

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

IN THE MATTER OF:

AG Corporation t/a
Fairmont Liquor and Grocery Show Cause
2633 Sherman Ave., NW Hearing
Retailer A - ANC-1B
License No. 80900
Case #13-251-00113
Case #14-CC-00003

(Sale to Minor Violation,
Failed to Take Steps
Necessary to Ascertain Legal
Drinking Age)

October 22, 2014

The Alcoholic Beverage Control
Board met in the Alcoholic Beverage Control
Hearing Room, Reeves Building, 2000 14th
Street, N.W., Suite 400S, Washington, D.C.
20009, Chairperson Ruthanne Miller,
presiding.

PRESENT:
RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HERMAN JONES, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member
ALSO PRESENT:
AMY SCHMIDT, OAG

KOFI APRAKU, ABRA Investigator

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

PRELIMINARY MATTERS:

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Deny OIC for 13-251-00113.14
OIC for 14-CC-00003.15
Deny OIC for 14-CC-0000317

STATEMENTS:

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DIRECT CROSS

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Abel Gizachew (003)	56	63
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1 - Police Report	110
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P-R-O-C-E-E-D-I-N-G-S

(1:04 p.m.)

CHAIRPERSON MILLER: So we now have two Show Cause Hearings scheduled for the same establishment, Fairmont Liquor and Grocery. If we are just going to be dealing with -- well, I'm going to call the cases.

Okay. Case No. 13-251-00113 is the first one. And Fairmont Liquor and Grocery is located at 2633 Sherman Avenue, N.W., License No. 80900, in ANC-1B.

And then the second one is Case No. 14-CC-00003.

Would the parties introduce themselves for the record, please?

MR. GIZACHEW: My name is Abel Gizachew, licensee of Fairmont Liquor and Grocery.

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

CHAIRPERSON MILLER: Okay. So

1 obviously, we are getting to this case later
2 than we expected, so I want to ask if there
3 are any preliminary issues, because if we are
4 going to go into a big hearing, we might want
5 to take a quick break, but if they are just
6 preliminary --

7 MS. SCHMIDT: We do have a
8 preliminary issue.

9 CHAIRPERSON MILLER: Okay. So
10 then why don't we hear that, because I know
11 you have been waiting a long time.

12 MS. SCHMIDT: Madam Chair, there
13 is an Offer in Compromise in this case. In
14 this case, we are going to ask for a \$3,000
15 fine for Charge 1 and five days stayed for one
16 year and Charge 2 will be dropped.

17 And also, he will have 60 days to
18 pay the fine. However, if he does not pay
19 within the 60 days, his license will be
20 suspended pending until his -- until the fine
21 is paid.

22 MEMBER SILVERSTEIN: Ms. Schmidt,

1 what was it you said about five days?

2 MS. SCHMIDT: Five days stayed for
3 one year.

4 MEMBER SILVERSTEIN: Stayed for
5 one year. Thank you.

6 MEMBER ALBERTI: Are we taking
7 these cases up one at a time? I'm just
8 curious.

9 CHAIRPERSON MILLER: Yes, I'm
10 curious, too.

11 MS. SCHMIDT: Well, it's up to the
12 Board if we are going to take these one at a
13 time.

14 CHAIRPERSON MILLER: It's what?

15 MEMBER ALBERTI: Well, that's why
16 I'm asking the Chair. I'm not asking you.

17 MS. SCHMIDT: Okay. Exactly.

18 CHAIRPERSON MILLER: What did you
19 say? It's up to the Board? Well, I don't
20 know what you all have agreed to. It's up to
21 you really.

22 MS. SCHMIDT: One case at a time.

1 No, at this -- I'm out of this, so this is
2 between --

3 MEMBER ALBERTI: No, I just need
4 to know what the Offer in Compromise
5 represents.

6 MS. SCHMIDT: This is just for
7 this --

8 MEMBER ALBERTI: Okay. The Offer
9 in Compromise -- let me just make this clear
10 and we will get this straight.

11 So the Offer in Compromise that
12 you just presented is for the case that ends
13 in 00113. Is that correct?

14 MS. SCHMIDT: Yes, that is
15 correct.

16 MEMBER ALBERTI: Great. Thank
17 you. Now, I understand.

18 CHAIRPERSON MILLER: Well, let me
19 ask the licensee, first of all, is this Offer
20 in Compromise of \$3,000 for the first charge,
21 the five days stayed pending no violations for
22 a year and the \$3,000 to be paid within 60

1 days and if not, then after the 60th day your
2 license would be suspended until you paid.
3 And then Charge 2 would be dropped. Are you
4 agreeable to that Offer in Compromise?

5 MR. GIZACHEW: Yes.

6 CHAIRPERSON MILLER: Okay. And
7 you understand you waive your right to a
8 hearing if you accept the Offer in Compromise?

9 MR. GIZACHEW: Yes.

10 CHAIRPERSON MILLER: Okay. All
11 right. Do Board Members have any questions?

12 Ms. Schmidt, what number sale to
13 minor is it for this one, do you know?

14 MS. SCHMIDT: I believe this will
15 be his -- in this case, there was a warning
16 prior to this and I think this might be the
17 first.

18 MEMBER ALBERTI: This is the first
19 sale to minor in terms of fining.

20 MS. SCHMIDT: Fining, yes.

21 CHAIRPERSON MILLER: Was there a
22 warning?

1 MS. SCHMIDT: Yes.

2 CHAIRPERSON MILLER: Okay.

3 MEMBER ALBERTI: Yes. Just in
4 terms of fining/penalty, this is the first
5 sale to minor.

6 MS. SCHMIDT: Yes.

7 CHAIRPERSON MILLER: Okay. Okay.
8 All right.

9 MEMBER ALBERTI: I'm okay, make
10 your motion.

11 CHAIRPERSON MILLER: All right. I
12 would move then that we accept this Offer in
13 Compromise for a \$3,000 fine.

14 MEMBER SHORT: I have unreadiness.
15 Can I speak now on that?

16 CHAIRPERSON MILLER: All right.
17 I'll hold off on it. I could tell you why,
18 but go ahead. Go ahead, give your
19 unreadiness.

20 MEMBER SHORT: Okay. I just find
21 the history of this business to be
22 questionable when it comes to sales to minors.

1 And I would like to talk about it before we
2 vote.

3 CHAIRPERSON MILLER: Okay. Let me
4 say this, Mr. Short. Let me make my motion
5 and then second it and then we can talk about
6 it.

7 MEMBER ALBERTI: Right.

8 MEMBER SHORT: Okay. Thank you.

9 CHAIRPERSON MILLER: Okay. So I
10 move that we accept approve the Offer in
11 Compromise which is \$3,000 fine, five days
12 stayed pending no further violation, fine to
13 be paid with 60 days. And if it is not paid
14 by then, then the license would be suspended
15 until paid. And Charge 2 is dismissed.

16 And do I have a second? I don't
17 have a second yet? Okay. I just want to give
18 the reason that I support this, because this
19 is exactly what the statute provides as an
20 appropriate penalty for this offense.

21 And I think Mr. Alberti kind of
22 confirmed that this was the first violation

1 after a warning. And it says "Upon the first
2 violation, the Board shall fine the licensee
3 not less than \$2,000 and not more than \$3,000
4 and suspend the licensee for five consecutive
5 days provided that the five day suspension may
6 be stayed by the Board for one year."

7 MEMBER ALBERTI: So, Ms. Miller?

8 CHAIRPERSON MILLER: Yes?

9 MEMBER ALBERTI: I understand what
10 you are saying, but we have at least one Board
11 Member who wants to talk about this and go
12 back and get legal advice. And so I think we
13 should.

14 CHAIRPERSON MILLER: Okay. Fine.
15 I just wanted to --

16 MEMBER ALBERTI: Let's just go.

17 CHAIRPERSON MILLER: -- put on the
18 record in case that alleviated any reason for
19 going back to talk about it.

20 MEMBER SHORT: It didn't. Thank
21 you.

22 MEMBER ALBERTI: No, I didn't

1 think it would.

2 CHAIRPERSON MILLER: Okay. Then
3 there have been requests by Board Members that
4 we recess in closed session to talk about the
5 Offer in Compromise. So as soon as I find my
6 instructions, which I have, I'm going to ask
7 for a vote to talk in closed session.

8 As Chairperson of the Alcoholic
9 Beverage Control Board for the District of
10 Columbia and in accordance with Section 405 of
11 the Open Meetings Amendment Act of 2010, I
12 move that the ABC Board hold a closed meeting
13 for the purpose of seeking legal advice from
14 our counsel on Case No. 13-251-00113, per
15 Section 405(b)(4) of the Open Meetings
16 Amendment Act of 2010, and deliberating upon
17 this OIC for the reasons cited in Section
18 405(b)(13) of the Open Meetings Amendment Act
19 of 2010.

20 MEMBER RODRIGUEZ: Second.

21 CHAIRPERSON MILLER: Mr. Rodriguez
22 has seconded the motion. I'll now take a roll

1 call vote now that the motion has been
2 seconded.

3 Mr. Brooks?

4 MEMBER BROOKS: I agree.

5 CHAIRPERSON MILLER: Mr. Alberti?

6 MEMBER ALBERTI: I agree.

7 CHAIRPERSON MILLER: Mr.

8 Rodriguez?

9 MEMBER RODRIGUEZ: I agree.

10 CHAIRPERSON MILLER: Ms. Miller
11 agrees.

12 Mr. Silverstein?

13 MEMBER SILVERSTEIN: I agree.

14 CHAIRPERSON MILLER: Mr. Short?

15 MEMBER SHORT: I agree.

16 CHAIRPERSON MILLER: Mr. Jones?

17 MEMBER JONES: I agree.

18 CHAIRPERSON MILLER: Okay. So it
19 appears the motion has passed by a 7-0-0 vote.

20 I hereby give notice that the ABC
21 Board will recess this proceeding briefly to
22 hold a closed meeting in the ABC Board

1 Conference Room pursuant to the Open Meetings
2 Amendment Act of 2010 and we will return
3 shortly.

4 So if you need to take a quick
5 break, you all should feel free to take a
6 quick break, but stay close by. Okay.

7 (Whereupon, the above-entitled
8 matter went off the record at 1:12 p.m. and
9 resumed at 1:27 p.m.)

10 CHAIRPERSON MILLER: Okay. We are
11 back on the record after discussing briefly in
12 closed session the Offer in Compromise and
13 conferring with our counsel.

14 So now, we are going to deal with
15 the offer in public on the dias. So when we
16 left off, I had made a motion to approve the
17 Offer in Compromise. And I don't believe it
18 was seconded and so I'll just see if there is
19 a second for that motion?

20 And not hearing any, then I would
21 ask if someone would like to move a motion to
22 oppose or disapprove the Offer in Compromise?

1 MEMBER SILVERSTEIN: I would like
2 to move that we disapprove the Offer in
3 Compromise.

4 MEMBER SHORT: I'll second that
5 motion.

6 CHAIRPERSON MILLER: Okay. Mr.
7 Short has seconded that motion. Any comments?
8 Okay.

9 Then all those in favor say aye.

10 ALL: Aye.

11 CHAIRPERSON MILLER: All those
12 opposed? All those abstaining? The motion
13 passes 7-0-0.

14 All right. Let's see, do you have
15 another Offer in Compromise for the second one
16 or no?

17 MS. SCHMIDT: I do have one for
18 the other. Do you want to do it that way or
19 do both hearings?

20 CHAIRPERSON MILLER: Oh, well,
21 it's up to you. I don't know how it would
22 affect your presentation of the cases, if at

1 all.

2 MS. SCHMIDT: Okay. This is
3 00003, I'm sorry, just to make sure I got the
4 right -- now, this is 0003, correct, the
5 second one?

6 MEMBER ALBERTI: Yes, the next one
7 is 0003.

8 CHAIRPERSON MILLER: Yes.

9 MS. SCHMIDT: Okay. All right.
10 That Offer in Compromise is a \$5,000 fine and
11 10 days stayed for one year. And to break it
12 down, there would be a \$3,000 fine for Charge
13 1 with five days stayed and a \$2,000 fine for
14 Charge 2 with five days stayed. And alcohol
15 awareness training for all employees that
16 serve alcohol within three months.

17 And that \$5,000 should be paid
18 within 60 days and if not paid, his license
19 will be suspended pending payment of --
20 pending the payment.

21 CHAIRPERSON MILLER: Okay. All
22 right. Let me ask the licensee, as I

1 understood the Offer in Compromise, it is a
2 \$5,000 penalty breaking down \$3,000 for the
3 first charge and \$2,000 for the second charge
4 to be paid within 60 days and the license
5 would be suspended if not paid within 60 days
6 after that 60th day. And alcohol awareness
7 training for all employees. And 10 days
8 stayed pending no further violations broken
9 between the two charges, five days for the
10 first charge and five days for the second
11 charge. Is that what you agree to?

12 MR. GIZACHEW: Yes, I agree.

13 CHAIRPERSON MILLER: I'm sorry,
14 did I get an answer?

15 MS. SCHMIDT: He said he agrees.

16 CHAIRPERSON MILLER: You agree to
17 that?

18 MR. GIZACHEW: Yes, yes.

19 CHAIRPERSON MILLER: Okay. And
20 you understand you waive your right to a
21 hearing if you accept an Offer in Compromise?

22 MR. GIZACHEW: Yes.

1 CHAIRPERSON MILLER: Okay. Does
2 anybody have a motion on this one?

3 MEMBER ALBERTI: Oh, I move that
4 we deny the Offer in Compromise.

5 MEMBER SHORT: Second.

6 CHAIRPERSON MILLER: Okay. Any
7 comments? I would just comment that, before
8 we vote, what is missing from these Offer in
9 Compromises is any days served and I think
10 that's resulting in denial.

11 So there has been a motion to
12 disapprove the Offer in Compromise and it has
13 been seconded. Any other comments? Okay.

14 All those in favor of disapproving
15 the Offer in Compromise say aye.

16 ALL: Aye.

17 CHAIRPERSON MILLER: All those
18 opposed? All those abstaining? Okay. So
19 that has been rejected by the Board as well,
20 which means there are two hearings now. And
21 they were scheduled for 10:00 and 11:00 in the
22 morning. And it is now 1:30.

1 So I think some Board Members have
2 suggested that we take a quick break for lunch
3 and that would probably be good for the
4 parties as well, I would think.

5 MEMBER ALBERTI: Madam Chair, just
6 one consideration. We do have a police
7 officer here.

8 CHAIRPERSON MILLER: Yes.

9 MEMBER ALBERTI: And so depending
10 on --

11 CHAIRPERSON MILLER: Oh.

12 MEMBER ALBERTI: -- his schedule--

13 CHAIRPERSON MILLER: I see.

14 MEMBER ALBERTI: -- I'll let you
15 work this out, but my suggestion is if Ms.
16 Schmidt is calling him as a witness, maybe we
17 could at least hear that portion of the case
18 and then break for lunch? I mean, because we
19 do --

20 MS. SCHMIDT: He is the only
21 witness in the first case.

22 CHAIRPERSON MILLER: Oh, okay.

1 MS. SCHMIDT: And I don't -- and
2 to be clear, I think based on the Board's
3 concerns, it may take long. It's more than
4 just a 10 minute presentation.

5 MEMBER ALBERTI: Okay.

6 CHAIRPERSON MILLER: Okay.

7 MEMBER ALBERTI: Well, is the
8 officer available if we take lunch?

9 MEMBER SHORT: Yes.

10 MEMBER ALBERTI: I mean, that's my
11 question.

12 CHAIRPERSON MILLER: Okay.

13 MEMBER ALBERTI: I mean, I'm
14 willing to do whatever is necessary to keep
15 the officer happy.

16 MEMBER SHORT: I concur with that.

17 CHAIRPERSON MILLER: Yes, me, too.

18 MEMBER ALBERTI: I'm willing to
19 accommodate a law enforcement person, officer.

20 MEMBER SHORT: That would be
21 considerate of you.

22 MEMBER ALBERTI: You're welcome.

1 I think it was understood though.

2 CHAIRPERSON MILLER: Okay. All
3 right. We are going to now then recess until
4 2:30 and then come back and pick up this case.
5 Okay. Thank you.

6 (Whereupon, the above-entitled
7 matter went off the record at 1:37 p.m. and
8 resumed at 3:19 p.m.)

9 CHAIRPERSON MILLER: Okay. Do you
10 want to proceed with the second case first or
11 no?

12 MS. SCHMIDT: I need Investigator
13 Apraku. Investigator Apraku? Okay.

14 CHAIRPERSON MILLER: Okay. Then
15 I'm going to call Case No. 14-CC-00003,
16 Fairmont Liquor and Grocery, 2633 Sherman
17 Avenue, N.W., License No. 80900, in ANC-1B.

18 And I want to ask you all to
19 introduce yourselves for the record.

20 MR. GIZACHEW: My name is Abel
21 Gizachew, license owner of Fairmont Liquor and
22 Grocery.

1 CHAIRPERSON MILLER: Okay.

2 MS. SCHMIDT: Good afternoon, Amy
3 Schmidt, Assistant Attorney General on behalf
4 of the District of Columbia.

5 CHAIRPERSON MILLER: Okay. So
6 this is a Show Cause Hearing. We went through
7 preliminary matters earlier. I assume there
8 aren't any other preliminary matters, are
9 there?

10 MS. SCHMIDT: No, there are not.

11 CHAIRPERSON MILLER: Okay. So I
12 would like to ask you, sir, though is this
13 your first time at an ABC Board Show Cause
14 Hearing or have you done this before?

15 MR. GIZACHEW: Show Cause Hearing?
16 I did it once.

17 CHAIRPERSON MILLER: Once before?

18 MR. GIZACHEW: Yes.

19 CHAIRPERSON MILLER: Okay. So you
20 know the basic rules. The Government goes
21 first, has the burden of proof, will make an
22 opening statement. You can make one

1 afterwards. You can wait for your case or not
2 do one at all. It's not required.

3 Then she puts on her witnesses.
4 You can cross-examine them after she does and
5 the Board can as well. And she can put
6 documents into evidence and at the end of the
7 case, it's your turn. You can testify. You
8 don't have any witnesses, do you?

9 MR. GIZACHEW: No.

10 CHAIRPERSON MILLER: Okay. So you
11 will be your own witness.

12 MR. GIZACHEW: Yes.

13 CHAIRPERSON MILLER: And I'll put
14 you under oath. And then you will all have
15 closing arguments.

16 MR. GIZACHEW: All right.

17 CHAIRPERSON MILLER: And if you
18 have any questions along the way, feel free to
19 ask me.

20 MR. GIZACHEW: Okay.

21 CHAIRPERSON MILLER: Okay.

22 MR. GIZACHEW: Thank you.

1 CHAIRPERSON MILLER: All right.

2 Are you ready to proceed?

3 MS. SCHMIDT: Yes.

4 CHAIRPERSON MILLER: Okay.

5 MS. SCHMIDT: Just a very brief

6 opening statement, because I think most of

7 what is available will be testified to be

8 Investigator Apraku.

9 CHAIRPERSON MILLER: Okay.

10 MS. SCHMIDT: However, the

11 Government will show that on Friday, January

12 24, 2014, at approximately 7:50 p.m., several

13 ABRA Investigators were at the licensee's

14 establishment located at 2633 Sherman Avenue,

15 N.W., in the District of Columbia. And they

16 were there as part of the DC: Double Check 101

17 program.

18 And while they were there, they

19 observed several patrons who appeared to be

20 minors walk in the establishment and they

21 seemed -- and Investigator Apraku will testify

22 that they seemed to -- that Mr. Gizachew

1 seemed to know some of the minors and that he
2 did sell a bottle of Svedka vodka and a six
3 pack of Platinum Bud Light beer to a person
4 that he did not ask to see any identification.
5 And subsequently, he told the Investigator he
6 was only 20 years-old.

7 The evidence will also show that
8 he did fail to show -- he did fail to
9 ascertain the age of the minors by not asking
10 for identification and that one of the
11 cashiers there didn't even know the cut-off
12 date for sale to minors.

13 CHAIRPERSON MILLER: Okay. Thank
14 you. Did you want to make any kind of opening
15 statement about your case or wait until you
16 testify?

17 MR. GIZACHEW: Yes, the current
18 situation, you mean, applied for or --

19 CHAIRPERSON MILLER: Wait a
20 second. I can't hear you that well, but--

21 MR. GIZACHEW: -- you give me
22 applied to? The situation to explain it or

1 you mean testify under --

2 CHAIRPERSON MILLER: Personally, I
3 think you might just want to do it all under
4 oath when you do your case.

5 MR. GIZACHEW: Okay.

6 CHAIRPERSON MILLER: Because you
7 are probably going to just repeat yourself,
8 right?

9 MR. GIZACHEW: Okay.

10 CHAIRPERSON MILLER: Okay. And
11 it's evidence when you are under oath and it's
12 not evidence when you are not.

13 MR. GIZACHEW: Okay.

14 CHAIRPERSON MILLER: So you can
15 wait. Okay. All right. Do you want to call
16 your first witness?

17 MS. SCHMIDT: Yes. The Government
18 calls Investigator Kofi Apraku.

19 CHAIRPERSON MILLER: Good
20 afternoon.

21 INVESTIGATOR APRAKU: Good
22 afternoon.

1 Whereupon,

2 INVESTIGATOR KOFI APRAKU
3 was called as a witness by Counsel for the
4 Government, and having been first duly sworn,
5 assumed the witness stand and was examined and
6 testified as follows:

7 INVESTIGATOR APRAKU: I do.

8 CHAIRPERSON MILLER: Okay. Thank
9 you.

10 DIRECT EXAMINATION

11 MS. SCHMIDT: Good afternoon,
12 Investigator. Could you please state your
13 name for the record?

14 INVESTIGATOR APRAKU: My name is
15 Kofi Apraku. Last name is spelled A-P-R-A-K-
16 U.

17 MS. SCHMIDT: I apologize, I left
18 out the R --

19 INVESTIGATOR APRAKU: No, you're
20 fine.

21 MS. SCHMIDT: -- in Apraku.

22 Anyway, by whom are you employed?

1 INVESTIGATOR APRAKU: I'm employed
2 by the Alcoholic Beverage Regulation
3 Administration

4 MS. SCHMIDT: And in what capacity
5 are you employed?

6 INVESTIGATOR APRAKU: I am an
7 Investigator.

8 MS. SCHMIDT: And how long have
9 you been an Investigator?

10 INVESTIGATOR APRAKU: It's,
11 approximately, three years.

12 MS. SCHMIDT: And drawing your
13 attention to Friday, January 24, 2014, at
14 approximately 7:50 p.m., were you at the
15 licensee's establishment at 2633 Sherman
16 Avenue, N.W.?

17 INVESTIGATOR APRAKU: Yes.

18 MS. SCHMIDT: And why did you go
19 there?

20 INVESTIGATOR APRAKU: We had
21 received through Investigator Mathieson,
22 through the DC: Double Check program had

1 received numerous complaints regarding sale of
2 alcohol to underage minors, especially from
3 the Howard University. So we were there
4 outside monitoring the establishment and
5 checking to see if any illegal activity was
6 taking place.

7 MS. SCHMIDT: And so what did you
8 do to further this investigation?

9 INVESTIGATOR APRAKU: Essentially,
10 we sat outside the establishment in an ABRA
11 vehicle. We observed large amounts of people
12 going into the establishment. It was
13 determined that the individuals who were going
14 into the establishment appeared to be very
15 young.

16 Again, we were outside, so we
17 couldn't make that determination, so it was
18 determined that I should go inside the
19 establishment to go check for myself.

20 MS. SCHMIDT: And what did you do,
21 what did you see when you went in the
22 establishment?

1 INVESTIGATOR APRAKU: When I
2 entered the establishment, there was a large
3 group of people in there. I would say,
4 approximately, like 30 to 40 people. People
5 were in there, basically, looking like they
6 were trying to shop looking for alcohol. Most
7 of the people in there were looking for
8 alcoholic beverages.

9 Again, I observed one or two
10 individuals walking up to the Plexiglass and
11 actually doing like a, I would have to
12 gesture, fist bump to the cashier on the other
13 side and he was also fist bumping them back.
14 So I kind of moved towards the cashier area to
15 get a better look at, you know, what activity
16 was taking place.

17 It was at this point that I saw a
18 very young looking gentleman wearing a book
19 bag move into the front of the line. He was
20 carrying a bottle of Svedka Citron vodka and
21 a six pack of Platinum Bud Light beer.

22 MS. SCHMIDT: Going back to the

1 people giving fist bumps, approximately what
2 age do you think they were?

3 INVESTIGATOR APRAKU: Again, I
4 didn't have the opportunity to actually ID
5 them myself. And but I would have said that
6 they were probably like 19. 19.

7 MS. SCHMIDT: They weren't like
8 over 30 or anything?

9 INVESTIGATOR APRAKU: No.

10 MS. SCHMIDT: Okay.

11 INVESTIGATOR APRAKU: No.

12 Absolutely not.

13 MS. SCHMIDT: Okay. So what
14 happened? So the gentleman with the Svedka
15 vodka Citron, what happened next with that?

16 INVESTIGATOR APRAKU: He
17 approached the cash register area. Mr. --
18 from now what I do know as Mr. Abel Gizachew
19 was in the front. He presented the items to
20 him and he rendered payment and left. And
21 moved to the back of the establishment.

22 Mr. -- from what I could see, Mr.

1 Abel Gizachew did not check the identification
2 of the gentleman.

3 MS. SCHMIDT: And what did the
4 gentleman do with the alcohol?

5 INVESTIGATOR APRAKU: The
6 gentleman proceeded to go to the back of the
7 establishment. I followed him to the back of
8 the establishment. He took off his book bag.
9 He opened it. He placed the alcohol beverages
10 inside the book bag all the time while
11 giggling. Put the alcohol beverages into the
12 bag and proceeded to exit the establishment.

13 MS. SCHMIDT: And what did you do
14 next?

15 INVESTIGATOR APRAKU: I followed
16 the gentleman outside, removed my ABRA
17 credentials and approached him and asked to
18 see his identification.

19 MS. SCHMIDT: And was he able --
20 and did he produce his identification to you?

21 INVESTIGATOR APRAKU: He was only
22 able to produce a Howard University ID. He

1 did not have any identification on his person.

2 MS. SCHMIDT: And did he give you
3 any information as to his age?

4 INVESTIGATOR APRAKU: He told us
5 that he was 20 years-old.

6 MS. SCHMIDT: And so what did you
7 do? So what happened with the alcohol, at
8 that point?

9 INVESTIGATOR APRAKU: At that
10 point, I confiscated the alcohol as evidence
11 and Investigator Mathieson, Investigator Erin
12 Mathieson, Investigator Ileana Corrales and
13 myself reentered the establishment.

14 MS. SCHMIDT: And what happened,
15 at that point?

16 INVESTIGATOR APRAKU: At that
17 point, we approached the front of the
18 Plexiglass, identified ourselves as ABRA
19 Investigators, clearly displayed our ABRA
20 credentials and informed Mr. Abel Gizachew
21 that he had sold alcohol to a minor without
22 checking ID.

1 MS. SCHMIDT: And what was his
2 reaction to that?

3 INVESTIGATOR APRAKU: He was
4 visibly upset. He stated that he always
5 checks the identifications of all individuals
6 who purchase alcohol at the establishment. He
7 additionally demanded that he see, that we
8 bring the minor into the establishment to
9 present to him to prove that he had actually
10 sold alcohol to a minor.

11 MS. SCHMIDT: And did you do that?

12 INVESTIGATOR APRAKU: For safety
13 reasons, again, even though the minor had
14 purchased alcohol illegally, for safety
15 reasons, I didn't deem that it was necessary--
16 we deemed that it was unnecessary for us to do
17 that and we informed him that we presented the
18 alcohol that we had seized to him in the
19 purchase that was less than five minutes ago
20 and showed it to him as proof that alcohol had
21 been purchased by a minor.

22 MS. SCHMIDT: And did you ask him

1 about the training that he did with his staff?

2 INVESTIGATOR APRAKU: After we
3 addressed the issue of the minor not -- us not
4 giving the minor -- showing him the minor, we
5 moved passed the Plexiglass area to the back
6 to conduct a regulatory inspection.

7 At this point, Investigator
8 Corrales and Investigator Mathieson approached
9 the cashier who was on the other side of the
10 Plexiglass and asked her how was she
11 conducting her IDs? She was -- and what was
12 the date that she was using to determine
13 whether people were 21 or not? She was unable
14 to give an answer.

15 MS. SCHMIDT: And what did you --
16 what did Mr. -- I thought Mr. Gizachew had
17 this information?

18 INVESTIGATOR APRAKU: Yes.
19 Investigator Corrales and Investigator
20 Mathieson approached Mr. Gizachew and asked
21 him what training had he provided to the
22 cashier in order for her to be checking

1 identifications of patrons trying to buy
2 alcohol.

3 He became upset and said that --
4 and asked the Investigators to leave behind
5 the Plexiglass area and to leave behind the
6 Plexiglass area and to move towards the front
7 of the establishment if they were going to
8 continue asking questions.

9 MS. SCHMIDT: And what happened
10 next?

11 INVESTIGATOR APRAKU: As we were
12 moving towards the door, Mr. Gizachew blocked
13 the front of the door and from what appeared
14 had his phone in his hand attempting to take
15 a picture of us behind the Plexiglass, at
16 which point Investigator Mathieson stated that
17 he would be charged with -- that he was, first
18 thing, not allowed to take pictures of
19 Investigators while we are conducting our ABRA
20 duties.

21 And additionally that he would be
22 charged with interference for interfering with

1 an active investigation.

2 MS. SCHMIDT: And did he continue
3 this behavior?

4 INVESTIGATOR APRAKU: At that
5 point, he ceased his behavior and allowed us
6 to pass through the doors into the front of
7 the establishment.

8 MS. SCHMIDT: And did you happen
9 to observe the behavior of the other patrons
10 in the establishment?

11 INVESTIGATOR APRAKU: Yes. When
12 we got there, as I said, there was a large
13 amount of patrons. When we were behind the
14 Plexiglass, Investigator Corrales and
15 Investigator Mathieson were actively checking
16 the IDs of patrons who were coming in and
17 determining that some of those IDs were under
18 21.

19 When patrons began to realize that
20 they were going to be subject to an
21 identification check, the store cleared out.
22 By the time we had reached the front of the

1 establishment, there was less than 10 people
2 in there.

3 MS. SCHMIDT: No further
4 questions, at this time.

5 CHAIRPERSON MILLER: Okay. Do you
6 have questions for the Investigator based on
7 his testimony?

8 MR. GIZACHEW: Yes.

9 CROSS-EXAMINATION

10 MR. GIZACHEW: At the time when
11 you get into the store, when I was making the
12 sale for the --

13 MEMBER ALBERTI: Sir, you need to
14 speak up.

15 MR. GIZACHEW: Okay.

16 CHAIRPERSON MILLER: Yes, see the
17 microphone, you can draw it closer to you.
18 Okay.

19 MR. GIZACHEW: Yes. When you were
20 in the store --

21 INVESTIGATOR APRAKU: Yes.

22 MR. GIZACHEW: -- when I was

1 making the sale for the guy --

2 INVESTIGATOR APRAKU: Yes.

3 MR. GIZACHEW: -- you were by the
4 door, all the way by the door. And I was
5 telling you that I checked his ID, that how
6 was it possible for you to see that I checked
7 his ID or not? Because the guy who did make
8 the purchase went -- when I ask him for it,
9 when he give me the payment, he gave me his ID
10 and his credit card at same time.

11 INVESTIGATOR APRAKU: Okay. When
12 I initially entered the establishment, you did
13 not know who I was. I was operating in an
14 undercover capacity. So you had --

15 MR. GIZACHEW: No, no, a lot of
16 people are always observing because there are
17 a lot of --

18 INVESTIGATOR APRAKU: Okay.

19 MR. GIZACHEW: -- things that are
20 going on inside the store.

21 INVESTIGATOR APRAKU: Okay. When
22 I entered the establishment, I was operating

1 in an undercover capacity. I acted like I was
2 a patron. So I moved towards the coolers on
3 the right of where the registers were. I saw
4 the individual move towards you. I saw him --
5 I saw the transaction. I saw no ID.

6 In addition, when we spoke to the
7 resident, when we spoke to the patron he also
8 did not have any ID on his person, at the
9 time. He only had his Howard ID. That from
10 my perspective, I could see clearly. I could
11 clearly see the individual moving towards the
12 front and coming to the register, presenting
13 the items to you, money being exchanged and
14 then the individual moving to the back.

15 When he moved to the back, I left
16 my position, which was at the front, and went
17 to the back to observe what he was doing,
18 that's how I was able to see that he was first
19 putting the alcohol into his book bag and also
20 to see him giggling in the back.

21 So that is the procedure that I
22 undertook when I got inside the establishment

1 to when I addressed the patron. And then
2 after that I came inside and identified
3 myself.

4 MR. GIZACHEW: Yes, but your were
5 in the portion like -- yours -- there is a
6 bulletproof over here. The customer --

7 MEMBER ALBERTI: Sir, you need to
8 speak up.

9 CHAIRPERSON MILLER: Wait a
10 second.

11 MEMBER ALBERTI: Speak into the --

12 MR. GIZACHEW: I'm sorry.

13 CHAIRPERSON MILLER: Okay. Wait a
14 second. I know that sometimes you are
15 building up to a question, so I haven't
16 stopped you, but you do know that this is the
17 time to ask him questions, not to argue with
18 him.

19 MR. GIZACHEW: No, not argue.

20 CHAIRPERSON MILLER: Okay. You
21 are just setting up your question?

22 MR. GIZACHEW: Yes, explaining to

1 him, yes.

2 CHAIRPERSON MILLER: Okay.

3 MR. GIZACHEW: There was a
4 bulletproof area. I'm outside -- inside the
5 bulletproof and there is the guy outside the
6 bulletproof and there is a line of people
7 there standing in the line and I was watching
8 everybody and actually you were not by the --
9 you were by -- all the way down by the cooler.

10 I was watching everybody at same
11 time that I was making the sale, because there
12 was -- what happened is sometimes they come in
13 a group and they take advantage of being in a
14 lot of people.

15 CHAIRPERSON MILLER: You have --

16 MEMBER SILVERSTEIN: Is there a
17 question?

18 CHAIRPERSON MILLER: Yes.

19 MR. GIZACHEW: Yes.

20 CHAIRPERSON MILLER: You are going
21 to get to testify.

22 MR. GIZACHEW: That's what I'm

1 saying. And you were all the way -- so I did
2 observe you. I did observe you. You were in
3 the store. And you were -- but I didn't know
4 whether you are from ABRA or from ABRA or you
5 are from -- but I saw you as a customer, but
6 you were all the way to the corner.

7 And when the guy was purchasing
8 the alcohol, so when he came, the guy came
9 and --

10 MEMBER SILVERSTEIN: Is there a
11 question?

12 MS. SCHMIDT: Objection. There is
13 no question.

14 CHAIRPERSON MILLER: Well, is
15 there a question now?

16 MR. GIZACHEW: Yes.

17 CHAIRPERSON MILLER: What's the
18 question?

19 MR. GIZACHEW: That I knew he was
20 where, it was impossible for him to see what
21 he showed me his identification.

22 CHAIRPERSON MILLER: That's

1 argument. And you can testify and you can
2 argue to that later that it was impossible or
3 whatever. But now do you have a question for
4 him?

5 MEMBER SILVERSTEIN: Only
6 questions.

7 MR. GIZACHEW: No questions.

8 CHAIRPERSON MILLER: Okay. No
9 more questions.

10 MR. GIZACHEW: Yes.

11 CHAIRPERSON MILLER: Okay. Do
12 Board Members have questions?

13 MEMBER ALBERTI: Yes, I do.

14 CHAIRPERSON MILLER: Okay. Mr.
15 Alberti?

16 MEMBER ALBERTI: Investigator,
17 thank you for your report.

18 INVESTIGATOR APRAKU: Yes, sir.

19 MEMBER ALBERTI: What time of day
20 was this?

21 INVESTIGATOR APRAKU: This was in
22 the evening. This was an ID check compliance

1 check. So this was after hours. This was
2 after regular tour of duty. We stayed on
3 later.

4 MEMBER ALBERTI: No, about what
5 time of day was it?

6 INVESTIGATOR APRAKU: It was about
7 7:50 p.m.

8 MEMBER ALBERTI: Okay. Great.
9 All right. The individual whose ID you
10 checked --

11 INVESTIGATOR APRAKU: Yes.

12 MEMBER ALBERTI: -- you saw the
13 purchase.

14 INVESTIGATOR APRAKU: Yes.

15 MEMBER ALBERTI: Did you have --
16 was he within your sight until he put the
17 stuff in the bag, in his backpack?

18 INVESTIGATOR APRAKU: He was in my
19 sight when he received the plastic bag
20 containing the items.

21 MEMBER ALBERTI: Right.

22 INVESTIGATOR APRAKU: Then he

1 moved and I followed.

2 MEMBER ALBERTI: And you could see
3 him?

4 INVESTIGATOR APRAKU: And I could
5 see him the entire time.

6 MEMBER ALBERTI: And then he put
7 the stuff in his backpack, correct?

8 INVESTIGATOR APRAKU: Yes.

9 MEMBER ALBERTI: Did you see him
10 the entire way out of the store?

11 INVESTIGATOR APRAKU: Yes, I was
12 right behind him.

13 MEMBER ALBERTI: Okay. So from
14 the time he purchased it to the time he left
15 the establishment, he was within your sight?

16 INVESTIGATOR APRAKU: Yes.

17 MEMBER ALBERTI: Is that correct?

18 INVESTIGATOR APRAKU: Absolutely.

19 MEMBER ALBERTI: All right. Thank
20 you. Did you see anyone else purchase alcohol
21 while you were there?

22 INVESTIGATOR APRAKU: No. He was

1 basically like the first person I saw
2 purchasing when I began to do the observation.

3 MEMBER ALBERTI: Okay.

4 INVESTIGATOR APRAKU: So he was
5 the first person I followed out right after.

6 MEMBER ALBERTI: You said that
7 Investigator Corrales and who else was there?

8 INVESTIGATOR APRAKU: Investigator
9 Erin Mathieson.

10 MEMBER ALBERTI: Investigator
11 Mathieson. Can you describe their activities
12 for me in terms of checking IDs?

13 INVESTIGATOR APRAKU: Absolutely.
14 Once we got to the other side of the
15 bulletproof Plexiglass --

16 MEMBER ALBERTI: Yes.

17 INVESTIGATOR APRAKU: -- they
18 began asking the cashier as to how was she
19 checking the IDs, of which it almost appeared
20 like she didn't fully understand English or
21 she wasn't understanding the questions, but
22 she couldn't give an answer.

1 MEMBER ALBERTI: Okay.

2 INVESTIGATOR APRAKU: At that
3 point, as people were -- as patrons were
4 coming to the front, they were taking the IDs
5 and checking them to see if they were
6 actually --

7 MEMBER ALBERTI: So they -- and
8 the people from whom they were taking the IDs,
9 did these people have product, alcoholic
10 beverage products that they --

11 INVESTIGATOR APRAKU: Yes.

12 MEMBER ALBERTI: -- were wishing
13 to purchase?

14 INVESTIGATOR APRAKU: Yes.

15 MEMBER ALBERTI: Okay.

16 INVESTIGATOR APRAKU: Yes.

17 MEMBER ALBERTI: So they checked
18 the IDs.

19 INVESTIGATOR APRAKU: Yes.

20 MEMBER ALBERTI: Was there anyone
21 who didn't have an ID?

22 INVESTIGATOR APRAKU: At that

1 point, no.

2 MEMBER ALBERTI: Okay.

3 INVESTIGATOR APRAKU: From where I
4 was standing, I can't actually say for sure.

5 MEMBER ALBERTI: Okay. Did you
6 have any observation of someone whose ID was
7 checked and they didn't -- they declined, they
8 advised the cashier not to sell to them?

9 INVESTIGATOR APRAKU: My back was
10 turned, at that point, so I was conducting a
11 regulatory inspection, at that point. So I
12 was -- I kind of left that --

13 MEMBER ALBERTI: Okay.

14 INVESTIGATOR APRAKU: -- those
15 actions up to them. I wasn't actively
16 involved.

17 MEMBER ALBERTI: So you don't know
18 how many people showed up who --

19 INVESTIGATOR APRAKU: Yes.

20 MEMBER ALBERTI: -- had IDs that
21 were inappropriate?

22 INVESTIGATOR APRAKU: No, I don't.

1 MEMBER ALBERTI: Okay. All right.

2 The Howard ID, does it have names on it?

3 INVESTIGATOR APRAKU: No, it does
4 not.

5 MEMBER ALBERTI: Okay. Thank you.

6 INVESTIGATOR APRAKU: Thank you,
7 sir.

8 CHAIRPERSON MILLER: Other
9 questions? I just have a couple.

10 INVESTIGATOR APRAKU: Yes.

11 CHAIRPERSON MILLER: Do you know
12 what day of the week this was? Was it a
13 weekend or a weekday?

14 INVESTIGATOR APRAKU: It was a
15 Friday.

16 CHAIRPERSON MILLER: Friday?
17 Okay.

18 INVESTIGATOR APRAKU: Yes.

19 CHAIRPERSON MILLER: And was it --

20 MEMBER ALBERTI: It's in the
21 report.

22 CHAIRPERSON MILLER: -- both the

1 owner and the cashier who did the transactions
2 and checked or didn't check ID?

3 INVESTIGATOR APRAKU: No, it was
4 only the owner.

5 CHAIRPERSON MILLER: Only the
6 owner who checked?

7 INVESTIGATOR APRAKU: For the
8 particular one with the individual who was 20
9 from Howard, it was only the owner.

10 CHAIRPERSON MILLER: Right.

11 INVESTIGATOR APRAKU: Yes.

12 CHAIRPERSON MILLER: But then you
13 were talking about the cashier who also --

14 INVESTIGATOR APRAKU: Did not.
15 She just didn't know the -- she didn't know
16 what age constituted somebody who was 21.

17 CHAIRPERSON MILLER: Okay.

18 INVESTIGATOR APRAKU: Yes.

19 CHAIRPERSON MILLER: She was
20 taking some IDs, but she said she didn't know
21 what age?

22 INVESTIGATOR APRAKU: Yes. She

1 didn't know what date.

2 CHAIRPERSON MILLER: What date to
3 look for?

4 INVESTIGATOR APRAKU: Yes.

5 CHAIRPERSON MILLER: Okay.

6 INVESTIGATOR APRAKU: What date to
7 look for.

8 CHAIRPERSON MILLER: Okay. And I
9 also just want to clarify you were there, you
10 said, as a compliance check? Is that what you
11 said?

12 INVESTIGATOR APRAKU: Yes. It was
13 a DC: Double Check, which is the program that
14 works with the university where they can make
15 complaints about certain establishments that
16 are problems for the university. That
17 information would go to Investigator Erin
18 Mathieson and then it was determined that we
19 could conduct an after-work ID check on the
20 establishment.

21 CHAIRPERSON MILLER: Okay.
22 Because I thought that term was used when you

1 had students go in for underage.

2 INVESTIGATOR APRAKU: No, that's--
3 solely that's, I guess, sale to minor.

4 CHAIRPERSON MILLER: Right. Okay.

5 INVESTIGATOR APRAKU: This was an
6 ID check.

7 CHAIRPERSON MILLER: This was ID
8 check.

9 INVESTIGATOR APRAKU: Yes.

10 CHAIRPERSON MILLER: Okay. All
11 right. No other questions. Mr. Rodriguez?

12 MEMBER RODRIGUEZ: Yes.

13 Investigator, thank you for your service. I
14 wanted to ask you if by any chance you
15 detected or saw anybody drinking outside of
16 the establishment?

17 INVESTIGATOR APRAKU: No, I did
18 not.

19 MEMBER RODRIGUEZ: No?

20 INVESTIGATOR APRAKU: No, I did
21 not.

22 MEMBER RODRIGUEZ: Okay. Thank

1 you.

2 INVESTIGATOR APRAKU: Thank you.

3 CHAIRPERSON MILLER: Yes, Mr.

4 Short?

5 MEMBER SHORT: Thank you again,
6 Investigator. I attended one of the Double
7 Check meetings recently and I can really say
8 that the work you are doing here for ABRA and
9 the Double Check college institution is very
10 valuable to the city and we thank you for your
11 service.

12 INVESTIGATOR APRAKU: Thank you,
13 sir.

14 MEMBER SHORT: I'll just say this,
15 have you ever been to this establishment
16 before?

17 INVESTIGATOR APRAKU: This was my
18 first encounter with -- at this particular
19 establishment.

20 MEMBER SHORT: Thank you very
21 much. That's all I have.

22 CHAIRPERSON MILLER: Okay. Are

1 there any questions on Board questions?

2 MS. SCHMIDT: None from the
3 Government.

4 CHAIRPERSON MILLER: Okay.

5 MR. GIZACHEW: No.

6 CHAIRPERSON MILLER: Okay. Thank
7 you very much.

8 INVESTIGATOR APRAKU: Thank you.

9 (Whereupon, witness was excused.)

10 CHAIRPERSON MILLER: Does that
11 conclude your case?

12 MS. SCHMIDT: Yes, it does. It
13 concludes the Government's case.

14 CHAIRPERSON MILLER: Okay. Do you
15 want to go to the witness stand and I'll swear
16 you in?

17 Whereupon,

18 ABEL GIZACHEW

19 was called as a witness for the Licensee, and
20 having been first duly sworn, assumed the
21 witness stand and was examined and testified
22 as follows:

1 MR. GIZACHEW: Yes.

2 CHAIRPERSON MILLER: Okay. Have a
3 seat then. So now is your time where you can
4 tell your story, basically.

5 MR. GIZACHEW: Yes. You --

6 CHAIRPERSON MILLER: But you need
7 to speak up.

8 MR. GIZACHEW: Okay.

9 MEMBER SILVERSTEIN: Madam Chair,
10 first, it should be noted that the licensee
11 nodded and affirmed that he would tell the
12 truth. I didn't hear it.

13 CHAIRPERSON MILLER: You didn't
14 hear him say yes?

15 MEMBER SILVERSTEIN: No.

16 CHAIRPERSON MILLER: Oh, I thought
17 I did.

18 MEMBER SILVERSTEIN: If he could
19 identify himself. No, that's fine. And if
20 you could identify yourself for the court
21 reporter?

22 MR. GIZACHEW: Yes. My name is

1 Abel Gizachew, the license holder of Fairmont
2 Liquor and Grocery.

3 CHAIRPERSON MILLER: Okay.

4 DIRECT EXAMINATION

5 MR. GIZACHEW: Yes. The reason
6 why this happened is we are very close to
7 Howard University. And we are the very
8 closest store to the liquor store. I mean, to
9 the university and --

10 CHAIRPERSON MILLER: So we can
11 hear you when you are close to the mike.

12 MR. GIZACHEW: Okay.

13 CHAIRPERSON MILLER: Okay.

14 MR. GIZACHEW: What happened is
15 they come in a crowd. And like they come like
16 15, 20 at one time and sometimes they take
17 advantage of it like, you know, they try to
18 take advantage of being a crowd and like you
19 can't look at them.

20 So we try to pay attention to what
21 they are doing, but sometimes they -- some of
22 them do basically on purpose. And like they

1 come like probably one of them -- what they do
2 is like they come in a group. Some of them is
3 to buy juices. Some of them they buy other
4 stuff, but like when the guy buys like two or
5 three bottles with his ID, it's for sure that
6 he is not going to drink three, four bottles,
7 that's for sure.

8 What they do is they just use a
9 person who is overage to buy it and they walk
10 away, that's what they do. And we try and --
11 actually, I report this to the police like
12 they were standing outside most of the time
13 and I tell them like when they stand outside
14 in the crowd, I tell them to disperse, to
15 leave.

16 And because there is two
17 disadvantage for us. One is when they come in
18 a group like that way, we only got two
19 cashiers in the front. By the way when they
20 testify on the -- when he testified earlier,
21 he said that we didn't allow him -- the reason
22 why we told them to leave because was only

1 like 2 feet between the Plexiglass and the
2 bottles.

3 So we are serving like, picking up
4 bottles from the shelf in the back. So it's
5 only like a 2 feet space we can do. They were
6 standing in the middle. So if anything
7 happens, it's going to be us who is
8 responsible for that.

9 So it's easy, that's why I told
10 him it would be easy for the Investigator to
11 check out -- you can stand outside by the
12 Plexiglass and look at the IDs who buying the
13 products, because if you are standing inside
14 here and see it's going to be impossible for
15 us, because when we grab bottle, most of the
16 time it happens like bottle slip from hands
17 and broke.

18 And two people, even for two
19 people, the space is too crowded, not a lot of
20 room like four people to be inside that place.
21 So this is the reason.

22 Now, we've been like this like a

1 blessing is sometimes a curse for us because
2 like this is where we have a customer, which
3 is a good thing. At the same time, it's a
4 curse for us because they come in a group. We
5 can't ID them, all of them, because only two
6 of them or three of them there with IDs that
7 buy their stuff. And like they buy like three
8 or four bottles. We know that there is no way
9 we can check the other people's because the
10 one boy buying the -- with the ID is they are
11 overage.

12 And some of them, they take the
13 advantage of being like more than like --
14 being like that part is probably 10 x 10 area
15 with two shelves. The area is probably
16 outside the Plexiglass is 10 x 10. There is
17 coolers, three or four coolers and it's going
18 to be -- it's kind of tight.

19 So some of them, basically, they--
20 it's not everybody of them, but some of them
21 they steal from the store, like being that
22 crowded you can't control them. So what they

1 do is they jam you up at one time. It seem
2 like they get inside the store. They jam you
3 up. There is no way you can control it. And
4 they take advantage of you.

5 Like we see sometimes like we
6 caught them, but a lot of times they get away
7 with it. So the only reason when the ABRA
8 people that came in clear out is the people
9 who come in to take advantage, they left. But
10 there were still people like 10 to 15 people
11 who have been with ID.

12 And the other thing is like when
13 she asked her the question, what is the cut-
14 off date? She didn't explain it to her in the
15 right way, because she has actually ABRA
16 Manager License. She has a manager license,
17 but she didn't explain it in a way she have
18 like -- she is not fluent in English, but she
19 understands.

20 But the way she explained was it's
21 not like directly do you know the cut-off
22 time, that's not what -- exactly what she

1 said. Do you know the cut-off time? That's--
2 you know, so she didn't understand what she
3 say, that's the point. If she understand or
4 explain it to her what is the age that is
5 going to be cut-off? What is the age you have
6 to see? It would have been easy for her to
7 tell you.

8 And she have, by the way, a
9 manager license. The lady who was checking
10 the IDs. The way they were -- he was
11 testifying is like she doesn't know like
12 taking IDs for -- is the point.

13 And regarding to the sale to the
14 minor, he say the guy was in front of me and
15 I was looking, because I was paying attention.
16 They come in a group. Some of them are from
17 the students, some of them are from the
18 neighborhood. Because of the number, like he
19 said, there were 30 of them, like he said,
20 between 5 to 30, so the space is too small.
21 It's very small.

22 So like I said, they take

1 advantage of it. So we have to pay attention.
2 Like you have to look everyone in their eyes,
3 so they can scare. So I know he was in the
4 corner by the -- one of the coolers.

5 Finally, there was no way it was
6 possible for him to look this transaction. So
7 he came and the guy, he came and they asked
8 me, I mean, for Svedka. I give it to him.
9 And he came into the Plexiglass and then he
10 said I need Svedka and then I ask -- I didn't
11 even ask him for his ID. He gave me his
12 credit card with ID altogether.

13 He put it on the Plexiglass on the
14 turntable and I took it, I said, and I swiped
15 it and I put the bottle in the bag and I give
16 it to him. That's what happened. And I don't
17 think he see exactly what happened on the
18 transaction.

19 And that's the reason. It's most
20 probably the guy had been taking advantage of
21 using a fake ID. That's most probably it
22 could be. Otherwise, I would handle person.

1 He gave me his credit card with ID, at the
2 time. That's what I can say. Thank you.

3 CHAIRPERSON MILLER: Okay. Do you
4 have any questions?

5 MS. SCHMIDT: Yes. Just very
6 briefly.

7 CROSS-EXAMINATION

8 MS. SCHMIDT: What kind of ID did
9 he present to you? Do you remember what kind?
10 Was it a driver's license? Was it a
11 university ID?

12 MR. GIZACHEW: No. It's a regular
13 ID.

14 MS. SCHMIDT: What is --

15 MR. GIZACHEW: Exactly remember it
16 was put in front of me.

17 MS. SCHMIDT: What's a regular ID
18 to you?

19 MR. GIZACHEW: An ID? It was a
20 state ID.

21 MS. SCHMIDT: You don't remember?

22 MR. GIZACHEW: Exactly, no, I

1 can't remember.

2 MS. SCHMIDT: And you don't
3 remember if it was, you know, vertical or
4 horizontal?

5 MR. GIZACHEW: Was vertical
6 actually. It doesn't mean -- a vertical ID,
7 this is the reason. It doesn't mean a
8 vertical ID means he is underage, because he
9 could have this ID already at 18, 19 and he
10 come past the age and it still is not expired,
11 so it's still that guy is still overage.

12 MS. SCHMIDT: No further
13 questions.

14 CHAIRPERSON MILLER: Okay.
15 Others? Board Members? Mr. Brooks?

16 MEMBER BROOKS: Yes. Thank you,
17 Madam Chair. How long had the employee worked
18 for you?

19 MR. GIZACHEW: The lady?

20 MEMBER BROOKS: Yes.

21 MR. GIZACHEW: She has been there
22 for almost three years now.

1 MEMBER BROOKS: Almost three
2 years?

3 MR. GIZACHEW: Yes.

4 MEMBER BROOKS: Okay. Does she
5 know how to check for IDs?

6 MR. GIZACHEW: Yes. She have
7 manager license.

8 MEMBER BROOKS: I'm sorry?

9 MR. GIZACHEW: She have manager
10 license.

11 MEMBER BROOKS: Okay. So she
12 knows the proper procedure?

13 MR. GIZACHEW: Yes.

14 MEMBER BROOKS: Okay. Thank you
15 very much, Madam Chair.

16 CHAIRPERSON MILLER: Okay.

17 Others? Mr. Rodriguez?

18 MEMBER RODRIGUEZ: My question is
19 a little bit turned around a little bit. Do
20 you have children?

21 MR. GIZACHEW: Yes.

22 MEMBER RODRIGUEZ: How old about?

1 MR. GIZACHEW: They are -- one is
2 4, one is 6.

3 MEMBER RODRIGUEZ: Okay. But so
4 would you -- you would not feel right if
5 somebody sold them when -- you know, kids
6 liquor, right?

7 MR. GIZACHEW: Yes.

8 MEMBER RODRIGUEZ: Right. So this
9 is a very serious offense, right?

10 MR. GIZACHEW: Yes.

11 MEMBER RODRIGUEZ: Okay. So what
12 pains have you taken really to avoid the sale
13 to minors? It seems like, you know, you have
14 a recurrent record here of violations.

15 MR. GIZACHEW: Yes. Basically, we
16 can tell them is that, you know, like I said
17 we are very close to the Howard University and
18 we try. We tell them that we can't exchange
19 liquors inside the store. You can't buy for
20 people. Sometimes like I see if the guy is
21 starting to show me ID, he had ID, he bought
22 the liquor and he is trying to give it to

1 somebody else, I will tell him just give it
2 back, you can't do that. That's all we can do
3 inside the premises.

4 Because the moment like the -- if
5 you come to the store around like 8:00 or
6 9:00, you see people standing outside. I did
7 address this thing to Howard Police. The
8 Howard Police and the police is standing
9 outside, because they can't clear up.

10 What they do, they come to -- they
11 come and stand by the store outside and send
12 overage people inside the store. They buy
13 liquors and they walk out and they -- but what
14 happened is most of the time when things
15 happen like this, they buy the liquor. They
16 give -- they leave the store and they give
17 them.

18 What happen is when they are
19 walking on the street, these people caught up,
20 it's going to come back to us. So that's what
21 we are telling them. Like stand outside the
22 store, that way they can't stand outside the

1 store, that way they disperse, they don't
2 stand. We can avoid stuff like that.

3 It's really hard to -- if you were
4 in our position if you come and see the store
5 and like there are people who come from the
6 neighborhood in a group. There are people who
7 come from the Howard University in a group.
8 And like all of a sudden you see like 30
9 people, 25 people inside the store.

10 You think everybody is buying, no,
11 not everybody is buying, that's for sure.

12 It's not everybody is buying. It's like most
13 of them they take advantage of the crowd.
14 Some of them they come in a group. They stand
15 by the door. They buy their juice. One
16 people standing on one -- we have two tables,
17 round tables. One by the juice over there and
18 the other people is by the liquor over here.

19 They buy two or three bottles and
20 it's obvious that nobody is going to drink
21 two, three bottles by themselves. Not by the
22 -- there is a foul play, but there is no way

1 we can control that.

2 If like, I don't know, I mean,
3 it's not my position to suggest that these
4 people in this case they caught up with the
5 liquor and there is liquor, that they get a
6 ticket would be most probably there is the
7 possibility that they would not do it again.

8 Because it's a joke for them.
9 Like this is very serious stuff for us, but
10 it's a joke for them, because if they come and
11 they buy like three or four bottles, they walk
12 out, they give them and they put in their bag
13 and they work. If the police pull them over,
14 they police wouldn't say anything to them.
15 They come straight to us.

16 They will tell us that you sold
17 them these bottles. There is no way we can
18 disagree with them that we didn't sell. We
19 tell them it is a person who, you know, bought
20 it, but we just can't fight with them. They
21 are going to say no, it's you who bought --
22 you know, you sold it.

1 MEMBER RODRIGUEZ: So how many
2 employees do you have in the store?

3 MR. GIZACHEW: We have one stocker
4 and two cashier.

5 MEMBER RODRIGUEZ: Okay. So
6 you've got three, right?

7 MR. GIZACHEW: Yes.

8 MEMBER RODRIGUEZ: And so you are
9 saying that you basically get ganged up on
10 with different groups distracting?

11 MR. GIZACHEW: Yes.

12 MEMBER RODRIGUEZ: And so how --
13 okay. So but as far as checking IDs, when
14 somebody is purchasing a liquor --

15 MR. GIZACHEW: Yes.

16 MEMBER RODRIGUEZ: -- how is that
17 distracting you or your liquor manager from
18 checking an ID one-on-one?

19 MR. GIZACHEW: No, it doesn't
20 distract us. We check their ID. But what we
21 do is we check their IDs when they buy. The
22 person who is in front of us, we check their

1 ID. But we take extra steps. Sometimes the
2 person next to him, he might have the bag, so
3 he buy the stuff. He could give it to him.

4 If they walk out from the store,
5 it's going to be on us. So we have to pay
6 extra important that the guy next to him does
7 not give it to him. We have to see that. At
8 the same time, we have to see how the crowd is
9 -- they are not taking advantage of the store
10 like taking stuff from the store.

11 So we have to pay like everything,
12 everywhere. You have to see everything. So
13 you can't -- if your mind is kind of divided,
14 can't see every angle.

15 MEMBER RODRIGUEZ: So is there a
16 way to keep the liquor kind of behind?

17 MR. GIZACHEW: The liquor is
18 behind. It's the beer sits outside where we
19 have the coolers, two coolers placed outside.

20 MEMBER RODRIGUEZ: Okay.

21 MEMBER ALBERTI: You're asking
22 questions that aren't pertinent to this case.

1 MEMBER RODRIGUEZ: Okay. All
2 right. Thank you. Thank you.

3 CHAIRPERSON MILLER: Okay. Other
4 questions? I just have one. So you said that
5 you checked the ID of the patron that the
6 Investigator said you didn't check, correct?

7 MR. GIZACHEW: Yes.

8 CHAIRPERSON MILLER: Do you recall
9 how old the patron was?

10 MR. GIZACHEW: He is -- he will --
11 I do remember he showed me an ID which is
12 vertical ID, which is 21. That's what I was
13 telling.

14 CHAIRPERSON MILLER: Vertical ID
15 which is what?

16 MR. GIZACHEW: It was a vertical
17 ID, but it's 21.

18 CHAIRPERSON MILLER: 21.

19 MR. GIZACHEW: Yes.

20 CHAIRPERSON MILLER: So you read
21 that he was 21 years-old?

22 MR. GIZACHEW: He is 21, yes.

1 When he purchase, he is 21.

2 CHAIRPERSON MILLER: Have you seen
3 him, that customer before in the store?

4 MR. GIZACHEW: In the store?

5 CHAIRPERSON MILLER: Yes.

6 MR. GIZACHEW: There is -- I don't
7 -- I can't say because there is a lot of
8 people that come to the store I don't pay
9 attention to. I don't know if he was there or
10 not.

11 CHAIRPERSON MILLER: Okay. Well,
12 you just sounded like you knew how old he was,
13 like I thought you were more familiar with him
14 than just checking his ID that day.

15 MR. GIZACHEW: No. What I do --
16 actually, what I did is when he gave me the
17 card, he gave me with his ID. That's what he
18 did. And I swipe it and I see the ID and I
19 swipe it and I give him the bag.

20 CHAIRPERSON MILLER: Okay.

21 MR. GIZACHEW: That's what
22 happened.

1 CHAIRPERSON MILLER: Mr. Jones?

2 MEMBER JONES: Thank you, Madam
3 Chair. You are saying that you know for sure
4 that the individual that the Investigator is
5 claiming was underage, you know for sure that
6 he is 21?

7 MR. GIZACHEW: Yes, he has ID,
8 yes.

9 MEMBER JONES: How do you know who
10 the individual is?

11 MR. GIZACHEW: Which one? What do
12 you mean?

13 MEMBER JONES: The one that the
14 Investigator said purchased alcohol from your
15 establishment that was underage. How do you
16 know who that is?

17 MR. GIZACHEW: Because he gave me
18 his ID with his card. When --

19 MEMBER JONES: No, no, no.

20 MR. GIZACHEW: Yes.

21 MEMBER JONES: You are saying he
22 gave you his ID.

1 MR. GIZACHEW: Yes.

2 MEMBER JONES: You are talking
3 about the individual who purchased the
4 alcohol?

5 MR. GIZACHEW: Yes.

6 MEMBER JONES: Okay. How do you
7 know who that individual is? So I'm assuming
8 there were a lot of people who gave you their
9 IDs to pay for alcohol on that day. It wasn't
10 just one person, correct.

11 MR. GIZACHEW: Yes, because --

12 MEMBER JONES: Okay. So how do
13 you know who the exact individual is that the
14 Investigator says purchased alcohol from your
15 establishment that was underage?

16 MR. GIZACHEW: Because he -- the
17 guy -- I was serving. The guy I served him,
18 he just came back within, I don't know, it was
19 4 or 5 minute he came back and he told me this
20 is the Svedka. I remember what I sold him.
21 The Svedka you served for underage. It's
22 vodka. He said -- and I remember the guy that

1 he gave me his credit card with his ID.

2 MEMBER JONES: Okay. So earlier
3 when the Investigator said you demanded that
4 they bring the individual back in --

5 MR. GIZACHEW: Yes, because --

6 MEMBER JONES: -- in front of you,
7 right?

8 MR. GIZACHEW: Yes, yes.

9 MEMBER JONES: What was your --
10 why did you do that?

11 MR. GIZACHEW: Because I want them
12 to see in his bag if he has ID. I'm 100
13 percent he has ID with him.

14 MEMBER JONES: So you knew that
15 the individual was -- so the individual you
16 are saying was lying to the Investigator?

17 MR. GIZACHEW: Most probably,
18 because he may be using a fake ID. That's
19 most probably could be the case.

20 MEMBER JONES: But you are saying
21 that you know for a fact that he was 21.

22 MR. GIZACHEW: Yes.

1 MEMBER JONES: So I guess I'm not
2 following you. Let's just be clear. So you
3 are telling me that you know exactly who this
4 individual was and/or is and you know for a
5 fact that his ID says he was 21?

6 MR. GIZACHEW: Yes.

7 MEMBER JONES: And you are saying
8 that it's a potential that he was using a fake
9 ID?

10 MR. GIZACHEW: Well, unless he --
11 that's one of my assumption.

12 MEMBER JONES: Okay. Are you --

13 MR. GIZACHEW: Because --

14 MEMBER JONES: -- saying that
15 that's what he did? So you saying that he is
16 lying to the Investigator, because he told the
17 Investigator he was 20, based on the
18 Investigator's testimony.

19 MR. GIZACHEW: But the ID he gave
20 me, he was 21. It was a vertical ID I
21 remember and that's why I told them bring the
22 guy in, check it, because he -- bring the guy

1 in and check it.

2 MEMBER JONES: So you are not
3 denying the fact that you sold to an underage
4 person?

5 MR. GIZACHEW: No.

6 MEMBER JONES: You are just saying
7 that you believe that --

8 MR. GIZACHEW: He wasn't --

9 MEMBER JONES: -- the individual
10 gave you a fake ID?

11 MR. GIZACHEW: It's not. My
12 assumption is not a fake ID, because if it was
13 a fake ID, I would have stopped it the sale.

14 MEMBER JONES: But you just said
15 it was -- well, maybe I misunderstood.

16 MR. GIZACHEW: Well, that's one of
17 my assumptions. My assumption is what I been
18 using as fake ID. Some of -- this is what we
19 were doing. Some --

20 MEMBER JONES: No, no, no. I'm
21 not talking about your general -- I'm not
22 talking about generalities.

1 MR. GIZACHEW: I know.

2 MEMBER JONES: I'm talking about
3 specifically to this case, because you said
4 quite emphatically that you know exactly who
5 the individual was that told the Investigator
6 he was 20 years-old and that he was lying to
7 the Investigator. That's basically what you
8 just said.

9 So in order for you to know that,
10 you have to know exactly who that individual
11 was. But you are saying, you are claiming
12 that you never saw the individual after the
13 Investigator approached you.

14 MR. GIZACHEW: It was like a form
15 difference.

16 MEMBER JONES: Say that again?

17 MR. GIZACHEW: It was like a form
18 forming a difference, so as far as I remember
19 the guy who was hurt, like if it's three or
20 four minute difference. If the guy came after
21 like an hour, it might not be possible for me
22 to remember.

1 MEMBER JONES: Okay. So you
2 remember selling to this individual?

3 MR. GIZACHEW: Yes.

4 MEMBER JONES: And you remember
5 selling to this individual who has reported to
6 the Investigator that he was only 20 years-
7 old.

8 MR. GIZACHEW: Yes, I remember.

9 MEMBER JONES: Okay. So you are
10 clearly saying on the record that you
11 acknowledged the fact that you sold to someone
12 that was underage, correct?

13 MR. GIZACHEW: No.

14 MEMBER JONES: No? Okay. Help me
15 understand.

16 MR. GIZACHEW: Yes. The guy came
17 to the front to the Plexiglass. He asked me
18 for vodka, which is the Svedka vodka. And I
19 asked him for ID and he gave me his card with
20 his credit card.

21 MEMBER JONES: He gave you his ID
22 with a credit card?

1 MR. GIZACHEW: Yes, yes, he give
2 me.

3 MEMBER JONES: Okay.

4 MR. GIZACHEW: This is what he
5 did.

6 MEMBER JONES: Did the name on the
7 record card match the name on the ID?

8 MR. GIZACHEW: Yes.

9 MEMBER JONES: It did?

10 MR. GIZACHEW: Yes.

11 MEMBER JONES: Okay. And the
12 credit card -- excuse me, and the ID clearly
13 said that that individual was 21?

14 MR. GIZACHEW: Yes, it did.

15 MEMBER JONES: Okay. And that
16 individual that had a picture on that ID
17 looked exactly like the individual that was
18 handing you the ID?

19 MR. GIZACHEW: Yes, he does.

20 MEMBER JONES: He did?

21 MR. GIZACHEW: Yes.

22 MEMBER JONES: Okay. So how do

1 you explain that discrepancy? How is it that
2 you confirmed verification through your
3 process that he was 21 and/or above? But he
4 is reporting to the Investigator that he is
5 only 20.

6 MR. GIZACHEW: With the ID he gave
7 me, that's the only way I can like justify
8 that. The ID he gave me was -- says 21.

9 MEMBER RODRIGUEZ: I think I
10 understand.

11 MEMBER JONES: So he gave you an
12 ID that says he was 21. So it was a fake ID?

13 MR. GIZACHEW: That's the thing.
14 I can't confirm that. But for me, it was a
15 real ID when he gave it to me.

16 MEMBER JONES: It was a real ID
17 when he gave it to you.

18 MR. GIZACHEW: See that's why --

19 MEMBER JONES: Is that your
20 position with all IDs that you receive?

21 MR. GIZACHEW: No. What we do is
22 sometimes this is what we do. Sometimes, you

1 know, based on the technology we have outside,
2 this already crazy that we have like more than
3 50 States. You know, they --

4 MEMBER JONES: No, there aren't
5 more than 50 States.

6 MR. GIZACHEW: No, there are like
7 -- no, I'm saying they come from different
8 states. It's more like from Maryland,
9 Virginia or D.C.

10 MEMBER JONES: I understand.

11 MR. GIZACHEW: Which you can see
12 whether it's a fake or not. If somebody is
13 from Alabama, I never seen Alabama ID.
14 Whether it is fake or not, it's impossible for
15 me to justify.

16 MEMBER JONES: So let's back up.
17 I just want to make sure I'm clear. So this
18 individual said that he is only 20 years-old.
19 And you are telling me that you are sure you
20 sold him the alcohol?

21 MR. GIZACHEW: Yes, he had ID.

22 MEMBER JONES: I didn't ask you

1 that. He says he is only 20 years-old. And
2 you are saying you are sure you sold him the
3 alcohol?

4 MR. GIZACHEW: Yes.

5 MEMBER JONES: Okay. If he is
6 only 20 and you are sure you sold him the
7 alcohol, then you are sure you sold to a
8 person that was underage.

9 MR. GIZACHEW: How --

10 MEMBER JONES: And you are saying
11 he is 20 years-old. He is saying that he is
12 20 years-old.

13 MR. GIZACHEW: Yes, how is that
14 possible if I see the ID and I saw the ID.

15 MEMBER JONES: Because you just
16 said it's potential that could be a fake ID,
17 correct?

18 MR. GIZACHEW: Potentially, it
19 could be. I don't know. I don't know how to
20 justify because --

21 MEMBER JONES: Okay. So let's
22 back up again.

1 MR. GIZACHEW: Yes.

2 MEMBER JONES: He says he is 20
3 years-old. You confirmed you sold that
4 individual alcohol. If he is only 20 years-
5 old, and he is telling him, the Investigator,
6 that he is only 20 years-old and you sold him
7 the alcohol, then you sold to an underage
8 person.

9 MR. GIZACHEW: But based on my
10 information, what I got from him, based on the
11 card he gave me and the ID he gave me, he is
12 21.

13 MEMBER JONES: So what's your
14 process preventing fake IDs? Because clearly
15 you are -- you don't have a very astute
16 process.

17 MR. GIZACHEW: What we do is --
18 you know, I mean, like I say, if the ID is --
19 like some of them you can't fake, they are
20 wobbly, you know, so someone doesn't have a
21 fake ID. And most of the states have these
22 emblems. When you look at them like this,

1 there are emblems in the front.

2 MEMBER JONES: Yes.

3 MR. GIZACHEW: So you can see them
4 that way. It's easy to see them. But you
5 know, there are very good IDs that there is no
6 way you can identify whether it is a fake or
7 not. Really some of them I get a list like
8 sometimes you get very suspicious of someone
9 when he comes like and looks 18 or 19 and he
10 give you the ID.

11 Sometimes what they do is they
12 don't use their real name on their ID. So
13 sometimes we ask them their Howard ID. Let me
14 see your Howard ID at the same time. So when
15 he give me the -- some of them we caught them
16 like that.

17 They give me their ID and when
18 they give the Howard ID, it doesn't match.

19 MEMBER JONES: Okay.

20 MR. GIZACHEW: So it's always
21 sometimes we can't avoid these things.

22 MEMBER JONES: Thank you, Madam

1 Chair.

2 MR. GIZACHEW: It's really hard.
3 I mean, some of the IDs are ridiculously
4 impossible to identify.

5 CHAIRPERSON MILLER: Okay.

6 MEMBER JONES: Thank you, Madam
7 Chair.

8 CHAIRPERSON MILLER: Mr. Short?

9 MEMBER SHORT: Yes, sir, how are
10 you this afternoon?

11 MR. GIZACHEW: I'm doing good.

12 MEMBER SHORT: How long have you
13 been in business?

14 MR. GIZACHEW: Almost six years
15 now.

16 MEMBER SHORT: Six years?

17 MR. GIZACHEW: Yes.

18 MEMBER SHORT: And is this the
19 very first time you have ever had trouble
20 identifying legal or illegal ID for these
21 underage people?

22 MR. GIZACHEW: Yes.

1 MEMBER SHORT: This is the very
2 first time?

3 MR. GIZACHEW: In 2009, there was
4 an employee who did that, that happened in
5 2009.

6 MEMBER SHORT: So it happened
7 then.

8 MR. GIZACHEW: In 2009.

9 MEMBER SHORT: In 2009.

10 MR. GIZACHEW: It was a sale to a
11 minor.

12 MEMBER SHORT: Okay.

13 MR. GIZACHEW: But it was an
14 employee who did that.

15 MEMBER SHORT: What actions did
16 you put in place to make sure that didn't
17 happen to you again?

18 MR. GIZACHEW: Most of the time
19 what we do is we try to see -- you know,
20 people is very -- you see, I mean, the IDs
21 like I said.

22 MEMBER SHORT: I understand. But

1 the question I'm asking you is since 2009,
2 according to your testimony --

3 MR. GIZACHEW: Yes.

4 MEMBER SHORT: -- you haven't had
5 any trouble with underage or sale to minor
6 since that time, what actions did you put in
7 place to protect yourself and your business,
8 so people don't take advantage of you selling
9 to minors? What actions have you taken?

10 MR. GIZACHEW: (No audible
11 answer).

12 MEMBER SHORT: Since the last time
13 you can remember in 2009.

14 MR. GIZACHEW: What is the steps
15 we -- all we did is check the IDs and
16 sometimes, you know, we ask them their age
17 bluntly what's your age.

18 MEMBER SHORT: Okay.

19 MR. GIZACHEW: We request from
20 them and what's your state.

21 MEMBER SHORT: Thank you very
22 much. I heard that testimony already. Thank

1 you, Madam Chair.

2 CHAIRPERSON MILLER: Okay.

3 MEMBER ALBERTI: I have a real
4 quick question.

5 CHAIRPERSON MILLER: Yes.

6 MEMBER ALBERTI: Okay. So you
7 said it was a vertical ID?

8 MR. GIZACHEW: Yes.

9 MEMBER ALBERTI: I just want to
10 make sure I understand what you mean by
11 vertical. So I have a piece of paper in my
12 hand.

13 MR. GIZACHEW: Yes.

14 MEMBER ALBERTI: Is that vertical?

15 MR. GIZACHEW: Yes.

16 MEMBER ALBERTI: That's vertical.
17 That's horizontal?

18 MR. GIZACHEW: Yes.

19 MEMBER ALBERTI: Okay. So let the
20 record show that I have an 8 x 11 piece of
21 paper and the short side is at the very top
22 and that is what the respondent is saying is

1 the vertical orientation.

2 Thank you. That was all my
3 questions.

4 CHAIRPERSON MILLER: I have a
5 quick question. Have you had training in
6 checking IDs?

7 MR. GIZACHEW: No.

8 CHAIRPERSON MILLER: Do you have
9 the ID booklet from ABRA that has different
10 IDs and different things to check for?

11 MR. GIZACHEW: The book? No, no
12 booklet.

13 CHAIRPERSON MILLER: No. Okay.
14 And what's your knowledge then of fake IDs?
15 How do you -- how would you discover a fake
16 ID?

17 MR. GIZACHEW: You know, most of
18 them are -- you can't tell them like, you
19 know, most of the IDs they are afraid like the
20 way the plastic and the material is made.

21 CHAIRPERSON MILLER: Okay.

22 MR. GIZACHEW: It's completely

1 different. Most of them have a pattern like
2 wavy things --

3 CHAIRPERSON MILLER: Right.

4 MR. GIZACHEW: -- on the plastic.

5 When you see them like this, they have --

6 CHAIRPERSON MILLER: All right.

7 You said that. Okay.

8 MR. GIZACHEW: Yes. Stuff like

9 that.

10 CHAIRPERSON MILLER: Okay. All
11 right. Anything else? Any questions on Board
12 questions?

13 MS. SCHMIDT: No.

14 CHAIRPERSON MILLER: All right.

15 Then if you are done testifying, you can go
16 back to your table if you like.

17 MR. GIZACHEW: Thank you.

18 CHAIRPERSON MILLER: Okay. Thank
19 you. Okay. Are we ready for closing?

20 MS. SCHMIDT: Oh, yes.

21 CHAIRPERSON MILLER: Okay.

22 MS. SCHMIDT: Clearly, this is a

1 case of credibility. Here you have the ABRA
2 Investigators going and he said he observed
3 Mr. Gizachew. He was watching him
4 specifically for an ID check and he never saw
5 him ask for an ID.

6 And especially and in light of Mr.
7 Gizachew's testimony when he gave a credit
8 card and a vertical ID, you would think you
9 would see the ID come out from behind the
10 credit card. So this is a matter of
11 credibility.

12 Also, even though this was 10
13 months ago, you would think that, you know,
14 knowing that he was given notice that night
15 that he sold to a minor without ID, he would
16 have tried to remember which kind of ID it
17 was. And he could only just say it's a
18 vertical ID, not which state or whether it was
19 a Howard University ID.

20 Also, with respect to the cashier,
21 if the cashier really is an ABRA manager, you
22 would think that at the time instead of trying

1 to block the Investigators and try to take
2 their pictures, he would just say she doesn't
3 understand English. She is an ABRA manager.
4 But he didn't say that. He didn't tell the
5 Investigators that that night.

6 It was only today was the first
7 time we even heard the fact that the cashier
8 was an ABRA or was an ABC manager.

9 And lastly, there could be 100
10 people in the store. However, he is still
11 responsible for making sure or ensuring that
12 there are no sales to minors. And if there
13 are 100 people in the store, he must -- he
14 needs to take measures to prevent that kind of
15 scene and he has not done so in this
16 situation.

17 Therefore, the Government is
18 asking that the Board find that Mr. Gizachew
19 violated Sections 25-781(a)(1), sales to a
20 minor, and 25-783(b), 2001, which is failure
21 to reasonably ascertain whether a patron was
22 under the age of 21 when selling alcohol.

1 Thank you.

2 CHAIRPERSON MILLER: Okay. Do you
3 want to make a closing argument?

4 MR. GIZACHEW: Yes.

5 CHAIRPERSON MILLER: Okay.

6 MR. GIZACHEW: Like I said, the
7 big -- like when they was doing the
8 investigation, I was observing everybody
9 inside the store. I was looking in their
10 eyes. And he was way far away from the
11 Plexiglass. I was second -- it was impossible
12 for him to look whether I check the ID.

13 And the guy on the -- who did
14 purchase alcohol, he, I mean, doesn't -- I
15 didn't ask him that. He just gave me his ID
16 with his credit card.

17 And regarding to taking the
18 picture, I told them that this is -- was to
19 the place on the Plexiglass because the
20 Plexiglass and the shelf was only less than 2
21 feet space. So I was standing -- they were
22 standing more than, I don't know, like 20

1 minutes. They were standing. They were there
2 like three of them and I was standing there.

3 There was still people inside the
4 store. There was like 15 people inside the
5 store. And I was telling them it was
6 impossible that part is for -- and I'm not
7 going to be responsible for it. And she said
8 don't -- she didn't mind.

9 So I said if you are going to
10 stand over there, I want to take my assurance
11 that I will take a picture. The reason I take
12 a picture is like if something happens to
13 them, I'm not responsible because where -- the
14 position they were standing was too tight, so
15 it happens most of the time.

16 We try to get a bottle and it
17 could slip from hands. It's very tight space.
18 So when we -- if me or her was trying to grab
19 a bottle for them, it's going to be on our
20 foot. So I had to take a picture of them.

21 CHAIRPERSON MILLER: This isn't
22 new testimony. Do you understand?

1 MR. GIZACHEW: Yes.

2 CHAIRPERSON MILLER: This is --

3 MR. GIZACHEW: I was just
4 explaining again.

5 CHAIRPERSON MILLER: -- just
6 summing up what -- okay.

7 MR. GIZACHEW: I was after -- I
8 think that's the reason I took a picture that
9 I told them I'm going to take a picture or you
10 can stand outside the bulletproof and check
11 their IDs. It's easy for you to stand outside
12 the bulletproof while I was on inside. And
13 when they buy the alcohol, they give to them,
14 they give it to me. That's what she was
15 doing.

16 I thought she stand outside, the
17 two of them. They were standing. One lady
18 was standing by herself. One lady is standing
19 over here. And they were taking the ID and
20 pass it to me. They were taking the ID and
21 passing to me, that's what they were checking.

22 CHAIRPERSON MILLER: Okay. All

1 right. Does that complete your testimony?

2 MR. GIZACHEW: Yes, that's it.

3 CHAIRPERSON MILLER: Okay.

4 MR. GIZACHEW: Thank you.

5 CHAIRPERSON MILLER: All right.

6 We are going to close the record now, at this
7 point, and ask the parties if they want to
8 file proposed findings of fact and conclusions
9 of law.

10 MS. SCHMIDT: Not from the
11 Government.

12 CHAIRPERSON MILLER: It's rarely
13 done. It's like a legal brief based on the
14 hearing --

15 MR. GIZACHEW: Yes.

16 CHAIRPERSON MILLER: -- and the
17 evidence. Whether you wanted to file
18 something in writing. The Government is
19 waiving that right, so they are not going to
20 do that. You have a right to, but it's not
21 really suitable for all cases and so but if
22 you want to, you could get -- could file a

1 legal brief based on the evidence in the
2 record.

3 MR. GIZACHEW: Okay.

4 CHAIRPERSON MILLER: Do you know
5 what I'm saying?

6 MR. GIZACHEW: No.

7 CHAIRPERSON MILLER: You don't?

8 MR. GIZACHEW: Sorry.

9 CHAIRPERSON MILLER: Let me make
10 it more clear. It's not even new evidence.
11 When we issue an order, we rely on proposed
12 findings of fact that we pull from the
13 evidence in the record that was made today and
14 in the report.

15 So if you wanted to submit a
16 proposed one, you could do that based on the
17 transcript. Most people don't in these kind
18 of straightforward cases.

19 MR. GIZACHEW: No, I'm not going
20 to do it. So thank you.

21 CHAIRPERSON MILLER: Not going to
22 do it.

1 MR. GIZACHEW: No. Thank you.

2 CHAIRPERSON MILLER: No. Okay.

3 Especially when the other party is not going
4 to, yes. Okay. All right. So what we are
5 going to do is just the Board is going to take
6 a vote on deliberating this case in closed
7 session and then we will be issuing an order,
8 a written order in 90 days that we will serve
9 on you, mail to you.

10 Okay. So I'm going to take the
11 vote now.

12 As Chairperson of the Alcoholic
13 Beverage Control Board for the District of
14 Columbia and in accordance with Section 405 of
15 the Open Meetings Amendment Act of 2010, I
16 move that the ABC Board hold a closed meeting
17 for the purpose of seeking legal advice from
18 our counsel on Case No. 14-CC-00003, Fairmont
19 Liquor and Grocery, 2633 Sherman Avenue, N.W.,
20 License No. 80900, in ANC-1B, per Section
21 405(b)(4) of the Open Meetings Amendment Act
22 of 2010, and deliberating upon this case for

1 the reasons cited in Section 405(b)(13) of the
2 Open Meetings Amendment Act of 2010.

3 Is there a second?

4 MEMBER SILVERSTEIN: Second.

5 CHAIRPERSON MILLER: Mr.

6 Silverstein seconded the motion. I'll now
7 take a roll call vote on the motion before us
8 now that it has been seconded.

9 Mr. Brooks?

10 MEMBER BROOKS: I agree.

11 CHAIRPERSON MILLER: Mr. Alberti?

12 MEMBER ALBERTI: I agree.

13 CHAIRPERSON MILLER: Mr.

14 Rodriguez?

15 MEMBER RODRIGUEZ: I agree.

16 CHAIRPERSON MILLER: Ms. Miller

17 agrees.

18 Mr. Silverstein?

19 MEMBER SILVERSTEIN: I agree.

20 CHAIRPERSON MILLER: Mr. Short?

21 MEMBER SHORT: I agree.

22 CHAIRPERSON MILLER: Mr. Jones?

1 MEMBER JONES: I agree.

2 CHAIRPERSON MILLER: It appears
3 that the motion has passed by a 7-0-0 vote.

4 I hereby give notice that the ABC
5 Board will hold this closed meeting in the ABC
6 Board conference room pursuant to the Open
7 Meetings Amendment Act of 2010 and we will
8 issue a written decision within 90 days.

9 Okay. Thank you. So that
10 concludes this case.

11 We have one more case with
12 Fairmont Liquors and Grocery. Are you ready
13 to proceed on that?

14 MS. SCHMIDT: I'm just getting my
15 officer, if I may.

16 CHAIRPERSON MILLER: Okay. I'll
17 call it then. It's Case No. 13-251-00113,
18 Fairmont Liquors and Grocery, 2633 Sherman
19 Avenue, N.W., License No. 80900, in ANC-1B.

20 Okay. All right. So I did call
21 the second Fairmont Liquors and Grocery case,
22 which is the 13-251-00113.

1 MS. SCHMIDT: Good afternoon. Amy
2 Schmidt, Assistant Attorney General on behalf
3 of the District of Columbia.

4 MR. GIZACHEW: Good afternoon.
5 Abel Gizachew, the licensee from Fairmont
6 Liquors and Grocery.

7 CHAIRPERSON MILLER: Okay. Good
8 afternoon. So this is the second Fairmont
9 Liquors and Grocery case and we went over the
10 first one, the order of procedure here, so if
11 you don't have any questions, we can just
12 proceed or do. Do you have a question?

13 MR. GIZACHEW: No questions.

14 CHAIRPERSON MILLER: No questions.

15 MR. GIZACHEW: Right.

16 CHAIRPERSON MILLER: Okay. Do you
17 have an opening statement?

18 MS. SCHMIDT: Very briefly.
19 Again, today the Government will show that on
20 the night of August 24, 2013, Officer William
21 Barnes of the 3rd District in response to
22 complaints from citizens went to the Fairmont

1 Liquors and Grocery located at 2633 Sherman
2 Avenue, N.W., in the District of Columbia to
3 see what was happening.

4 And at that time, he saw a line
5 that went up -- went down Sherman Street and
6 up Euclid Street. And he did observe two
7 people coming out of the store. When he asked
8 them for ID and -- I'm sorry.

9 He observed some people coming out
10 of the store and one of the people he observed
11 was a white male. And when he spoke to the
12 Howard University Police Officer who
13 recognized the male for being under 21 and
14 when the male -- and the male was holding beer
15 and admitted he was 19 to the officer.

16 And he told the officer that he
17 didn't have to show his ID to buy the beer.
18 And then when the owner denied selling it to
19 the male, selling it to him, he, the owner,
20 Mr. Gizachew said that someone else had
21 purchased the alcohol for him.

22 However, the person that he

1 claimed had bought the alcohol denied buying
2 the alcohol and, therefore, he was -- so
3 again, he sold alcohol to a minor on that
4 occasion.

5 CHAIRPERSON MILLER: Okay. Did
6 you want to make an opening statement or just
7 wait until when you testify?

8 MR. GIZACHEW: I'll wait until I
9 testify.

10 CHAIRPERSON MILLER: Yes, okay.
11 Good. All right. Your first witness? You
12 have one witness, is that right?

13 MS. SCHMIDT: Yes.

14 CHAIRPERSON MILLER: Okay.

15 MS. SCHMIDT: The Government calls
16 Officer William Barnes.

17 OFFICER BARNES: Good afternoon.

18 CHAIRPERSON MILLER: Good
19 afternoon, Officer.

20 Whereupon,

21 OFFICER WILLIAM BARNES
22 was called as a witness by Counsel for the

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

4 OFFICER BARNES: I do.

5 CHAIRPERSON MILLER: Okay. Thank
6 you for taking time out of your day to be
7 here.

8 OFFICER BARNES: Not a problem.

9 DIRECT EXAMINATION

10 MS. SCHMIDT: Good afternoon,
11 Officer.

12 OFFICER BARNES: Good afternoon.

13 MS. SCHMIDT: Would you, please,
14 state your name for the record?

15 OFFICER BARNES: Officer William
16 Barnes.

17 MS. SCHMIDT: And by whom are you
18 employed?

19 OFFICER BARNES: Metropolitan
20 Police, 3rd District.

21 MS. SCHMIDT: And do you have a
22 specific title?

1 OFFICER BARNES: Master Patrol
2 Officer.

3 CHAIRPERSON MILLER: I'm sorry,
4 what was that?

5 OFFICER BARNES: Master Patrol
6 Officer.

7 CHAIRPERSON MILLER: Okay.

8 MEMBER RODRIGUEZ: Master Patrol.

9 MS. SCHMIDT: Okay. And how long
10 have you been employed by the Metropolitan
11 Police Department?

12 OFFICER BARNES: Since 1981.

13 MS. SCHMIDT: Okay. Officer, were
14 you on duty the night of August 24, 2013?

15 OFFICER BARNES: Yes.

16 MS. SCHMIDT: And were you in the
17 vicinity of the Fairmont Liquors and Grocery
18 on Sherman Avenue, N.W.?

19 OFFICER BARNES: Yes.

20 MS. SCHMIDT: And why were you
21 there?

22 OFFICER BARNES: In reference to

1 complaints from citizens about the young kids
2 coming out of the liquor store.

3 MS. SCHMIDT: And so what did you
4 do? What did you observe yourself?

5 OFFICER BARNES: Well, while we
6 was outside, the elderly female came up and
7 she asked -- said she had went inside the
8 liquor store and said she wanted to buy one
9 beer. There was a long line and when she
10 walked in, the kids in line said "Hey, old
11 lady, no breaking, get to the end of the
12 line." And so she was upset about it, so she
13 wanted the police to do something about it.

14 And so I went inside and asked the
15 man behind the counter, there was only one
16 person behind -- in the store, at that time,
17 and the gentleman said yes, he calls her when
18 it comes in there.

19 MS. SCHMIDT: Who was that
20 gentleman behind the counter?

21 OFFICER BARNES: His name is on
22 the report.

1 MS. SCHMIDT: Is he sitting in
2 this room right now?

3 OFFICER BARNES: It's been a
4 while. I don't remember. I'm not sure about
5 that. I looked at the IDs that we had and I
6 wasn't --

7 MS. SCHMIDT: Was his name or is
8 his name Mr. Gizachew? Is that the name?
9 Okay. Let me do this. May I approach the
10 witness?

11 CHAIRPERSON MILLER: Yes. And
12 show --

13 MS. SCHMIDT: And I'll show a copy
14 of this to --

15 CHAIRPERSON MILLER: -- the
16 licensee.

17 MS. SCHMIDT: Yes. This is a copy
18 of the police report. Yes, this is the first
19 page of that. I'm showing what has been
20 marked as Exhibit 1.

21 CHAIRPERSON MILLER: Exhibit 1 to
22 what?

1 MS. SCHMIDT: Exhibit 1 to the
2 report.

3 CHAIRPERSON MILLER: The
4 Investigator's report?

5 MS. SCHMIDT: Yes.

6 CHAIRPERSON MILLER: Okay.

7 (Whereupon, the above-referred to
8 document was marked as Government
9 Exhibit No. 1 for identification.)

10 CHAIRPERSON MILLER: Okay. Thank
11 you.

12 MS. SCHMIDT: Mr. Barnes, will you
13 please tell the Board what that is?

14 OFFICER BARNES: It's a copy of
15 the incident report.

16 MS. SCHMIDT: And you wrote that
17 incident report?

18 OFFICER BARNES: (No audible
19 answer).

20 MS. SCHMIDT: Is your name on the
21 report?

22 OFFICER BARNES: Yes.

1 MS. SCHMIDT: And do you see the
2 name listed on that report?

3 OFFICER BARNES: It was written as
4 Fairmont Liquors.

5 MS. SCHMIDT: Do you see the name
6 of the individual? Is that name in the
7 narrative? Do you see the name in your
8 report?

9 OFFICER BARNES: I'm not sure.
10 Nothing that looks like this, Gizachew.

11 MS. SCHMIDT: Gizachew.

12 OFFICER BARNES: Okay. Sorry.

13 MS. SCHMIDT: Okay. And is he the
14 owner of Fairmont Liquors?

15 OFFICER BARNES: Yes.

16 MS. SCHMIDT: Okay. Going back to
17 your testimony, you are stating that, okay,
18 you spoke to the individual that's on the
19 report there, correct?

20 OFFICER BARNES: Yes.

21 MS. SCHMIDT: What did he tell
22 you?

1 OFFICER BARNES: That he cards
2 everyone that comes in there that buys liquor.

3 MS. SCHMIDT: And what did you see
4 next? What did you see happening next?

5 OFFICER BARNES: Well, we left out
6 and we had another radio assignment. We
7 responded on that, came back by and the line
8 was still out of the door almost to Euclid
9 Street, almost a block. And a lot of them had
10 on Howard University sweatshirts and stuff.

11 So we requested Howard University
12 to send some of their security officers up
13 there to assist us. And they responded up.
14 The assistance, they sent like six officers
15 up.

16 MS. SCHMIDT: And then what
17 happened with respect to the investigation for
18 underage sale to minors?

19 OFFICER BARNES: Well, when we was
20 outside a gentleman came out of the store, a
21 white male. One of the security officers
22 called him by his first name and he asked him

1 how old was he. He said he was 19. And he
2 said are you buying beer? And he said yeah.
3 He said we always buy beer.

4 And we just IDed him and
5 everything and then we went inside and asked
6 the gentleman in the store if he --

7 MS. SCHMIDT: What did he say --
8 did he say if the owner asked him for ID to
9 buy that beer?

10 OFFICER BARNES: I don't think he
11 -- I don't recall him saying the owner asked
12 him, but when we asked him did he have ID, he
13 did have ID that said he was 19.

14 MS. SCHMIDT: Okay. And did you
15 speak to the owner about this incident?

16 OFFICER BARNES: He said that he
17 didn't sell it to him. He said there was a
18 guy in line in front of him that bought it and
19 he said he guess he bought it and gave it to
20 him going out the door. He didn't know.

21 MS. SCHMIDT: And did you talk to
22 the guy in front of him in line?

1 OFFICER BARNES: Yes.

2 MS. SCHMIDT: And what did that
3 guy say?

4 OFFICER BARNES: He said he didn't
5 buy it.

6 MS. SCHMIDT: And what happened
7 next?

8 OFFICER BARNES: Well, while we
9 was at the -- we had -- before that happened,
10 there was another female that came out. She
11 had a bag with a bottle of beer in it. And
12 the guy with her say he bought the beer. She
13 was just carrying it. I think she was 19
14 also.

15 MS. SCHMIDT: And was the male --
16 how old was the male?

17 OFFICER BARNES: The male with
18 her?

19 MS. SCHMIDT: Yes.

20 OFFICER BARNES: He was like 23, I
21 think it was.

22 MS. SCHMIDT: Okay. And was any

1 police action taken against Mr. Gizachew as a
2 result of this sale to minor?

3 OFFICER BARNES: Yes, Officer
4 Chandler issued him a 61d.

5 MS. SCHMIDT: And what is a 61d?

6 OFFICER BARNES: It's like a
7 citation.

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

10 CHAIRPERSON MILLER: Okay. Do you
11 have questions --

12 MR. GIZACHEW: Yes.

13 CHAIRPERSON MILLER: -- for the
14 Officer? Okay.

15 CROSS-EXAMINATION

16 MR. GIZACHEW: Officer, when you
17 were at -- before you come to the store, there
18 was another officer who came to the store. Do
19 you remember that?

20 OFFICER BARNES: I know one of our
21 bicycle officers. She had come there earlier
22 and she said she had mentioned to you about

1 carding those kids. And I know I came in
2 there and then I left. Again, another officer
3 came in there.

4 MR. GIZACHEW: There was another
5 officer like that returned to the store and
6 told him that there is a lot of people
7 outside. And I don't remember you -- when you
8 were coming to the store in the first place.
9 I think you were -- came after --

10 MS. SCHMIDT: Objection.
11 Questions.

12 MR. GIZACHEW: -- the scene
13 happened. Is that not true?

14 OFFICER BARNES: Okay. You don't
15 remember me coming in there?

16 MR. GIZACHEW: You came after the
17 scene happened.

18 OFFICER BARNES: Okay. I remember
19 I came and asked you to see your license and
20 you got real upset with me.

21 MR. GIZACHEW: No, I'm saying is I
22 don't remember you came to the scene. You

1 came to the scene after what happened that the
2 guy who said -- the guy who bought, got the
3 liquor.

4 OFFICER BARNES: Yes.

5 MR. GIZACHEW: Was caught with the
6 liquor. That's what happened.

7 CHAIRPERSON MILLER: Okay. You
8 have to ask him a question though.

9 MR. GIZACHEW: Yes. Is that what
10 -- were you -- you were there at the time like
11 when the guys was --

12 OFFICER BARNES: I was --

13 MR. GIZACHEW: -- coming out of
14 the store?

15 OFFICER BARNES: -- outside with
16 Howard Security. What we did, we called ABRA
17 and they told us that we could ask everyone
18 that come out of that store for
19 identification.

20 MR. GIZACHEW: Before you come to
21 the store, weren't there another officer who
22 was there standing outside the store?

1 OFFICER BARNES: Before I came in
2 there?

3 MR. GIZACHEW: Yes.

4 OFFICER BARNES: I'm pretty sure
5 it was, because we had been there on and off
6 all evening.

7 MR. GIZACHEW: No further
8 questions.

9 CHAIRPERSON MILLER: Okay. Now,
10 are there Board questions? Okay. Mr.
11 Alberti?

12 MEMBER ALBERTI: Okay. Officer
13 Barnes, I'm going to go over some of this, so
14 I understand.

15 OFFICER BARNES: Yes.

16 MEMBER ALBERTI: Okay. So you
17 told me that you went in the store like
18 earlier in the evening. You had a discussion
19 with Mr. Gizachew, right?

20 OFFICER BARNES: Um-hum.

21 MEMBER ALBERTI: And then you
22 left. Is that correct? Am I following that

1 correct so far?

2 OFFICER BARNES: Yes.

3 MEMBER ALBERTI: Okay. And when
4 you came back you said you saw a long line.
5 Okay. What did you do then? Did you notify
6 your superior or did you notify Howard
7 University? What did you do then?

8 OFFICER BARNES: I started calling
9 ABRA to see if they had someone that could
10 respond out there. And that didn't work out
11 too good, so it was like we was talking to
12 people and found out they was giving us
13 different numbers to call and stuff.

14 MEMBER ALBERTI: Okay. Did you
15 call Howard University at all?

16 OFFICER BARNES: Yes, we did.

17 MEMBER ALBERTI: Okay. And --

18 OFFICER BARNES: That's when they
19 dispatched their, I guess it was the, Task
20 Force or whatever. They sent like six
21 officers up there.

22 MEMBER ALBERTI: Okay. This is

1 Howard University Police Office, sent six
2 officers there?

3 OFFICER BARNES: Yes.

4 MEMBER ALBERTI: Okay. All right.

5 Who was it who stopped the male that you --
6 the first male you talked to that you talked
7 about that said he was 19 years-old. Who
8 stopped that male?

9 OFFICER BARNES: Howard Security.

10 MEMBER ALBERTI: Howard Security
11 stopped that male. Okay. Were you present
12 when they questioned him?

13 OFFICER BARNES: The male, white
14 male? Yes.

15 MEMBER ALBERTI: Yes. Okay.
16 Because I was going to ask you if he was -- he
17 was a white male?

18 OFFICER BARNES: Yes.

19 MEMBER ALBERTI: Okay. Did he
20 have an ID on him?

21 OFFICER BARNES: Yes.

22 MEMBER ALBERTI: Okay. Do you

1 remember where the ID was from, what state it
2 was from?

3 OFFICER BARNES: I believe it was
4 from Maine. In fact, because he said he was
5 a football player and he was here on a
6 scholarship.

7 MEMBER ALBERTI: Okay. Great.
8 Was it his ID?

9 OFFICER BARNES: He had ID and he
10 had another ID with him that was totally
11 someone else's ID.

12 MEMBER ALBERTI: And the ID that
13 was someone else's, how old was that person?

14 OFFICER BARNES: I'm thinking it
15 wasn't over 21, but I'm not positive.

16 MEMBER ALBERTI: You don't think
17 that was over 21?

18 OFFICER BARNES: No.

19 MEMBER ALBERTI: Okay. So let's
20 go, so his Maine ID, if that's what it was --

21 OFFICER BARNES: Yes.

22 MEMBER ALBERTI: -- how old did

1 that say he was?

2 OFFICER BARNES: 19.

3 MEMBER ALBERTI: 19. The other
4 ID, how old was that person?

5 OFFICER BARNES: Um, I'm not sure,
6 but you could tell clearly it was two
7 different people in the picture.

8 MEMBER ALBERTI: I understand.
9 Okay. And the age of the person -- the Maine
10 ID, how old did that say he -- the person was?

11 OFFICER BARNES: I think it was
12 19.

13 MEMBER ALBERTI: 19. Okay. Did
14 you ask him who bought the -- if he bought the
15 alcohol?

16 OFFICER BARNES: I think Howard
17 Security asked him that.

18 MEMBER ALBERTI: Okay. And what
19 did he say?

20 OFFICER BARNES: He said yes.

21 MEMBER ALBERTI: That he purchased
22 the alcohol?

1 OFFICER BARNES: Yes, he said he
2 bought it.

3 MEMBER ALBERTI: Okay. Okay.
4 Thank you. No further questions.

5 CHAIRPERSON MILLER: Others? Oh,
6 I just have a quick one. You probably
7 addressed this, but I wasn't clear on it, how
8 you happened to come to the establishment that
9 night? You got a call?

10 OFFICER BARNES: We did a stop.
11 We got flagged down by one female walking a
12 dog. And then we rode by there earlier and
13 there was a long line and we had been
14 constantly getting complaints at the precinct
15 about the long line coming out of the liquor
16 store.

17 CHAIRPERSON MILLER: So --

18 OFFICER BARNES: And we had some
19 citizens that, I guess, just moved in the
20 neighborhood and they was concerned. It seems
21 like they were taking pictures and stuff.

22 CHAIRPERSON MILLER: Okay. About

1 over how long a period of time had you gotten
2 complaints?

3 OFFICER BARNES: Well, while we
4 was outside, that's when the elderly lady came
5 up and said she wanted to buy one beer and
6 they wouldn't let her.

7 CHAIRPERSON MILLER: Okay. So I
8 mean, like you said like the police though had
9 been getting complaints, you know, pictures
10 and --

11 OFFICER BARNES: Well, we had been
12 getting complaints for like maybe two weeks or
13 so.

14 CHAIRPERSON MILLER: Two weeks or
15 so. Okay.

16 OFFICER BARNES: In fact, we had
17 tried to get the cadets to go in there.

18 CHAIRPERSON MILLER: Right.

19 OFFICER BARNES: So it had been
20 about two weeks then.

21 CHAIRPERSON MILLER: Okay. And
22 how long were you gone that evening and then

1 came back and found that there was still a
2 long line?

3 OFFICER BARNES: We went on a
4 radio assignment. Maybe about 15 or 20
5 minutes.

6 CHAIRPERSON MILLER: Okay. Okay.
7 And the 61d, I guess, that was based on the ID
8 checks of the Howard University Officers?

9 OFFICER BARNES: I think that's
10 what he wrote, yes, ma'am.

11 CHAIRPERSON MILLER: Okay. Thank
12 you. Anything else? All right. Any
13 questions based on Board questions?

14 MS. SCHMIDT: None from the
15 Government.

16 MR. GIZACHEW: No.

17 CHAIRPERSON MILLER: Okay. Thank
18 you very much.

19 OFFICER BARNES: Thank you.

20 (Whereupon, witness was excused.)

21 CHAIRPERSON MILLER: Okay. Does
22 that conclude your case?

1 MS. SCHMIDT: That concludes the
2 Government's case, yes.

3 CHAIRPERSON MILLER: Okay. Do you
4 want to come take the stand again, please?
5 Whereupon,

6 ABEL GIZACHEW
7 was recalled as a witness for the Licensee,
8 and having been previously duly sworn, resumed
9 the witness stand, was examined and testified
10 as follows:

11 MR. GIZACHEW: (No audible
12 answer).

13 CHAIRPERSON MILLER: What?

14 MR. GIZACHEW: Yes, I do.

15 CHAIRPERSON MILLER: Okay. Thank
16 you. All right. So you can, you know, do the
17 same thing. I guess you can repeat your name
18 for the record and then give your testimony.

19 DIRECT EXAMINATION

20 MR. GIZACHEW: My name is Abel
21 Gizachew, the license holder of Fairmont
22 Liquors and Grocery.

1 Regarding to this case, there were
2 like -- with the beginning of the school year,
3 which is like when they were coming back from
4 -- to school and there was --

5 MEMBER ALBERTI: Speak up, please.

6 MR. GIZACHEW: There were a lot of
7 people inside the store and there was not a
8 line that -- that's the one I was explaining
9 earlier, that they were standing outside and
10 that's the reason your people are outside on
11 the store. And we told them specifically
12 actually when they gather like that, it's not
13 going to look good for us, so we told them to
14 disperse them, but they didn't do anything.

15 They just disregarding and it's
16 not only the Officer. There was another
17 officer regarding are you checking ID. I told
18 him yes I'm doing it. I'm checking ID. He
19 told me he is going to be outside checking ID.
20 He specifically told me that he is going to be
21 checking ID.

22 CHAIRPERSON MILLER: Who did? I'm

1 sorry. It's hard to hear you. Who did you
2 say told you they would be checking IDs
3 outside?

4 MR. GIZACHEW: There was another
5 officer.

6 CHAIRPERSON MILLER: An officer?

7 MR. GIZACHEW: Yes.

8 CHAIRPERSON MILLER: Okay. Thank
9 you. It's just hard to hear, so when you lean
10 forward it's better. Yes. Okay. Sorry to
11 interrupt you. Go ahead.

12 MR. GIZACHEW: And there were --
13 actually, they were standing outside, it was
14 all day long, because there were a lot of
15 people outside the property, the premises of
16 the Fairmont Liquors and there were a lot of
17 people inside.

18 Like I said, they -- like they
19 come in a group. Some of them they come in a
20 group of five or six and there was a lot of
21 crowd inside like there was probably between
22 5 to 30 people.

1 And the Officer, this Officer
2 here, he was -- it was not the first time he
3 was there. It was the previous day, he was
4 there, too. He was standing outside. People
5 when they leave outside the store, they check
6 them. He checked their ID. They ask them
7 their ID and they show them. And none of the
8 complaints came until this person get caught.

9 What happened was there was three
10 guys regarding to this case. There was three
11 people who was buying -- like who was in front
12 of the turntable. And one of them, the one,
13 the guy in the front he brought me two beers
14 and one liquor. One small Svedka. I remember
15 specifically because they guy is a regular
16 guy. He is the one, he is 23 years-old. He
17 was a regular guy.

18 And this -- the other guy who is
19 saying that he was in the middle, that is just
20 the guy who was -- he just caught up with the
21 liquor. And there is another girl in the
22 back. There was three of them. They were

1 talking altogether.

2 So what happened was he bought the
3 -- he did the purchase. I didn't see whether
4 he give it to him or not. I can't say that he
5 gave it to him or not. But the only reason I
6 can't say that he gave it to him, because like
7 two minutes later the Officer who was standing
8 outside, they were outside checking everybody
9 that looks like a teen.

10 I mean, before that happened, they
11 were outside checking IDs. They inform us
12 like to put ourselves in that position that to
13 sell for somebody -- to sell for somebody when
14 they were checking outside. They weren't
15 standing out the property checking everybody
16 who was leaving the store.

17 And the Officer said we checked
18 like two or three people. No, that's not what
19 happened. They were checking everybody that
20 they think they look young. All day long they
21 been outside. All this time they were outside
22 of the store.

1 So what happened was this guy
2 bought two beers and the one Svedka. He
3 bought from us and it was me who did the
4 transaction. I was the only one who was
5 inside the store. There was nobody extra. I
6 didn't expect that day a rush, but what
7 happened was for some reason it was a school
8 day and they were returning to school and they
9 just came and they just -- and I was by
10 myself.

11 So this guy bought the liquor and
12 the beer. They guy didn't -- like he was
13 standing with him, but the next thing I know
14 he was not there. But the other guy who was
15 making his purchase, the third guy was there.
16 And he bought his -- I think he bought the
17 whiskey, that's the third guy.

18 But as he was buying the alcohol,
19 the whiskey, the officer, the other officer I
20 don't -- this not the officer who came into
21 the store with the guy. There was another
22 officer who came in and he said did you sold

1 the guy -- to this guy? I told him no. He
2 just he was here, right here.

3 He just bought -- I just gave it
4 to him, two beers and one liquor. Of course,
5 they are not going to put their friends on
6 jeopardy that they are going to say of course
7 he sold it to me. There is no way I can
8 justify for that.

9 But I sold them specifically for
10 the guy who was in front of me who showed me
11 his ID.

12 CHAIRPERSON MILLER: Okay. Does
13 that complete your testimony for now?

14 MR. GIZACHEW: Yes, that would.

15 CHAIRPERSON MILLER: Okay. Do you
16 have any questions? Does the Government have
17 any questions?

18 MS. SCHMIDT: Just one question.

19 CROSS-EXAMINATION

20 MS. SCHMIDT: So you stated that
21 you thought the Officers had checked IDs for
22 you?

1 MR. GIZACHEW: Who?

2 MS. SCHMIDT: You said at one
3 point that --

4 MR. GIZACHEW: No.

5 MS. SCHMIDT: -- the Officer was
6 outside and they were standing outside
7 checking IDs.

8 MR. GIZACHEW: They were checking
9 IDs, yes.

10 MS. SCHMIDT: Was that -- well,
11 checking IDs for what? For you to be able to
12 sell alcohol?

13 MR. GIZACHEW: No. That's what I
14 -- they -- he came into the store. He told me
15 that there are a lot of young people inside
16 the store who looks like they are underage.
17 You have to be careful. We are going to be
18 outside and checking IDs.

19 MS. SCHMIDT: So based on that you
20 assumed the however came into the store would
21 be of age then?

22 MR. GIZACHEW: Underage?

1 MS. SCHMIDT: No. Would be the
2 right -- would be over 21. Did you make any
3 assumptions based on the checking?

4 MR. GIZACHEW: I'm sorry?

5 MS. SCHMIDT: You said that --
6 okay. You just said that the Officer told you
7 that they were going to be outside checking
8 IDs.

9 MR. GIZACHEW: Yes.

10 MS. SCHMIDT: Why was that
11 important to you?

12 MR. GIZACHEW: Make sure -- he
13 told me make sure. We got a complaint there
14 are a lot of people outside, that's the
15 reason. That's why I told him that to
16 disperse the crowds outside. It doesn't look
17 good for us.

18 It was the weekend of the -- it
19 was around the return of the school, which is
20 to the school that they were coming from their
21 break. And there were a lot of people. I
22 even told them that that's the reason, you

1 know, this complaint is coming is there is a
2 lot of people outside standing.

3 If you tell them to leave, I'm
4 sure they will listen to you to leave. And he
5 told me you have to be careful. You have to
6 check ID and I'm going to be outside and I'm
7 checking ID. And he was outside. He was
8 checking like everybody who was buying, making
9 the purchase, he was checking the IDs.

10 MS. SCHMIDT: No further
11 questions.

12 CHAIRPERSON MILLER: Okay. Board
13 Members?

14 MEMBER ALBERTI: I do.

15 CHAIRPERSON MILLER: Go ahead.

16 MEMBER ALBERTI: Okay. Mr.
17 Gizachew, it seems like you have a really
18 incredibly popular store. Why is that? Well,
19 actually, I'll withdraw that question.

20 MR. GIZACHEW: I think it --

21 MEMBER ALBERTI: No, you don't
22 really need to answer that question.

1 MR. GIZACHEW: Oh, okay.

2 MEMBER ALBERTI: No, that's all
3 right. Let me really I'll withdraw that.

4 So this individual who was 19
5 years-old who the officers said they saw was
6 in possession of alcohol outside, well, first
7 of all let me go back, so did you go outside
8 while they were checking IDs?

9 MR. GIZACHEW: Ah --

10 MEMBER ALBERTI: Did you go
11 outside while they were checking IDs?

12 MR. GIZACHEW: One moment, you
13 know, this guy he took actually --

14 MEMBER ALBERTI: It's a simple
15 question.

16 MR. GIZACHEW: Yes.

17 MEMBER ALBERTI: Did you go
18 outside while they were checking IDs?

19 MR. GIZACHEW: There was a moment
20 I went outside the store, yes.

21 MEMBER ALBERTI: Okay. Were you
22 outside when they were checking the ID of the

1 person that the Officer was discussing
2 earlier? No?

3 MR. GIZACHEW: No.

4 MEMBER ALBERTI: You weren't
5 outside then?

6 MR. GIZACHEW: When they check
7 him, no, I was not outside.

8 MEMBER ALBERTI: You didn't.
9 Okay. Great, great.

10 MR. GIZACHEW: Yes.

11 MEMBER ALBERTI: Did the officers
12 bring you out to see him?

13 MR. GIZACHEW: No.

14 MEMBER ALBERTI: No?

15 MR. GIZACHEW: No. The Officer?
16 The guy brought out?

17 MEMBER ALBERTI: Did any of the
18 officers bring you out to see this guy?

19 MR. GIZACHEW: They guy? Yes.

20 MEMBER ALBERTI: They did? They
21 brought you out to see him?

22 MR. GIZACHEW: Yes.

1 MEMBER ALBERTI: Okay. So you
2 know who he was?

3 MR. GIZACHEW: Yes.

4 MEMBER ALBERTI: Okay. What
5 happened when they brought you out?

6 MR. GIZACHEW: The moment I see
7 him was -- he was together with the three --
8 two other guys. They were together. Two of
9 the guys was together. They was on my side at
10 my window and now there is only one.

11 MEMBER ALBERTI: No, no, no, no.
12 Outside. Outside the establishment. You just
13 said you went out to see him.

14 MR. GIZACHEW: No, no, not
15 outside. No, I didn't go.

16 MEMBER ALBERTI: Oh, you didn't go
17 out? So after the officers talked to him --

18 MR. GIZACHEW: They just brought
19 him, the guy.

20 MEMBER ALBERTI: Oh, they brought
21 him back in?

22 MR. GIZACHEW: Not over there.

1 There was another Officer who was checking --
2 was standing over there.

3 MEMBER ALBERTI: Okay. So this 19
4 year-old, white male, they brought him back
5 inside?

6 MR. GIZACHEW: Yes.

7 MEMBER ALBERTI: Okay. And what
8 happened when they brought him inside?

9 MR. GIZACHEW: They told me that
10 did you sell for this guy alcohol? I told
11 them no. And he showed me you sold him this
12 and I sold the beer, I told him no. He -- I
13 sold two beers and one liquor --

14 MEMBER ALBERTI: Okay.

15 MR. GIZACHEW: -- for the other
16 guy who was in front of him.

17 CHAIRPERSON MILLER: Yes, yes.

18 MEMBER ALBERTI: Okay. I have no
19 further questions. Thank you.

20 CHAIRPERSON MILLER: Okay. Mr.
21 Short?

22 MEMBER SHORT: Yes, again, good

1 afternoon. Howard University, you have a lot
2 of customers from Howard University, correct?

3 MR. GIZACHEW: Yes, I'm very close
4 to.

5 MEMBER SHORT: And you have been
6 in your business for six years?

7 MR. GIZACHEW: Yes.

8 MEMBER SHORT: How well do you
9 know the area that you are servicing with your
10 store?

11 MR. GIZACHEW: How?

12 MEMBER SHORT: How well do you
13 know the area? Are there other ABC licenses?
14 Are there other liquor stores or stores that
15 sell beer anywhere close to Howard? Closer
16 than you?

17 MR. GIZACHEW: There is four block
18 up from the store.

19 MEMBER SHORT: Up on Georgia
20 Avenue?

21 MR. GIZACHEW: On Sherman Avenue.

22 MEMBER SHORT: Okay. Sherman

1 Avenue, but if you go back up the hill to
2 Euclid Street from you, there are also liquor
3 stores up there also, right, across the street
4 and behind the university, correct? Beer
5 stores?

6 MR. GIZACHEW: On the other side?

7 MEMBER SHORT: Yes.

8 MR. GIZACHEW: Yes, on the other
9 side there is, yes.

10 MEMBER SHORT: Okay. Well, I have
11 never noticed a line in any of those stores.
12 How come your store is more popular than those
13 stores and they are closer?

14 MR. GIZACHEW: It's not a line.
15 That's the thing they were -- the way they
16 explained it is there is a line. Because one
17 woman -- I mean, they say that there was a
18 lady walk into the store and she, the Officer
19 said, saw a lot of crowd and she left up.
20 That was not a line.

21 There was a crowd of people who
22 was sitting on the sides of the --

1 MEMBER SHORT: Okay. I understand
2 that.

3 MR. GIZACHEW: Yes, but there was
4 not a line.

5 MEMBER SHORT: Now, out of the 100
6 percent of your customers, how many of those
7 percentage-wise are from Howard University
8 that come to your store to buy alcohol from
9 you on a regular basis?

10 MR. GIZACHEW: Probably 60.

11 MEMBER SHORT: 60 percent of your
12 business is from Howard University?

13 MR. GIZACHEW: Yes.

14 MEMBER SHORT: What's the average
15 age of the kid at the Howard University?

16 MR. GIZACHEW: They go from --
17 also I see 21, 22, 23 and 24, approximately.

18 MEMBER SHORT: That's all you see
19 is 21 year-olds?

20 MR. GIZACHEW: 22, 23 and 24.

21 MEMBER SHORT: Okay. All right.

22 Thank you. That's all I have. That's all I

1 have, Madam Chair.

2 CHAIRPERSON MILLER: Okay.

3 Others? I just have one. When you talk about
4 the police checking IDs outside --

5 MR. GIZACHEW: Yes.

6 CHAIRPERSON MILLER: -- were they
7 checking them after the patrons come out of
8 the store or before the patrons go into the
9 store?

10 MR. GIZACHEW: After they leave
11 the store.

12 CHAIRPERSON MILLER: After they
13 left the store.

14 MR. GIZACHEW: Yes.

15 CHAIRPERSON MILLER: Okay.

16 MR. GIZACHEW: They were checking
17 IDs before this situation happened. They were
18 checking IDs outside of the store and they
19 were standing on the side and even the Officer
20 was inside the store and he was telling that
21 there is a lot of people inside the store.
22 You have to be careful with IDs and I told him

1 I'm trying -- I'm checking IDs.

2 And he was told me that,
3 specifically, he is going to be outside
4 checking IDs. And he was checking IDs.

5 CHAIRPERSON MILLER: So and how
6 did you know he was checking IDs? Did he come
7 in and tell you he was going to check IDs?

8 MR. GIZACHEW: No. One moment,
9 the one guy he tried to get a beer and without
10 paying and like inside the crowd, he was
11 trying to sneak out and I tried -- I saw him.
12 He was from the neighborhood and I got him by
13 the door. And I took the beer from him.

14 CHAIRPERSON MILLER: And what?

15 MR. GIZACHEW: I took the beer
16 from him.

17 CHAIRPERSON MILLER: Okay.
18 Anything else? Thank you. You can take a
19 seat back at the table.

20 MR. GIZACHEW: Okay. Thank you.
21 Thank you.

22 CHAIRPERSON MILLER: Okay. And I

1 think that concludes your case as well,
2 correct?

3 MR. GIZACHEW: Yes.

4 CHAIRPERSON MILLER: Except for
5 closing. All right. Are we ready for
6 closing?

7 MS. SCHMIDT: The Government
8 submits on the testimony in the record.

9 CHAIRPERSON MILLER: Okay. All
10 right. So the record is -- closing. Do you
11 want to --

12 MEMBER ALBERTI: Does the licensee
13 have closing?

14 CHAIRPERSON MILLER: You have
15 rested your case, correct?

16 MR. GIZACHEW: I'm sorry?

17 CHAIRPERSON MILLER: You don't
18 have any more testimony or witnesses or
19 documents?

20 MR. GIZACHEW: No. For conclusion
21 that --

22 CHAIRPERSON MILLER: Wait. We are

1 going to do the closing in the same order.

2 MR. GIZACHEW: Okay.

3 MS. SCHMIDT: I submitted on the
4 record.

5 CHAIRPERSON MILLER: Oh, that's
6 what you said.

7 MS. SCHMIDT: Yes.

8 CHAIRPERSON MILLER: Okay. I'm
9 sorry.

10 MS. SCHMIDT: I submit.

11 CHAIRPERSON MILLER: She's not
12 doing a closing. Okay.

13 MR. GIZACHEW: Therefore for
14 conclusion, there were people inside. It was
15 full of people inside, 25 to 30 people inside
16 the store. And there were people outside and
17 at that moment, there was an officer, but
18 that's not him. There was another officer who
19 came to the store and told me there is a lot
20 of people outside and he told me you have to
21 check IDs.

22 And he basically told me that he

1 is going to be outside checking IDs and I was
2 checking IDs and this person would say that,
3 you know, they bought from me. There was
4 three people in front of me. There was three
5 people that were talking. One guy he just
6 bought the two beers and the liquor and there
7 was another.

8 I don't know when and how he was
9 able to get it to him, but that was when he
10 was -- the other friend was making a selection
11 and buying the whiskey, that's the moment that
12 they grabbed the other guy and they brought
13 him back to inside the store and they asked me
14 was I sold the beer to him or not?

15 And I told them I sold the beer
16 specifically to him. And right there they say
17 no, he didn't -- I didn't do it. But that's
18 what I can specify.

19 CHAIRPERSON MILLER: Okay. All
20 right. So now the record is closed.

21 Do the parties want to file
22 proposed findings of fact and conclusions of

1 law?

2 MS. SCHMIDT: The Government
3 waives.

4 CHAIRPERSON MILLER: Waives. Same
5 thing as in the last case?

6 MR. GIZACHEW: The same, yes.

7 CHAIRPERSON MILLER: Okay. So you
8 waive your right to file proposed findings of
9 facts and conclusions of law?

10 MR. GIZACHEW: Yes.

11 CHAIRPERSON MILLER: All right.
12 Okay. Both parties do so.

13 All right. Then I'm going to take
14 a vote on deliberating this case in closed
15 session. Just bear with me.

16 As Chairperson of the Alcoholic
17 Beverage Control Board for the District of
18 Columbia and in accordance with Section 405 of
19 the Open Meetings Amendment Act of 2010, I
20 move that the ABC Board hold a closed meeting
21 for the purpose of seeking legal advice from
22 our counsel on Fairmont Liquors and Grocery,

1 Case No. 13-251-00113, per Section 405(b)(4)
2 of the Open Meetings Amendment Act of 2010,
3 and deliberating upon this case for the
4 reasons cited in Section 405(b)(13) of the
5 Open Meetings Amendment Act of 2010.

6 Is there a second?

7 MEMBER ALBERTI: Second.

8 CHAIRPERSON MILLER: Mr. Alberti
9 seconded the motion. I'll now take a roll
10 call vote on the motion before us now that it
11 has been seconded.

12 Mr. Brooks?

13 MEMBER BROOKS: I agree.

14 CHAIRPERSON MILLER: Mr. Alberti?

15 MEMBER ALBERTI: I agree.

16 CHAIRPERSON MILLER: Mr.

17 Rodriguez?

18 MEMBER RODRIGUEZ: I agree.

19 CHAIRPERSON MILLER: Ms. Miller

20 agrees.

21 Mr. Silverstein?

22 MEMBER SILVERSTEIN: I agree.

1 CHAIRPERSON MILLER: Mr. Short?

2 MEMBER SHORT: I agree.

3 CHAIRPERSON MILLER: Mr. Jones?

4 MEMBER JONES: I agree.

5 CHAIRPERSON MILLER: Okay. It
6 appears that the motion has passed by a 7-0-0
7 vote.

8 I hereby give notice that the ABC
9 Board will hold this aforementioned closed
10 meeting in the ABC Board conference room and
11 issue a written decision within 90 days.

12 Okay. So that completes this
13 case, both your cases, so you are done. Thank
14 you very much.

15 MR. GIZACHEW: Thank you.

16 CHAIRPERSON MILLER: Have a good
17 evening.

18 (Whereupon, the Show Cause Hearing
19 in the above-entitled matter was concluded at
20 4:55 p.m.)

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\$2,000 11:3 16:13 17:3	90:6,9	agreeable 8:4	98:13 105:21	14:16
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