representative 145:17 represented 19:16 87:12 representing 3:10 3:12 request 144:17 145:11 156:2,13 156:15,17,18 158:21 159:21 resides 141:18,18 respect 39:19 115:13 respond 29:3 Respondent 7:2,20 136:21 147:20,22 149:5 150:2,8 152:13 153:2,8,18 155:1,9 156:22 Respondent's 2:11 68:19 79:2 83:20 91:4 132:7 144:2 147:13 response 11:12 37:20 39:2,4 40:17 50:7 111:5 117:9 125:18 140:13 responsible 20:22 rest 141:3 144:8,10 154:18 restaurant 36:3 75:19	Retailer 1:8 review 13:20 14:16 146:19 revisit 22:15 ride 57:12 69:17 right 4:12,17 5:4 6:16 25:16 32:20 34:9 36:9 37:21 40:15 45:6 53:18 54:14 56:8,10 64:3 66:15 77:17 81:7 83:19 86:9 87:10 91:1,18 93:10,20 99:15,20 101:5 106:11 107:4 108:13 111:10 113:20 114:1,6,10,11,21 115:5,11,20 116:12,14,16 117:10 118:4 121:19 122:6,13 124:4,5,9 125:14 128:20 134:13,14 134:15 135:3 140:6 143:16 145:15,16 146:15 157:9 160:14 161:3 role 40:10 roll 161:20 rolling 117:1,7,15 117:20 119:8 120:8 room 1:18 126:2 162:11 rule 46:17 47:1 rules 157:14 ruling 89:19 running 115:16 runs 16:10 Ruthanne 1:18,21 <hr/> S <hr/> s 137:16 155:16 sake 155:20 sale 1:12 7:4 75:17	sales 14:6 16:8 Sara 2:22 57:10,11 57:20 69:9 74:3,6 102:14,16 141:7 Saturday 94:20 saw 6:3 11:6 12:12 12:17 13:16 23:19 27:14 29:13,16,17 29:17 31:22 32:16 42:21 147:7 155:18 saying 25:5,7,20 26:14 45:9 61:11 72:13 87:2 118:8 121:7 122:3,22 says 6:19 23:7 25:12 60:5 64:12 135:5 141:14 147:20 148:5 scene 7:20 68:11 86:10 87:12 89:1 139:1 scheduled 125:21 seated 27:17 28:3 34:14,16 40:5 second 42:5 114:22 161:16,17 secondary 150:22 seconded 161:19 161:21 Secondly 152:8 seconds 109:18 section 16:21 161:6 161:12,14 security 148:19 see 10:19 17:3 28:17 30:3,14 39:8 42:12 43:20 44:13,17 46:21 66:5,8 70:15,20 70:20,22 71:8,12 71:13,19 77:9 84:22 90:20 91:1 91:15,17,20 92:3 92:5,12,15,16 93:15 94:4,9 97:22 104:18	112:10,18 121:3,4 121:20,22 122:1 122:20 124:1,11 124:18,19 126:13 130:22 134:9 136:5 144:21,22 145:5 147:5 148:3 151:14 152:21 154:20 155:6,13 155:15,15,17 seeing 115:9 seeking 161:9 seen 32:11 40:8 66:10 128:7 142:12 sees 125:9 selection 104:11 send 96:1 155:21 158:6 sense 148:4,5 sentence 42:5,6 63:10,16 64:4,6 separate 150:14 seriously 20:12,15 served 108:13 159:14 serves 100:18 service 6:17 159:14 Service/Consum... 1:12 serving 52:16,19,20 108:15 116:6 149:15 session 158:13 settle 134:22 Settlement 1:14 seven 11:1 31:2,22 72:14 sharing 85:11 shelves 44:1 she'd 60:4 show 1:9 5:17 15:5 60:4,22 70:12 86:10 87:18 90:10 90:12 110:22 152:5 showed 128:18	149:8 150:12 showing 41:2 60:11 60:12,18 76:17 86:8 87:21 91:3 135:16,18 shows 88:9,17 shutter 54:6 side 56:11,11 71:8 93:6,13,16 94:3 113:2,20 114:21 114:22 115:1,5 148:7,7 sight 23:20 29:22 33:8 sign 79:21 112:5,7 signature 15:13 Silverstein 1:22 49:4,11 55:8 159:6 160:12 161:17,19 162:4,5 similar 115:9 simple 108:21 single 86:14 sir 9:6,15,20 11:19 13:6,22 14:11,15 14:18,22 15:7,14 15:17 17:5,11 18:20 32:19 33:2 34:3,22 35:11,13 36:17 41:16,21 43:6 79:6 80:3 82:3 92:2,8,22 93:4,8 94:1 95:8 98:19 99:16,21 101:6 104:3,3 105:3,6,9,12 107:19 112:15 113:6,9,14 114:7 114:14 115:10 119:12 123:18,22 124:3 125:13 138:12 sit 47:11,16 64:18 67:6 101:4 114:13 site 145:18 160:1 160:18 sitting 25:4 155:19
---	---	--	--	--

situation 89:14	80:4 90:16 130:6	stating 136:22	100:9,14,17 101:1	53:13 94:21 95:20
six 74:11 94:22	137:16,17	151:9 152:10	101:3,7,10,15,20	95:21 96:14 152:4
95:6,14	speaking 36:3	Status 60:22	102:8,12,18,21	support 61:5
slot 2:15 22:17 23:7	145:12	stay 126:1	103:3,8,12,16,19	147:18
23:10 28:13 59:15	specific 150:7	stayed 35:5,17,19	104:1,4,13,16,19	supports 147:19
61:15 70:1,13,16	specifically 27:16	steel 10:17	105:1,4,7,10,13	supposed 6:17
70:20 71:7,14,21	67:15 151:22	stenographer	105:19 106:5,9,14	87:17 89:21 102:5
76:21 77:7,20	spell 4:4 9:1 49:12	38:21 39:6	107:2,15,17,20	102:6
78:3 80:18 90:12	spend 108:20	step 115:21	108:2,7,10,12	sure 9:3 12:16 20:2
90:21 91:10,17	spending 61:10	Stern 1:24 3:9,9	109:4,12,16,22	41:6 45:1 54:9
92:10 93:21 94:2	spoke 31:6 32:22	4:20,21 5:3,13,14	110:9,14 111:6,8	80:6 96:8 107:15
132:10 134:2	staff 25:1,1 32:2,13	5:16 8:3,4,22 9:5	111:11 127:11	129:15 133:3
135:17 139:2,5,12	33:22 34:2 40:3	9:7,12,16,21 10:9	128:16,17,21	138:22 140:16
144:21 148:1,2	40:10 69:3 78:17	10:13 11:4,17,20	133:2 134:11	142:8 160:6,10
151:16,18,19	81:2 82:19 83:10	12:3,7,19 13:3,7	137:2,4,7 138:4,5	surprise 29:1,8
154:20 155:5,7,10	83:12,15 85:10	13:13,19 14:1,8	138:10,13 140:8	surprised 28:16
slowly 49:20	152:10	14:12,16,19 15:4	140:20,22 141:4	suspension 147:14
sold 57:22	stand 17:16,18	15:8,12,15,18	141:11 142:13,14	Sustained 24:11
solely 19:16	48:14,15 64:16	16:1,5,11,17 17:3	142:22 144:7,13	44:11 54:11 60:9
somebody 13:11	127:19	17:6,9,12 18:5	145:4,10,13 146:6	swear 8:17 48:14
72:16,18,22 96:19	standing 33:6	24:4,10 26:10,17	146:9,12,16	48:17
97:6,13,13 98:21	34:14,17	26:20 27:1 28:19	154:21 155:2,22	sweeping 148:13
104:4,18 138:11	staring 130:12	28:22 30:5,10	156:4,8 157:10	swore 129:11
somebody's 98:16	start 5:12 52:11	40:21 41:2,14,17	159:5,12 162:18	sworn 7:16 67:19
111:12	71:9 84:12 100:21	41:22 42:1,4,8,12	sticker 131:21	154:6
soon 121:8	107:13,14 116:20	42:15,19,22 43:2	stop 52:15,19,20	
sorry 18:5 19:1	121:5	43:7,10 44:9 45:2	53:3 55:22	T
33:22 39:1 51:7	starts 116:19	45:13 46:21 47:1	straight 92:11 93:3	table 10:20 21:15
53:2,7,20 54:22	130:13	47:6,9,14,16 48:7	93:22	101:8
55:19 56:20 59:19	state 23:14 27:7	54:10,12,18,20	street 1:8,18 3:5	tables 101:9 106:9
62:9 67:4 68:22	48:22	59:19 60:11 61:13	82:10 112:10,17	take 20:12,14 33:8
70:8 73:9 75:18	stated 15:1 26:14	65:22 66:1,3,18	112:18 161:11	48:13 55:11 66:16
76:3 80:7 82:2	39:20 64:12 66:4	67:22 77:4,5,11	strictly 121:1	75:20 81:22 107:1
88:5,6 95:12 96:9	72:3 135:21,22	77:14,18 78:22	strongly 146:2	127:2 135:4
96:21 97:11,12,15	137:14 151:13,22	81:20 86:6,10,22	stuck 93:15	142:16 143:14
101:12 103:5	statement 2:2,2,3,4	87:3,8,10,14	stuff 121:6 129:9	144:1 161:2,20
104:21,22 108:18	7:10 25:7 66:20	88:15,17,21 90:5	subject 143:22	taken 75:5 78:9,11
111:15,18 117:11	67:13,20 68:1,2,8	90:10 91:2,4,7,10	submit 7:18 150:5	81:4 82:4 85:14
119:12,13,13,15	132:18 137:1	91:13,16,22 92:3	152:19	87:9 112:6 136:10
119:16 125:7	154:6,10	92:7,9,14,17,19	submitted 151:5	takes 82:22 109:18
131:3 133:6 141:4	statements 5:12	92:21 93:1,5,9,12	substantial 1:10	158:1
141:5 143:11	21:1 24:22 25:8	93:17 94:5,8,11	7:2 147:14	talking 95:20,21
144:6,7,14 157:11	25:15,17 26:3,11	94:14,20 95:6,9	substantially	105:17 106:4
space 94:3	136:22 151:8	95:14,17 96:4,12	150:16	108:5,7 122:5
speak 49:4,20	states 16:10 17:1	96:17 97:1,3,10	sufficient 156:21	tall 123:9
50:13 63:1 64:16	22:8 59:11 61:5	98:17,20 99:3,8	Sunday 14:5 15:1	Tanger 1:6
64:18 65:5 67:8	64:7 67:15 151:8	99:12,17,22 100:5	16:9 17:1 51:9	Tangier 1:7 3:4,12

5:20 9:19 14:6 15:10 16:3,15 40:10 41:8 50:2,9 50:16,20 51:22 54:4 55:6,12 65:14 69:4 74:10 76:22 79:11 80:10 84:9,16 135:20 161:10 team 148:14 telephone 12:1 tell 8:18 9:21 15:18 39:16 42:9,16 48:18 63:11 76:1 76:9 87:17 96:6 tells 148:4 ten 56:3 78:12,13 81:13 term 106:10 testified 20:21 22:16 43:19 61:15 68:2,3 86:13 89:8 89:12 95:18 96:4 97:1 99:13 143:2 147:22 152:6,13 152:21 153:2 155:4,10 testifying 86:17 149:19 testimony 7:20 44:10 46:18 48:12 71:18 86:19 87:6 93:18 119:7 121:16 143:9,22 145:14,17 149:18 150:4 151:21 155:17 thank 5:10,14 7:7,8 7:11 8:1,2,12 17:12 18:3,18 20:20 31:19 36:9 36:13 37:16,18 41:22 42:22 44:20 44:21 47:20 48:9 49:15 62:1 64:4,4 64:20 65:2 68:17 68:22 79:6 84:1	87:15 90:1 114:1 114:4 120:13 125:14 127:9,13 129:13,16 137:22 138:13,20 139:22 140:3,14 144:4 151:1,3 157:3 159:17,19 160:17 162:18,19,20 thing 35:16 52:13 75:9,13 101:19 106:22 121:8 125:5 149:3,13 160:21 things 26:7 139:20 147:18 149:18 think 10:22 12:15 19:15 25:21 26:15 27:8 30:18 38:15 39:11,20 40:2 56:17 61:8 66:17 68:10 87:7 89:4 90:8 106:1 110:8 111:1 130:13 131:19 134:2 137:15,16 140:19 141:19 145:10 146:11 148:12 149:17,20 153:8 157:22 thinking 116:19 third 126:18 thought 32:12 82:18 98:5 111:16 131:9 133:15 three 26:20 32:13 34:8,16,19,19 39:20 57:19 95:21 96:1 102:8,10 126:20 135:11,14 146:18 149:6 157:1 158:1 threw 104:5 154:1 throw 6:11 72:2 throwing 153:11 thrown 6:15 Thursday 15:1	17:2 tie 68:7 tied 77:16 Tienda 2:22 69:10 74:3,7 102:14,17 141:7,17 152:10 time 9:16 10:10 12:2 33:1 34:6,20 37:22 51:2,18,21 52:18 53:5 56:3 56:21 57:19 61:10 73:5,17,21 75:3 82:4 83:7 89:13 89:22 95:13 96:20 99:14,19 106:15 106:16 107:3,5,8 107:9,11 108:1,2 108:16,21 109:3,4 109:8,13 110:2 118:1 119:3 120:11 121:13 124:6 126:2 128:14 137:10 141:8 146:8,8 147:10 148:16,18 149:11,16 150:8,9 150:12 152:2,16 160:20 times 26:20 159:21 today 160:5 told 119:19 taking 108:6 tool 19:15 top 6:16 15:22 33:7 101:14 106:1 112:5,7 123:9,15 totally 73:12 touch 158:2,3 trade 9:19 transcript 157:21 158:6,11 trash 6:11,14 12:14 13:17 15:21 23:18 28:18 29:14,16,18 30:4,14 43:20 44:2,13,15,18 75:5,8,15,19	101:19 102:5 104:8 105:17,18 108:6 152:22 tremendous 154:13 true 47:5,7,8 85:20 truth 8:18,18,19 48:18,18,19 try 42:8 49:20 103:6 121:5 trying 25:6 26:13 29:6 96:18 turn 84:11 148:7 twenty-four 102:9 twice 37:14 54:12 54:20 60:2 two 6:4 10:3 11:1,8 11:15 12:6 26:6 26:10 29:17,20,22 32:3,5,11,12,16 32:21 33:18 34:19 38:11 40:8 45:16 58:18 64:22 72:17 72:21 74:4 95:20 95:22 96:13 97:11 98:14 101:15,17 101:18 109:7 114:16,18,19 115:14,17 116:4 126:5 127:15 139:7 147:5 158:1 158:1 two-and-a-half 20:10 typical 51:19 T-A-B-L-E 2:1 t/a 1:7	91:22 98:2 138:22 158:22 159:9,17 understanding 16:19 19:7 128:16 132:6 160:2 understood 21:15 136:19 unfortunately 110:19 unidentified 23:17 153:11 uninformative 73:14 unlock 80:16 unlocked 127:6 unorthodox 158:21 unusual 51:18 use 56:4 61:14 121:1 125:1 usually 94:16 101:8 101:9 107:1,6,7 118:1 121:10
V				
				vaguely 136:11 vicinity 33:11 view 27:20,22 28:2 28:6 32:21 34:19 43:3 148:6,9 violated 150:15 violation 1:13 7:6 18:22 25:9,22 26:16 36:21 74:20 violations 8:1 19:4 19:11,12 27:9 157:1 visible 12:15 149:2 vision 11:15 12:5 visit 160:1 visits 145:18 160:18 voluntary 6:18 7:6 14:13,17,19 16:14 16:18 150:13 vote 161:2,20 162:9
W				
				wait 76:8 97:17

119:11,11 138:18 141:2 142:18 160:10 waiting 57:11 69:13,15 102:14 102:17 waive 157:9,10 walked 5:22 41:8 Walker 134:13,17 135:7 142:19 wall 71:9,10 92:6 92:16 93:15 144:21 145:3 154:22 155:6,14 want 22:14 42:8 45:10 46:3,6,16 48:11 71:3 82:17 84:9 90:6 97:14 97:15 98:1 105:10 109:16,17 125:19 126:1 128:1,2,11 152:20 154:11 157:7 160:5,10 wanted 18:7,8 98:18 141:6 wants 29:7 47:11 108:21 146:9 Washington 1:18 wasn't 12:14 29:15 66:4 127:19 136:1 136:12 148:18 watched 44:4 watching 12:8 way 40:12 47:10 53:1 61:17 77:7 77:19 93:6,19,20 101:11 134:22 135:10 147:11 week 16:9 51:5,10 51:12 53:16 96:15 152:4,18 weekdays 94:17,18 118:2 119:4 weekend 119:4 weekends 94:18 118:2 weeks 154:14 158:1	weight 68:13 86:19 88:14 143:20,21 welcome 8:13 went 6:5,14 13:16 62:21 63:4 64:2 129:3 130:16 weren't 11:12 30:12 we'll 5:12 89:19 125:22 158:5 we're 18:1 48:11 86:21 89:18 95:21 120:3 139:14 140:19 144:12 we've 120:1 135:10 151:11 156:1,18 whichever 148:3 window 21:20 22:1 22:4,9,10,19 23:2 41:15,19 59:12,13 59:14 60:1,2,5,17 61:9,11,12 63:6 64:7,9 65:16,18 66:6 67:16 68:15 71:1 113:8,12,13 115:5 122:1,6,8 122:20 124:10 125:10,11 126:9 130:18 132:20,21 135:21 136:4,5,6 136:9 137:11 151:10,12,14,17 151:20 154:5 witness 43:4 45:10 48:13 59:21 61:14 62:13 76:6,17,17 77:6,18 79:4 91:3 110:22 128:7,8 129:19 140:12 143:2 147:13 witnesses 2:5 45:15 46:17 47:1,3 60:2 127:15 149:20 word 29:8 words 21:14 work 102:20 working 5:20 20:6	40:9 83:3 95:3,4 worst 150:4 worth 68:13 143:15 143:20,21 157:1 write 61:16 132:1 writing 23:9 wrong 131:12 134:12 wrote 60:13,16 61:17	83:10,13,16,18 84:5,7,15,18,21 85:2,5,9,15,20 86:1 90:13,17,20 91:12,20 92:2,5,8 92:12,15,18,20,22 93:4,8,11,14 94:1 94:6,9,13,16,22 95:8,12,16,19 96:8,13,21 97:2,8 97:19 98:1,4,9,12 98:19,22 99:5,10 99:16,21 100:3,6 100:11,16,19 101:2,6,8,11,17 102:2,10,13,19 103:5,9,18,21 104:3,7,14,17,21 105:3,6,9,12,16 105:20 106:3,6,12 106:16,21 107:5 107:11,16,19,22 108:5,9,11,14,18 109:2,5,9,14,20 110:3,11 112:12 112:15,19,22 113:4,6,9,12,14 113:19 114:2,5,7 114:10,14,18,20 115:3,6,10,19,22 116:3,7,10,13,17 117:3,8,11,16,18 117:22 118:7,12 118:15,18,21 119:2,10,12,15,20 120:1,9,14,17,21 121:10,13,18 122:5,8,11,15,18 123:1,4,6,11,14 123:18,22 124:3,6 124:12,15,21 125:7,13 126:10 126:15,20 127:1,5 128:4 141:20 Z-O-U-A 49:13 Z-O-U-A-Y-D-I 4:6	<hr/> P <hr/> p 1:5,14 <hr/> \$ <hr/> \$2,000 150:21,21 \$4,000 153:18 154:12 157:1,2 \$4,500 150:20 \$500 150:22 <hr/> 1 <hr/> 1 2:10,14 15:6,19 15:21 16:22 18:9 18:15 41:3 62:14 68:19 130:8 131:6 132:7 134:1,3,4 134:11 135:15,19 150:21 151:7 1C 1:10 3:6 16:16 1:30 53:2 89:10 116:18,20 120:22 1:45 52:21 53:4 89:11 1:50 52:4 1:55 52:4 118:2 10 81:10 84:10 85:6 85:16,16 110:11 118:9,10 121:11 121:16 10:02 3:2 100 12:16 11:00 6:21 15:2 16:10 17:2 89:16 125:21 12 50:20 58:8 12th 5:18 9:13 57:1 78:4 85:19 95:22 137:10 12-CMP-00677 1:9 3:4 161:10 12:00 125:22 12:04 162:22 14th 1:18 141 2:22 146 2:3 15 2:10 81:10 84:10 85:5,16 100:12
--	--	--	---	---

110:4,11 121:10 125:1,2 151 2:4 18th 1:8 3:5 161:11 180 148:5,6	134:17 135:7,10 150:22 3:00 96:7 101:20,22 119:4,5 120:4,4 120:10 125:2 3:10 6:12 30 158:9 31 1:15			
<hr/> 2 <hr/>	<hr/> 4 <hr/>			
2 2:15 16:1,3,6,8 79:2 90:6,11 91:5 117:13 130:22 132:10 134:1 135:16 150:21 2:00 6:18,19,21 7:5 14:7 15:3 16:10 17:2 52:2 56:17 107:13 109:6,9,11 109:21,21,22 110:4 119:2 120:3 120:4,10 125:2 150:13 2:05 110:1 2:10 110:1,4 2:15 110:1 2:20 110:2 2:30 50:21 96:10 106:17 107:12,21 107:21 109:14 120:22 150:5 2:35 96:10 2:51 150:6 2:55 118:3 2:57 5:21 10:12 17:8 37:22 38:3 41:7 79:16 96:11 106:17,18 2000 1:18 2010 161:7,13,15 162:14 2012 5:18 9:14 2013 1:15 2305 1:8 3:5 161:11 24 102:4	4 2:19 130:13 132:13 4-0-0 162:9 4:00 73:7 405 161:6 405(b) 161:12 405(b)(13) 161:14 49 2:6			
	<hr/> 5 <hr/>			
	5 2:2,22 118:9,10 144:3			
	<hr/> 6 <hr/>			
	65 2:14			
	<hr/> 7 <hr/>			
	7 2:2 76 2:16 79 2:18			
	<hr/> 8 <hr/>			
	8 2:6 84 2:20 87902 1:9 3:6			
	<hr/> 9 <hr/>			
	90 158:15 162:15			
<hr/> 3 <hr/>				
3 2:17 16:12,14,18 83:21 111:1,21 122:14 126:19 132:17 133:14,17				