

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

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IN THE MATTER OF: :  
: :  
Shamiana, LLC t/a :  
Heritage India/Asia : Show Cause  
2400 Wisconsin Ave., NW : Hearing  
Retailer CR - ANC-3B : (Status)  
License No. 20640 :  
Case #12-CMP-00449 :  
: :  
(Failed to File Quarterly :  
Statement-2nd Quarter 2012) :  
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October 30, 2013

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  
MIKE SILVERSTEIN, Member

ALSO PRESENT:  
LOUISE PHILLIPS, OAG

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

(9:40 a.m.)

CHAIRPERSON MILLER: Good morning.

I would like to welcome you to the regularly scheduled meeting of the District of Columbia Alcoholic Beverage Control Board. Today is October 30, 2013.

My name is Ruthanne Miller. I'm the Chairperson and joining me to my far right is Mr. Donald Brooks and to my immediate left is Mr. Mike Silverstein. The Board has three Members in attendance for the conduct of business today with three constituting a quorum. And I expect a fourth to join us shortly, Mr. Nick Alberti.

Copies of today's hearing calendar and agenda are available at the receptionist desk. Please be aware that these proceedings are being recorded by a court reporter. Accordingly, we must ask you to refrain from any disruptive noises or actions in the hearing room.

1                   If you have any electronic  
2 devices, pagers, cell phones or such, please  
3 make certain they are turned off to avoid any  
4 interruption of the proceeding.

5                   When I call your case, please,  
6 come forward and take a seat at the table.  
7 You will note that there is a piece of paper  
8 on each table for you to sign-in. This is to  
9 ensure the correct spelling of your name for  
10 the record.

11                   The Open Meetings Act requires  
12 that the public hearing on each case be open  
13 to the public. The Board may, consistent with  
14 Section 405(b) of the Open Meetings Act, enter  
15 a closed meeting during or after the public  
16 hearing on a case to consult with an attorney  
17 to obtain legal advice, discuss settlement  
18 agreements or deliberate upon a decision in  
19 adjudication proceedings.

20                   Okay. We can now turn to our  
21 morning calendar. Not seeing many people in  
22 the hearing room, I would suspect that some

1 might be delayed by the traffic, but we will  
2 see what we can do here.

3 All right. I'm going to call the  
4 first case then, Case No. 12-CMP-00449,  
5 Heritage India/Asia, 2400 Wisconsin Avenue,  
6 N.W., License No. 20640 in ANC-3B.

7 MS. PHILLIPS: Louise Phillips,  
8 Assistant Attorney General for the District of  
9 Columbia. I would like to ask the Board's  
10 indulgence to not wear my jacket until I cool  
11 down from running.

12 CHAIRPERSON MILLER: Okay.

13 MS. PHILLIPS: Thank you.

14 CHAIRPERSON MILLER: Do you have  
15 any information about whether the licensee is  
16 on his or her way?

17 MS. PHILLIPS: I have no notes in  
18 the file that the assistant was able to reach  
19 this licensee.

20 CHAIRPERSON MILLER: Okay.

21 MS. PHILLIPS: I do have a service  
22 form that indicates that it was served on

1 September 6th. No, excuse me, September 19,  
2 2013. The notice was there served to this.

3 CHAIRPERSON MILLER: Right. I  
4 have that in my records as well. I'm just  
5 going to double check whether anyone who just  
6 came in to the hearing room is here for  
7 Heritage India?

8 MR. MARCOU: No, but we are  
9 interested in hearing how it turns out.

10 CHAIRPERSON MILLER: What?

11 MR. MARCOU: We are with the  
12 Public Space Committee.

13 CHAIRPERSON MILLER: Right. Okay.  
14 Welcome. Okay. All of you are with the  
15 Public Space? Okay.

16 We were just noting that there  
17 don't seem to be many people in the hearing  
18 room and if that's because of the bad weather  
19 and the traffic.

20 But what I think I'll do is I'll  
21 proceed through these. I'll set them for  
22 hearing if they are not here and we will come

1 back if they show up during the period that we  
2 are calling the status cases.

3 I just want to double check.  
4 Someone else has entered the hearing room.  
5 Are you here for Heritage India by any chance?  
6 Oh, good, come forward, please.

7 So if you could sign-in and then  
8 identify yourself for the record when you are  
9 ready.

10 Okay. So we don't have a  
11 representative of Heritage India/ Asia here.

12 MS. PHILLIPS: Madam Chair?

13 CHAIRPERSON MILLER: Yes?

14 MS. PHILLIPS: Can we just ask who  
15 is here and then we can just proceed that way  
16 like they do in initially scheduled  
17 conferences? Just say who is here and they  
18 will say and then we will just take them out  
19 of order?

20 (Whereupon, at 9:46 a.m. a recess  
21 until 9:54 a.m.)

22 CHAIRPERSON MILLER: Okay. Are

1 you two on the same case or different cases?  
2 Different? Can you tell me what case you are  
3 here for? We are kind of going out of order  
4 today, because of the traffic. Right, we know  
5 the traffic is bad.

6 MEMBER SILVERSTEIN: Many people  
7 have been. We understand.

8 CHAIRPERSON MILLER: Heritage  
9 India? Okay. Come forward then, that will be  
10 great. Okay. I am calling Case No. 12-CMP-  
11 00449, Heritage India/Asia located at 2400  
12 Wisconsin Avenue, N.W., License No. 20640, in  
13 ANC-3B.

14 Would the parties introduce  
15 themselves for the record?

16 MS. PHILLIPS: Louise Phillips,  
17 Assistant Attorney General for the District of  
18 Columbia.

19 MS. TULI: My name is Mitul Tuli  
20 and I'm the part owner of Heritage India at  
21 2400 Wisconsin Avenue.

22 CHAIRPERSON MILLER: Okay. What's

1 your name again?

2 MS. TULI: Mitul Tuli.

3 CHAIRPERSON MILLER: Oh, okay.

4 Got it. Did you receive notice of this  
5 hearing?

6 MS. TULI: Yes, I did. A  
7 gentleman from your office came by one night  
8 and gave it to me.

9 CHAIRPERSON MILLER: Great, okay.

10 MS. TULI: Sorry I'm late again,  
11 but --

12 CHAIRPERSON MILLER: That's okay.  
13 There are a lot of people late, so it's no  
14 problem. Did you read and understand the  
15 notice?

16 MS. TULI: I did read and  
17 understand the notice. And if I could say  
18 something in regards to this?

19 CHAIRPERSON MILLER: The notice?

20 MS. TULI: Yeah. It's regarding  
21 the quarterly filing, right?

22 CHAIRPERSON MILLER: Okay. Wait.

1 I just want to establish the notice part.

2 MS. TULI: Oh, sorry.

3 CHAIRPERSON MILLER: So I just  
4 want to say that --

5 MS. TULI: Okay.

6 CHAIRPERSON MILLER: -- the notice  
7 is going to be a part of the record, unless  
8 you have any objection, since you have just  
9 said that you have read it and understand it.

10 MS. TULI: I was served.

11 CHAIRPERSON MILLER: Okay.

12 (Whereupon, the document was  
13 marked as Exhibit 1 for  
14 identification.)

15 CHAIRPERSON MILLER: We are not  
16 here to hear the merits really. Are there any  
17 preliminary matters in this case?

18 MS. PHILLIPS: No, Madam Chair,  
19 there are no preliminary matters.

20 CHAIRPERSON MILLER: Okay. So we  
21 are going to set this for a hearing. This is  
22 not the hearing date.

1 MS. TULI: Oh.

2 CHAIRPERSON MILLER: Okay. This  
3 is just for a Status Hearing. You know, it's  
4 either to tell us that you are entering into  
5 a settlement with the Office of Attorney  
6 General's office or we are just going to set  
7 it for a hearing.

8 MS. TULI: I don't know what to do  
9 to be honest with you.

10 CHAIRPERSON MILLER: Okay.

11 MS. TULI: Because when Mr.  
12 Shepherd came to the restaurant, I give him  
13 the report and I did tell him that I faxed it.  
14 Unfortunately, I didn't know that every time  
15 you fax something you need to get a print that  
16 says it has been sent. He said he would let  
17 me know if it had actually come to the office.

18 When I came here and spoke to him  
19 whether they had received it, they said they  
20 had received it, but they had received it  
21 late. However, that would hold back my  
22 alcohol license when I came up for renewal

1       this year in April.

2                   But when I came here they said the  
3 matter had been settled and I got my renewal  
4 for the alcohol license. So I didn't  
5 understand whether the issue had been resolved  
6 or not resolved. So yes, my fault is that I  
7 did not keep evidence that I had faxed it, but  
8 I had faxed it on the 31st of July.

9                   CHAIRPERSON MILLER: Okay.

10                   MS. TULI: But if that means I  
11 need to settle it, I need to settle it and not  
12 waste anybody's time.

13                   CHAIRPERSON MILLER: Okay. So  
14 this is just status, so what it means is you  
15 should talk to Ms. Phillips or whoever. I'm  
16 not sure who is the attorney on this case.

17                   MS. PHILLIPS: On the first page  
18 of all of the notices usually the name of the  
19 Assistant Attorney General in charge of the  
20 case is listed. And sometimes on the first  
21 page often on the second page is their  
22 telephone number. The instructions and the

1 notice are very clear that you should contact  
2 them, the Assistant Attorney General, before  
3 the Status Hearing to attempt to resolve this  
4 matter.

5 If you read and understand the  
6 notice, you understand that. I get a little  
7 confused when I don't see that happen, but  
8 there is no notice in the file that any  
9 contact has been made and that's -- so that is  
10 what needs to happen is my understanding right  
11 now.

12 MEMBER ALBERTI: May I ask a  
13 question of Ms. Phillips?

14 CHAIRPERSON MILLER: Sure.

15 MS. PHILLIPS: You may.

16 MEMBER ALBERTI: Is there any  
17 possibility that you could meet with her like  
18 this morning when you are done with cases?

19 MS. PHILLIPS: I'm actually  
20 handling the first Show Cause for Ms. Zaniel,  
21 because Ms. Zaniel had to go to a funeral  
22 unexpectedly, so I think not.

1 MEMBER ALBERTI: Okay. I was just  
2 asking.

3 MS. PHILLIPS: Yes.

4 MEMBER ALBERTI: All right.

5 MS. PHILLIPS: Yes. I can't and  
6 it sounds like --

7 MEMBER ALBERTI: Fine.

8 MS. PHILLIPS: -- Ms. Schmidt  
9 needs to do some resolution within the Agency.

10 MEMBER ALBERTI: Okay.

11 MS. PHILLIPS: And she will take  
12 time.

13 MEMBER ALBERTI: Just a  
14 suggestion. Thank you.

15 MS. PHILLIPS: Yes. And you know  
16 I usually do that, Mr. Alberti.

17 CHAIRPERSON MILLER: Okay. So  
18 what is going to happen here is the case is  
19 going to be scheduled for a Show Cause Hearing  
20 for January 15, 2014 at 3:30 p.m. But in  
21 between now and then, you should contact Ms.  
22 Schmidt, correct?

1 MS. PHILLIPS: Yes.

2 CHAIRPERSON MILLER: Ms. Schmidt.  
3 No, Ms. Phillips is just standing in for her  
4 on this status.

5 MS. TULI: Okay.

6 CHAIRPERSON MILLER: But Ms.  
7 Schmidt has your case in the Attorney  
8 General's office. And you can talk to her  
9 about settling it ahead of time.

10 MS. TULI: Okay.

11 CHAIRPERSON MILLER: And if you do  
12 that, then you two can come back and we can  
13 consider the settlement. So the next step for  
14 you is to contact Ms. Schmidt. Okay.

15 MS. TULI: And all details are  
16 given here, right?

17 MS. PHILLIPS: Right. See, page 1  
18 is her name.

19 MS. TULI: Okay. Yeah, I see.

20 MS. PHILLIPS: And then her  
21 telephone number is there.

22 MS. TULI: Okay.

1 MS. PHILLIPS: Done. She is in  
2 the office today.

3 MS. TULI: Okay. Thank you so  
4 much.

5 MS. PHILLIPS: You're welcome.

6 MS. TULI: I'm sorry.

7 CHAIRPERSON MILLER: No, you're  
8 finished. Thank you very much.

9 (Whereupon, the Show Cause  
10 (Status) Hearing in the above-entitled matter  
11 was concluded at 9:59 a.m.)

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<b>A</b>	<b>Board's</b> 4:9 <b>Brooks</b> 1:20 2:10 <b>Building</b> 1:14 <b>business</b> 2:13	13:21 14:14 <b>Control</b> 1:2,13,14 2:6 <b>cool</b> 4:10 <b>Copies</b> 2:16 <b>correct</b> 3:9 13:22 <b>court</b> 2:19 <b>CR</b> 1:8	<b>Fine</b> 13:7 <b>finished</b> 15:8 <b>first</b> 4:4 11:17,20 12:20 <b>form</b> 4:22 <b>forward</b> 3:6 6:6 7:9 <b>fourth</b> 2:14 <b>funeral</b> 12:21	<b>indicates</b> 4:22 <b>indulgence</b> 4:10 <b>information</b> 4:15 <b>initially</b> 6:16 <b>instructions</b> 11:22 <b>interested</b> 5:9 <b>interruption</b> 3:4 <b>introduce</b> 7:14 <b>issue</b> 11:5		
<b>able</b> 4:18 <b>above-entitled</b> 15:10 <b>Act</b> 3:11,14 <b>actions</b> 2:21 <b>adjudication</b> 3:19 <b>advice</b> 3:17 <b>Agency</b> 13:9 <b>agenda</b> 2:17 <b>agreements</b> 3:18 <b>ahead</b> 14:9 <b>Alberti</b> 1:19 2:15 12:12,16 13:1,4,7 13:10,13,16 <b>alcohol</b> 10:22 11:4 <b>Alcoholic</b> 1:2,13,14 2:6 <b>ANC-3B</b> 1:8 4:6 7:13 <b>anybody's</b> 11:12 <b>April</b> 11:1 <b>Asia</b> 6:11 <b>asking</b> 13:2 <b>assistant</b> 4:8,18 7:17 11:19 12:2 <b>attempt</b> 12:3 <b>attendance</b> 2:12 <b>attorney</b> 3:16 4:8 7:17 10:5 11:16 11:19 12:2 14:7 <b>available</b> 2:17 <b>Ave</b> 1:7 <b>Avenue</b> 4:5 7:12,21 <b>avoid</b> 3:3 <b>aware</b> 2:18 <b>a.m</b> 2:2 6:20,21 15:11	<b>C</b>	<b>D</b>	<b>G</b>	<b>J</b>		
<b>back</b> 6:1 10:21 14:12 <b>bad</b> 5:18 7:5 <b>Beverage</b> 1:2,13,14 2:6 <b>Board</b> 1:2,14 2:6 2:11 3:13	<b>calendar</b> 2:16 3:21 <b>call</b> 3:5 4:3 <b>calling</b> 6:2 7:10 <b>case</b> 1:9 3:5,12,16 4:4,4 7:1,2,10 9:17 11:16,20 13:18 14:7 <b>cases</b> 6:2 7:1 12:18 <b>Cause</b> 1:6 12:20 13:19 15:9 <b>cell</b> 3:2 <b>certain</b> 3:3 <b>Chair</b> 6:12 9:18 <b>Chairperson</b> 1:15 1:19 2:3,9 4:12,14 4:20 5:3,10,13 6:13,22 7:8,22 8:3 8:9,12,19,22 9:3,6 9:11,15,20 10:2 10:10 11:9,13 12:14 13:17 14:2 14:6,11 15:7 <b>chance</b> 6:5 <b>charge</b> 11:19 <b>check</b> 5:5 6:3 <b>clear</b> 12:1 <b>closed</b> 3:15 <b>Columbia</b> 1:1 2:5 4:9 7:18 <b>come</b> 3:6 5:22 6:6 7:9 10:17 14:12 <b>Committee</b> 5:12 <b>concluded</b> 15:11 <b>conduct</b> 2:12 <b>conferences</b> 6:17 <b>confused</b> 12:7 <b>consider</b> 14:13 <b>consistent</b> 3:13 <b>constituting</b> 2:13 <b>consult</b> 3:16 <b>contact</b> 12:1,9	<b>date</b> 9:22 <b>decision</b> 3:18 <b>delayed</b> 4:1 <b>deliberate</b> 3:18 <b>desk</b> 2:18 <b>details</b> 14:15 <b>devices</b> 3:2 <b>different</b> 7:1,2 <b>discuss</b> 3:17 <b>disruptive</b> 2:21 <b>District</b> 1:1 2:5 4:8 7:17 <b>document</b> 9:12 <b>Donald</b> 1:20 2:10 <b>double</b> 5:5 6:3 <b>D.C</b> 1:15	<b>General</b> 4:8 7:17 11:19 12:2 <b>General's</b> 10:6 14:8 <b>gentleman</b> 8:7 <b>give</b> 10:12 <b>given</b> 14:16 <b>go</b> 12:21 <b>going</b> 4:3 5:5 7:3 9:7,21 10:6 13:18 13:19 <b>good</b> 2:3 6:6 <b>great</b> 7:10 8:9	<b>going</b> 4:3 5:5 7:3 9:7,21 10:6 13:18 13:19 <b>good</b> 2:3 6:6 <b>great</b> 7:10 8:9	<b>General</b> 4:8 7:17 11:19 12:2 <b>General's</b> 10:6 14:8 <b>gentleman</b> 8:7 <b>give</b> 10:12 <b>given</b> 14:16 <b>go</b> 12:21 <b>going</b> 4:3 5:5 7:3 9:7,21 10:6 13:18 13:19 <b>good</b> 2:3 6:6 <b>great</b> 7:10 8:9	<b>keep</b> 11:7 <b>kind</b> 7:3 <b>know</b> 7:4 10:3,8,14 10:17 13:15
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	<b>chance</b> 6:5 <b>charge</b> 11:19 <b>check</b> 5:5 6:3 <b>clear</b> 12:1 <b>closed</b> 3:15 <b>Columbia</b> 1:1 2:5 4:9 7:18 <b>come</b> 3:6 5:22 6:6 7:9 10:17 14:12 <b>Committee</b> 5:12 <b>concluded</b> 15:11 <b>conduct</b> 2:12 <b>conferences</b> 6:17 <b>confused</b> 12:7 <b>consider</b> 14:13 <b>consistent</b> 3:13 <b>constituting</b> 2:13 <b>consult</b> 3:16 <b>contact</b> 12:1,9	<b>F</b>	<b>I</b>	<b>L</b>		
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	<b>chance</b> 6:5 <b>charge</b> 11:19 <b>check</b> 5:5 6:3 <b>clear</b> 12:1 <b>closed</b> 3:15 <b>Columbia</b> 1:1 2:5 4:9 7:18 <b>come</b> 3:6 5:22 6:6 7:9 10:17 14:12 <b>Committee</b> 5:12 <b>concluded</b> 15:11 <b>conduct</b> 2:12 <b>conferences</b> 6:17 <b>confused</b> 12:7 <b>consider</b> 14:13 <b>consistent</b> 3:13 <b>constituting</b> 2:13 <b>consult</b> 3:16 <b>contact</b> 12:1,9		<b>identification</b> 9:14 <b>identify</b> 6:8 <b>immediate</b> 2:10 <b>India</b> 5:7 6:5,11 7:9 7:20 <b>India/Asia</b> 1:6 4:5 7:11	<b>M</b>		
	<b>chance</b> 6:5 <b>charge</b> 11:19 <b>check</b> 5:5 6:3 <b>clear</b> 12:1 <b>closed</b> 3:15 <b>Columbia</b> 1:1 2:5 4:9 7:18 <b>come</b> 3:6 5:22 6:6 7:9 10:17 14:12 <b>Committee</b> 5:12 <b>concluded</b> 15:11 <b>conduct</b> 2:12 <b>conferences</b> 6:17 <b>confused</b> 12:7 <b>consider</b> 14:13 <b>consistent</b> 3:13 <b>constituting</b> 2:13 <b>consult</b> 3:16 <b>contact</b> 12:1,9		<b>identification</b> 9:14 <b>identify</b> 6:8 <b>immediate</b> 2:10 <b>India</b> 5:7 6:5,11 7:9 7:20 <b>India/Asia</b> 1:6 4:5 7:11	<b>Madam</b> 6:12 9:18 <b>MARCOU</b> 5:8,11 <b>marked</b> 9:13 <b>matter</b> 1:5 11:3 12:4 15:10 <b>matters</b> 9:17,19 <b>means</b> 11:10,14 <b>meet</b> 12:17 <b>meeting</b> 1:3 2:5		

3:15 <b>Meetings</b> 3:11,14 <b>Member</b> 1:19,20 1:21 7:6 12:12,16 13:1,4,7,10,13 <b>Members</b> 2:12 <b>merits</b> 9:16 <b>met</b> 1:14 <b>Mike</b> 1:21 2:11 <b>Miller</b> 1:15,19 2:3 2:8 4:12,14,20 5:3 5:10,13 6:13,22 7:8,22 8:3,9,12,19 8:22 9:3,6,11,15 9:20 10:2,10 11:9 11:13 12:14 13:17 14:2,6,11 15:7 <b>Mitul</b> 7:19 8:2 <b>morning</b> 2:3 3:21 12:18	14:8 15:2 <b>Oh</b> 6:6 8:3 9:2 10:1 <b>okay</b> 3:20 4:12,20 5:13,14,15 6:10 6:22 7:9,10,22 8:3 8:9,12,22 9:5,11 9:20 10:2,10 11:9 11:13 13:1,10,17 14:5,10,14,19,22 15:3 <b>open</b> 3:11,12,14 <b>order</b> 6:19 7:3 <b>owner</b> 7:20	5:12,15 <b>P-R-O-C-E-E-D-...</b> 2:1 <b>p.m</b> 13:20	2:8	<b>Suite</b> 1:15 <b>sure</b> 11:16 12:14 <b>suspect</b> 3:22
<hr/> <b>N</b> <hr/>	<hr/> <b>P</b> <hr/>	<hr/> <b>Q</b> <hr/>	<hr/> <b>S</b> <hr/>	<hr/> <b>T</b> <hr/>
<b>name</b> 2:8 3:9 7:19 8:1 11:18 14:18 <b>need</b> 10:15 11:11 11:11 <b>needs</b> 12:10 13:9 <b>Nick</b> 1:19 2:15 <b>night</b> 8:7 <b>noises</b> 2:21 <b>note</b> 3:7 <b>notes</b> 4:17 <b>notice</b> 5:2 8:4,15,17 8:19 9:1,6 12:1,6 12:8 <b>notices</b> 11:18 <b>noting</b> 5:16 <b>number</b> 11:22 14:21 <b>NW</b> 1:7 <b>N.W</b> 1:15 4:6 7:12	<b>page</b> 11:17,21,21 14:17 <b>paggers</b> 3:2 <b>paper</b> 3:7 <b>part</b> 7:20 9:1,7 <b>parties</b> 7:14 <b>people</b> 3:21 5:17 7:6 8:13 <b>period</b> 6:1 <b>Phillips</b> 1:23 4:7,7 4:13,17,21 6:12 6:14 7:16,16 9:18 11:15,17 12:13,15 12:19 13:3,5,8,11 13:15 14:1,3,17 14:20 15:1,5 <b>phones</b> 3:2 <b>piece</b> 3:7 <b>please</b> 2:18 3:2,5 6:6 <b>possibility</b> 12:17 <b>preliminary</b> 9:17 9:19 <b>PRESENT</b> 1:18,22 <b>presiding</b> 1:16 <b>print</b> 10:15 <b>problem</b> 8:14 <b>proceed</b> 5:21 6:15 <b>proceeding</b> 3:4 <b>proceedings</b> 2:18 3:19 <b>public</b> 3:12,13,15	<b>Quarter</b> 1:10 <b>quarterly</b> 1:10 8:21 <b>question</b> 12:13 <b>quorum</b> 2:14	<b>says</b> 10:16 <b>scheduled</b> 2:5 6:16 13:19 <b>Schmidt</b> 13:8,22 14:2,7,14 <b>seat</b> 3:6 <b>second</b> 11:21 <b>Section</b> 3:14 <b>see</b> 4:2 12:7 14:17 14:19 <b>seeing</b> 3:21 <b>sent</b> 10:16 <b>September</b> 5:1,1 <b>served</b> 4:22 5:2 9:10 <b>service</b> 4:21 <b>set</b> 5:21 9:21 10:6 <b>settle</b> 11:11,11 <b>settled</b> 11:3 <b>settlement</b> 3:17 10:5 14:13 <b>settling</b> 14:9 <b>Shamiana</b> 1:6 <b>Shepherd</b> 10:12 <b>shortly</b> 2:15 <b>show</b> 1:6 6:1 12:20 13:19 15:9 <b>sign-in</b> 3:8 6:7 <b>Silverstein</b> 1:21 2:11 7:6 <b>sorry</b> 8:10 9:2 15:6 <b>sounds</b> 13:6 <b>Space</b> 5:12,15 <b>spelling</b> 3:9 <b>spoke</b> 10:18 <b>standing</b> 14:3 <b>Statement-2nd</b> 1:10 <b>status</b> 1:8 6:2 10:3 11:14 12:3 14:4 15:10 <b>step</b> 14:13 <b>Street</b> 1:15 <b>suggestion</b> 13:14	<b>table</b> 3:6,8 <b>take</b> 3:6 6:18 13:11 <b>talk</b> 11:15 14:8 <b>telephone</b> 11:22 14:21 <b>tell</b> 7:2 10:4,13 <b>Thank</b> 4:13 13:14 15:3,8 <b>think</b> 5:20 12:22 <b>three</b> 2:11,13 <b>time</b> 10:14 11:12 13:12 14:9 <b>today</b> 2:6,13 7:4 15:2 <b>today's</b> 2:16 <b>traffic</b> 4:1 5:19 7:4 7:5 <b>Tuli</b> 7:19,19 8:2,2,6 8:10,16,20 9:2,5 9:10 10:1,8,11 11:10 14:5,10,15 14:19,22 15:3,6 <b>turn</b> 3:20 <b>turned</b> 3:3 <b>turns</b> 5:9 <b>two</b> 7:1 14:12 <b>t/a</b> 1:6
<hr/> <b>O</b> <hr/>		<hr/> <b>R</b> <hr/>		<hr/> <b>U</b> <hr/>
<b>OAG</b> 1:23 <b>objection</b> 9:8 <b>obtain</b> 3:17 <b>October</b> 1:12 2:7 <b>office</b> 8:7 10:5,6,17		<b>reach</b> 4:18 <b>read</b> 8:14,16 9:9 12:5 <b>ready</b> 6:9 <b>really</b> 9:16 <b>receive</b> 8:4 <b>received</b> 10:19,20 10:20 <b>receptionist</b> 2:17 <b>recess</b> 6:20 <b>record</b> 3:10 6:8 7:15 9:7 <b>recorded</b> 2:19 <b>records</b> 5:4 <b>Reeves</b> 1:14 <b>refrain</b> 2:20 <b>regarding</b> 8:20 <b>regards</b> 8:18 <b>regularly</b> 2:4 <b>renewal</b> 10:22 11:3 <b>report</b> 10:13 <b>reporter</b> 2:19 <b>representative</b> 6:11 <b>requires</b> 3:11 <b>resolution</b> 13:9 <b>resolve</b> 12:3 <b>resolved</b> 11:5,6 <b>restaurant</b> 10:12 <b>Retailer</b> 1:8 <b>right</b> 2:9 4:3 5:3,13 7:4 8:21 12:10 13:4 14:16,17 <b>room</b> 1:14 2:22 3:22 5:6,18 6:4 <b>running</b> 4:11 <b>Ruthanne</b> 1:15,19		<b>understand</b> 7:7 8:14,17 9:9 11:5 12:5,6 <b>understanding</b> 12:10 <b>unexpectedly</b> 12:22 <b>Unfortunately</b> 10:14 <b>usually</b> 11:18 13:16
				<hr/> <b>W</b> <hr/>
				<b>Wait</b> 8:22 <b>want</b> 6:3 9:1,4 <b>Washington</b> 1:15

<b>waste</b> 11:12	<b>4</b>			
<b>way</b> 4:16 6:15	<b>400S</b> 1:15			
<b>wear</b> 4:10	<b>405(b)</b> 3:14			
<b>weather</b> 5:18	<b>6</b>			
<b>welcome</b> 2:4 5:14 15:5	<b>6th</b> 5:1			
<b>Wisconsin</b> 1:7 4:5 7:12,21	<b>9</b>			
<b>Y</b>	<b>9:40</b> 2:2			
<b>Yeah</b> 8:20 14:19	<b>9:46</b> 6:20			
<b>year</b> 11:1	<b>9:54</b> 6:21			
<b>Z</b>	<b>9:59</b> 15:11			
<b>Zaniel</b> 12:20,21				
<b>P</b>				
<b>p</b> 1:4,11				
<b>#</b>				
<b>#12-CMP-00449</b> 1:9				
<b>0</b>				
<b>00449</b> 7:11				
<b>1</b>				
<b>1</b> 9:13 14:17				
<b>12-CMP</b> 7:10				
<b>12-CMP-00449</b> 4:4				
<b>14th</b> 1:14				
<b>15</b> 13:20				
<b>19</b> 5:1				
<b>2</b>				
<b>2000</b> 1:14				
<b>20009</b> 1:15				
<b>2012</b> 1:10				
<b>2013</b> 1:12 2:7 5:2				
<b>2014</b> 13:20				
<b>20640</b> 1:8 4:6 7:12				
<b>2400</b> 1:7 4:5 7:11 7:21				
<b>3</b>				
<b>3:30</b> 13:20				
<b>30</b> 1:12 2:7				
<b>31st</b> 11:8				