

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :
 :
Three Way Liquors, Inc. :
t/a Three Way Liquors, Inc. :
4823 Georgia Avenue, NW : Protest
Retailer A : Hearing
License No. 21972 :
ANC 4D :
Case No. 12-PRO-00058 :
Renewal Application :
-----x

November 7, 2012

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

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ABRA - Three Way Liquors, Inc. 11-07-2012

2

1 PRESENT

2

3 RUTHANNE MILLER, Chairperson

4 NICK ALBERTI, Member

5 DONALD BROOKS, Member

6 HERMAN JONES, Member

7 CALVIN NOPHLIN, Member

8 MIKE SILVERSTEIN, Member

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16
17
18
19
20
21
22

C O N T E N T S

Opening Statement for the Licensee 14
Opening Statement for the Protestant 15

WITNESSES

Jung Yu17
Tawanna Way59
Charles Bond112

EXHIBITS

Licensee's

1 Photograph of Licensee's property 50
2 Photograph of Protestant's church 50
3 Photograph of Licensee property, interior 50
4 Photograph of Licensee property, interior 50
5 Photograph of Licensee property, interior 50
6 Photograph of neighborhood storefronts50
7 Photograph of Colony Liquor Store 50
8 Photograph of neighborhood nightclub50

Protestant's

1 Photos of loiterer, trash, etc.147
2 Citation from Health Department of Licensee . . .147
4 Photographs of trash near property of Licensee . 147

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

4

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

2 2:54 p.m.

3 CHAIRPERSON MILLER: Okay. It's 2:54. I
4 don't know if everybody is back here on the Three Way
5 Liquors case. Mr. Dietz isn't? Okay. You can come to
6 the table, whoever is a party in this case. I'm going
7 to wait for the -- for the other party except to say
8 you can use this time to sign in on that piece of
9 paper. And I'll call the case. I can do that as well.

10 This is Case No. 12-PRO-00058, Three Way
11 Liquors, located at 4823 Georgia Avenue, N.W., License
12 No. 21972, in ANC 4D. Okay. Thank you all for waiting
13 and I apologize that your case was delayed as a result
14 of another hearing taking longer than expected. Why
15 don't we start with introductions of the parties
16 starting with the Licensee?

17 MR. DIETZ: I'm Bernard C. Dietz representing
18 the applicant, Three Way Liquors, Inc. I have with me
19 Mr. Jung S. Yu, who is president of the corporation.

20 CHAIRPERSON MILLER: Okay. It's Mr. Yu?

21 MR. YU: Yeah, my name is Jung Yu.

22 CHAIRPERSON MILLER: Okay.

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ABRA - Three Way Liquors, Inc. 11-07-2012

5

1 MR. YU: I'm the Three Way Liquor co-owner.

2 CHAIRPERSON MILLER: Thank you. All right.

3 And then the protestants?

4 MR. WAY: I'm Reverend Alfonso Way, pastor of
5 Faith Assembly of Christ Church.

6 CHAIRPERSON MILLER: Okay.

7 MS. WAY: I'm Ms. Tawanna Way. I am a member
8 and the first lady of the Assembly of Christ in
9 Washington.

10 MR. BOND: My name is Charles Bond, B-O-N-D.
11 I'm the owner of Faith Assembly of Christ and I'm also
12 an elder of the church.

13 MS. SHELER: I'm Ms. Donna Sheler, member of

14 CHAIRPERSON MILLER: I wait -- oh, wait. You
15 know what? I think you all may have to come speak into
16 the microphone in the -- in the back. Are you
17 witnesses or are you individual parties, those of you
18 in the back?

19 PARTICIPANT: Witnesses.

20 CHAIRPERSON MILLER: Witnesses. They're all
21 just a part of your party and you're representing the
22 party, correct?

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ABRA - Three Way Liquors, Inc. 11-07-2012

6

1 MR. WAY: Yeah.

2 CHAIRPERSON MILLER: So you can identify
3 yourselves later when you're going to testify. Okay.
4 And this woman?

5 MR. YU: My wife.

6 CHAIRPERSON MILLER: Okay. What's your name?

7 MS. YU: Sunghee Yu (ph).

8 CHAIRPERSON MILLER: Okay. All right. Now,
9 I want to start with just addressing some logistical
10 issues that I think we -- that I -- that have been
11 brought to my attention. One is that we have to end
12 this hearing by 5:00 because one of the attorneys, Mr.
13 Dietz, has to leave to go to New York -- or is that
14 correct -- for a family emergency?

15 MR. DIETZ: I have to go take care of my
16 wife.

17 CHAIRPERSON MILLER: Okay.

18 MR. DIETZ: My wife is home from the
19 hospital. She requires an infusion of antibiotic at
20 7:30. I live in Western Loudoun County. And the only
21 train that would -- the last train that would get me to
22 Brunswick, Maryland leaves the station at 5:30.

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7

1 CHAIRPERSON MILLER: Okay. So --

2 MR. DIETZ: Which means I have to hop on the
3 green line, get over to Union Station in time to make
4 the train.

5 CHAIRPERSON MILLER: Okay.

6 MR. DIETZ: It's very important she has this
7 infusion. She --

8 CHAIRPERSON MILLER: I -- that's okay. You
9 don't have to go into all the personal details. I
10 accept that. What I want to know is 5:00 --

11 MR. DIETZ: Yeah.

12 CHAIRPERSON MILLER: Can you leave at 5:00?
13 Because I will plan that we'll end at 5:00 or at an
14 appropriate stopping point unless it has to be earlier.

15 MR. DIETZ: As long as I'm out the door by
16 5:00.

17 CHAIRPERSON MILLER: 5:00. Okay. We have
18 another logistical problem. But, you know, your case
19 is going to get heard. It's going to get heard fully.
20 It doesn't mean we're going to end at 5:00 and if we
21 haven't heard from you, forget it. We'll continue.
22 Okay. So the other issue we have, which we actually

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ABRA - Three Way Liquors, Inc. 11-07-2012

8

1 will have to continue is our investigator is sick, the
2 one who did the investigative report on this protest.
3 And he is a key witness, I would think, for everybody
4 to ask questions about the report. So we will be
5 scheduling a continuation. I hope it's just for, like,
6 for that purpose.

7 So we're going to see if we can get through
8 the rest of the case within the two hours that we have.
9 Yeah.

10 MR. WAY: Well, just for protocol is that
11 mandatory that the investigator be here? Is it
12 optional?

13 CHAIRPERSON MILLER: It is not mandatory
14 actually with -- if you all want to waive your right to
15 cross-examine, you could do that. But we don't want to
16 take that right away from you if you want it.

17 MR. WAY: Right. The only reason that I --

18 CHAIRPERSON MILLER: Yeah.

19 MR. WAY: -- state that is because we've gone
20 to immeasurable lengths to take off from working our
21 jobs to be here.

22 CHAIRPERSON MILLER: Okay.

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9

1 MR. WAY: And we've waited a long time. And
2 we've been brushed off before and not saying that
3 that's the case. But investigator -- the
4 investigator's presence is not critical to us --

5 CHAIRPERSON MILLER: Okay.

6 MR. WAY: -- because his report is over 50
7 pages long. And much of the testimony will provide the
8 panel with the -- with the data and facts that you can
9 determine the case.

10 CHAIRPERSON MILLER: All right.

11 MR. WAY: So we don't want to prolong the
12 case.

13 CHAIRPERSON MILLER: Well, let me ask if both
14 parties -- do you have a concern about cross-examining?

15 MR. DIETZ: It's absolutely essential that
16 the investigator be here --

17 CHAIRPERSON MILLER: Cross-examine?

18 MR. DIETZ: -- for cross-examination.

19 CHAIRPERSON MILLER: Okay. So it will be a
20 short, I assume, continuation if that's all that's
21 left. So -- and there's a right to cross-examination.
22 And this is a key witness. So I can't just brush it

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10

1 off. All right. So why don't we then -- you know, we
2 normally start with the investigator and the report.
3 The investigator's report is in the record. He's not
4 here so we'll move to -- I don't know if you've been
5 here for a protest hearing before but it's usually the
6 investigator goes first. So he's not here. So then we
7 go to -- and we ask preliminary issues between the two
8 parties. How many witnesses are you going to have?
9 Who --

10 MR. DIETZ: I'm going to have the two owners
11 and two individuals.

12 CHAIRPERSON MILLER: And you have two
13 individuals as well?

14 MR. DIETZ: Yes.

15 CHAIRPERSON MILLER: And are they -- I just
16 want to get an idea of what they're going to be
17 testifying to. We have a rule on witnesses that
18 sometimes people can --

19 MR. DIETZ: Very, very brief and they'll be
20 actually testifying in rebuttal. They'll be rebuttal
21 witnesses.

22 CHAIRPERSON MILLER: On -- oh, you don't

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11

1 know. Okay.

2 MR. DIETZ: Yeah.

3 CHAIRPERSON MILLER: Peace, order and quiet?

4 MR. DIETZ: They're residents of the
5 neighborhood.

6 CHAIRPERSON MILLER: Residents of the
7 neighborhood.

8 MR. DIETZ: (Inaudible) resides at 4828 8th
9 Street, N.W.

10 CHAIRPERSON MILLER: Okay.

11 MR. DIETZ: I mean, Kenneth Simmons (ph)
12 resides at 1110 Buchanan Street, N.W. And Althea Dixon
13 (ph) resides at 802 Buchanan Street, N.W. So they're
14 residents of the immediate neighborhood.

15 CHAIRPERSON MILLER: Okay.

16 MR. DIETZ: But I have a -- I have a question
17 regarding the order of this case. The -- there's some
18 confusion here. The investigator's report identifies
19 this protest as a group of five. But it's my
20 understanding that the protestant is the Faith Assembly
21 Church of Christ. And it's standing as an abutting
22 property owner.

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ABRA - Three Way Liquors, Inc. 11-07-2012

12

1 CHAIRPERSON MILLER: Okay.

2 MR. DIETZ: And that's verified -- that's
3 also on the transcript of the status hearing. So it's
4 my understanding we have one protestant.

5 CHAIRPERSON MILLER: Right. One protestant
6 and it's you all as abutting neighbor. Okay. Yeah,
7 there's no question. I'm just checking out the
8 witnesses and I just want to let you know that
9 sometimes people invoke what's called the rule on
10 witnesses, in which they ask that all witnesses be out
11 of the room while other witnesses are testifying, so as
12 not to be influenced by the other party's testimony or
13 your own witness's testimony.

14 So not everybody invokes it. We -- I will --
15 you know, it will only happen if either one of you want
16 to invoke the rule on witnesses. So your witnesses are
17 your church members. Are they also residents?

18 MR. WAY: They're both.

19 CHAIRPERSON MILLER: They're both. Okay.
20 They're both. Some people are both resident and church
21 member, correct? Okay. Does anybody want to invoke
22 this rule on witnesses, which would require witnesses

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ABRA - Three Way Liquors, Inc. 11-07-2012

13

1 to step out? Okay. Good.

2 MR. DIETZ: I have no objection.

3 CHAIRPERSON MILLER: Okay. Fine. Then now,
4 we can proceed. So we have -- start with opening
5 statements. The Licensee will go first, just talk
6 about what his -- what this case is not going to be
7 about, not testify to anything. Just tell what the
8 case is about and then why he thinks they should get
9 the license or whatever. And then you all will -- you
10 can do an opening if you want -- it's not required --
11 as to what your case will show.

12 And then the applicant will put on his
13 witnesses. You'll have the right to cross-examine. We
14 can ask questions. And then you'll put on your
15 witnesses and same thing, and then closing, and also if
16 there's any exhibits in the meantime that you might
17 want to offer. All right. Any questions before we
18 start? Oh, all right. Mr. Dietz. Thank you.

19 MR. JONES: Madam Chair, point of record.

20 CHAIRPERSON MILLER: Oh, I'm sorry, Mr.
21 Jones.

22 MR. JONES: Did we ever give them the time?

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14

1 CHAIRPERSON MILLER: Oh, boy, boy, boy.
2 Well, we only have -- okay. We're going to stop at
3 five. But Mr. Jones brings up a point that normally --
4 and this will apply to the entire case -- each side
5 gets an hour and a half each total. And that includes
6 when you are cross-examining somebody else's witness.
7 That's your time. And -- but it does not include
8 opening and closing, which you get up to five minutes
9 for. Okay. We all right on the rules? All right.

10 MR. WAY: Five minutes each or two and a
11 half?

12 CHAIRPERSON MILLER: Five minutes each.
13 Okay.

14 MR. DIETZ: Okay. This is -- this hearing is
15 based on a renewal application of a Retailer Class A
16 license for Three Way Liquors, Inc. That trades as
17 Three Way Liquors at 4823 Georgia Avenue, N.W. My
18 clients have owned and operated the store for more than
19 20 years and they own the building and have owned the
20 building for the past 13 years -- 12 years rather.

21 There's been absolutely -- other than the
22 protest filed by this protestant six years ago and this

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15

1 current protest, there have been no protests against
2 the business, no citations against the business. The
3 investigator's report shows -- reports absolutely no
4 offending activity. My clients operate a good -- a
5 good, clean business. And they respectfully request
6 permission to continue to do business.

7 CHAIRPERSON MILLER: Thank you. Okay.

8 MR. WAY: Good afternoon. As pastor of Faith
9 Assembly of Christ, I will communicate and show that
10 there's adverse impact on the peace and the order and
11 the quiet in the resident -- of the residents and the
12 members in the surrounding area of 4821 Georgia Avenue
13 which has been our church for over 20 -- over 41
14 continuous years. We'll be celebrating our 42nd
15 anniversary in January of next year.

16 Secondly, I will show and our church will
17 show that the parking and pedestrian safety is a major
18 issue. We'd rather have prevention than to bury
19 someone because of the both direct and indirect
20 negligence of the patrons of Three Way Liquors. And
21 thirdly, as pastor and as the director of the church,
22 we will show that the trash, the loitering, the

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ABRA - Three Way Liquors, Inc. 11-07-2012

16

1 criminal activity, the outright mess that is direct --
2 that has come directly from this church have an adverse
3 effect on not only the church, the citizens and our
4 members who are diverse in this community.

5 CHAIRPERSON MILLER: Thank you. Okay. Mr.
6 Dietz?

7 MR. DIETZ: I'll call as my first witness Mr.
8 Jung S. Yu. AND I'll proffer to the protestant and to
9 the Board a series of photographs which have been
10 marked as exhibits -- marked number exhibits.

11 CHAIRPERSON MILLER: Mr. Dietz, are you --
12 are you asking that they be marked as one whole exhibit
13 or individual photos of the --

14 MR. DIETZ: Individual exhibits.

15 CHAIRPERSON MILLER: Individual exhibit.

16 MR. DIETZ: And I've marked them -- they've
17 been marked and numbered.

18 CHAIRPERSON MILLER: Okay. Good. Could you
19 go behind there? There's actually -- you can sit down
20 there. But first I need to swear you in. I need to
21 have you stand and raise your right hand. Do you swear
22 to tell the truth, the whole truth, nothing but the

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ABRA - Three Way Liquors, Inc. 11-07-2012

17

1 truth?

2 MR. YU: Yes.

3 CHAIRPERSON MILLER: Okay. Thank you.

4 MR. DIETZ: Please state your name.

5 MR. YU: My name is Jung Su Yu (ph).

6 MR. DIETZ: Okay. Are you the owner of Three
7 Way Liquors?

8 MR. YU: Yes.

9 MR. DIETZ: Okay. And you're the president
10 of the corporation; is that true?

11 MR. YU: Yes.

12 MR. DIETZ: Okay. When did you start the
13 business, Three Way Liquor?

14 MR. YU: 1994.

15 MR. DIETZ: Did you -- did you purchase that
16 as a going business?

17 MR. YU: Yes.

18 MR. DIETZ: Okay. And do you own the
19 building that the business occupies?

20 MR. YU: Yes.

21 MR. DIETZ: When did you purchase the
22 building?

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18

1 MR. YU: 2000. Year 2000.

2 MR. DIETZ: Okay. Now, what are the hours of
3 operation at your store?

4 MR. YU: Monday through Thursday, 10:00 to
5 9:00; and then Friday, Saturday, 10:00 to 10:00.

6 MR. DIETZ: Are you closed on Sundays?

7 MR. YU: Yeah, we closed Sunday.

8 MR. DIETZ: Okay. And what time do you close
9 on Thursday evening?

10 MR. YU: 9:00.

11 MR. DIETZ: Looking at the -- at the -- you -
12 - I'm sorry, I must have given them the photograph.
13 Yeah. Looking at the first photograph, which has been
14 marked as Applicant's Exhibit No. 1, can you identify
15 what that photograph shows?

16 MR. YU: Yeah, that's my store.

17 MR. DIETZ: That's your store. Now, looking
18 at the next photograph, which is marked as Applicant's
19 Exhibit No. 2, can you identify the building that
20 appears to the right side of that photograph?

21 MR. YU: Yeah, that's the church.

22 MR. DIETZ: And that's the protestant?

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19

1 MR. YU: Yes, sir.

2 MR. DIETZ: Okay. And what's the building in
3 the center of that photograph?

4 MR. YU: That's my store.

5 MR. DIETZ: Okay. And what's the building to
6 the left of that photograph?

7 MR. YU: I think that's belong to church.

8 CHAIRPERSON MILLER: I'm sorry, can you speak
9 up a little more? Can you speak a little louder?

10 MR. YU: That's belong to church.

11 MR. DIETZ: Now, I'm going to show you
12 exhibits -- the next three photographs, which are 3, 4
13 and 5. Can you identify what they show?

14 MR. YU: That's my store inside.

15 MR. DIETZ: That shows your inventory and --

16 MR. YU: Yes.

17 MR. DIETZ: -- your layout of your store?
18 Now, the next photograph is marked No. 6. Okay. And
19 what does that photograph show?

20 MR. YU: That's my store, church and carryout
21 and next is an Indian restaurant and some club, you
22 know.

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20

1 MR. DIETZ: Is that looking to the north?

2 MR. YU: North? The other one, number --

3 MR. DIETZ: No, Number 6.

4 MR. YU: Number 6?

5 MR. DIETZ: Yes.

6 MR. YU: That's my store and church.

7 MR. DIETZ: Is in the north of the

8 photograph; is that correct?

9 MR. YU: Right.

10 MR. DIETZ: Okay. And that's Georgia Avenue;
11 is that right?

12 MR. YU: Uh-huh.

13 MR. DIETZ: Okay. And on Photograph No. 7,
14 what does that look like?

15 MR. YU: That's my store and next door liquor
16 store, you know --

17 MR. DIETZ: Okay.

18 MR. YU: -- Colony Liquor Store.

19 MR. DIETZ: Okay. And what's between your
20 store and the liquor store?

21 MR. YU: The parking lot.

22 MR. DIETZ: And who does the parking lot

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ABRA - Three Way Liquors, Inc. 11-07-2012

21

1 belong to?

2 MR. YU: That belong -- bank parking lot.

3 MR. DIETZ: And where is the bank located?

4 MR. YU: Across from my store.

5 MR. DIETZ: Okay.

6 MR. YU: Across the street.

7 MR. DIETZ: And finally, in Photograph No. 8,
8 what does that show?

9 MR. YU: That's a club -- nightclub. That's
10 nightclub. And then he's a restaurant, you know.

11 MR. DIETZ: Okay.

12 MR. YU: Moroni Pizza Restaurant.

13 MR. DIETZ: Okay. And where's the -- where
14 are they located?

15 MR. YU: That's just, you know, south, you
16 know, so --

17 MR. DIETZ: In the next block south?

18 MR. YU: Right. Next block. That's right.
19 Because show them -- you had a picture.

20 MR. DIETZ: Okay. Now, is there a bus stop
21 anywhere near your store?

22 MR. YU: Yeah, north of the corner, next

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ABRA - Three Way Liquors, Inc. 11-07-2012

22

1 block corner on the street, Georgia Avenue -- on
2 Georgia Avenue.

3 MR. DIETZ: On the corner?

4 MR. YU: Yeah.

5 MR. DIETZ: Now, in the 20 plus years that
6 you've operated the store --

7 MR. YU: Yes.

8 MR. DIETZ: -- have you received any
9 complaints regarding your operation of the store other
10 than those coming from the church?

11 MR. YU: No.

12 MR. DIETZ: Have any of the neighbors
13 complained to you?

14 MR. YU: Unh-unh. No.

15 MR. DIETZ: Have any ANC members complained
16 to you?

17 MR. YU: No.

18 MR. DIETZ: Has there ever been a complaint
19 from the ANC?

20 MR. YU: No.

21 MR. DIETZ: Has there ever been an ABC
22 protest?

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23

1 MR. YU: No.

2 MR. DIETZ: Have the police ever charged you
3 with -- you or your business with a crime?

4 MR. YU: Unh-unh. No.

5 MR. DIETZ: Have you ever received a ticket
6 from the police?

7 MR. YU: No.

8 MR. DIETZ: I have no further questions.

9 CHAIRPERSON MILLER: Okay. Mr. Way, do you
10 have any cross-examination?

11 MR. WAY: I do have a question. Mr. Yu, you
12 answered that you have received no violations.

13 MR. YU: We didn't.

14 MR. DIETZ: I asked him if he was charged
15 with a crime or received a ticket.

16 CHAIRPERSON MILLER: But is there an
17 objection to the question? Wait, Mr. Dietz. I don't
18 want to have a little conversation there. Is there
19 objection to his question?

20 MR. DIETZ: No, I object to the question.

21 CHAIRPERSON MILLER: Because?

22 MR. DIETZ: I stated the reason.

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24

1 CHAIRPERSON MILLER: But I -- we couldn't
2 really hear it. That's what I'm saying. You're having
3 a little side --

4 MR. DIETZ: Okay. I'm sorry. I object to
5 the question because the question that I posed was has
6 he been ticketed or charged with a crime by the police.

7 CHAIRPERSON MILLER: Okay. And question your
8 was?

9 MR. DIETZ: He answered, "No."

10 CHAIRPERSON MILLER: Okay. He answered,
11 "No."

12 MR. WAY: The way I heard question --

13 CHAIRPERSON MILLER: So what was your
14 question that was objected to then? What --

15 MR. WAY: He had -- he had indicated no
16 citation.

17 CHAIRPERSON MILLER: Oh, okay.

18 MR. WAY: And there have been -- there is a
19 response and I do have a question because --

20 CHAIRPERSON MILLER: Okay. Why don't you
21 phrase your question differently based on what he just
22 said?

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25

1 MR. WAY: Is it true, Mr. Yu, that you have
2 in fact been cited for several violations including the
3 Department of Health, Food and Sanitation? There were
4 11 violations in this year where you have 10 violations
5 that were designated as minor and one as major. Since
6 then --

7 CHAIRPERSON MILLER: Okay. Is that the
8 question? You want to --

9 MR. WAY: Yes.

10 CHAIRPERSON MILLER: Okay. Go ahead. You
11 got the question, Mr. Yu?

12 MR. YU: No. I don't -- I don't think so.
13 No.

14 MR. WAY: You don't --

15 MR. YU: That has -- the first one is I had
16 to call the paper -- everything I think --

17 MR. WAY: I just wanted a, "Yes," or, "No."
18 Have you been cited by the Department of Health for 11
19 citations?

20 MR. YU: Oh, one day closed, you mean, that
21 one?

22 MR. WAY: The Department of Health --

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26

1 MR. YU: For -- yeah, cat -- my cat. That's
2 why we closed one day. I explained to them.

3 MR. WAY: I didn't ask about the cat. There
4 were 11 citations that were on the internet where you
5 were cited. Had -- well, is that true at this --

6 MR. YU: Huh?

7 MR. WAY: Were you cited for 11 violations
8 with the Department of Health?

9 MR. YU: Yes. Yeah, Health --

10 MR. WAY: Thank you.

11 MR. YU: Oh

12 CHAIRPERSON MILLER: Mr. Jones?

13 MR. JONES: But just for a point of
14 clarification, I just want to -- I know it's a tendency
15 to kind of give verbal or facial or physical reactions
16 or answers but I just want to make sure that the
17 witness is instructed to answer the question to his or
18 her best ability without coaching or prodding or
19 implication or indication from his bench or her bench,
20 i.e., that side of the table or that side of the table.

21 If you could just remind the witness that the
22 witness should be answer the question based on his

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

27

1 knowledge --

2 CHAIRPERSON MILLER: Okay.

3 MR. JONES: -- and not anything else?

4 CHAIRPERSON MILLER: That --

5 MR. JONES: I great appreciate it.

6 CHAIRPERSON MILLER: Okay.

7 MR. WAY: Thank you.

8 CHAIRPERSON MILLER: That's correct. If you
9 don't know the answer to the question, you can say, "I
10 don't know." You shouldn't be looking to somebody else
11 for your answer -- for an answer to the question. You
12 either know it or you don't. If you know it, state it
13 to the best of your ability. If you don't know it, you
14 can say you don't know it. Okay.

15 MR. JONES: And Mr. Yu, if you could --

16 MR. YU: Yeah, excuse me. I --

17 MR. JONES: -- if you could make sure that
18 she understands that as well?

19 MR. DIETZ: I hope you're not referring to my
20 tic. I have -- I have high blood pressure.

21 MR. JONES: Mr. Dietz, you've been here
22 several times. I am not referring to that at all.

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

28

1 MR. DIETZ: Okay. Good.

2 MR. JONES: I think you know exactly what it
3 is I'm referring to so I will not go any further into
4 that. I just caution you to make sure she's aware of
5 that as well.

6 MR. DIETZ: Okay.

7 MR. JONES: Thank you.

8 CHAIRPERSON MILLER: Okay.

9 MR. WAY: I have one more question.

10 CHAIRPERSON MILLER: I -- you have additional
11 question? I don't know though because of this -- we
12 got off track here -- what the answer to the question
13 was. You asked whether he had been cited just -- could
14 you just -- what was the last answer that you gave, do
15 you recall -- about the citations?

16 MR. YU: I (inaudible) --

17 CHAIRPERSON MILLER: Was the answer, "Yes?"
18 You did get citations?

19 MR. YU: Yeah, I -- yes.

20 MR. WAY: Thank you.

21 CHAIRPERSON MILLER: Okay.

22 MR. WAY: My second question --

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

29

1 CHAIRPERSON MILLER: Okay.

2 MR. WAY: And also Judge Miller --

3 CHAIRPERSON MILLER: Yeah.

4 MR. WAY: -- what is the proper way to refer
5 to you so that I can give you the proper --

6 CHAIRPERSON MILLER: Oh, Chairman Miller --

7 MR. WAY: Thank you.

8 CHAIRPERSON MILLER: -- or Chair Miller,
9 whatever.

10 MR. WAY: Because this is my first time here.

11 CHAIRPERSON MILLER: That's fine. That's
12 absolutely fine.

13 MR. WAY: I want to make sure.

14 CHAIRPERSON MILLER: Okay.

15 MR. WAY: Yes, thank you. I want to make
16 sure I'm following your protocol.

17 CHAIRPERSON MILLER: Or Madam Chair. There
18 are a lot of different options. Yeah, whatever you're
19 comfortable with.

20 MR. WAY: I have one additional question.

21 CHAIRPERSON MILLER: Okay.

22 MR. WAY: Is it true, Mr. Yu, that just in

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

30

1 the year 2012 that there have been several both hold up
2 alarms, burglar arms, disabled autos and disorderly
3 conduct as a result of Three Way Liquor Store calling
4 to the Metropolitan Police Department? Is that true?

5 MR. YU: Let me explain something. Okay?

6 MR. WAY: I just asked, "Yes," or, "No."

7 MR. YU: It was so sensitive. My alarm is so
8 sensitive. Our upstairs some, you know, tenants live.
9 They sometimes drop some chair or some, you know, thing
10 and alarm on it. That's why it's happening. It's not
11 -- I think it's nothing relating to you know.. Yeah,
12 those alarm too sensitive.

13 MR. WAY: And as a follow up, I have a
14 document from the Metro Police Department that there
15 was disorderly --

16 MR. YU: Uh-huh.

17 MR. WAY: -- on July 27th, '12. That's just
18 one example. There are several, even into 2011. I
19 just want a, "Yes," or, "No," answer.

20 MR. YU: Yes. But it's not relation to
21 anything, just, you know, alarm's so sensitive. I
22 could have real motion or noise alarm. Because you're

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

31

1 next door, your house is empty. So I worry about -- I
2 told you before, it's empty so somebody could come
3 through the -- you know, break through my wall. That's
4 what I worry about. I got a shock sensor. I got
5 motion sensor. I got basement. I got all sensor
6 because most time empty -- my next door -- your
7 building and all other building is empty.

8 So I scared about somebody come through your
9 property and they break the so many -- maybe, you know
10 -- I just -- that's why alarm on it.

11 MR. WAY: You still didn't answer --

12 MR. YU: That's why alarm on it.

13 MR. WAY: You still didn't answer my --
14 because the police department wouldn't report -- I only
15 asked for a, "Yes," or, "No." We have several
16 destruction of property, hold up alarms, business
17 alarm, burglar alarm, business alarm, disabled auto. I
18 just want it established; are you aware that this is
19 the record, that it's not made up? So the answer is,
20 "Yes," you are aware?

21 MR. YU: Yes.

22 MR. WAY: All right. I didn't ask for --

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

32

1 we're not in our buildings 24/7. So that's really
2 irrelevant to my question. Thank you. Thank you,
3 Madam Chair.

4 CHAIRPERSON MILLER: Okay. Any Board
5 questions?

6 MR. BROOKS: Yeah, I have a question.

7 CHAIRPERSON MILLER: Yes, Mr. Brooks.

8 MR. BROOKS: Yeah. The building that's
9 adjacent to the church, do you own the building?

10 MR. YU: Yes.

11 MR. BROOKS: Okay. And how long have you
12 owned it?

13 MR. YU: I've been -- almost 20 years but my
14 -- I own building, like, 2000 -- so 12 years.

15 MR. BROOKS: Twelve years. Okay. And have
16 you had it renovated recently?

17 MR. YU: Yeah, recently. Like, a couple of
18 years ago probably remodel all, you know, front of the
19 store. Like, you look a picture --

20 MR. BROOKS: Okay. Yeah, I'm looking at
21 Picture No. -- I guess 2.

22 MR. YU: Yes.

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

33

1 MR. BROOKS: Yeah.

2 MR. YU: I remodel that.

3 MR. BROOKS: Send me a copy of that?

4 MR. YU: Yes.

5 MR. BROOKS: Thank you. So you had it
6 renovated to look like this?

7 MR. YU: Yes.

8 MR. BROOKS: Okay. And how long ago was
9 that?

10 MR. YU: Time -- you want a time?

11 MR. BROOKS: Uh-huh.

12 MR. YU: That could be almost, like, three
13 months. It's take a while because I'm not involved
14 with all, you know --

15 MR. BROOKS: Oh, but how long ago did you
16 have it done?

17 MR. YU: You mean it's take how long or how
18 long ago?

19 MR. BROOKS: How long ago?

20 MR. YU: Two years ago.

21 MR. BROOKS: Okay. So two years ago you had
22 it renovated?

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

34

1 MR. YU: Uh-huh.

2 MR. BROOKS: Okay. Thank you, Madam Chair.

3 CHAIRPERSON MILLER: Thank you. Yes, Mr.

4 Alberti.

5 MR. ALBERTI: Hi, Mr. Yu. So if I'm facing
6 your store, to the left of you is a building -- is a
7 storefront -- is a building.

8 MR. YU: Yeah.

9 MR. ALBERTI: Is that -- do you know if that
10 building's occupied or not? I mean, do you know some -
11 - how -- do you know how that building is used? Is
12 there someone living there? Is there someone using it?
13 Is there someone using that building currently, the one
14 to the left of you?

15 MR. YU: No.

16 MR. ALBERTI: Is it empty? Do you know if
17 it's --

18 MR. YU: Empty, yes.

19 MR. ALBERTI: Okay. So it's vacant? It's
20 not in use as far as you know?

21 MR. YU: No.

22 MR. ALBERTI: Okay. Do you know how long

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

35

1 it's been that way?

2 MR. YU: I've been there -- I'm in my store?

3 MR. ALBERTI: No. How long -- the building
4 next to you -- to the left of you --

5 MR. YU: Uh-huh. Most time he -- like,
6 nobody lives there. And then, you know, cops come.
7 Maybe he go in and -- I don't know, you know. I think
8 nobody --

9 MR. ALBERTI: So --

10 MR. YU: -- nobody's there most of the time.

11 MR. ALBERTI: -- church goes -- comes and
12 goes?

13 MR. YU: Yeah, but I don't know. Actually,
14 you know, most time it's empty. I know that.

15 MR. ALBERTI: Okay. But -- all right. But
16 you do -- you do see people coming -- enter --

17 MR. YU: No, I don't.

18 MR. ALBERTI: At least occasionally you see
19 people coming and going --

20 MR. YU: No, no.

21 MR. ALBERTI: -- on that property? No?

22 MR. YU: No, occasionally not. No.

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

36

1 MR. ALBERTI: Okay. Do you have -- do you --
2 okay. So you don't have first-hand knowledge of how
3 that building is being used -- far is that's being
4 used; is that correct?

5 MR. YU: I don't -- I don't understand.

6 MR. ALBERTI: You don't know for sure how
7 that -- how that building is being used or if it's
8 being used; is that correct?

9 MR. YU: Yes.

10 MR. ALBERTI: Okay. Now, next to that
11 building -- to the left of that building is a parking
12 lot?

13 MR. YU: Right.

14 MR. ALBERTI: And that parking lot belongs to
15 the bank, you said?

16 MR. YU: Yes.

17 MR. ALBERTI: Okay. Does anyone use that
18 parking lot -- I think I see a sign on the fence that
19 says, "For customers only." So I'm assuming that
20 during banking hours, it's only for customers, right?

21 MR. YU: Most time no bank, you know --

22 MR. ALBERTI: After -- when the bank is

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

37

1 closed, does anyone use that parking lot?

2 MR. YU: I don't think so. But sometime they
3 use, you know, but I don't know who uses that. But
4 most of the time it's, like, empty. But on Thursday I
5 think they use -- the church member. I think.

6 MR. ALBERTI: Okay. And what -- you're not
7 sure? Why are you --

8 MR. YU: I'm not sure.

9 MR. ALBERTI: Why are you not sure? I mean,
10 are there cars parked there on Thursdays?

11 MR. YU: Yes, sometime.

12 MR. ALBERTI: Are there a lot of cars parked
13 there on Thursdays?

14 MR. YU: Thursday?

15 MR. ALBERTI: Yeah. Are there any period --
16 are there any times when -- all right. How many cars
17 do you see parked in that -- in that lot when the
18 bank's not open?

19 MR. YU: Unh-unh. Not many cars.

20 MR. ALBERTI: Not many. Okay. All right.

21 Thank you.

22 CHAIRPERSON MILLER: Other questions? Mr. Yu?

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

38

1 MR. YU: Yes, ma'am.

2 CHAIRPERSON MILLER: Do you know who took
3 these pictures that your attorney has given --

4 MR. YU: Oh, I think --

5 CHAIRPERSON MILLER: -- offered into
6 evidence?

7 MR. YU: I do.

8 CHAIRPERSON MILLER: You took them?

9 MR. YU: Right.

10 CHAIRPERSON MILLER: Okay. And when did you
11 take them?

12 MR. YU: This picture, like, two months ago.

13 CHAIRPERSON MILLER: Okay.

14 MR. YU: I think. Yeah.

15 CHAIRPERSON MILLER: Okay.

16 MR. YU: I did it just to show off to my
17 neighborhood, you know, how to locate, you know.
18 Because you're not, you know --

19 CHAIRPERSON MILLER: Right.

20 MR. YU: I just tried to show them how, you
21 know, my neighborhood like. Therefore, I make picture
22 for my lawyer, you know.

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

39

1 CHAIRPERSON MILLER: Okay. And do you
2 remember what time of the day you took the outdoor
3 picture?

4 MR. YU: Like, during, like, afternoon. Like
5 --

6 CHAIRPERSON MILLER: Okay. All right. Thank
7 you. Oh, Mr. Jones.

8 MR. JONES: Thank you, Madam Chair. Were
9 these all -- excuse me. Were these pictures all taken
10 by you?

11 MR. YU: Yeah.

12 MR. JONES: And were they all taken on the
13 same day?

14 MR. YU: No, no, no. It's not same day.

15 MR. JONES: Some of them weren't the same
16 day?

17 MR. YU: It's not the same day.

18 MR. JONES: Do you have any idea which ones
19 were not -- so these pictures are numbered --

20 MR. YU: Yes.

21 MR. JONES: -- on the back. Are your
22 pictures numbered?

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ABRA - Three Way Liquors, Inc. 11-07-2012

40

1 MR. YU: Yeah, he just make -- yeah, yeah.

2 We did -- we made, you know --

3 MR. JONES: These pictures are numbered?

4 MR. YU: Yes.

5 MR. JONES: Do you see that?

6 MR. YU: Uh-huh.

7 MR. JONES: Okay. Can you tell me which
8 pictures were taken on the same days? Do you have that
9 -- do you have access to that information?

10 MR. YU: I know the one through six -- that's
11 -- I took same day. And the other store inside, that's
12 the other day.

13 MR. JONES: So you're -- can you repeat that?
14 I didn't quite understand what you said.

15 MR. YU: Oh, I think Photo 1, 2, 3, 4, 5, 6,
16 7, I make, I think, the same day. And then --

17 MR. JONES: One --

18 MR. YU: Two --

19 MR. JONES: -- two --

20 MR. YU: One, two, three.

21 MR. JONES: One through three? Okay.

22 MR. YU: Yeah.

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ABRA - Three Way Liquors, Inc. 11-07-2012

41

1 MR. JONES: Were taken on one day?

2 MR. YU: Yes, I think. Yeah.

3 MR. JONES: Okay. And what about the others?

4 MR. YU: And the other one is not same day.

5 MR. JONES: Okay. So it's two different
6 days, 1 through 3 --

7 MR. YU: Two or three -- two or three.

8 MR. JONES: Two or three days?

9 MR. YU: Yeah, I don't -- some of them we
10 arrange them -- I mean, arrange it. So --

11 MR. JONES: Okay. So you're really not sure?
12 Okay. On the picture that's labeled -- that's No. 7 --

13 MR. YU: No. 7?

14 MR. JONES: Yeah.

15 MR. YU: Yeah.

16 MR. JONES: There's a -- on that picture, as
17 I see it, it's a slightly angled or profiled view. And
18 there's a big sign that's a light that says, "Liquor."

19 MR. YU: Yes.

20 MR. JONES: Okay. If you look slightly to
21 the right --

22 MR. YU: Uh-huh.

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

42

1 MR. JONES: -- of that, you'll see a brick
2 wall --

3 MR. YU: Uh-huh.

4 MR. JONES: -- which I believe is part of the
5 structure of the church. But I don't want to speculate
6 that.

7 MR. YU: Uh-huh.

8 MR. JONES: On the bottom half or the bottom
9 portion of that wall, there appears to be a liquid or
10 fluid stain of some sort.

11 MR. YU: I saw that. Yeah.

12 MR. JONES: Yes.

13 MR. YU: They asked me at that time, "What is
14 that? Who did that?" What -- we didn't know that. I
15 go out and look but it's not like (inaudible) you know,
16 paint or some, you know -- yeah, I -- they mentioned
17 about that. So, you know --

18 MR. JONES: Okay. So you're --

19 MR. YU: "Do you know about this?" I say, "I
20 don't know about that." You know, which I had to --
21 they ask one time, you know.

22 MR. JONES: Okay. So you --

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ABRA - Three Way Liquors, Inc. 11-07-2012

43

1 MR. YU: Happening that day.

2 MR. JONES: You observed it. You noticed it
3 but you have no understanding of how that stain got on
4 that wall?

5 MR. YU: Yeah, I saw that but I don't know
6 who did that, you know.

7 MR. JONES: Okay. Thank you.

8 CHAIRPERSON MILLER: Okay. Any other
9 questions? Is there redirect based on the Board's
10 questions?

11 MR. DIETZ: Yes. Yeah, I got some.
12 Regarding the citation, the problem with the Health
13 Department, what was that problem all about?

14 MR. YU: That's for -- I got a cat. Yeah,
15 so, you know, they asked if -- to come in. And then
16 you're supposed to get -- stay -- I mean, can't have
17 cat inside store. So that's why I got a, you know,
18 one-day closed for --

19 MR. DIETZ: So what did -- what did you do
20 with the cat?

21 MR. YU: So I, you know, next day we, you
22 know, move cat out, you know. So -- yeah.

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

44

1 MR. DIETZ: It was a cat?

2 MR. YU: Yeah, move our cat. And then -- so
3 I pay \$100 fine for that. After that, you know, we
4 reopened. Well, that's normal. And then -- yeah, and
5 then I feel okay right now, you know. I got some
6 judge. He -- I got some -- pay for that, you know,
7 with all -- it's okay.

8 MR. DIETZ: Okay.

9 MR. YU: You know, that's --

10 MR. DIETZ: Thank you.

11 MR. WAY: Madam Chair, is it appropriate --
12 just help me here. We have material. Do we do that at
13 another time or do we wait until the ordered time to
14 introduce that?

15 CHAIRPERSON MILLER: Well, at this point,
16 unless you want to use it with this witness, you would
17 wait for the time to put on your case.

18 MR. WAY: Fine.

19 CHAIRPERSON MILLER: And then you could offer
20 those at the beginning if you like. Okay. Any other
21 questions?

22 MR. DIETZ: Do you have anything else to --

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45

1 MR. YU: Yeah, I want to (inaudible) I never
2 say to Mr. Way and then I didn't express, you know so -
3 - but this time may be time to -- I do some talk about,
4 you know, this decision, you know. Can I do that?

5 MR. DIETZ: No, no.

6 MR. YU: No. Well, I got some statement.

7 CHAIRPERSON MILLER: I know. Right.

8 MR. YU: Well, I make --

9 CHAIRPERSON MILLER: Does this have to do
10 with the Board's questions?

11 MR. DIETZ: Yes, it does.

12 CHAIRPERSON MILLER: Okay. Go ahead.

13 MR. YU: Okay. Okay. I will tell you
14 something, you know. Okay. Can I stand up or -- when
15 his father -- elder Mr. Way who was worship -- his
16 father, he and I good relationship. I let him use my -
17 - back out of the garage. And he told me, you know,
18 "Hey." But I say, "No, it's okay." We so good
19 relationship. And when he own the church, before his
20 son took over, a lot of people attend that church. I
21 know that, you know. I remember.

22 Even that time we don't have any problem each

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

46

1 other. But after his father died, his son, Mr. Alfonso
2 Way, took over the church. I don't know. Not many
3 people come. And I don't know why. After that, he
4 started protest our liquor license renewal. Anyway, my
5 store closed on Sunday and open regularly weekdays.
6 Every morning, when I come store, I pick up storefront,
7 I see (inaudible) church is staying, you know, level.

8 So (inaudible) you know, I get something else
9 over there --

10 CHAIRPERSON MILLER: Mr. Dietz --

11 MR. YU: -- that I pick up.

12 CHAIRPERSON MILLER: Excuse me a second.

13 MR. YU: I pick --

14 CHAIRPERSON MILLER: Wait. This is the point
15 where if there's something in response to the Board's
16 question -- I'm not -- we're not seeing how this is --
17 it looks like new testimony again.

18 MR. DIETZ: It's in response to the questions
19 that were --

20 CHAIRPERSON MILLER: To which question?

21 MR. DIETZ: It's further clarification of the
22 questions that were asked.

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

47

1 MR. SILVERSTEIN: Which questions, sir?

2 MR. JONES: Which questions, Mr. Dietz?

3 MR. DIETZ: Pardon?

4 MR. JONES: Which questions?

5 MR. DIETZ: The questions that I posed to him
6 regarding were there any complaints about the -- from
7 the neighborhood.

8 CHAIRPERSON MILLER: No. But it's with --

9 MR. DIETZ: There's more --

10 MR. SILVERSTEIN: The questions that the
11 Board -- this is -- this is --

12 CHAIRPERSON MILLER: This is the end. This
13 is, like, kind of what Board issues were raised, you
14 know, about the -- about the stain or about the things
15 like that, you know, that just come up, that didn't
16 come up earlier in your -- in his testimony. It's not
17 new testimony at this point. Is it going anywhere --
18 if you have anything in there that's responsive, he
19 should jump to it. But --

20 MR. YU: It's just a little left so can I --

21 CHAIRPERSON MILLER: Just a little left?

22 MR. YU: Yeah, yeah.

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

48

1 CHAIRPERSON MILLER: A few sentences? All
2 right.

3 MR. WAY: Because of the time --

4 CHAIRPERSON MILLER: Yeah.

5 MR. WAY: I'm sorry, as you said --

6 CHAIRPERSON MILLER: Right.

7 MR. WAY: -- about length of time and it
8 really does, in my opinion -- I don't think that --
9 that's going to jam us up at the end. And --

10 CHAIRPERSON MILLER: Yeah, sometimes we spend
11 more time arguing about it.

12 MR. WAY: I think we can --

13 CHAIRPERSON MILLER: It's just -- how many
14 sentences? Is it two sentences?

15 MR. YU: Two, three sentences.

16 CHAIRPERSON MILLER: Two, three sentences?
17 Okay. Just finish up and then --

18 MR. YU: And then you didn't clean the walls
19 and I change -- big change, you know, like a nice,
20 clean controlled -- like, 10, 15 years ago. My
21 neighborhood a different place, like, he said, you
22 know. But -- and his father never complained to me

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

49

1 before, you know, he owned church. But I don't know
2 why he complains -- he start protesting me, you know.

3 CHAIRPERSON MILLER: Okay. I think that -- I
4 -- we're not hearing anything that's responsive. So
5 you'll have a chance to do closing and -- so thank you
6 very much.

7 MR. YU: Oh, thank you.

8 CHAIRPERSON MILLER: You can go back to your
9 table. Do you have another witness, Mr. Dietz?

10 MR. DIETZ: No. I'll -- I'm going to have --

11 CHAIRPERSON MILLER: Rebuttal?

12 MR. DIETZ: -- Ms. -- rebuttal witnesses
13 based upon the testimony of the protestants.

14 CHAIRPERSON MILLER: Okay. You can do that.

15 MR. DIETZ: So it looks to me like I have 25
16 minutes left.

17 CHAIRPERSON MILLER: I'm not keeping track.
18 I guess Mr. Jones is. But I'm sure you've got time
19 left.

20 MR. SILVERSTEIN: More than an hour.

21 CHAIRPERSON MILLER: Are you keeping -- Mr.
22 Jones, you have that?

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

50

1 MR. JONES: I certainly do.

2 CHAIRPERSON MILLER: Okay. Is he right, 25
3 minutes or -- or you'll tell him when you get --

4 MR. JONES: I'll tell him when I need to tell
5 him.

6 MR. SILVERSTEIN: Much more than that.

7 CHAIRPERSON MILLER: You're all right. Okay.
8 I -- were you intending on moving these pictures into
9 evidence at this point or are you going to wait?

10 MR. DIETZ: Pardon?

11 CHAIRPERSON MILLER: Did -- were you
12 intending on moving the pictures into evidence?

13 MR. DIETZ: Yes. I'd like to move the
14 Exhibits 1-8 into evidence.

15 CHAIRPERSON MILLER: Okay. So I want to ask
16 Mr. Way if you have any objection to the pictures?

17 MR. WAY: No, I do not.

18 CHAIRPERSON MILLER: Okay. Then they are
19 admitted as Licensee's Exhibits 1-8. Okay. So now,
20 it's your turn to put on your case. He's saving some
21 witnesses for rebuttal, which he can do. Okay.

22 MR. WAY: May I bring the -- we prepared some

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

51

1 folders we --

2 CHAIRPERSON MILLER: Okay. So have some --
3 oh, wait. We have someone over to get that actually
4 for you.

5 MR. WAY: Right here, seven folders.

6 CHAIRPERSON MILLER: And does -- and the
7 Licensee has a --

8 MR. WAY: Yes.

9 CHAIRPERSON MILLER: -- folder? Okay. Good.
10 Thank you.

11 MR. JONES: Madam Chair?

12 CHAIRPERSON MILLER: Yes.

13 MR. JONES: Point of clarification. Were
14 these pictures ever officially admitted or were they
15 just --

16 MR. SILVERSTEIN: We just did.

17 CHAIRPERSON MILLER: I just did.

18 MR. JONES: Okay.

19 MR. ALBERTI: She just did.

20 MR. JONES: Thanks.

21 MR. WAY: First I want to say, "Thank you,
22 panel," for working with us. And down through the

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

52

1 years we have always been grateful for the government.
2 I'm getting right to the point. As I stated earlier,
3 there are several issues that relate to the peace,
4 order and quiet of our beautiful and diverse
5 neighborhood.

6 At this time in front of you, you will find
7 that there are four exhibits. And the protestant's
8 exhibit marked No. 1 (inaudible) to honor the time,
9 Madam Miller.

10 CHAIRPERSON MILLER: Okay.

11 MR. WAY: So we organized and we've been
12 working on this for years just trying to find a
13 solution. And the protestant Exhibit No. 1, you will
14 see an example on any given day of the loitering, the
15 destruction and peace and order --

16 CHAIRPERSON MILLER: I just have a logistical
17 thing with you. Okay? Because it sounds like you're
18 acting both, like, as an attorney and maybe also as a
19 witness.

20 MR. WAY: No, I'm just sharing.

21 CHAIRPERSON MILLER: You are? Okay. If you
22 get to the point where you're actually going to be

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

53

1 almost testifying, I'll swear you in. If you're just
2 kind of introducing like an attorney --

3 MR. WAY: I'm introducing.

4 CHAIRPERSON MILLER: Okay. Go ahead then.

5 MR. WAY: You want me to sit for the sake --

6 CHAIRPERSON MILLER: No, whatever is
7 comfortable. As long as -- can you sit? No. As long
8 as you can be heard by the court reporter. He's okay?
9 All right.

10 MR. WAY: So as -- in the context of sharing,
11 Exhibit 1 is just a sample. The second photograph is a
12 sample. These are people (inaudible) often. This
13 could range from anywhere from five or six to sometimes
14 as many as 15 or 20. And Page No. 3 is a sample --
15 just say, "Sample." We certainly don't spend all of
16 our time trying to document but we do our best. And
17 these were taken over a variety of time.

18 Some of the tagging -- this is one on our
19 building just to the left. And by the way, we have a
20 wonderful, diverse church that serves both elders and
21 youth. And we own both properties on both sides of the
22 liquor store. And we use them every day for -- from

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

54

1 storage to -- as a parsonage to a library to summer
2 activities. We have a moon bounce and so -- we're
3 running late.

4 CHAIRPERSON MILLER: I know. I know. Okay.

5 MR. WAY: I just wanted to just give that
6 footnote.

7 CHAIRPERSON MILLER: Excuse me. I'm just --
8 I'm getting the same kind of pushback here. As I was
9 asking you, if he -- if -- I can see how you're falling
10 into this, which is fine. I think I'm just going to
11 swear you in because you are talking about what's in
12 the pictures and stuff. And that's --

13 MR. WAY: Oh, you don't want me to talk about
14 --

15 CHAIRPERSON MILLER: No, it's fine. It's,
16 like --

17 MR. WAY: I don't want to because we --

18 CHAIRPERSON MILLER: -- that's, like -- no.

19 MR. WAY: -- really use our time and I have
20 others who are going to speak. So I won't go into the
21 detail.

22 CHAIRPERSON MILLER: All right. Just --

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

55

1 because if you want to, I just want to swear you in so
2 it counts as evidence. If an attorney -- if you're not
3 sworn in, it's not counting as evidence. If you would
4 like to talk about the pictures too, you're welcome.

5 MR. WAY: No. I'll just share them then.
6 Okay.

7 CHAIRPERSON MILLER: Okay.

8 MR. SILVERSTEIN: Back to the -- the issue
9 is, you're presenting this. And if you're a witness,
10 he has the right to cross-examine you.

11 MR. WAY: Okay. I'll just present--

12 MR. SILVERSTEIN: It's all rules and
13 fairness.

14 MR. WAY: I'm a fast learner. I will just
15 present.

16 CHAIRPERSON MILLER: You know, there are --
17 there are pros and cons to being a witness.

18 MR. WAY: All right.

19 CHAIRPERSON MILLER: Okay.

20 MR. WAY: I will just -- I will just follow
21 that direction. Thank you --

22 CHAIRPERSON MILLER: Okay.

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

56

1 MR. WAY: -- Madam Chair. So these are self-
2 evident.

3 CHAIRPERSON MILLER: Well, they're not
4 exactly self-evident and that's why I would like to
5 have some witness where -- whom I could ask questions
6 on, like, you know, "Where is this? When did you take
7 it?"

8 MR. WAY: All right. All right.

9 CHAIRPERSON MILLER: Do you have a witness
10 that will do that?

11 MR. WAY: Yes.

12 CHAIRPERSON MILLER: Okay.

13 MR. WAY: My wife --

14 CHAIRPERSON MILLER: Okay. Good. Okay.

15 MR. WAY: -- will be my first witness.

16 CHAIRPERSON MILLER: Okay.

17 MR. WAY: And then I can ask her questions?

18 CHAIRPERSON MILLER: Yes.

19 MR. WAY: Okay.

20 CHAIRPERSON MILLER: Yes, absolutely. Like
21 Mr. Dietz did.

22 MR. JONES: Madam Chair?

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

57

1 CHAIRPERSON MILLER: Yeah.

2 MR. JONES: I just want to make -- if I may
3 address the protestant now?

4 CHAIRPERSON MILLER: Okay.

5 MR. JONES: Just want to be -- you've made --
6 and this is -- you take it for what it's worth but just
7 make sure -- so you have 90 minutes. So I personally
8 as an individual Board member don't want you to feel
9 rushed --

10 MR. WAY: Okay.

11 MR. JONES: -- or feel that you are under any
12 duress because of the 5:00 deadline.

13 MR. WAY: I think that's what I was doing.

14 MR. JONES: You have 90 minutes to present
15 your case. And whether we get to your 90 minutes and
16 it's done by 5:00 or not, my understanding as an
17 individual Board member is that you will get your 90 if
18 you need the 90 minutes. And if that means we have to
19 come back another day or continue, then so be it. But
20 I don't want you to feel rushed. Okay?

21 So do what you need to do to comfortably
22 present your case because I don't want you to feel

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

58

1 rushed in how you present your case. I don't want you
2 to feel like we've rushed you in this process. Okay?

3 MR. WAY: Thank you so much.

4 MR. JONES: Thank you.

5 MR. WAY: Thank you, Mr. Jones.

6 CHAIRPERSON MILLER: And we probably will --
7 we will come back because of the cross-examination of
8 the investigator. Yeah, if you are ever concerned
9 about your time, you can check with Mr. Jones and he'll
10 give it periodically. But -- yeah, 90 minutes is a
11 long time usually. So --

12 MR. WAY: Uh-huh.

13 CHAIRPERSON MILLER: -- take your time.

14 MR. WAY: All right.

15 CHAIRPERSON MILLER: Okay.

16 MR. WAY: Ms. Tawanna Way, she's an elder,
17 ordained elder.

18 CHAIRPERSON MILLER: Oh, raise your right
19 hand, please. Do you swear to tell the truth, the
20 whole truth, nothing but the truth?

21 MS. WAY: I certainly do.

22 CHAIRPERSON MILLER: Thank you.

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ABRA - Three Way Liquors, Inc. 11-07-2012

59

1 MS. WAY: I'm a little short so should I sit
2 or just stand?

3 CHAIRPERSON MILLER: Let's see how it is when
4 you sit. That's fine.

5 MS. WAY: Okay.

6 CHAIRPERSON MILLER: That's fine. Just
7 because you're closer to that mike there. So we really
8 need --

9 MS. WAY: Okay.

10 CHAIRPERSON MILLER: -- to hear you most
11 importantly. Okay.

12 MR. SILVERSTEIN: And for the record, if she
13 could identify herself?

14 MR. WAY: Yes. Elder T. Way, would you
15 identify yourself?

16 MS. WAY: Good afternoon. My name is Ms.
17 Tawanna Way and I am senior elder at Faith Assembly of
18 Christ of Washington, DC.

19 CHAIRPERSON MILLER: Okay.

20 MR. WAY: Ms. Way, in the protestant Exhibit
21 No. 1, can you describe what this picture's about?

22 MS. WAY: In Exhibit No. 1, you can see the

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60

1 pictures of the guys just hanging out. And usually,
2 they're panhandling, asking for money from any of our
3 members who may come inside the church. So -- and
4 these pictures are taken over several, several months
5 to just take snapshots. And you may see some that are
6 in the summertime, some that are in the fall.

7 But we were trying to make sure that we
8 established a picture and -- a picture of -- they gave
9 you a picture of what they do when we protest. This is
10 the real picture of what happens all the other five
11 years. When the sixth year comes, that's when they
12 clean up and do all the other stuff. So this is what's
13 going on -- really what's going on in front of the
14 church at any given day.

15 The investigator said that he didn't see
16 anything but, of course, it's because we're protesting.
17 These pictures that was taken last year, this year,
18 several months ago, this is the true -- this is the
19 true -- what you will really see about what's going on
20 in front of Georgia Avenue and the activity that's
21 going on. So any of the pictures -- these two guys
22 always -- they're always asking Pastor for money.

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ABRA - Three Way Liquors, Inc. 11-07-2012

61

1 As you can see, the graffiti that's on the
2 wall, they have now -- that's been cleaned up.

3 MR. WAY: Are you referring to Page No. 3?

4 MS. WAY: Page No. 3, yes.

5 MR. WAY: Okay. All right. And how often do
6 -- how often do the good workers at the District of
7 Columbia come and clean up after -- they are so kind to
8 come up and clean up because of the anti-gang efforts
9 of both Adrian Fenty and now, our current mayor. But
10 what happens -- does this happen once a year or was it
11 all the time?

12 MS. WAY: Oh, this goes on all the time. And
13 they come by and they are gracious enough to clean up.
14 So we're grateful for that. Page No. 4 -- I'm going to
15 go quickly -- you can see the broken bottles.

16 MR. WAY: Are they actually in the way -- do
17 you find them on the church property that abuts --
18 though we're commercially zoned, is this an anomaly or
19 is this often?

20 MS. WAY: This is often and especially in the
21 alley, where our church is where we have all of our
22 units. We have to go and clean out the units

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

62

1 constantly because we always -- we have bottles and --

2 MR. WAY: Are you referring to air-
3 conditioning units?

4 MS. WAY: I'm sorry, the air-conditioning
5 units in -- thank you -- the air-conditioning units in
6 the back of the church, where they're fenced in -- but
7 are constantly having to clean up bottles, broken
8 bottles, cups.

9 MR. WAY: How high is the fence go to?

10 MS. WAY: I don't -- it's higher than you.
11 So it must be about --

12 MR. WAY: So someone has to throw a bottle
13 over?

14 MS. WAY: Yeah, or something. Yeah.

15 MR. WAY: Or do you have any idea or any
16 sense -- any sense as to how all this bottle gets over
17 a six, seven-foot fence?

18 MS. WAY: Right. It's a seven-foot fence
19 that's enclosed. So we don't know all the stuff -- you
20 have to literally throw it over the fence in order to
21 get all of the bottles and stuff that we have to clean
22 up. And we --

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

63

1 MR. WAY: Would you say that -- you're saying
2 that it's almost being used as a dumping ground --

3 MS. WAY: Yes.

4 MR. WAY: -- a convenient dumping ground
5 because we're next to the church?

6 MS. WAY: Yes. It's definitely a -- as you
7 can see on the next page after the broken bottles, this
8 is the debris that we clean up every --

9 MR. WAY: For the sake of time, Elder Way,
10 what exactly is this?

11 MS. WAY: Okay. This is the back of the
12 church and this is by one of our air-condition units
13 and by the fence. And as you can see, it's a bunch of
14 bottles, a bunch of beer cans, trash, whatever it is.
15 The church gets all of it. And we are constantly
16 cleaning up the back of that.

17 MR. WAY: All right. I will return you for
18 the second time to the next page. There's a picture of
19 you and it's a photograph. Can you tell me what is the
20 significance of this person and this photograph?

21 MS. WAY: I personally included this one
22 because this is one of the person we -- a person we've

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ABRA - Three Way Liquors, Inc. 11-07-2012

64

1 saved. I mean, she has been has been out in the street
2 with her mouth busted open. I personally picked her
3 up.

4 MR. WAY: What is the connection to Three Way
5 Liquors?

6 MS. WAY: That's where she buys all of her
7 alcohol. She -- that's where she goes and that's where
8 she buys all of it. And I personally got her into a
9 rehab program and she's doing great. But that's the
10 disparity that goes on in Washington, DC. So all --

11 MR. WAY: To your knowledge --

12 MS. WAY: Yes.

13 MR. WAY: -- Ms. Way, is there any other
14 liquor store adjacent to a mosque, a synagogue, a
15 Church of Scientology bookstore, to any religious-based
16 institution in -- on Georgia Avenue? Let's just start
17 there -- to your knowledge.

18 MS. WAY: To my knowledge, there is not. And
19 the fact that he has the liquor store looking like the
20 church now is amazing.

21 MR. WAY: What do -- what do you mean when
22 you say the liquor store looking like the church?

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

65

1 MS. WAY: His new front. People that come
2 with us want to know, is that our -- is that -- do we
3 own that because our last name is Way and it looks like
4 the church. People now are asking us, "Do you own --
5 did you all go into the liquor business now?" So we
6 find that really interesting that it looks like the
7 church and that --

8 MR. WAY: For the second time --

9 MS. WAY: Yes.

10 MR. WAY: For the second time, Ms. Way -- we
11 have other witnesses --

12 MS. WAY: Yeah.

13 MR. WAY: -- the shot of the children, how
14 does that connect to the exhibit that Mr. Dietz showed
15 of where there were oil -- some chemical that were
16 sprayed -- exactly how near is that for the young
17 children where they're sitting?

18 MS. WAY: Oh, if they were out there sitting,
19 they would have sat on the -- whatever that was. As a
20 matter of fact, that happened the week that we had our
21 first hearing. We had intimidation. We've been
22 threatened. And one of his patrons came in and -- it's

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ABRA - Three Way Liquors, Inc. 11-07-2012

66

1 already in this. I don't have to repeat it. It's
2 already in the report.

3 MR. WAY: It's already in the report.

4 MS. WAY: So we've been threatened. And
5 then, after we came down, to intimidate us, they came
6 and threw something all over the church, all over the
7 front, all over everywhere. And then I -- we asked Mr.
8 Yu and Ms. Yu, "Did you happen to see? Because you're
9 there a lot -- you know, more than I am. Did you
10 happen to see who did this?"

11 And the first thing that she said to me is
12 that, "We didn't hire anybody to do this." I said,
13 "That's not what I asked you. I didn't accuse you of
14 anything. You're here 24/7."

15 MR. WAY: Right. We're only there one.

16 MS. WAY: "So did you see anybody do this?"
17 And that was -- that was her response to me is that,
18 "We didn't hire anybody to do this."

19 MR. WAY: Is that what she said to you?

20 MS. WAY: That's what she said to me.

21 MR. WAY: "We did not hire anybody to do
22 this?"

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ABRA - Three Way Liquors, Inc. 11-07-2012

67

1 MS. WAY: "To do this." Right.

2 MR. WAY: All right. And your question was
3 open-ended?

4 MS. WAY: Oh, sure.

5 MR. WAY: And what is this picture --

6 MS. WAY: Did you see --

7 MR. WAY: -- here -- what does it represent
8 to you?

9 MS. WAY: The other picture represents is
10 that --

11 MR. WAY: On the bottom.

12 MS. WAY: That's what Faith Assembly does.
13 We beautify the neighborhood. We clean up. We get
14 out. We plant -- they take our flowers. They urinate
15 on our flowers. We have found needles in our bins --
16 in our flower bins. And so, you know, it goes on.
17 Like I said, they're going to put you on a pretty good
18 show, how clean it is, because they want their license
19 renewed.

20 But this is the real deal and this is what
21 really happens. And so we're out cleaning. As you can
22 see, we're out cleaning up in the neighborhood.

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

68

1 MR. WAY: Is this the last picture?

2 MS. WAY: That's the last picture. We're out
3 cleaning up in exhibit -- so -- and Exhibit No. 4 just
4 goes on with this -- some of the same pictures as you
5 can see, the bottles, the bags, to-go cups that are not
6 supposed to be allowed in the District of Columbia.

7 And so --

8 MR. WAY: Thank you, Ms. Way.

9 MS. WAY: Yes, thank you so much.

10 MR. WAY: Is there anything else you'd like
11 to say to the --

12 MS. WAY: And I'd like to say -- and my point
13 would be -- and as I end is that there is nowhere --
14 first of all, who wants to be next to a church? I
15 really don't understand why he -- and he talks about my
16 father-in-law and how they didn't have any issues and
17 blah, blah, blah. But we own the building on the other
18 side of him. He's in the middle. And we're here. And
19 for him to say that we're -- first of all, it's
20 disrespectful to him to even try to infer that nobody
21 goes to our church.

22 I don't even know. He doesn't even -- and he

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

69

1 doesn't even go to church. So how disrespectful is
2 that? The disrespect continues and I just -- I just
3 want to leave with that.

4 MR. WAY: Ms. Way, I have one additional
5 question.

6 MS. WAY: Yes.

7 MR. WAY: When you mentioned that there was
8 someone -- one of his patrons that came into the church
9 after our Sunday worship and there was intimidation
10 directed at me, at the pastor --

11 MS. WAY: YES.

12 MR. WAY: -- and there were 20 witnesses -- I
13 will ask others -- but what was your recollection of
14 what happened and what was the physical threat that was
15 threatened? And talk about how this person said they
16 own the liquor store but Mr. Yu is just a front. Would
17 you address that?

18 MS. WAY: His name is Mr. Williams.

19 MR. DIETZ: Objection.

20 MR. WAY: I'm asking her a question --

21 CHAIRPERSON MILLER: But he can object. He
22 can object. So --

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ABRA - Three Way Liquors, Inc. 11-07-2012

70

1 MR. DIETZ: I have the right to object.

2 Okay. This is speculation and hearsay. And unless she
3 has corroboration -- independent corroboration --

4 MR. WAY: We have.

5 MR. DIETZ: -- to this testimony, that --

6 CHAIRPERSON MILLER: From what I understand,
7 he was asking her what she heard or something.

8 MR. WAY: Exactly. I asked her --

9 CHAIRPERSON MILLER: Yeah.

10 MR. WAY: -- what she heard. Thank you.

11 CHAIRPERSON MILLER: Let me hear the question
12 again. Go ahead.

13 MR. WAY: What do you recollect and what did
14 you hear from the incident where one of his patrons
15 came into the church after I had preached and we were
16 downstairs in our fellowship hall?

17 MS. WAY: Right.

18 MR. WAY: Would you please share with --

19 CHAIRPERSON MILLER: Okay. That is
20 overruled. Go ahead.

21 MS. WAY: On the -- well, first of all, this
22 person has personally cussed me out.

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

71

1 CHAIRPERSON MILLER: What person?

2 MS. WAY: His name is Mr. Williams. He hangs
3 out in front of Mr. Yu's. He owns a white van. And he
4 takes up the parking space every day where -- of course
5 he's not there anymore because it's protest time. So -
6 - but he's out with his van and he's selling God knows
7 what out of the van. We don't know what he's selling
8 out of the van.

9 MR. WAY: What did he say when he came into
10 the church that time?

11 MS. WAY: But he came -- well, I had an
12 altercation with him at every -- he's inebriated. And
13 I've gotten personally cussed out by him. He walks in
14 the church. We have people coming in who use the
15 bathroom. Our kids could be in the bathroom on a
16 Thursday. I mean, they'll walk in and just use the
17 bathroom.

18 And so -- but this person came in and he was,
19 like, "What are you doing? What are you doing? Don't
20 be" --

21 MR. WAY: Who was that directed at?

22 MS. WAY: It was directed at you, Pastor Al.

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

72

1 MR. WAY: Thank you.

2 MS. WAY: "And why are you doing this? And
3 why are you protesting us? And I own the liquor store.
4 And I own the liquor store but I can't -- I can't put
5 it in my name because I have a felony against me." And
6 he was just going -- I'm sure he was drunk that day
7 too. But he was just going on and on and --

8 MR. WAY: Did he make any treats against the
9 senior pastor?

10 MS. WAY: I -- yes, he did. And he said --

11 MR. WAY: What did he say?

12 MS. WAY: And he said, "You know, I own a --
13 I own a gun." And so just the subliminal -- and then
14 after that, that Thursday -- that Sunday -- that
15 Thursday is when we came back on -- the stuff was
16 thrown on the church. So it's been just -- ever since
17 we've been in this process, there's been a pattern of
18 intimidation and harassment. And we have a right -- he
19 keeps saying it hasn't happened but we do have a right
20 to come and be involved in the process of protesting.

21 Whether he thinks it should not happen, it is
22 the law that every six years that we have this

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

73

1 opportunity. Our first opportunity, we didn't -- we
2 never were heard and he was relicensed and reissued a
3 license. There -- we were never heard. You all -- not
4 you but the other Board brushed us off. So we never
5 even got this opportunity. So I'm thankful that you
6 all are going through due process this time.

7 MR. WAY: Thank you, Elder Way. I would like
8 to call -- I would like to pass this --

9 CHAIRPERSON MILLER: He has -- he has time --

10 MR. WAY: Yes.

11 CHAIRPERSON MILLER: What --

12 MR. WAY: Can I call another witness or does
13 he cross?

14 CHAIRPERSON MILLER: Oh, he has -- yes. He -
15 - no. She needs to --

16 MR. WAY: I mean, I thought it was my time.

17 CHAIRPERSON MILLER: It's your time but it's
18 the same thing -- it's okay. You're just learning this
19 process.

20 MR. WAY: Right. I understand.

21 CHAIRPERSON MILLER: As what's happened with
22 Mr. Dietz's witness, you know, he puts -- you put on a

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ABRA - Three Way Liquors, Inc. 11-07-2012

74

1 witness. That's your witness. But he has a chance to
2 cross-examine her. And the Board has a chance to ask
3 questions. And then you all have a chance again to ask
4 questions based on the subject matter that the Board
5 asked questions on. Okay. So --

6 MR. WAY: Just one additional question.

7 CHAIRPERSON MILLER: All right.

8 MR. WAY: Ms. Way, to your knowledge, has Ms.
9 Yu or Mr. Yu ever been at either of our properties that
10 we so proudly own and have taken care of?

11 MS. WAY: Not to my --

12 MR. WAY: Has he ever stepped foot inside any
13 of our properties to your knowledge?

14 MS. WAY: Not to my knowledge.

15 MR. WAY: Is he there on Sundays?

16 MS. WAY: No, he is not.

17 MR. WAY: Therefore, is it your response,
18 "Yes," or, "No," that -- how would he know what we do
19 and utilize our buildings on a Sunday?

20 MS. WAY: No, he would not. No.

21 MR. WAY: And what time do our Thursday bible
22 studies conclude on the average?

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

75

1 MS. WAY: Around 9:30.

2 MR. WAY: So he's gone by 9:00?

3 MS. WAY: Yes.

4 MR. WAY: So he would not know what we do the
5 rest --

6 MS. WAY: We don't come in. Right.

7 MR. WAY: -- if you don't come in and if
8 you're not there?

9 MS. WAY: Yes, that's right.

10 MR. WAY: I just want to establish that on
11 record.

12 CHAIRPERSON MILLER: Okay. Go --

13 MR. WAY: So disrespectful. Yes. Madam, no,
14 thank you.

15 CHAIRPERSON MILLER: Okay.

16 MR. WAY: I may have further questions but --

17 CHAIRPERSON MILLER: Okay. You'll have to
18 wait. I mean, this is your -- if you have questions
19 now, you should because they get narrower and narrower,
20 where you're limited to the subject matter of ours.
21 Okay. So you're done, right?

22 MR. WAY: I do have -- I'm done with this

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ABRA - Three Way Liquors, Inc. 11-07-2012

76

1 witness.

2 CHAIRPERSON MILLER: This witness? Okay,
3 okay. Mr. Dietz?

4 MR. DIETZ: Ms. Way, what are the hours of
5 operation when the church building is being used on
6 Thursday?

7 MS. WAY: We come up from maybe 5:00 or 6:00
8 until 10:00, 11:00 on Thursdays.

9 MR. DIETZ: And how about on Sunday?

10 MS. WAY: All day.

11 MR. DIETZ: On other days you have scheduled
12 activities?

13 MS. WAY: We come up for business -- church
14 business almost all the time during the week.

15 MR. DIETZ: So you use the building full-
16 time; is that correct?

17 MS. WAY: Yes, of course. It's our building.

18 MR. DIETZ: Okay. Now, looking at your
19 Exhibit No. 1 --

20 MS. WAY: Yes.

21 MR. DIETZ: -- when was this photograph
22 taken?

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

77

1 MS. WAY: This photograph was taken -- as you
2 can see, he had not done his fascia yet.

3 MR. DIETZ: Pardon?

4 MS. WAY: So he -- you can see --

5 MR. WAY: The fascia, the front architecture.

6 CHAIRPERSON MILLER: No, wait. But let the
7 witness answer the questions.

8 MR. DIETZ: I asked the witness what the --

9 MS. WAY: I'm getting ready to tell you. As
10 you can see, they have not -- it was not -- so this
11 picture was taking last year.

12 MR. DIETZ: And did you hear Mr. Yu testify
13 that the renovation took place a couple years ago?

14 MS. WAY: A couple of years ago? This
15 renovation did not take a couple -- a couple of years
16 ago? When was the renovation taken?

17 MR. DIETZ: Thank you.

18 MS. YU: September 2010..

19 CHAIRPERSON MILLER: Wait a second. I'm
20 sorry. All right. Calm down. I mean, I understand
21 that we have people here that don't know the rules.

22 MS. WAY: I first -- I can go back -- I can

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ABRA - Three Way Liquors, Inc. 11-07-2012

78

1 go back and get my -- just like you have your stamp --
2 all are time-stamped so I could be fine. So that's
3 fine. I will find out when that stamp --

4 MR. DIETZ: So it was taken years ago, wasn't
5 it?

6 MS. WAY: Not years ago.

7 MR. DIETZ: More than one year ago?

8 MS. WAY: You know what? I can go and check
9 and see for you so I won't lie under oath.

10 MR. DIETZ: And the second picture there,
11 that's actually an enlargement of the first picture,
12 isn't that?

13 MS. WAY: That's probably a close-up.

14 CHAIRPERSON MILLER: I'm sorry. I can't hear
15 your -- wait a second. I can't -- I can't hear as
16 well.

17 MS. WAY: I'm sorry.

18 CHAIRPERSON MILLER: Because I don't know
19 about the other Board members. Like, when you were
20 testifying --

21 MS. WAY: Yes.

22 CHAIRPERSON MILLER: -- and you're facing

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ABRA - Three Way Liquors, Inc. 11-07-2012

79

1 this way, we heard everything.

2 MS. WAY: I'm sorry.

3 CHAIRPERSON MILLER: But just -- there is a
4 mike there.

5 MR. WAY: Face that way.

6 CHAIRPERSON MILLER: Okay. You can --

7 MS. WAY: Okay.

8 CHAIRPERSON MILLER: -- either face my way or
9 you can face in the middle. Just so --

10 MS. WAY: Okay.

11 CHAIRPERSON MILLER: We don't want to miss
12 what you're saying.

13 MS. WAY: That's probably a close-up. He was
14 asking me is this a duplicate. I said, "It's probably
15 a close-up."

16 CHAIRPERSON MILLER: Oh, okay.

17 MS. WAY: Yes.

18 CHAIRPERSON MILLER: Thank you.

19 MR. DIETZ: Now, what day of the week was it
20 taken?

21 MS. WAY: That was taken on a Thursday, when
22 we were coming to church.

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ABRA - Three Way Liquors, Inc. 11-07-2012

80

1 MR. DIETZ: Okay. And turning to -- turning
2 to the picture -- the second to the last picture, on
3 the bottom of that page --

4 MS. WAY: Yes.

5 MR. DIETZ: -- is that tree still there?

6 MS. WAY: That tree is gone. So that is an
7 older picture. Yes, that is.

8 CHAIRPERSON MILLER: Which --

9 MR. DIETZ: And how about the picture of the
10 children?

11 CHAIRPERSON MILLER: Excuse me. Which --

12 MR. DIETZ: When was that taken?

13 CHAIRPERSON MILLER: Mr. Dietz, which picture
14 were you looking at?

15 MR. DIETZ: The second to the last page at
16 the bottom here.

17 CHAIRPERSON MILLER: Oh, thank you. Okay.

18 MS. WAY: Yes, that tree has since then been
19 cut. So that is an older picture.

20 MR. DIETZ: So when did you take a picture of
21 the children?

22 MS. WAY: You know, I have to go back and see

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ABRA - Three Way Liquors, Inc. 11-07-2012

81

1 when that stamp, Mr. Dietz. What is your point, sir?

2 CHAIRPERSON MILLER: No, that's okay.

3 MR. ALBERTI: That is not --

4 MS. WAY: I'm sorry.

5 CHAIRPERSON MILLER: Okay. So you have to
6 have a -- maintain a certain decorum in this here.

7 MS. WAY: Okay.

8 CHAIRPERSON MILLER: And you -- the witness
9 isn't allowed to ask the questioner --

10 MS. WAY: Okay. Thank you.

11 CHAIRPERSON MILLER: -- questions. Okay.

12 MR. DIETZ: So basically over what period of
13 time were these pictures taken?

14 MS. WAY: Those pictures are from this year,
15 last year and maybe up to two or three years ago.

16 MR. DIETZ: And do you have any way of
17 identifying when and where the pictures were taken?

18 MS. WAY: Probably.

19 MR. DIETZ: How?

20 MS. WAY: All pictures now are time-stamped.

21 MR. DIETZ: Pardon?

22 MS. WAY: All pictures now are date and time-

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ABRA - Three Way Liquors, Inc. 11-07-2012

82

1 stamped.

2 MR. DIETZ: Where's the date and time stamp
3 on these pictures?

4 MS. WAY: I -- they're on my computer.

5 MR. DIETZ: Where's your computer?

6 MS. WAY: At my house. Where is your -- I'm
7 sorry.

8 CHAIRPERSON MILLER: No, no, no.

9 MS. WAY: Sorry.

10 CHAIRPERSON MILLER: Okay.

11 MS. WAY: Sorry.

12 MR. DIETZ: I have no further questions of
13 this witness.

14 MS. WAY: Okay.

15 CHAIRPERSON MILLER: Okay. Are there Board
16 questions? Yeah, Mr. Brooks.

17 MR. BROOKS: Yeah. Elder Way, is this your
18 first protest of this Licensee?

19 MS. WAY: This is the second.

20 MR. BROOKS: The second?

21 MS. WAY: Yes, sir.

22 MR. BROOKS: So you protested before?

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ABRA - Three Way Liquors, Inc. 11-07-2012

83

1 MS. WAY: Yes, we did.

2 MR. BROOKS: How long ago was that?

3 MS. WAY: 2006.

4 MR. BROOKS: 2006. And what happened after
5 that?

6 MS. WAY: We -- they never got to us. They
7 never talked to us. They never wrote us. The Board
8 never did anything and they reissued a license to him
9 without even testimony. We didn't even have this --

10 MR. BROOKS: So you've never had a protest
11 hearing as you're having now --

12 MS. WAY: No, we never did.

13 MR. BROOKS: -- back in 2006?

14 MS. WAY: No, we did not.

15 MR. BROOKS: And no one ever gave you an
16 answer as to why not?

17 MS. WAY: Nobody.

18 MR. BROOKS: Did you talk to someone here?

19 MS. WAY: No one.

20 MR. BROOKS: So you never called or checked
21 back on your protest?

22 MS. WAY: I can go -- you can -- you can

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ABRA - Three Way Liquors, Inc. 11-07-2012

84

1 address that to Pastor because he was -- he was --

2 MR. WAY: We were -- we were told --

3 CHAIRPERSON MILLER: Wait, no.

4 MR. BROOKS: Our turn.

5 MS. WAY: Okay.

6 MR. BROOKS: Okay.

7 MS. WAY: To my knowledge -- because Pastor
8 Way handles all the other -- he was the -- like he is
9 now, he was the one -- the contact person. So he can
10 tell you exactly what happened, how it ended. But to
11 my knowledge, no, we never heard from anyone. They
12 were -- he was just reissued his license.

13 MR. BROOKS: And the people standing outside,
14 have you ever told them to move on?

15 MS. WAY: We've tried to be peaceful as much
16 as possible. And so for us, as ladies, I mean, you can
17 get called outside your name, be very flirtatious. You
18 know, but we try as much as possible to be respectful.
19 And we make our way through the door.

20 MR. BROOKS: Okay. Madam Chair, I don't...

21 CHAIRPERSON MILLER: Okay. Mr. Silverstein?

22 MR. SILVERSTEIN: Elder Way, thank you for

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85

1 coming and for being involved in the community as you
2 are. This intimidation from this Mr. Williams, did you
3 see this -- did you all see this as a direct threat or
4 was this just the ramblings of a pathetic alcoholic?

5 MS. WAY: We saw it as a direct threat.

6 MR. SILVERSTEIN: Did you call the police?

7 MS. WAY: That Sunday we did not.

8 MR. SILVERSTEIN: Do you wish you had?

9 MS. WAY: Yes.

10 MR. SILVERSTEIN: Have you had any additional
11 confrontations or problems with this -- I won't call
12 him a gentleman -- with this man?

13 MS. WAY: It seems he's disappeared and he's
14 been called off. His van is no longer in front and
15 he's just -- we don't see him anymore ever since that
16 incident happened, we -- ever since the -- whatever got
17 threw in front of the church. And so we don't see him
18 anymore.

19 MR. SILVERSTEIN: Have you had occasion on
20 other -- on other occasions to call the police or any
21 reason to call the police because of any loitering,
22 threat, public urination, any of these things that

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86

1 really are violations of the law?

2 MS. WAY: Yeah. The peaceful people that we
3 are -- extremely -- this is our last resort. This is
4 not something we wanted to do. This is not something
5 we wanted to pick up and come down -- we don't want to
6 fight. But our neighborhood is constant -- I mean, and
7 our people are deteriorating with alcohol. Yesterday,
8 me and Ms. Yu had the chance to see a man walking on
9 the yellow line in front with a big, blue blanket,
10 sitting. And he was so drunk, he sat in the middle of
11 Georgia Avenue.

12 Then he gets up and he's walking down the
13 street. And I'm, like, "Oh, my god, he's going to be
14 dead if somebody does come." And he just literally
15 walked -- and we had a funeral yesterday at church. He
16 has this huge blanket on him, drunk as -- I just can't
17 even tell you how drunk this man -- in a stupor. Now,
18 I'm not saying he got his liquor from there. That's
19 not what I'm saying.

20 But this is the ravishing that is going on in
21 our neighborhood because there's liquor stores so
22 abundantly until somebody has to take a stand and say,

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87

1 "How many people have to die?" How many people with
2 services being cut back -- they're not going to be
3 helped because all the drug rehab programs are going to
4 be closed because of the changing landscape of DC now.

5 So we probably should have called but we
6 didn't because of the peace -- we -- just like he said,
7 we have always been peaceful people. But enough is
8 enough. Enough is enough.

9 MR. SILVERSTEIN: Thank you. No further
10 questions.

11 CHAIRPERSON MILLER: Mr. Alberti?

12 MR. ALBERTI: Hi, Elder Way.

13 MS. WAY: Yes.

14 MR. ALBERTI: This picture -- it's the third
15 page of the exhibits.

16 MS. WAY: Yes, sir.

17 MR. ALBERTI: What building is that?

18 MS. WAY: That is our building.

19 MR. ALBERTI: The church building?

20 MS. WAY: Yes, it is. We own the -- we own
21 the house that's --

22 MR. ALBERTI: Okay. All right. Just to be

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88

1 clear --

2 MS. WAY: Yes.

3 MR. ALBERTI: -- where were you standing when
4 you took this picture?

5 MS. WAY: On the bank parking lot but that's
6 our wall.

7 MR. ALBERTI: Oh, so that -- okay. So this
8 is the building next to the bank parking lot?

9 MS. WAY: Yes, it is.

10 MR. ALBERTI: Okay. I understand you own
11 that building.

12 MS. WAY: Yes, yes.

13 MR. ALBERTI: Okay. All right. Okay. When
14 was this taken?

15 MS. WAY: That picture was probably taken two
16 years ago.

17 MR. ALBERTI: Okay.

18 CHAIRPERSON MILLER: Okay. For the -- for
19 the record, you're referring to Page 3 of --

20 MR. ALBERTI: Page 3.

21 CHAIRPERSON MILLER: -- protestant's Exhibit
22 1.

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89

1 MR. ALBERTI: Yes.

2 CHAIRPERSON MILLER: Okay.

3 MS. WAY: Page 3, yes.

4 MR. ALBERTI: And when did Mr. -- when did
5 the threat from Mr. Williams occur?

6 MS. WAY: The week of our hearing that --
7 what is called, the first one?

8 MR. ALBERTI: Status hearing?

9 MS. WAY: Status hearing, yes. That week --
10 that Sunday and we were to come down. Yes.

11 MR. ALBERTI: Okay.

12 MS. WAY: It happened that week.

13 MR. ALBERTI: And your -- is it your
14 testimony that's the last time you saw him?

15 MS. WAY: We have not seen him since.

16 MR. ALBERTI: Okay. How often does he --
17 okay. Are you there at the church every day?

18 MS. WAY: We're, like, maybe three times --
19 well, Mr. Way -- Pastor Way is there more than I am.
20 So he'll go up and check on the building or do church
21 business during the week. And we'll go check in on the
22 building. And so we have many things that are going on

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90

1 --

2 MR. ALBERTI: Oh, okay.

3 MS. WAY: -- in the mission projects. We're
4 -- he's there several times a week. I'm there on
5 Thursday and Sunday.

6 MR. ALBERTI: Okay.

7 MS. WAY: Yes.

8 MR. ALBERTI: So he's there -- other than
9 Thursdays and Sundays, he's there one or two days?

10 MS. WAY: Oh, yeah, sure. We'll have a
11 Saturday event. We have our women's meetings on
12 Saturdays. So I'm there on Saturdays.

13 MR. ALBERTI: Okay. And how often did you
14 see Mr. Williams there?

15 MS. WAY: Mr. Williams is usually there
16 almost every -- I mean, every -- this --

17 MR. ALBERTI: Every time you're there?

18 MS. WAY: Yeah.

19 MR. ALBERTI: Okay. Sundays?

20 MS. WAY: Yeah. No, not on Sundays. But
21 during the weekday he's there, like, every time with
22 his white van selling, like I said, I don't know what

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91

1 out of it.

2 MR. ALBERTI: Have you --

3 MS. WAY: But I don't know --

4 MR. ALBERTI: Have you called the police to
5 report that?

6 MS. WAY: No, we have not.

7 MR. ALBERTI: Thank you. No further
8 questions.

9 MS. WAY: You're welcome.

10 CHAIRPERSON MILLER: Mr. Jones?

11 MR. JONES: Thank you, Madam Chair. Ma'am,
12 are you -- do you have this Exhibit 1 -- protestant
13 Exhibit 1 available?

14 MS. WAY: Yes, I do.

15 MR. JONES: The -- one, two -- there is a
16 page -- I don't know what page count it is but the top
17 half of that photo has a woman that you saved.

18 MS. WAY: Yeah.

19 MR. JONES: What's the bottom half of that
20 photo?

21 MS. WAY: The bottom half is the cup -- the
22 cups that they throw around. That was just more trash.

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92

1 And I know there's some kind of law about what -- to-go
2 cups or something.

3 MR. JONES: Okay.

4 MS. WAY: They're not allowed in the
5 District.

6 MR. JONES: So this is -- this is
7 representative of a piece of litter?

8 MS. WAY: Yes.

9 MR. JONES: Okay. Where is this?

10 MS. WAY: This is right out in our -- on that
11 property that we own, 4825, we have a -- some bushes --

12 MR. JONES: Uh-huh.

13 MS. WAY: -- right where our church -- is the
14 planters.

15 MR. JONES: Yes, ma'am.

16 MS. WAY: That's where that was.

17 MR. JONES: Okay.

18 MS. WAY: That was right inside one of the
19 planters.

20 MR. JONES: Did you take that photo?

21 MS. WAY: Yes, I did.

22 MR. JONES: Okay. Is there a reason why it's

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93

1 -- what was your rationale for zooming in so tightly on
2 the cup?

3 MS. WAY: I think I had -- when I took it, I
4 think I had heard something about a to-go cup law.
5 They're not supposed to have cups or something -- not
6 to give out cups. I'm not sure the clarity of it.

7 MR. JONES: Okay.

8 MS. WAY: But I think that was my reasoning
9 that -- when I took it.

10 MR. JONES: Do you have any recollection of,
11 when you took this picture, what the surrounding area
12 around this cup looked like? Was this the only piece
13 of trash -- the only piece of litter, and if so, the
14 only piece of litter for 2 square feet, 20 square feet?

15 MS. WAY: Well, like I said, if it was in our
16 planter --

17 MR. JONES: Uh-huh.

18 MS. WAY: -- it could have been the only
19 thing that was in the planter. But if you stick your
20 hand down in the planter, we always had -- which we
21 always had to put gloves on -- Pastor Way did because
22 you had to make sure -- you didn't know what you were

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94

1 going to pull up out of the planters. So that could
2 have just been something that was on top of the bush.

3 MR. JONES: Okay. And do you have -- I know
4 it just seems to be a plain, white cup, like, Styrofoam
5 cup.

6 MS. WAY: Yes.

7 MR. JONES: Do you have any knowledge -- you
8 -- first-hand knowledge of whether or not this
9 establishment either gives away or sells these plain,
10 white, Styrofoam cups?

11 MS. WAY: Do I have any personal knowledge?
12 No, I do not have any personal knowledge.

13 MR. JONES: Okay. So you haven't sent
14 somebody in there to buy? You haven't gone in
15 personally to buy?

16 MS. WAY: Right.

17 MR. JONES: Have you seen anybody walk out
18 with said cup?

19 MS. WAY: With a cup? No, just the bags and
20 the bottles and --

21 MR. JONES: Okay.

22 MS. WAY: -- personal whatnot.

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95

1 MR. JONES: All right. Similar question for
2 the Heineken bottle --

3 MS. WAY: Yes.

4 MR. JONES: -- that is broken. Where is
5 this?

6 MS. WAY: The Heineken bottle is in the back
7 of the church in the alley.

8 MR. JONES: In the back of the church in the
9 alley?

10 MS. WAY: Right. Where our park -- well,
11 it's in our property where (inaudible) --

12 CHAIRPERSON MILLER: Your paper is on the
13 microphone there. And so --

14 MR. ALBERTI: Mr. Dietz, your --

15 MR. JONES: Thank you. The picture also is
16 zoomed in --

17 MS. WAY: Yes.

18 MR. JONES: -- very detailed, very focused --

19 MS. WAY: Yes.

20 MR. JONES: -- area. Is there -- was there a
21 rationale for that?

22 MS. WAY: Right. Because I wanted to zoom in

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96

1 on the broken bottles. But as you can see on Page No.
2 -- the next page behind is, is -- it was probably in
3 this whole big pile of stuff. But I zoomed in on the
4 crack glass. Because we -- basically what I thought --
5 my rationale was, I'm taking samples of what goes on in
6 the pile of stuff that's there. I may zoom in on
7 something but the majority of it is always in the piles
8 of stuff like --

9 MR. JONES: Okay.

10 MS. WAY: -- that's on this last page.

11 MR. JONES: And you pointed me to Page 4. On
12 that Page 4, is that inside or outside of a fence? Is
13 this the air-conditioning area that you referenced?

14 MS. WAY: Yeah, this is -- this is inside.

15 MR. JONES: This is inside the fenced area?

16 MS. WAY: Yes, it is.

17 MR. JONES: So when you took this picture,
18 were you inside the fenced area?

19 MS. WAY: I was probably -- the way that we
20 have it, I was -- yep. I sure was. Because I'm not --
21 the fence is not there. So -- yeah.

22 MR. JONES: Yes, ma'am.

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97

1 MS. WAY: I can go outside the church door.

2 MR. JONES: Okay.

3 MS. WAY: And I can -- yeah.

4 MR. JONES: Okay.

5 CHAIRPERSON MILLER: For the record, could
6 you -- one of you identify the picture you're looking
7 at?

8 MS. WAY: I'm sorry. In Exhibit No. 1,
9 Picture 1, 2, 3, 4 -- Picture No. 5.

10 CHAIRPERSON MILLER: Thank you. Okay.

11 MS. WAY: You're welcome.

12 MR. JONES: And is this picture, Picture No.
13 5 of protestant's Exhibit No. 1, is this representative
14 of the trash -- level of trash -- level of litter that
15 you would see behind your establishment -- is -- on a
16 regular basis?

17 MS. WAY: Yes, sir.

18 MR. JONES: Okay. How often do you clean up
19 this?

20 MS. WAY: My -- the church members who go out
21 to help Pastor, they're cleaning up every week.

22 MR. JONES: So this is cleaned up every week.

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98

1 MS. WAY: Yes.

2 MR. JONES: So every week you're cleaning up
3 approximately -- I mean, on a representative level --

4 MS. WAY: Yes.

5 MR. JONES: -- this much described --

6 MS. WAY: Oh, yeah.

7 MR. JONES: -- this much letter?

8 MS. WAY: Oh, yeah.

9 MR. JONES: Okay. Behind a fence -- roughly
10 a seven-foot fence --

11 MS. WAY: Yes.

12 MR. JONES: -- if I heard you correctly --

13 MS. WAY: Yes.

14 MR. JONES: -- area behind your church
15 establishment?

16 MS. WAY: Yes.

17 MR. JONES: Okay. Do you have -- outside of
18 the proximity of the licensed establishment, do you
19 have any reason to believe that this accumulation of
20 litter is directly attributable to the licensed
21 establishment's operation?

22 MS. WAY: Yes, I do.

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99

1 MR. JONES: Okay. And what might that be?

2 MS. WAY: Because these are people who are
3 purchasing and they're just liquors -- bottles and
4 liquor. There are cans and everything and they're
5 making our church a dump site.

6 MR. JONES: Understood. But outside of the
7 proximity of this licensed establishment to your church
8 -- so let me ask it different.

9 MS. WAY: Okay.

10 MR. JONES: Are there any other liquor stores
11 or any other establishments that sell alcohol within
12 walking distance of your church?

13 MS. WAY: Yes. Yeah, there is another liquor
14 store.

15 MR. JONES: There is another liquor store.
16 So given that --

17 MS. WAY: Uh-huh.

18 MR. JONES: -- outside of the immediate
19 proximity of this licensed establishment to your church
20 grounds -- so this localized area behind your church
21 where the air-conditioner units are --

22 MS. WAY: Yes.

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100

1 MR. JONES: -- is there any other reason
2 besides their proximity that you would tie this amount
3 of litter -- this particular trash accumulation to this
4 licensed establishment as opposed to a patron coming
5 from the other licensed establishment and walking by
6 your location and subsequently dumping their trash?

7 And --

8 MS. WAY: I understand what you're saying.

9 MR. JONES: Okay.

10 MS. WAY: Yeah, yeah. I understand what
11 you're saying. And I guess it's subjective.

12 MR. JONES: Okay. So from that standpoint,
13 is it safe to say that you have -- you personally have
14 not seen someone come out of this licensed
15 establishment, walk to this back area and toss trash
16 into that location that I'm looking at on Page 5 of
17 protestant Exhibit No. 1?

18 MS. WAY: Have I personally --

19 MR. JONES: Have you --

20 MS. WAY: I don't go in the alley that often.

21 MR. JONES: Understood. So --

22 MS. WAY: Yeah, I don't -- I don't know if --

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101

1 MR. JONES: -- would the -- would the answer
2 be, "No?"

3 MS. WAY: So my answer would be, "Maybe."

4 MR. JONES: Maybe you --

5 MS. WAY: Yeah.

6 MR. JONES: -- you might have seen someone
7 throw --

8 MS. WAY: Oh, have I seen someone personally?
9 No, I have not seen anyone personally throw over. No.

10 MR. JONES: Okay. That's fair enough. And -
11 - oh, the license -- I'm not sure if you had an
12 opportunity to review these photos that were presented
13 by the Licensee but the Licensee had a Photo No. 7.
14 And on No. 7, I believe the stain -- yes -- that's the
15 stain that's on the wall.

16 MS. WAY: Yes. And I have a bigger picture
17 of that if you'd like.

18 MR. JONES: Okay. I was just curious. Did
19 you have an opinion as to what that might have been?

20 MS. WAY: You know, it was oily. Because I
21 was the first one to arrive that Thursday. And it was
22 an oily substance. And they tried to water it down, as

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102

1 you can see, and try to, you know -- and we couldn't
2 get it off.

3 MR. JONES: Okay. In your --

4 MS. WAY: And it was inside -- it was
5 literally inside of the foyer. So they threw something
6 inside the -- because, you know, when you have a glass
7 door, it may be just a little teeny spot or, you know,
8 maybe like a space in-between the door.

9 MR. JONES: Yes, ma'am.

10 MS. WAY: So this substance was also inside
11 the church lot.

12 MR. JONES: Okay. So would you --

13 MS. WAY: And Mr. Yu's place was clean. I
14 mean, I took a picture of his spot. It was totally --
15 there was nothing on his.

16 MR. JONES: Yes, ma'am.

17 MS. WAY: So they went from our church --
18 they skipped the liquor store and then they went to our
19 property at 4825.

20 MR. JONES: Okay.

21 MS. WAY: It was just our properties.

22 MR. JONES: So would you characterize this

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

103

1 picture that I'm looking at with this stain as an
2 attempt to vandalize your property?

3 MS. WAY: Vandalize, intimidate. Yes.

4 MR. JONES: Okay. Thank you.

5 MS. WAY: No question. Yes.

6 MR. JONES: Thank you, Madam Chair.

7 CHAIRPERSON MILLER: Mr. Jones, the
8 Licensee's exhibits -- their pictures have numbers on
9 them. So the picture you were just referring to, what
10 number was that?

11 MR. JONES: I said, "Seven."

12 CHAIRPERSON MILLER: Oh, seven. Thank you.
13 Okay. Good. Okay. Other questions? I just have a
14 few, Ms. Way.

15 MS. WAY: Yes.

16 CHAIRPERSON MILLER: Okay. So did I -- did I
17 hear you say that you took all the pictures --

18 MS. WAY: Yes.

19 CHAIRPERSON MILLER: -- except the one you're
20 in probably, unless you did it on, like --

21 MS. WAY: No, that was in our Christmas of
22 Champions --

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

104

1 CHAIRPERSON MILLER: Okay.

2 MS. WAY: -- one of our Christmas functions
3 we were having.

4 CHAIRPERSON MILLER: There's one in -- so I
5 just have a few questions on the pictures too. Exhibit
6 1, No. 3 that you were looking at with Mr. Jones, it's
7 graffiti?

8 MS. WAY: Yes.

9 CHAIRPERSON MILLER: Do you know what it
10 said?

11 MS. WAY: Oh, no. I'm not into gang signs.

12 CHAIRPERSON MILLER: Is it still there?

13 MS. WAY: No. The city has come by and
14 cleaned it up.

15 CHAIRPERSON MILLER: Okay. That was the
16 third -- the fourth picture of protestant's Exhibit 1,
17 where is that taken? It has a Beck's in it.

18 MS. WAY: Right. As Mr. Jones -- I think he
19 asked that question too. That was taken --

20 CHAIRPERSON MILLER: Oh, I'm sorry.

21 MS. WAY: -- in the back in the alley?

22 CHAIRPERSON MILLER: Is it -- okay. Is that

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

105

1 different from -- so that's different from the next
2 picture after that?

3 MS. WAY: Well, I -- and I was telling him, I
4 probably zoomed in on some of the crack -- to show that
5 not only is it cans, but there are crack bottles that
6 go along too with the trash, which is very dangerous to
7 kids and --

8 CHAIRPERSON MILLER: Okay.

9 MS. WAY: Yeah.

10 CHAIRPERSON MILLER: Do the kids go back
11 there?

12 MS. WAY: Well, not that they would be in the
13 back but we have found some of this in the front in the
14 tree -- in the tree --

15 CHAIRPERSON MILLER: Right.

16 MS. WAY: -- (inaudible) that we were working
17 in, which the tree is no longer there.

18 CHAIRPERSON MILLER: Okay. So well, let's go
19 to protestant's Exhibit No. 4, which is more pictures.
20 The first one, is that in the same place as --

21 MS. WAY: I'm sorry, which one are you at?

22 CHAIRPERSON MILLER: Well, the first picture

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

106

1 on Exhibit -- protestant Exhibit 4. It's also trash.

2 And I'm just wondering if it's in the same place as

3 one, two, three --

4 MS. WAY: Yes, that's -- that is a zoomed-in
5 picture of -- yeah.

6 CHAIRPERSON MILLER: Near your air-
7 conditioning units?

8 MS. WAY: I'm sorry?

9 CHAIRPERSON MILLER: I thought -- were there
10 two -- what two places are you referring to? One is,
11 like, near the air-conditioning unit --

12 MS. WAY: Right.

13 CHAIRPERSON MILLER: -- and the alley,
14 they're two different places?

15 MS. WAY: No, no, no.

16 CHAIRPERSON MILLER: The same place?

17 MS. WAY: They're the same. So you could
18 have trash going along outside of the fence. And then
19 we have stuff that's inside of the fence. So we have
20 two places where we clean up.

21 CHAIRPERSON MILLER: So the fence is between
22 what -- between your property and the liquor store's

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

107

1 property?

2 MS. WAY: Well, I -- in the back we have the
3 air-conditioning units. So it's all fenced in.

4 CHAIRPERSON MILLER: Okay.

5 MS. WAY: So the liquor store is next to us.
6 So there -- we have a lot of activity in the alley.
7 That's where a lot of people hang out. That's where a
8 lot of -- they urinate all out.

9 CHAIRPERSON MILLER: So the alley -- is the
10 picture of the alley -- is that protestant Exhibit 4,
11 Page 3, the property --

12 MS. WAY: Yes.

13 CHAIRPERSON MILLER: Okay.

14 MS. WAY: That is the -- that is the alley.

15 CHAIRPERSON MILLER: So that's the alley. So
16 you could -- lots of people hang out there?

17 MS. WAY: They don't -- well, I'm not sure if
18 they hang out there but we sure get a lot of trash.

19 CHAIRPERSON MILLER: You have a lot of trash
20 there?

21 MS. WAY: Yeah.

22 CHAIRPERSON MILLER: And so from looking at

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

108

1 this picture, where is your property, on the right-hand
2 side?

3 MS. WAY: Where the fence is.

4 CHAIRPERSON MILLER: Where the fence is.
5 Okay.

6 MS. WAY: Yes.

7 CHAIRPERSON MILLER: So someone could throw
8 trash from the alley --

9 MS. WAY: Yes.

10 CHAIRPERSON MILLER: -- over the fence? Is
11 there another way that -- another side that trash could
12 be thrown from or is that it from the alley?

13 MS. WAY: Well, all of this is a locked
14 fenced-in -- so it's locked. I mean, it's --

15 CHAIRPERSON MILLER: Oh

16 MS. WAY: -- it has chains and locks on it.
17 So there's -- you literally have to make an effort to
18 get trash over there.

19 CHAIRPERSON MILLER: What's the gray building
20 on the other side of the alley?

21 MS. WAY: On the other side of the --

22 CHAIRPERSON MILLER: This is the alley?

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

109

1 MS. WAY: Yes, that is a house --

2 CHAIRPERSON MILLER: That's a house.

3 MS. WAY: -- that was up for sale at one
4 time. I think somebody just bought it.

5 CHAIRPERSON MILLER: And the other side with
6 the fence and the red brick is your church?

7 MS. WAY: Yes.

8 CHAIRPERSON MILLER: Okay. So looking at the
9 Licensee's Exhibit No. 2, the photo --

10 MS. WAY: Yes.

11 CHAIRPERSON MILLER: -- there's your church.
12 And it's next -- and then there's this brick building
13 surrounding the liquor store?

14 MS. WAY: Yes.

15 CHAIRPERSON MILLER: Okay. Do you
16 acknowledge a -- do people live in that building, work
17 in the red brick building?

18 MS. WAY: You mean our building or the --

19 CHAIRPERSON MILLER: This is your building,
20 the church, correct? You don't -- you don't own -- do
21 you own the red brick building next to it?

22 MS. WAY: Well, it's kind of tedious because

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

110

1 we -- there are people who live over top --

2 CHAIRPERSON MILLER: Right.

3 MS. WAY: -- of the liquor store.

4 CHAIRPERSON MILLER: Right.

5 MS. WAY: So after the liquor store, that's

6 us. So we're there -- like, I show you --

7 CHAIRPERSON MILLER: Do you have this? Can

8 you -- can someone give her a copy of --

9 MR. WAY: Which?

10 CHAIRPERSON MILLER: No. 2. The Licensee's

11 Exhibit No. 2.

12 MS. WAY: Yeah.

13 CHAIRPERSON MILLER: So next to the church it

14 looks like there's a little doorway in-between the

15 liquor store --

16 MS. WAY: Right. That's Mr. Yu's property.

17 CHAIRPERSON MILLER: That's all his property?

18 MS. WAY: Yes.

19 CHAIRPERSON MILLER: Okay. Fine.

20 MS. WAY: And then where the --

21 CHAIRPERSON MILLER: So where is the alley?

22 MS. WAY: -- where the bay window -- where

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

111

1 the bay window starts, that's where we start.

2 CHAIRPERSON MILLER: What?

3 MS. WAY: Where the bay window begins, that's
4 where we start. Where the light -- break is, that's
5 where Faith Assembly -- our annex starts. And that's
6 4825. So it's 4821. He's 4823. And then we have
7 4825. So he's, like, smashed in-between us.

8 CHAIRPERSON MILLER: Right. Okay.

9 MS. WAY: Yeah.

10 CHAIRPERSON MILLER: And the alley, is that
11 behind your church?

12 MS. WAY: Yes, it is.

13 CHAIRPERSON MILLER: Oh, okay. Okay. Okay.
14 I don't have any other questions. Anybody else on the
15 Board? Okay. Any --

16 MR. WAY: Now, will --

17 CHAIRPERSON MILLER: Yes. Now, you can ask
18 questions based on Mr. Dietz --

19 MR. WAY: Could I bring my next witness?

20 CHAIRPERSON MILLER: Oh, no. Well, not what
21 -- I just want to make sure there are no more questions
22 for Ms. Way. You don't have anymore based --

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

112

1 MR. WAY: Not at this time. --

2 CHAIRPERSON MILLER: -- and you -- okay.

3 Yeah.

4 MR. WAY: I'm getting the hang of it.

5 CHAIRPERSON MILLER: Okay. Good. Okay.

6 You'll be an expert. Right. Thank you.

7 MR. WAY: Thank you, Ms. Way.

8 CHAIRPERSON MILLER: Okay.

9 MR. WAY: Thank you, Elder.

10 CHAIRPERSON MILLER: Thank you very much.

11 MR. WAY: My next -- my -- thank you. My
12 next witness is Elder Bond -- Elder Charles Bond, B-O-
13 N-D.

14 CHAIRPERSON MILLER: Why don't you raise your
15 right hand? Do you swear to tell the truth, the whole
16 truth, nothing but the truth?

17 MR. BOND: I do.

18 CHAIRPERSON MILLER: Thank you. Okay.

19 MR. WAY: Elder Bond, would you take out
20 protestant Exhibit No. 2, please?

21 CHAIRPERSON MILLER: Okay. Well --

22 MR. WAY: Charles, how long have you been a

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

113

1 member?

2 MR. BOND: I've been a member of Faith
3 Assembly of Christ since 1999 -- April of 1999.

4 MR. WAY: He already swore in. And --

5 CHAIRPERSON MILLER: Let me just say
6 something. I just -- it's probably a good idea if he
7 just states his name for the record on there even
8 though you've introduce him.

9 MR. BOND: My name is Charles Bond, B-O-N-D.

10 CHAIRPERSON MILLER: Okay. Thank you.

11 MR. WAY: Charles, how long have you been a
12 member of Faith Assembly of Christ?

13 MR. BOND: I've been a member of Faith
14 Assembly of Christ since April of 1999.

15 MR. WAY: And with protestant Exhibit No. 2,
16 I'm going to ask you to talk about whether you have
17 observed Three Way Liquors in any way disregarding its
18 duty as a good neighbor? And has it created an
19 atmosphere of criminal activity, as well as food and
20 safety hazards? Knowing that you are a professional
21 recreational therapist and you're involved in the
22 health community, what exactly does this picture

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

114

1 represent when you see -- when you saw this sign?

2 CHAIRPERSON MILLER: What are you referring
3 to? He may have already said but --

4 MR. WAY: The protestant Exhibit No. 2.

5 CHAIRPERSON MILLER: Okay.

6 MR. WAY: Protestant Exhibit No. 2.

7 CHAIRPERSON MILLER: Okay.

8 MR. WAY: When you see this image, what does
9 this mean to you?

10 MR. BOND: It means that the establishment
11 was out of protocol. They were out of compliance.

12 CHAIRPERSON MILLER: Can you please --

13 MR. WAY: They were out of compliance? What
14 does that mean?

15 CHAIRPERSON MILLER: Sorry. Wait. Can you
16 speak up a little more? Speak a little more loudly?

17 MR. BOND: When I see this exhibit --

18 CHAIRPERSON MILLER: Uh-huh.

19 MR. BOND: -- I see that the establishment is
20 out of compliance.

21 CHAIRPERSON MILLER: Okay. Thank you.

22 MR. BOND: And it is a violation.

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

115

1 MR. WAY: What was your reaction when you
2 first learned that Three Way Liquors was out of
3 violence -- or was out of compliance?

4 MR. BOND: I wasn't -- I wasn't surprised.

5 MR. WAY: Can you speaker loudly so we can
6 hear?

7 MR. BOND: I wasn't surprised.

8 MR. WAY: And going to Page 2 and looking at
9 the Food Establishment Inspection Report, what are your
10 concerns with the -- with the renewing of the license
11 as it relates not only to our church, but to our
12 community, that entire block and neighborhood?

13 MR. BOND: Well, I just -- I just want to
14 make this perfectly clear. The issue is the fact of
15 having a liquor store right next to our church.
16 Regardless of what Bishop Way did or did not do prior
17 to Pastor Way becoming the pastor of the church, as far
18 as I'm concerned, that is irrelevant. The point is
19 that we had the opportunity six years ago to protest
20 and that's what we did. We did not get our due process
21 but that's what we did.

22 So there's been questions about, you know,

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

116

1 what did happen prior to Bishop Way, the owner of the
2 church prior to Pastor Way. But we did what we had to
3 do six years ago. And it's based on our concerns and
4 so forth and so on. To give it to -- an example, I
5 live in Ward 1 but I work in Ward 3. And you will not
6 -- I'm more than certain you will not find a liquor
7 store right next to a church.

8 And as far as I'm concerned, that is
9 unacceptable. That's the bottom line. It's total
10 disregard and it's total disrespectful. That is --
11 that is my premise and that is my position.

12 MR. WAY: Elder Bond, you do have strong
13 feelings with regard to the health and safety. You
14 teach a Sunday School class at the church; is that
15 correct?

16 MR. BOND: Yes.

17 MR. WAY: And what age group do you teach?

18 MR. BOND: I have ages about 10-17.

19 MR. WAY: Do you have concerns with your
20 students who are in your Sunday School class about this
21 issue on Thursday when they're still open, when they're
22 coming in for choir rehearsal for other -- or by many

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

117

1 myriad of activities? What are your concerns as it
2 relates to your students and to other young people in
3 this room?

4 MR. BOND: The bottom -- the bottom line is
5 safety. I'm sorry, the bottom -- the bottom issue is
6 safety of the -- of the students that comes in. That's
7 the bottom line, safety. No if and buts about it, it's
8 safety.

9 MR. WAY: What if -- and my last question at
10 this moment, what have been your observations -- often
11 you get to church early on Thursdays --

12 MR. BOND: Uh-huh.

13 MR. WAY: -- to touch up and as we all know,
14 you play a major role in making sure that you have to
15 clean up -- for a period time you've cleaned up the
16 exterior. What have been some of your findings and
17 what are your concerns when you get to church early,
18 especially in the spring to fall when the traffic is
19 high? What are your concerns? Can you please speak to
20 that?

21 MR. BOND: Okay. To give an example, I don't
22 think it's part of the exhibit but just maybe a month

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

118

1 ago -- there's a little crepe myrtle bush that's in
2 front of the church. The issue was about the tree that
3 was there. The tree is no longer there. But there was
4 a crepe myrtle bush that's there. And when I got to --
5 when I got to church that evening, there was a liquor
6 bottle that was right there in -- right there where the
7 bush is.

8 MR. WAY: Did you see a patron from Three Way
9 Liquor put it there or is your concern -- or talk about
10 that. What is your -- have you ever seen -- what have
11 you physically seen, not just on that occasion?

12 MR. BOND: I didn't see anyone put the bottle
13 there. But from time to time there is, as evidence has
14 shown, the trash and the debris. No, I didn't see -- I
15 didn't see anyone come out of Three Way Liquors that
16 day and place the bottle there. The bottle was empty.
17 There was a picture taken. I'm not sure what happened
18 but it is what it is.

19 MR. WAY: And Elder Bond, what would -- what
20 did you witness when our senior elder had an
21 interaction -- I don't -- that would be decent to call
22 it, "interaction," with Mr. Williams -- the incident

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

119

1 that she referred to -- you, I believe, were outside at
2 the time. And I remember you being very upset. Can
3 you tell us from your perspective, what did you
4 physically see happen in front of Three Way Liquor
5 Stores that involved the use of profanity and involved
6 the language to one of our senior elders?

7 MR. BOND: That particular evening -- it was
8 on a Thursday evening -- Mr. Williams came in. I'm not
9 sure all of the details but when I walked up, he was
10 cursing the first lady of the church out. And I
11 stepped in and I made it clear that it was not
12 tolerated. And I made sure that he was escorted
13 outside of the building. He was inside the lobby of
14 our church at that point.

15 MR. WAY: He was cussing her out all the way
16 inside our church?

17 MR. BOND: Yes. She -- when I walked up, he
18 was inside.

19 MR. WAY: And our religious belief is -- did
20 you consider that defilement?

21 MR. BOND: Absolutely.

22 MR. WAY: That's defilement?

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

120

1 MR. BOND: Absolutely.

2 MR. WAY: From your perspective?

3 MR. BOND: Absolutely.

4 MR. WAY: All right. All right. And have
5 there been other incidences? Were you there on the day
6 that Mr. Williams came into our church after I had
7 given the homily? Did he -- do you recollect what he
8 said to me and what were -- what were the threatenings
9 and can you talk about the amount of children and
10 seniors that were in our lower auditorium? Can you
11 speak to the specifics?

12 MR. BOND: On that particular Sunday, I was
13 in the back taking care of church business. There was
14 a knock on the door and I was asked to come out because
15 there was a gentleman inside the church in the lower
16 auditorium and he was being disrespectful.

17 MR. WAY: Is that person's name -- referring
18 in other testimony -- Mr. Williams?

19 MR. BOND: Yes.

20 MR. WAY: The owner of the white van?

21 MR. BOND: Yes.

22 MR. WAY: Please continue.

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

121

1 MR. BOND: Yes. So when I walked out of the
2 back room to where Pastor Way was sitting, Mr. Williams
3 was standing over Pastor Way, questioning why was he
4 doing what he was doing.

5 MR. WAY: Why was I what, protesting or --

6 MR. BOND: Yes.

7 MR. WAY: Okay. Go ahead.

8 MR. BOND: Yes. So he proceeded to make it
9 clear that -- Mr. Williams made it clear that he was
10 the owner of the property. He made it clear. He had
11 some violation that prohibited him from having the
12 liquor license in his name. So basically the way he
13 presented is that Mr. --

14 MR. WAY: Yu.

15 MR. BOND: -- Mr. Yu was fronting for him and
16 that he made it clear that under no circumstances would
17 the Alcohol -- the ABRA revoke the liquor license
18 because of the amount of money that Three Way Liquors
19 was bringing in for the city. He made that perfectly
20 clear.

21 MR. WAY: Were there any threats made --

22 MR. BOND: And he also made it clear that he

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

122

1 had a gun. He had a gun. He left that -- at that
2 point. But the bottom line was, why would you tell
3 someone you have a gun if it was only to intimidate or
4 put fear in someone?

5 MR. WAY: One additional item. How did Mr.
6 Williams know that we were protesting? To that -- how
7 did he know since no one had told anyone -- the only
8 person who knew, Elder Bond, was Mr. Dietz, the Yu --

9 CHAIRPERSON MILLER: Sorry.

10 MR. DIETZ: Objection.

11 CHAIRPERSON MILLER: Okay. Sustained. You
12 can't testify. You can only --

13 MR. WAY: Okay. I'm sorry, I didn't know
14 that was testimony. Let me rephrase --

15 CHAIRPERSON MILLER: Okay. Okay. Rephrase
16 your question.

17 MR. WAY: How did Mr. -- you said that Mr.
18 Williams said that he was the owner.

19 MR. BOND: Uh-huh.

20 MR. WAY: How did he -- and he asked the
21 pastor -- he asked me why was I protesting.

22 MR. BOND: Uh-huh.

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

123

1 MR. WAY: How did he even know that that
2 process was going on?

3 MR. BOND: The only thing that we could
4 assume was that Mr. Williams had been informed by the
5 owners of Three Way Liquors.

6 MR. WAY: Is that your belief?

7 MR. BOND: Yes.

8 MR. WAY: Thank you. Is there anything else
9 you'd like to see before I open it up for -- or allow
10 the panel --

11 MR. BOND: I just -- I just want to say to
12 the Board again, we really thank you for having this
13 opportunity to get this far in this process. Six years
14 ago we did not have that opportunity. We filled out
15 the papers for the hearing. We went several times down
16 to the -- to ABRA. And the two or three times that we
17 went down to ABRA, we were told that the case was
18 rescheduled. We were told that they would call us
19 again and that never happened.

20 MR. WAY: Were you one of the participants at
21 that --

22 MR. BOND: Yes.

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

124

1 MR. WAY: -- when it was at North Capitol
2 Street?

3 MR. BOND: Yes.

4 MR. WAY: So you have direct knowledge that
5 they -- that ABRA and that that Board said that we
6 would reschedule; is that a fact?

7 MR. BOND: Absolutely, yes.

8 MR. WAY: That's not here -- okay. So you
9 heard them say that?

10 MR. BOND: Yes.

11 MR. WAY: Yes. Very good.

12 MR. BOND: And the next thing that we know is
13 that Three Way Liquors received their liquor license.
14 And --

15 MR. WAY: Is that an issue for you, Mr. Bond?

16 MR. BOND: It's an issue because, as far as
17 I'm concerned, we did not receive due process. So how
18 do you -- how do you -- how do you issue a liquor
19 license to someone when there was not due process? I'm
20 not an attorney. I'm not a legal scholar but I do have
21 basic knowledge and understanding. We -- there was not
22 a due process regardless of what anyone has to say.

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

125

1 And that's the bottom line.

2 MR. WAY: Thank you, Elder.

3 CHAIRPERSON MILLER: Okay. Mr. Dietz, do you
4 have any cross-examination?

5 MR. DIETZ: Are you familiar with Colony
6 Liquors?

7 MR. BOND: Yes, I am.

8 MR. DIETZ: And where is located?

9 MR. BOND: It's located with the next block.

10 MR. DIETZ: Is it on the corner?

11 MR. BOND: Yes.

12 MR. DIETZ: Okay. So how many feet is it
13 from your church?

14 MR. BOND: I'm not sure how many feet it is.
15 But, sir, with all due respect, as far as I'm
16 concerned, it's not an issue about Colony Liquors.
17 Colony Liquors is not --

18 MR. DIETZ: Sir, excuse me, I asked a
19 question.

20 MR. WAY: It was answered.

21 CHAIRPERSON MILLER: I think he is answering
22 your question.

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

126

1 MR. DIETZ: The question I asked is how far
2 away is it?

3 MR. BOND: And I said I didn't know.

4 CHAIRPERSON MILLER: Oh

5 MR. BOND: And I was responding.

6 CHAIRPERSON MILLER: Oh, okay. He just asked
7 you how -- you just asked how far away it is?

8 MR. DIETZ: Are you aware that they sell
9 liquor there?

10 MR. BOND: Yes.

11 MR. DIETZ: And is it your testimony that the
12 offending liquor bottles come from Three Way and not
13 from Colony; is that correct?

14 MR. BOND: Excuse me?

15 MR. DIETZ: Is it your testimony that the
16 offending liquor bottles that you've discussed come
17 from Three Way and not from Colony; is that correct?

18 MR. BOND: Well, let me say this, sir. With
19 my testimony regarding the liquor bottle that I saw, as
20 far as I'm concerned, my premise was that it came from
21 Three Way Liquors. Maybe it did come from Colony. But
22 the bottom line -- the liquor bottle was in front of

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

127

1 the church at the crepe myrtle bush.

2 MR. DIETZ: But you don't know where it came
3 from, do you?

4 MR. BOND: I didn't say I did, sir.

5 MR. DIETZ: Okay. Now, what is it -- what is
6 your occupation?

7 MR. BOND: My -- I'm a recreational
8 therapist.

9 MR. DIETZ: Okay. And as a -- as a therapist
10 -- okay -- if someone threatens someone with a gun, do
11 you consider that serious?

12 MR. BOND: Absolutely.

13 MR. DIETZ: Is it serious enough to call the
14 police?

15 MR. BOND: Absolutely and we should have.

16 MR. DIETZ: But why didn't you?

17 MR. BOND: Again, as it was stated, with us
18 trying to be neighborly, we elected not to.

19 MR. DIETZ: So it's your testimony that it's
20 neighborly not to notify the police when individuals
21 are threatened with a gun; is that correct?

22 MR. BOND: Let me say this, sir. We were

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

128

1 being neighborly. And if it happens again, I will call
2 whoever needs to be called because I see where this is
3 going to. It is what it is. I have no reason to lie
4 or fabricate the truth. The facts are the facts.

5 MR. DIETZ: But basically --

6 MR. BOND: And may I say something, sir?
7 With all due respect again, references continue to be
8 made about Colony Liquors and the establishments that
9 are in the next block. As far as I'm concerned, that
10 is irrelevant. We're talking about 4825 and we're
11 talking about 4821. There is no -- Colony Liquors is
12 not abutting to our property. And again, as it's been
13 testified, we frequently -- people assume that we own
14 the liquor store.

15 People ask -- people have personally asked
16 me, "Why would anyone have" --

17 MR. DIETZ: Excuse me.

18 MR. BOND: -- "a liquor store next to a
19 synagogue?"

20 MR. DIETZ: Is he on my clock? Because he's
21 testifying. He's not answering my questions.

22 CHAIRPERSON MILLER: And he -- you asked him

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

129

1 about Colony Liquor Store, did you not?

2 PARTICIPANT: No, he asked --

3 MR. BOND: Yeah.

4 CHAIRPERSON MILLER: Yes, he did. That was
5 the next question.

6 MR. BOND: Answer the question.

7 CHAIRPERSON MILLER: He asked about Colony.
8 He -- okay. What about Colony? Has he gone -- has he
9 --

10 MR. DIETZ: Right.

11 CHAIRPERSON MILLER: What did you ask him
12 about Colony?

13 MR. DIETZ: He answered the question. Then
14 he's -- now, he's going on to lecture.

15 CHAIRPERSON MILLER: What was the question?
16 Do you remember the question?

17 MR. WAY: No different than what Mr. Yu did.

18 MR. DIETZ: Let me move on.

19 CHAIRPERSON MILLER: Okay.

20 MR. DIETZ: Okay. The bottom line for you,
21 though, is that the liquor store is next door to a
22 church; is that correct?

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

130

1 MR. BOND: Yes.

2 MR. DIETZ: Okay. I have no further
3 questions.

4 CHAIRPERSON MILLER: Okay.

5 MR. BOND: Can I ask a -- can I say
6 something, Madam Chair?

7 CHAIRPERSON MILLER: In response to his
8 question or just --

9 MR. BOND: No, no. I --

10 CHAIRPERSON MILLER: No. You'll have to --

11 MR. BOND: Can I --

12 CHAIRPERSON MILLER: You'll have a chance for
13 redirect. So you can -- no.

14 MR. BOND: I just --

15 CHAIRPERSON MILLER: You can't say --
16 remember what you want to say but you can't say it
17 right now --

18 MR. BOND: Okay. All right.

19 CHAIRPERSON MILLER: -- if it's not
20 responsive to the question. But your -- but, no, sit
21 down. You're not done. Mr. Way will have a chance --
22 one more chance to ask questions based on this line of

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

131

1 questioning. There's been some questions about Colony
2 Liquor Store. So I notice in plaintiff's -- we have a
3 picture, the Licensee's Exhibit No. 7. Is this Colony
4 Liquor Store?

5 MR. BOND: What is your question, ma'am?

6 CHAIRPERSON MILLER: Well, first of all, is
7 this the Colony Liquor Store that people are talking
8 about right now?

9 MR. BOND: Okay.

10 CHAIRPERSON MILLER: Yes. Yes?

11

12 MR. BOND: Yes.

13 CHAIRPERSON MILLER: Okay. My question is
14 what is it next to?

15 MR. BOND: Let me say this, ma'am, to answer
16 your question. When you look at this picture, you
17 would assume -- or one would assume that possibly --
18 there is a street -- there's a street here. Whether
19 it's seen or not, there's a street here. There's a
20 street between where you see Three Way Liquors and
21 where you see Colony Liquor. There's a street there.

22 CHAIRPERSON MILLER: There's a street there.

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

132

1 MR. BOND: Yes.

2 CHAIRPERSON MILLER: Okay. Right. Because I
3 can't tell from this picture how that --

4 MR. BOND: In-between there's a --

5 CHAIRPERSON MILLER: -- liquor store is --

6 MR. BOND: -- street there.

7 CHAIRPERSON MILLER: Okay. What street is
8 that?

9 MR. BOND: Emerson.

10 CHAIRPERSON MILLER: Okay. And are there
11 buildings abutting each side of Colony Liquor?

12 MR. BOND: Yes.

13 CHAIRPERSON MILLER: Do you remember what
14 they are?

15 MR. BOND: If I'm not -- no. I don't recall
16 but I think to the -- to the right there's a restaurant
17 or something. And honestly, I don't know what --

18 CHAIRPERSON MILLER: Okay.

19 MR. BOND: -- are the other stores.

20 CHAIRPERSON MILLER: That's fine. Do you
21 notice people coming from Colony Liquor Store to in
22 front of your property?

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

133

1 MR. BOND: I can't -- I can't --

2 CHAIRPERSON MILLER: You can't tell?

3 MR. BOND: -- answer. I don't -- I don't
4 know -- I don't know where they're coming from.

5 CHAIRPERSON MILLER: Okay. Okay. That's
6 fine. Okay. I don't have any further questions. So
7 other Board members? Mr. Jones.

8 MR. JONES: Yeah, thank you, Madam Chair. I
9 just want to clarify. You've made -- you've made it
10 pointedly clear that your issue is with the abutting
11 Licensee to the whole -- I mean, to the church -- I
12 apologize -- correct?

13 MR. BOND: Yes, sir.

14 MR. JONES: So you don't have a problem with
15 Colony Liquors and how it --

16 MR. BOND: No, I don't.

17 MR. JONES: So you don't have a problem with
18 liquor stores in your neighborhood? You don't have a
19 problem with liquor stores in close proximity to the
20 church? You just have a problem with the fact that
21 this one happens to be connected to -- abutting your
22 property?

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

134

1 MR. BOND: That's my main concern. Yes, sir.

2 MR. JONES: Okay. So it would seem as though
3 based on that train -- that logic that you're applying
4 that you don't care how this store is operated. If
5 this store was the best neighbor in the world, the fact
6 that it's abutting the church is your problem? That's
7 the premise of your issue, not that it's operated
8 poorly, not that it's creating issues, the way in which
9 it's being operated, not the fact that it had an issue
10 with some kind of Department of Health? It's the fact
11 that it's abutting your property, period?

12 MR. BOND: Mr. Jones, I do take issue with
13 the other issues --

14 MR. JONES: Okay.

15 MR. BOND: -- for safety. But again, the
16 point that I'm trying to make is the fact that there's
17 a liquor store next door to a church. And what I'm
18 saying is that is basically almost unheard of. It's
19 definitely unacceptable. And as I was saying, I live
20 in -- I live in Ward 1 and I work in Ward 3. And you
21 will not find a liquor store next to a church or a
22 synagogue. You will not.

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

135

1 And with all due respect to the people that
2 own the liquor store, I'm more than certain that where
3 they live, you will not find a liquor store next to
4 their property or to their church.

5 MR. JONES: Okay.

6 MR. BOND: That's all I'm saying, sir.

7 MR. JONES: So let me ask -- let me ask this
8 question and you can take it for what it's worth. Do
9 you -- do you recognize the fact that -- the fact that
10 a licensed -- an ABC-licensed establishment abutting a
11 church is not a violation of the law?

12 MR. BOND: I understand that, sir. And I
13 know that that has not always been the case in the
14 District of Columbia. I know this.

15 MR. JONES: As it stands -- as it stands
16 today --

17 MR. BOND: Yes.

18 MR. JONES: -- do you -- okay.

19 MR. BOND: Yes.

20 MR. JONES: So what I'm trying to -- what I'm
21 trying to get you to help me with --

22 MR. BOND: Okay.

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

136

1 MR. JONES: -- is to understand and
2 appreciate how the operation of this liquor store has
3 now created an issue based on the protestable issues
4 that you put forward in your -- in your -- in what it
5 is you put forward in your -- in the protest. Well,
6 how is it creating a problem for you? So you're
7 standing on, right now, its abutting is unacceptable.
8 That's your opinion, right?

9 But I can only operate -- or as an individual
10 Board member, I can only operate on the regs, the law,
11 and officially documented criteria. So I am trying to
12 help you help me understand how this operation of this
13 establishment has now created a distressful environment
14 for you, your church and your other -- the other
15 members of your church. Help me understand that beyond
16 what you're saying in terms of it just being -- it's
17 there. It exists, therefore, it's a problem. Right.

18 I -- do you understand what I'm --

19 MR. BOND: Yes, sir.

20 MR. JONES: Is it creating a parking issue?
21 Is it creating a litter issue? Is it creating a
22 loitering issue? What are the specific issues that the

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

137

1 fact that this particular licensed establishment is
2 causing your church?

3 MR. BOND: Mr. Jones, it's an issue of
4 safety. It's a -- it's an issue of the litter, the
5 loitering, the littering of the trash and then just
6 everything that has -- the -- everything that's in our
7 -- in the record for why we are protesting the renewal
8 of the liquor license. I am 100 percent -- I am 100
9 percent in support of what has been documented. Maybe
10 I've taken it over the -- maybe I took it to the
11 extreme.

12 But Mr. Jones, it's very frustrating. It
13 really is. It's just very frustrating. But safety --

14 MR. JONES: Okay.

15 MR. BOND: -- the loitering --

16 MR. JONES: And just to make sure I'm clear
17 on this one, you do not have a problem with Colony
18 Liquors?

19 MR. BOND: If -- for me, Mr. Jones?

20 MR. JONES: Yes, sir. For you.

21 MR. BOND: No.

22 MR. JONES: Okay. Thank you. Thank you,

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

138

1 Madam Chair.

2 CHAIRPERSON MILLER: All right. Mr. Alberti.

3 MR. ALBERTI: Hi, Mr. Bond. Oh, yes, it's
4 clear. The exhibit with the citation from the Health
5 Department --

6 MR. BOND: Uh-huh.

7 MR. ALBERTI: -- that was presented to us --

8 MR. BOND: Uh-huh.

9 MR. ALBERTI: -- and you implied there was
10 some significance to it. You implied that there was
11 some significance to this. So I want to understand
12 what that significance is.

13 MR. BOND: There -- I mean --

14 MR. ALBERTI: So in this -- starting on the
15 second page at the bottom, I see a number of
16 observations. Two, three, Thirty-six, thirty-six,
17 thirty-six, forty-five, fifty-one, fifty-three, and
18 fifty-three. Which of those -- that pretty much sum --
19 I mean, those observations sum up the violations that
20 were noted by the inspector. Which of those are of
21 concern to you?

22 MR. BOND: What numbers are you looking at,

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

139

1 sir?

2 MR. ALBERTI: The observations are numbered.

3 MR. BOND: Which numbers did you identify?

4 MR. ALBERTI: All of them. There are
5 observations. There are one, two, three, four, five,
6 six, seven, eight, nine, ten observations.

7 CHAIRPERSON MILLER: Okay. Mr. Bond, do you
8 know -- do you --

9 MR. ALBERTI: Do you know what I'm talking
10 about?

11 CHAIRPERSON MILLER: Do you see where he is?

12 MR. ALBERTI: Second page. Yeah.

13 MR. BOND: This document --

14 MR. ALBERTI: Down here at the bottom.

15 CHAIRPERSON MILLER: On that third page.

16 MR. ALBERTI: First block -- go to the third
17 page. Go to the third page. Have you read this
18 before, Mr. Bond? Have you -- have you looked at this
19 before? Have you examined this before? Let's start
20 there. Have you examined this?

21 MR. BOND: I've seen some of it, sir. Yes.

22 MR. ALBERTI: Have you read -- have you read

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

140

1 it in its entirety? Mr. Bond?

2 MR. BOND: Yes, sir.

3 MR. ALBERTI: Do you have specific concerns
4 about the violations as described by the inspector and
5 what are they?

6 MR. BOND: No. 36, it states there was a cat
7 walking around in the lounge and behind the counter.

8 MR. ALBERTI: Okay. And it -- and why is
9 that a concern to you and the church?

10 MR. BOND: It shows that the establishment
11 was in violation of the Department of Health, sir.

12 MR. ALBERTI: But -- okay. But that
13 violation, why is that -- is that violation of concern
14 to you? Other than the fact that he may be in
15 violation of the District of -- do you see -- are you
16 telling me that your concern is that he didn't -- he's
17 in violation of the Department of Health regulation?
18 It's not the particular regulation; it's just the fact
19 that he's in violation is of concern to you?

20 MR. BOND: Mr. Nick --

21 MR. ALBERTI: Mr. Alberti.

22 MR. BOND: All right. As far as I'm

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

141

1 concerned, this report here, it basically validates the
2 issues.

3 MR. ALBERTI: Validates the -- how does it
4 validate the issues as I understand that you've
5 articulated them? How does it validate those issues?

6 MR. BOND: No. 1, there is an issue of safety
7 to protect the public.

8 MR. ALBERTI: Okay. I have no further
9 questions. I was just trying to understand the
10 significance of this since we have it in evidence.

11 CHAIRPERSON MILLER: We don't have it in
12 evidence yet. Before we go though, let's --

13 MR. ALBERTI: Well, I've seen it though.
14 I've seen it.

15 CHAIRPERSON MILLER: So that doesn't matter
16 because the other side hasn't had a chance to raise any
17 objections to the proposed exhibits, which we think we
18 want to finish with this witness, I think. Are there
19 other Board questions? Okay. Are there redirect, Mr.
20 Way?

21 MR. WAY: Yes. Mr. Bond, thank you for your
22 candor. And the issue of safety and looking for the

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

142

1 connecting dot that was just raised, your -- to restate
2 my question, your concern is that if there is a -- are
3 you concerned that if there's a pattern of lack of
4 responsibility and leadership and safety in one area,
5 that it could lead to -- or suggest that there's other
6 patterns?

7 MR. BOND: Absolutely.

8 MR. WAY: Okay. So --

9 MR. BOND: That is my concern.

10 MR. WAY: So your concern is that if this is
11 the issue, that you're concerned that there is a --
12 there is an issue with a pattern? So is that -- is
13 that specifically what you're trying to say, "Yes," or,
14 "No?"

15 MR. BOND: Yes.

16 MR. WAY: Thank you. I have another witness.

17 CHAIRPERSON MILLER: Okay.

18 MR. ALBERTI: Well, Mr. Dietz has a --

19 CHAIRPERSON MILLER: Do you have a recross?

20 MR. WAY: I thought I had the last word then.

21 CHAIRPERSON MILLER: Oh, actually we've been
22 given recross. You -- do you? You each get one.

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

143

1 MR. DIETZ: My wife's health is at stake.

2 Okay. I'm not going to miss that train. And I --

3 CHAIRPERSON MILLER: Oh, okay. See? That's
4 what I wanted to know. It's 4:49.

5 MR. DIETZ: I thought you would understand
6 that.

7 MR. WAY: You said 5:00.

8 MR. DIETZ: I know.

9 CHAIRPERSON MILLER: So what we're going to
10 do --

11 MR. DIETZ: But you're not --

12 CHAIRPERSON MILLER: All right. I hear you,
13 Mr. Dietz.

14 MR. DIETZ: -- going to be done by 5:00.

15 CHAIRPERSON MILLER: We won't have time to
16 call another witness today, I don't believe. Because
17 they wouldn't be done --

18 MR. DIETZ: (Inaudible) --

19 CHAIRPERSON MILLER: -- in ten minutes.

20 MR. WAY: Yeah, we've been gracious if -- for
21 him to call the shot

22 CHAIRPERSON MILLER: No, no. We -- sir, let

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

144

1 me just say this. First of all, I want to get to your
2 exhibits before we close if I can. We have ten
3 minutes. Before I started, I said he's got a family
4 medical issue. And we said we would stop at 5:00 and
5 we would pick up at another date. You'll get to put on
6 --

7 MR. WAY: We have people who have taken off
8 from work.

9 CHAIRPERSON MILLER: I understand that.

10 MR. WAY: This is a grave sacrifice that's
11 just as great and as serious as -- with all due
12 respect, to his wife and the concern.

13 CHAIRPERSON MILLER: Well, we're going to --

14 MR. WAY: Mr. Jones said that we would be
15 able to use our 90 minutes. We haven't used our 90
16 minutes.

17 CHAIRPERSON MILLER: No, you haven't. That's
18 not what Mr. Jones said. Mr. Jones said you will have
19 a chance to use your 90 minutes between now and the
20 next time that we have the hearing. You're not losing
21 -- you will put on your witnesses. Okay. But it does
22 not look like you can put them on in ten minutes. So -

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

145

1 -

2 MR. WAY: Okay. Well, my only issue is, as
3 grave as this issue is, we came with the expectation to
4 be heard. I do not want to assume -- the members of
5 our team to -- we -- they are -- they are very busy.
6 And to me, that is equally important and I feel that
7 that's just an example of disrespect.

8 CHAIRPERSON MILLER: I -- No. I understand
9 that. I don't think it's -- stop. I don't think --

10 MR. DIETZ: How dare you.

11 CHAIRPERSON MILLER: Mr. Dietz, please.

12 BOARD MEMBER: Sir --

13 CHAIRPERSON MILLER: We have limited amount
14 of time.

15 BOARD MEMBER: His wife --

16 MR. DIETZ: My wife is about to -- she's in
17 danger of losing her right leg.

18 CHAIRPERSON MILLER: Okay.

19 MR. DIETZ: And I'm infusing her with an
20 antibiotic on a doctor's schedule. And I live in
21 Lovettsville, Virginia, which is 70 miles from here, an
22 hour and 40 minutes on the train.

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

146

1 CHAIRPERSON MILLER: All right.

2 MR. DIETZ: The train leaves the station at
3 5:30 -- at 5:30 or 5:35. I have that much time to get
4 to the station to get home to save my wife.

5 CHAIRPERSON MILLER: Right.

6 MR. DIETZ: Okay. I've been married for 46
7 years. We've been together for 52 years. And I'm not
8 giving up on her for a liquor store.

9 CHAIRPERSON MILLER: Right.

10 MR. DIETZ: That's outrageous.

11 CHAIRPERSON MILLER: Right. And we promised
12 you that this would be over --

13 MR. DIETZ: How dare you.

14 CHAIRPERSON MILLER: -- this would be over by
15 5:00. Let's not -- let's not --

16 MR. DIETZ: No, excuse me.

17 MR. JONES: With all due respect --

18 CHAIRPERSON MILLER: Wait.

19 MR. JONES: -- both individuals, please, just
20 keep this thing professional. Everybody, with all due
21 -- no -- with all due respect, Mr. Dietz, keep it
22 professional. This gentleman will do the same. All

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

147

1 right. Just respect the situation, respect the Chair,
2 respect the Board. If you don't want to respect
3 yourself, respect these entities here. Okay?

4 CHAIRPERSON MILLER: All right. Let's just -
5 - we have nine minutes max. Now, we can end this
6 earlier. I want to ask you a question. If we can do
7 this quickly, we can finish up one segment. Do you
8 object to his exhibits?

9 MR. DIETZ: No.

10 CHAIRPERSON MILLER: Okay. So there you've
11 made -- they will all be entered into evidence. Now,
12 we don't have a date yet. Martha Jenkins will get back
13 to you, coordinate, let you all know when we have space
14 on the calendar to finish this hearing. We said this
15 at the beginning of the hearing that Mr. Dietz has a
16 very important personal issue and we would stop by no
17 later than 5:00. But we will guarantee that we will --
18 we will continue the hearing.

19 You'll be able to put on your witnesses and
20 you'll have due process. We're not going to have that
21 happen again. I'm sorry about the way the schedule
22 ended up today, that we can't hear everybody that came

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

148

1 out today. And I know that you missed time from work
2 and that's a sacrifice. And the best we can do is have
3 our general counsel coordinate with you the next date,
4 which I don't expect it to be a long hearing, and make
5 sure that your case will start on time and that's the
6 best that we can do.

7 So unless there are any other questions,
8 we'll recess this hearing and coordinate with our
9 general counsel on the date.

10 MR. WAY: Will you -- Madam Miller, will you
11 give us an opportunity because of our -- both of our
12 busy schedules and of course his health -- his wife
13 health concern, would you give us -- if it's protocol,
14 would you give us the opportunity to respond -- in the
15 past as we have noticed we have been rescheduled,
16 rescheduled, rescheduled. And sometimes we have not
17 always -- not you -- but sometimes we have not been
18 given any option. It's, like, this date or your case
19 will be dismissed or --

20 CHAIRPERSON MILLER: No.

21 MR. SILVERSTEIN: No.

22 CHAIRPERSON MILLER: No. It won't happen.

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

149

1 That's not going to happen to you. Ms. Jenkins is
2 going to talk to you about coordinating dates. You're
3 not going to be --

4 MR. WAY: Yeah, she can discuss before we
5 decide. That's all --

6 CHAIRPERSON MILLER: Yes. You're not going
7 to be mandated a date.

8 MR. WAY: I have to coordinate all these --

9 CHAIRPERSON MILLER: Yeah.

10 MR. WAY: -- great people. That's all.
11 That's all I was saying.

12 CHAIRPERSON MILLER: No. That is -- that is
13 not going to happen. We don't -- you know, she's going
14 to work with you and the full schedule.

15 MR. WAY: I mean, because in the past, we've
16 just been given a date and say, "That's it."

17 CHAIRPERSON MILLER: Right. That's not going
18 to happen again.

19 MR. WAY: Okay.

20 CHAIRPERSON MILLER: You're going to get your
21 due process.

22 MR. WAY: Thank you.

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

150

1 CHAIRPERSON MILLER: Everybody's going to get
2 be heard. And I'm just sorry it had to be split up but
3 that happens sometimes. So -- okay. That's all.

4 MR. WAY: Will we get a letter?

5 CHAIRPERSON MILLER: She'll call you and --
6 to work out a date, she'll call you. Okay. All right.
7 Thank you.

8 MR. WAY: Thank you.

9 MR. JONES: Just for the record, before
10 everyone leaves, time --

11 CHAIRPERSON MILLER: Oh, okay.

12 MR. JONES: The protestants have 60 minutes
13 remaining. The Licensee has 73 minutes remaining for
14 the record. And I will -- we will hold on to that
15 record so when we reconvene, you will have that much
16 time remaining to put on your cases respectively, as I
17 understand it, as per guidance from the Chair.

18 CHAIRPERSON MILLER: Okay.

19 MR. DIETZ: Thank you.

20 CHAIRPERSON MILLER: Thank you very much.
21 Have a good night.

22 (WHEREUPON, at 4:54 p.m., the hearing was concluded.)

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

151

1 CERTIFICATE OF REPORTER

2

3 I, ERICK MCNAIR, the officer before whom the
4 foregoing hearing was taken, do hereby certify that
5 the testimony appearing in the foregoing pages was
6 recorded by me and thereafter reduced to typewriting
7 under my direction; that said transcription is a true
8 record of the testimony given by said parties; that I
9 am neither counsel for, related to, nor employed by
10 any of the parties to the action in which this hearing
11 was taken; and, further, that I am not a relative or
12 employee of any counsel or attorney employed by the
13 parties hereto, nor financially or otherwise
14 interested in the outcome of this action.

15

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ERICK MCNAIR
Court Reporter

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Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

152

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CERTIFICATE OF TRANSCRIPTION

I, MIRANDA PENNACHI, hereby certify that I am not the Court Reporter who reported the following proceeding and that I have typed the transcript of this proceeding using the Court Reporter's notes and recordings. The foregoing/attached transcript is a true, correct and complete transcription of said proceeding.

Date

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Transcriptionist

Capital Reporting Company
 ABRA - Three Way Liquors, Inc. 11-07-2012

<p style="text-align: center;">\$</p> <hr/> <p>\$100 44:3</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1 3:12,17 18:14 40:15 41:6 52:8,13 53:11 59:21,22 76:19 88:22 91:12,13 97:8,9,13 100:17 104:6,16 116:5 134:20 141:6</p> <p>10 25:4 48:20</p> <p>10:00 18:4,5 76:8</p> <p>100 137:8</p> <p>10-17 116:18</p> <p>11 25:4,18 26:4,7</p> <p>11:00 76:8</p> <p>1110 11:12</p> <p>112 3:8</p> <p>12 14:20 30:17 32:14</p> <p>12-PRO-00058 1:8 4:10</p> <p>13 14:20</p> <p>14 3:3</p> <p>147 3:17,18</p> <p>14th 1:16</p> <p>15 3:3 48:20 53:14</p> <p>17 3:7</p> <p>1-8 50:14,19</p> <p>1994 17:14</p> <p>1999 113:3,14</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2 3:13,18 18:19 32:21 40:15</p>	<p>93:14 97:9 109:9 110:10,11 112:20 113:15 114:4,6 115:8</p> <p>2:54 4:2,3</p> <p>20 14:19 15:13 22:5 32:13 53:14 69:12 93:14</p> <p>2000 1:16 18:1 32:14</p> <p>2006 83:3,4,13</p> <p>2010 77:18</p> <p>2011 30:18</p> <p>2012 1:12 30:1</p> <p>21972 1:7 4:12</p> <p>24/7 32:1 66:14</p> <p>25 49:15 50:2</p> <p>27th 30:17</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3 3:13 19:12 40:15 41:6 53:14 61:3,4 88:19,20 89:3 97:9 104:6 107:11 116:5 134:20</p> <p>36 140:6</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4 3:14,18 19:12 40:15 61:14 68:3 96:11,12 97:9 105:19 106:1 107:10</p> <p>4:49 143:4</p> <p>4:54 150:22</p> <p>40 145:22</p> <p>41 15:13</p>	<p>42nd 15:14</p> <p>46 146:6</p> <p>4821 15:12 111:6 128:11</p> <p>4823 1:6 4:11 14:17 111:6</p> <p>4825 92:11 102:19 111:6,7 128:10</p> <p>4828 11:8</p> <p>4D 1:8 4:12</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5 3:14 19:13 40:15 97:9,13 100:16</p> <p>5:00 6:12 7:10,12,13,16,17 ,20 57:12,16 76:7 143:7,14 144:4 146:15 147:17</p> <p>5:30 6:22 146:3</p> <p>5:35 146:3</p> <p>50 3:12,13,14,15,16 9:6</p> <p>52 146:7</p> <p>59 3:7</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6 3:15 19:18 20:3,4 40:15</p> <p>6:00 76:7</p> <p>60 150:12</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>7 1:12 3:15 20:13 40:16 41:12,13 101:13,14 131:3</p>	<p>7:30 6:20</p> <p>70 145:21</p> <p>73 150:13</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>8 3:16 21:7</p> <p>802 11:13</p> <p>8th 11:8</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9:00 18:5,10 75:2</p> <p>9:30 75:1</p> <p>90 57:7,14,15,17,18 58:10 144:15,19</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p>ABC 22:21</p> <p>ABC-licensed 135:10</p> <p>ability 26:18 27:13</p> <p>able 144:15 147:19</p> <p>ABRA 121:17 123:16,17 124:5</p> <p>absolutely 9:15 14:21 15:3 29:12 56:20 119:21 120:1,3 124:7 127:12,15 142:7</p> <p>abundantly 86:22</p> <p>abuts 61:17</p> <p>abutting 11:21 12:6 128:12 132:11 133:10,21 134:6,11 135:10 136:7</p> <p>accept 7:10</p>
--	--	---	--

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

<p>access 40:9</p> <p>accumulation 98:19 100:3</p> <p>accuse 66:13</p> <p>acknowledge 109:16</p> <p>Across 21:4,6</p> <p>acting 52:18</p> <p>action 151:10,14</p> <p>activities 54:2 76:12 117:1</p> <p>activity 15:4 16:1 60:20 107:6 113:19</p> <p>actually 7:22 8:14 10:20 16:19 35:13 51:3 52:22 61:16 78:11 142:21</p> <p>additional 28:10 29:20 69:4 74:6 85:10 122:5</p> <p>address 57:3 69:17 84:1</p> <p>addressing 6:9</p> <p>adjacent 32:9 64:14</p> <p>admitted 50:19 51:14</p> <p>Adrian 61:9</p> <p>adverse 15:10 16:2</p> <p>afternoon 15:8 39:4 59:16</p> <p>against 15:1,2 72:5,8</p> <p>age 116:17</p> <p>ages 116:18</p>	<p>ago 14:22 32:18 33:8,15,18,19,20 ,21 38:12 48:20 60:18 77:13,14,16 78:4,6,7 81:15 83:2 88:16 115:19 116:3 118:1 123:14</p> <p>ahead 25:10 45:12 53:4 70:12,20 121:7</p> <p>air 62:2 106:6</p> <p>air-condition 63:12</p> <p>air-conditioner 99:21</p> <p>air-conditioning 62:4,5 96:13 106:11 107:3</p> <p>Al 71:22</p> <p>alarm 30:7,10,12,22 31:10,12,17</p> <p>alarms 30:2 31:16</p> <p>alarm's 30:21</p> <p>Alberti 2:4 34:4,5,9,16,19,2 2 35:3,9,11,15,18, 21 36:1,6,10,14,17, 22 37:6,9,12,15,20 51:19 81:3 87:11,12,14,17,1 9,22 88:3,7,10,13,17, 20 89:1,4,8,11,13,1 6</p>	<p>90:2,6,8,13,17,1 9 91:2,4,7 95:14 138:2,3,7,9,14 139:2,4,9,12,14, 16,22 140:3,8,12,21 141:3,8,13 142:18</p> <p>alcohol 64:7 86:7 99:11 121:17</p> <p>alcoholic 1:2,14,15 85:4</p> <p>Alfonso 5:4 46:1</p> <p>alley 61:21 95:7,9 100:20 104:21 106:13 107:6,9,10,14,15 108:8,12,20,22 110:21 111:10</p> <p>allow 123:9</p> <p>allowed 68:6 81:9 92:4</p> <p>already 66:1,2,3 113:4 114:3</p> <p>altercation 71:12</p> <p>Althea 11:12</p> <p>am 5:7 27:22 59:17 66:9 89:19 125:7 136:11 137:8 151:9,11 152:3</p> <p>amazing 64:20</p> <p>amount 100:2 120:9 121:18 145:13</p> <p>ANC 1:8 4:12 22:15,19</p> <p>angled 41:17</p> <p>annex 111:5</p>	<p>anniversary 15:15</p> <p>anomaly 61:18</p> <p>answer 26:17,22 27:9,11 28:12,14,17 30:19 31:11,13,19 77:7 83:16 101:1,3 129:6 131:15 133:3</p> <p>answered 23:12 24:9,10 125:20 129:13</p> <p>answering 125:21 128:21</p> <p>answers 26:16</p> <p>antibiotic 6:19 145:20</p> <p>anti-gang 61:8</p> <p>anybody 12:21 66:12,16,18,21 94:17 111:14</p> <p>anymore 71:5 85:15,18 111:22</p> <p>anyone 36:17 37:1 84:11 101:9 118:12,15 122:7 124:22 128:16</p> <p>anything 13:7 27:3 30:21 44:22 47:18 49:4 60:16 66:14 68:10 83:8 123:8</p> <p>Anyway 46:4</p> <p>anywhere 21:21 47:17 53:13</p> <p>apologize 4:13 133:12</p> <p>appearing 151:5</p>
--	--	--	---

Capital Reporting Company
 ABRA - Three Way Liquors, Inc. 11-07-2012

<p>appears 18:20 42:9</p> <p>applicant 4:18 13:12</p> <p>Applicant's 18:14,18</p> <p>application 1:9 14:15</p> <p>apply 14:4</p> <p>applying 134:3</p> <p>appreciate 27:5 136:2</p> <p>appropriate 7:14 44:11</p> <p>approximately 98:3</p> <p>April 113:3,14</p> <p>architecture 77:5</p> <p>area 15:12 93:11 95:20 96:13,15,18 98:14 99:20 100:15 142:4</p> <p>arguing 48:11</p> <p>arms 30:2</p> <p>arrange 41:10</p> <p>arrive 101:21</p> <p>articulated 141:5</p> <p>Assembly 5:5,8,11 11:20 15:9 59:17 67:12 111:5 113:3,12,14</p> <p>assume 9:20 123:4 128:13 131:17 145:4</p> <p>assuming 36:19</p> <p>atmosphere</p>	<p>113:19</p> <p>attempt 103:2</p> <p>attend 45:20</p> <p>attention 6:11</p> <p>attorney 38:3 52:18 53:2 55:2 124:20 151:12</p> <p>attorneys 6:12</p> <p>attributable 98:20</p> <p>auditorium 120:10,16</p> <p>auto 31:17</p> <p>autos 30:2</p> <p>available 91:13</p> <p>Avenue 1:6 4:11 14:17 15:12 20:10 22:1,2 60:20 64:16 86:11</p> <p>average 74:22</p> <p>aware 28:4 31:18,20 126:8</p> <p>away 8:16 94:9 126:2,7</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>bags 68:5 94:19</p> <p>bank 21:2,3 36:15,21,22 88:5,8</p> <p>banking 36:20</p> <p>bank's 37:18</p> <p>based 14:15 24:21 26:22 43:9 49:13 74:4 111:18,22 116:3 130:22 134:3 136:3</p>	<p>basement 31:5</p> <p>basic 124:21</p> <p>basically 81:12 96:4 121:12 128:5 134:18 141:1</p> <p>basis 97:16</p> <p>bathroom 71:15,17</p> <p>bay 110:22 111:1,3</p> <p>beautiful 52:4</p> <p>beautify 67:13</p> <p>Beck's 104:17</p> <p>becoming 115:17</p> <p>beer 63:14</p> <p>beginning 44:20 147:15</p> <p>begins 111:3</p> <p>behind 16:19 96:2 97:15 98:9,14 99:20 111:11 140:7</p> <p>belief 119:19 123:6</p> <p>believe 42:4 98:19 101:14 119:1 143:16</p> <p>belong 19:7,10 21:1,2</p> <p>belongs 36:14</p> <p>bench 26:19</p> <p>Bernard 4:17</p> <p>besides 100:2</p> <p>best 26:18 27:13 53:16 134:5 148:2,6</p>	<p>Beverage 1:2,14,15</p> <p>beyond 136:15</p> <p>bible 74:21</p> <p>bigger 101:16</p> <p>bins 67:15,16</p> <p>Bishop 115:16 116:1</p> <p>blah 68:17</p> <p>blanket 86:9,16</p> <p>block 21:17,18 22:1 115:12 125:9 128:9 139:16</p> <p>blood 27:20</p> <p>blue 86:9</p> <p>B-O 112:12</p> <p>Board 1:2,14 16:9 32:4 47:11,13 57:8,17 73:4 74:2,4 78:19 82:15 83:7 111:15 123:12 124:5 133:7 136:10 141:19 145:12,15 147:2</p> <p>Board's 43:9 45:10 46:15</p> <p>Bond 3:8 5:10 112:12,17,19 113:2,9,13 114:10,17,19,22 115:4,7,13 116:12,16,18 117:4,12,21 118:12,19 119:7,17,21 120:1,3,12,19,21 121:1,6,8,15,22 122:8,19,22</p>
--	---	---	---

Capital Reporting Company
 ABRA - Three Way Liquors, Inc. 11-07-2012

<p>123:3,7,11,22 124:3,7,10,12,15 ,16 125:7,9,11,14 126:3,5,10,14,18 127:4,7,12,15,17 ,22 128:6,18 129:3,6 130:1,5,9,11,14, 18 131:5,9,12,15 132:1,4,6,9,12,1 5,19 133:1,3,13,16 134:1,12,15 135:6,12,17,19,2 2 136:19 137:3,15,19,21 138:3,6,8,13,22 139:3,7,13,18,21 140:1,2,6,10,20, 22 141:6,21 142:7,9,15</p> <p>B-O-N-D 5:10 113:9</p> <p>bookstore 64:15</p> <p>bottle 62:12,16 95:2,6 118:6,12,16 126:19,22</p> <p>bottles 61:15 62:1,7,8,21 63:7,14 68:5 94:20 96:1 99:3 105:5 126:12,16</p> <p>bottom 42:8 67:11 80:3,16 91:19,21 116:9 117:4,5,7 122:2 125:1 126:22 129:20 138:15 139:14</p> <p>bought 109:4</p> <p>bounce 54:2</p>	<p>boy 14:1</p> <p>break 31:3,9 111:4</p> <p>brick 42:1 109:6,12,17,21</p> <p>brief 10:19</p> <p>bring 50:22 111:19</p> <p>bringing 121:19</p> <p>brings 14:3</p> <p>broken 61:15 62:7 63:7 95:4 96:1</p> <p>Brooks 2:5 32:6,7,8,11,15,2 0 33:1,3,5,8,11,15, 19,21 34:2 82:16,17,20,22 83:2,4,10,13,15, 18,20 84:4,6,13,20</p> <p>brought 6:11</p> <p>Brunswick 6:22</p> <p>brush 9:22</p> <p>brushed 9:2 73:4</p> <p>Buchanan 11:12,13</p> <p>building 1:16 14:19,20 17:19,22 18:19 19:2,5 31:7 32:8,9,14 34:6,7,11,13 35:3 36:3,7,11 53:19 68:17 76:5,15,17 87:17,18,19 88:8,11 89:20,22 108:19 109:12,16,17,18,</p>	<p>19,21 119:13</p> <p>buildings 32:1 74:19 132:11</p> <p>building's 34:10</p> <p>bunch 63:13,14</p> <p>burglar 30:2 31:17</p> <p>bury 15:18</p> <p>bus 21:20</p> <p>bush 94:2 118:1,4,7 127:1</p> <p>bushes 92:11</p> <p>business 15:2,5,6 17:13,16,19 23:3 31:16,17 65:5 76:13,14 89:21 120:13</p> <p>busted 64:2</p> <p>busy 145:5 148:12</p> <p>but 117:7</p> <p>buy 94:14,15</p> <p>buys 64:6,8</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>calendar 147:14</p> <p>Calm 77:20</p> <p>CALVIN 2:7</p> <p>candor 141:22</p> <p>cans 63:14 99:4 105:5</p> <p>Capitol 124:1</p> <p>care 6:15 74:10 120:13 134:4</p> <p>carryout 19:20</p> <p>cars 37:10,12,16,19</p> <p>case 1:8</p>	<p>4:5,6,9,10,13 7:18 8:8 9:3,9,12 11:17 13:6,8,11 14:4 44:17 50:20 57:15,22 58:1 123:17 135:13 148:5,18</p> <p>cases 150:16</p> <p>cat 26:1,3 43:14,17,20,22 44:1,2 140:6</p> <p>causing 137:2</p> <p>caution 28:4</p> <p>celebrating 15:14</p> <p>center 19:3</p> <p>certain 81:6 116:6 135:2</p> <p>certainly 50:1 53:15 58:21</p> <p>CERTIFICATE 151:1 152:1</p> <p>certify 151:4 152:3</p> <p>chains 108:16</p> <p>chair 13:19 29:8,17 30:9 32:3 34:2 39:8 44:11 51:11 56:1,22 84:20 91:11 103:6 130:6 133:8 138:1 147:1 150:17</p> <p>Chairman 29:6</p> <p>Chairperson 1:17 2:3 4:3,20,22 5:2,6,14,20 6:2,6,8,17 7:1,5,8,12,17 8:13,18,22 9:5,10,13,17,19</p>
---	---	--	--

Capital Reporting Company
 ABRA - Three Way Liquors, Inc. 11-07-2012

10:12,15,22 11:3,6,10,15 12:1,5,19 13:3,20 14:1,12 15:7 16:5,11,15,18 17:3 19:8 23:9,16,21 24:1,7,10,13,17, 20 25:7,10 26:12 27:2,4,6,8 28:8,10,17,21 29:1,3,6,8,11,14, 17,21 32:4,7 34:3 37:22 38:2,5,8,10,13,1 5,19 39:1,6 43:8 44:15,19 45:7,9,12 46:10,12,14,20 47:8,12,21 48:1,4,6,10,13,1 6 49:3,8,11,14,17, 21 50:2,7,11,15,18 51:2,6,9,12,17 52:10,16,21 53:4,6 54:4,7,15,18,22 55:7,16,19,22 56:3,9,12,14,16, 18,20 57:1,4 58:6,13,15,18,22 59:3,6,10,19 69:21 70:6,9,11,19 71:1 73:9,11,14,17,21 74:7 75:12,15,17 76:2 77:6,19 78:14,18,22 79:3,6,8,11,16,1 8 80:8,11,13,17 81:2,5,8,11	82:8,10,15 84:3,21 87:11 88:18,21 89:2 91:10 95:12 97:5,10 103:7,12,16,19 104:1,4,9,12,15, 20,22 105:8,10,15,18,2 2 106:6,9,13,16,21 107:4,9,13,15,19 ,22 108:4,7,10,15,19 ,22 109:2,5,8,11,15, 19 110:2,4,7,10,13, 17,19,21 111:2,8,10,13,17 ,20 112:2,5,8,10,14, 18,21 113:5,10 114:2,5,7,12,15, 18,21 122:9,11,15 125:3,21 126:4,6 128:22 129:4,7,11,15,19 130:4,7,10,12,15 ,19 131:6,10,13,22 132:2,5,7,10,13, 18,20 133:2,5 138:2 139:7,11,15 141:11,15 142:17,19,21 143:3,9,12,15,19 ,22 144:9,13,17 145:8,11,13,18 146:1,5,9,11,14, 18 147:4,10 148:20,22 149:6,9,12,17,20	150:1,5,11,18,20 Champions 103:22 chance 49:5 74:1,2,3 86:8 130:12,21,22 141:16 144:19 change 48:19 changing 87:4 characterize 102:22 charged 23:2,14 24:6 Charles 3:8 5:10 112:12,22 113:9,11 check 58:9 78:8 89:20,21 checked 83:20 checking 12:7 chemical 65:15 children 65:13,17 80:10,21 120:9 choir 116:22 Christ 5:5,8,11 11:21 15:9 59:18 113:3,12,14 Christmas 103:21 104:2 church 3:13 5:5,12 11:21 12:17,20 15:13,16,21 16:2,3 18:21 19:7,10,20 20:6 22:10 32:9 35:11 37:5 42:5 45:19,20 46:2,7 49:1 53:20 60:3,14 61:17,21	62:6 63:5,12,15 64:15,20,22 65:4,7 66:6 68:14,21 69:1,8 70:15 71:10,14 72:16 76:5,13 79:22 85:17 86:15 87:19 89:17,20 92:13 95:7,8 97:1,20 98:14 99:5,7,12,19,20 102:11,17 109:6,11,20 110:13 111:11 115:11,15,17 116:2,7,14 117:11,17 118:2,5 119:10,14,16 120:6,13,15 125:13 127:1 129:22 133:11,20 134:6,17,21 135:4,11 136:14,15 137:2 140:9 circumstances 121:16 citation 3:18 24:16 43:12 138:4 citations 15:2 25:19 26:4 28:15,18 cited 25:2,18 26:5,7 28:13 citizens 16:3 city 104:13 121:19 clarification 26:14 46:21 51:13 clarify 133:9
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Capital Reporting Company
 ABRA - Three Way Liquors, Inc. 11-07-2012

<p>clarity 93:6</p> <p>class 14:15 116:14,20</p> <p>clean 15:5 48:18,20 60:12 61:7,8,13,22 62:7,21 63:8 67:13,18 97:18 102:13 106:20 117:15</p> <p>cleaned 61:2 97:22 104:14 117:15</p> <p>cleaning 63:16 67:21,22 68:3 97:21 98:2</p> <p>clear 88:1 115:14 119:11 121:9,10,16,20,2 2 133:10 137:16 138:4</p> <p>clients 14:18 15:4</p> <p>clock 128:20</p> <p>close 18:8 133:19 144:2</p> <p>closed 18:6,7 25:20 26:2 37:1 43:18 46:5 87:4</p> <p>closer 59:7</p> <p>close-up 78:13 79:13,15</p> <p>closing 13:15 14:8 49:5</p> <p>club 19:21 21:9</p> <p>coaching 26:18</p> <p>Colony 3:15 20:18 125:5,16,17 126:13,17,21 128:8,11 129:1,7,8,12</p>	<p>131:1,3,7,21 132:11,21 133:15 137:17</p> <p>Columbia 1:1 61:7 68:6 135:14</p> <p>comes 35:11 60:11 117:6</p> <p>comfortable 29:19 53:7</p> <p>comfortably 57:21</p> <p>coming 22:10 35:16,19 71:14 79:22 85:1 100:4 116:22 132:21 133:4</p> <p>commercially 61:18</p> <p>communicate 15:9</p> <p>community 16:4 85:1 113:22 115:12</p> <p>complained 22:13,15 48:22</p> <p>complains 49:2</p> <p>complaint 22:18</p> <p>complaints 22:9 47:6</p> <p>complete 152:8</p> <p>compliance 114:11,13,20 115:3</p> <p>computer 82:4,5</p> <p>concern 9:14 118:9 134:1 138:21 140:9,13,16,19 142:2,9,10 144:12 148:13</p> <p>concerned 58:8</p>	<p>115:18 116:8 124:17 125:16 126:20 128:9 141:1 142:3,11</p> <p>concerns 115:10 116:3,19 117:1,17,19 140:3</p> <p>conclude 74:22</p> <p>concluded 150:22</p> <p>conditioning 62:3 106:7</p> <p>conduct 30:3</p> <p>confrontations 85:11</p> <p>confusion 11:18</p> <p>connect 65:14</p> <p>connected 133:21</p> <p>connecting 142:1</p> <p>connection 64:4</p> <p>cons 55:17</p> <p>consider 119:20 127:11</p> <p>constant 86:6</p> <p>constantly 62:1,7 63:15</p> <p>contact 84:9</p> <p>context 53:10</p> <p>continuation 8:5 9:20</p> <p>continue 7:21 8:1 15:6 57:19 120:22 128:7 147:18</p> <p>continues 69:2</p> <p>continuous 15:14</p> <p>Control 1:2,14,15</p>	<p>controlled 48:20</p> <p>convenient 63:4</p> <p>conversation 23:18</p> <p>coordinate 147:13 148:3,8 149:8</p> <p>coordinating 149:2</p> <p>co-owner 5:1</p> <p>cops 35:6</p> <p>copy 33:3 110:8</p> <p>corner 21:22 22:1,3 125:10</p> <p>corporation 4:19 17:10</p> <p>correct 5:22 6:14 12:21 20:8 27:8 36:4,8 76:16 109:20 116:15 126:13,17 127:21 129:22 133:12 152:8</p> <p>correctly 98:12</p> <p>corroboration 70:3</p> <p>counsel 148:3,9 151:9,12</p> <p>count 91:16</p> <p>counter 140:7</p> <p>counting 55:3</p> <p>counts 55:2</p> <p>County 6:20</p> <p>couple 32:17 77:13,14,15</p> <p>course 60:16 71:4 76:17 148:12</p> <p>court 53:8 151:20</p>
---	---	--	---

Capital Reporting Company
 ABRA - Three Way Liquors, Inc. 11-07-2012

direction 55:21 151:7 directly 16:2 98:20 director 15:21 disabled 30:2 31:17 disappeared 85:13 discuss 149:4 discussed 126:16 dismissed 148:19 disorderly 30:2,15 disparity 64:10 disregard 116:10 disregarding 113:17 disrespect 69:2 145:7 disrespectful 68:20 69:1 75:13 116:10 120:16 distance 99:12 distressful 136:13 District 1:1 61:6 68:6 92:5 135:14 140:15 diverse 16:4 52:4 53:20 Dixon 11:12 doctor's 145:20 document 30:14 53:16 139:13 documented 136:11 137:9 DONALD 2:5 done 33:16 57:16 75:21,22 77:2 130:21	143:14,17 Donna 5:13 door 7:15 20:15 31:1,6 84:19 97:1 102:7,8 120:14 129:21 134:17 doorway 110:14 dot 142:1 downstairs 70:16 drop 30:9 drug 87:3 drunk 72:6 86:10,16,17 due 73:6 115:20 124:17,19,22 125:15 128:7 135:1 144:11 146:17,20,21 147:20 149:21 dump 99:5 dumping 63:2,4 100:6 duplicate 79:14 duress 57:12 during 36:20 39:4 76:14 89:21 90:21 duty 113:18 <hr/> E <hr/> earlier 7:14 47:16 52:2 147:6 early 117:11,17 effect 16:3 effort 108:17 efforts 61:8	eight 139:6 either 12:15 27:12 74:9 79:8 94:9 elder 5:12 45:15 58:16,17 59:14,17 63:9 73:7 82:17 84:22 87:12 112:9,12,19 116:12 118:19,20 122:8 125:2 elders 53:20 119:6 elected 127:18 else 27:3,10 44:22 46:8 68:10 111:14 123:8 else's 14:6 emergency 6:14 Emerson 132:9 employed 151:9,12 employee 151:12 empty 31:1,2,6,7 34:16,18 35:14 37:4 118:16 enclosed 62:19 enlargement 78:11 enter 35:16 entered 147:11 entire 14:4 115:12 entirety 140:1 entities 147:3 environment 136:13 equally 145:6 ERICK 151:3,19	escorted 119:12 especially 61:20 117:18 essential 9:15 establish 75:10 established 31:18 60:8 establishment 94:9 97:15 98:15,18 99:7,19 100:4,5,15 114:10,19 115:9 135:10 136:13 137:1 140:10 establishments 99:11 128:8 establishment's 98:21 evening 18:9 118:5 119:7,8 event 90:11 everybody 4:4 8:3 12:14 146:20 147:22 Everybody's 150:1 everyone 150:10 everything 25:16 79:1 99:4 137:6 everywhere 66:7 evidence 38:6 50:9,12,14 55:2,3 118:13 141:10,12 147:11 evident 56:2 exactly 28:2 56:4 63:10 65:16 70:8
--	--	--	---

Capital Reporting Company
 ABRA - Three Way Liquors, Inc. 11-07-2012

<p>84:10 113:22</p> <p>examined 139:19,20</p> <p>example 30:18 52:14 116:4 117:21 145:7</p> <p>except 4:7 103:19</p> <p>excuse 27:16 39:9 46:12 54:7 80:11 125:18 126:14 128:17 146:16</p> <p>exhibit 16:12,15 18:14,19 52:8,13 53:11 59:20,22 65:14 68:3 76:19 88:21 91:12,13 97:8,13 100:17 104:5,16 105:19 106:1 107:10 109:9 110:11 112:20 113:15 114:4,6,17 117:22 131:3 138:4</p> <p>exhibits 3:11 13:16 16:10,14 19:12 50:14,19 52:7 87:15 103:8 141:17 144:2 147:8</p> <p>exists 136:17</p> <p>expect 148:4</p> <p>expectation 145:3</p> <p>expected 4:14</p> <p>expert 112:6</p> <p>explain 30:5</p> <p>explained 26:2</p> <p>express 45:2</p> <p>exterior 117:16</p>	<p>extreme 137:11</p> <p>extremely 86:3</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>fabricate 128:4</p> <p>face 79:5,8,9</p> <p>facial 26:15</p> <p>facing 34:5 78:22</p> <p>fact 25:2 64:19 65:20 115:14 124:6 133:20 134:5,9,10,16 135:9 137:1 140:14,18</p> <p>facts 9:8 128:4</p> <p>fair 101:10</p> <p>fairness 55:13</p> <p>Faith 5:5,11 11:20 15:8 59:17 67:12 111:5 113:2,12,13</p> <p>fall 60:6 117:18</p> <p>falling 54:9</p> <p>familiar 125:5</p> <p>family 6:14 144:3</p> <p>fascia 77:2,5</p> <p>fast 55:14</p> <p>father 45:15,16 46:1 48:22</p> <p>father-in-law 68:16</p> <p>fear 122:4</p> <p>feel 44:5 57:8,11,20,22 58:2 145:6</p> <p>feelings 116:13</p> <p>feet 93:14</p>	<p>125:12,14</p> <p>fellowship 70:16</p> <p>felony 72:5</p> <p>fence 36:18 62:9,17,18,20 63:13 96:12,21 98:9,10 106:18,19,21 108:3,4,10 109:6</p> <p>fenced 62:6 96:15,18 107:3</p> <p>fenced-in 108:14</p> <p>Fenty 61:9</p> <p>fifty-one 138:17</p> <p>fifty-three 138:17,18</p> <p>fight 86:6</p> <p>filed 14:22</p> <p>filled 123:14</p> <p>finally 21:7</p> <p>financially 151:13</p> <p>findings 117:16</p> <p>fine 13:3 29:11,12 44:3,18 54:10,15 59:4,6 78:2,3 110:19 132:20 133:6</p> <p>finish 48:17 141:18 147:7,14</p> <p>first 5:8 10:6 13:5 16:7,20 18:13 25:15 29:10 51:21 56:15 65:21 66:11 68:14,19 70:21 73:1 77:22 78:11 82:18 89:7 101:21 105:20,22 115:2</p>	<p>119:10 131:6 139:16 144:1</p> <p>first-hand 36:2 94:8</p> <p>five 11:19 14:3,8,10,12 53:13 60:10 139:5</p> <p>flirtatious 84:17</p> <p>flower 67:16</p> <p>flowers 67:14,15</p> <p>fluid 42:10</p> <p>focused 95:18</p> <p>folder 51:9</p> <p>folders 51:1,5</p> <p>food 25:3 113:19 115:9</p> <p>foot 74:12</p> <p>footnote 54:6</p> <p>foregoing 151:4,5</p> <p>foregoing/ attached 152:7</p> <p>forget 7:21</p> <p>forth 116:4</p> <p>forty-five 138:17</p> <p>forward 136:4,5</p> <p>fourth 104:16</p> <p>foyer 102:5</p> <p>frequently 128:13</p> <p>Friday 18:5</p> <p>front 32:18 52:6 60:13,20 65:1 66:7 69:16 71:3 77:5 85:14,17 86:9 105:13 118:2 119:4</p>
---	--	--	---

Capital Reporting Company
 ABRA - Three Way Liquors, Inc. 11-07-2012

<p>126:22 132:22 fronting 121:15 frustrating 137:12,13 full 76:15 149:14 fully 7:19 functions 104:2 funeral 86:15</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>gang 104:11 garage 45:17 general 148:3,9 gentleman 85:12 120:15 146:22 Georgia 1:6 4:11 14:17 15:12 20:10 22:1,2 60:20 64:16 86:11 gets 14:5 62:16 63:15 86:12 getting 52:2 54:8 77:9 112:4 given 18:12 38:3 52:14 60:14 99:16 120:7 142:22 148:18 149:16 151:8 gives 94:9 giving 146:8 glass 96:4 102:6 gloves 93:21 god 71:6 86:13 gone 8:19 75:2 80:6 94:14 129:8 gotten 71:13</p>	<p>government 52:1 gracious 61:13 143:20 graffiti 61:1 104:7 grateful 52:1 61:14 grave 144:10 145:3 gray 108:19 great 27:5 64:9 144:11 149:10 green 7:3 ground 63:2,4 grounds 99:20 group 11:19 116:17 guarantee 147:17 guess 32:21 49:18 100:11 guidance 150:17 gun 72:13 122:1,3 127:10,21 guys 60:1,21</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>half 14:5,11 42:8 91:17,19,21 hall 70:16 hand 16:21 58:19 93:20 112:15 handles 84:8 hang 107:7,16,18 112:4 hanging 60:1 hangs 71:2 happen 12:15 61:10 66:8,10</p>	<p>72:21 116:1 119:4 147:21 148:22 149:1,13,18 happened 65:20 69:14 72:19 73:21 83:4 84:10 85:16 89:12 118:17 123:19 happens 60:10 61:10 67:21 128:1 133:21 150:3 harassment 72:18 haven't 7:21 94:13,14 144:15,17 having 24:2 62:7 83:11 104:3 115:15 121:11 123:12 hazards 113:20 health 3:18 25:3,18,22 26:8,9 43:12 113:22 116:13 134:10 138:4 140:11,17 143:1 148:12,13 hear 24:2 59:10 70:11,14 77:12 78:14,15 103:17 115:6 143:12 147:22 heard 7:19,21 24:12 53:8 70:7,10 73:2,3 79:1 84:11 93:4 98:12 124:9 145:4 150:2 hearing 1:7,15</p>	<p>4:14 6:12 10:5 12:3 14:14 49:4 65:21 83:11 89:6,8,9 123:15 144:20 147:14,15,18 148:4,8 150:22 151:4,10 hearsay 70:2 Heineken 95:2,6 he'll 58:9 89:20 help 44:12 97:21 135:21 136:12,15 helped 87:3 hereby 151:4 152:3 hereto 151:13 HERMAN 2:6 herself 59:13 he's 10:3,6 21:10 50:20 53:8 68:18 71:5,6,7,12 75:2 85:13,15 86:12,13 90:4,8,9,21 111:6,7 128:20,21 129:14 140:16,19 144:3 Hey 45:18 Hi 34:5 87:12 138:3 high 27:20 62:9 117:19 higher 62:10 hire 66:12,18,21 hold 30:1 31:16 150:14</p>
---	--	--	--

Capital Reporting Company
 ABRA - Three Way Liquors, Inc. 11-07-2012

<p>home 6:18 146:4 homily 120:7 honestly 132:17 honor 52:8 hop 7:2 hope 8:5 27:19 hospital 6:19 hour 14:5 49:20 145:22 hours 8:8 18:2 36:20 76:4 house 31:1 82:6 87:21 109:1,2 huge 86:16 Huh 26:6</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>i.e 26:20 I'd 50:13 68:12 idea 10:16 39:18 62:15 113:6 identifies 11:18 identify 6:2 18:14,19 19:13 59:13,15 97:6 139:3 identifying 81:17 I'll 4:9 16:7,8 49:10 50:4 53:1 55:5,11 I'm 4:6,17 5:1,4,7,11,13 7:15 10:10 12:7 13:20 18:12 19:8,11 24:2,4 28:3 29:16 32:20 33:13 34:5 35:2 36:19 37:8 46:16</p>	<p>48:5 49:10,17,18 52:2,20 53:3 54:7,8,10 55:14 59:1 61:14 62:4 69:20 72:6 73:5 75:22 77:9,19 78:14,17 79:2 81:4 82:6 86:13,18,19 90:4,12 93:6 96:5,20 97:8 100:16 101:11 103:1 104:11,20 105:21 106:2,8 107:17 112:4 113:16 115:18 116:6,8 117:5 118:17 119:8 122:13 124:17,19,20 125:14,15 126:20 127:7 128:9 132:15 134:16,17 135:2,6,20 136:18 137:16 139:9 140:22 143:2 145:19 146:7 147:21 150:2 image 114:8 immeasurable 8:20 immediate 11:14 99:18 impact 15:10 implication 26:19 implied 138:9,10 important 7:6 145:6 147:16 importantly 59:11 inaudible 11:8</p>	<p>28:16 42:15 45:1 46:7,8 52:8 53:12 95:11 105:16 143:18 in-between 102:8 110:14 111:7 132:4 Inc 1:5,6 4:18 14:16 incidences 120:5 incident 70:14 85:16 118:22 include 14:7 included 63:21 includes 14:5 including 25:2 independent 70:3 Indian 19:21 indicated 24:15 indication 26:19 indirect 15:19 individual 5:17 16:13,14,15 57:8,17 136:9 individuals 10:11,13 127:20 146:19 inebriated 71:12 infer 68:20 influenced 12:12 information 40:9 informed 123:4 infusing 145:19 infusion 6:19 7:7 inside 19:14 40:11 43:17 60:3 74:12 92:18</p>	<p>96:12,14,15,18 102:4,5,6,10 106:19 119:13,16,18 120:15 Inspection 115:9 inspector 138:20 140:4 institution 64:16 instructed 26:17 intending 50:8,12 interaction 118:21,22 interested 151:14 interesting 65:6 interior 3:13,14 internet 26:4 intimidate 66:5 103:3 122:3 intimidation 65:21 69:9 72:18 85:2 introduce 44:14 113:8 introducing 53:2,3 introductions 4:15 inventory 19:15 investigative 8:2 investigator 8:1,11 9:3,16 10:2,6 58:8 60:15 investigator's 9:4 10:3 11:18 15:3 invoke 12:9,16,21 invokes 12:14 involved 33:13 72:20 85:1 113:21 119:5</p>
---	---	--	--

Capital Reporting Company
 ABRA - Three Way Liquors, Inc. 11-07-2012

<p>irrelevant 32:2 115:18 128:10</p> <p>isn't 4:5 78:12 81:9</p> <p>issue 7:22 15:18 55:8 115:14 116:21 117:5 118:2 124:15,16,18 125:16 133:10 134:7,9,12 136:3,20,21,22 137:3,4 141:6,22 142:11,12 144:4 145:2,3 147:16</p> <p>issues 6:10 10:7 47:13 52:3 68:16 134:8,13 136:3,22 141:2,4,5</p> <p>item 122:5</p> <p>it's 4:3,20 7:6,19 8:5 9:15 10:5 11:19,21 12:3,6 13:10 26:14 30:10,11,20 31:2,19 33:13,17 34:17,19 35:1,14 36:7,20 37:4 39:14,17 41:5,17 42:15 44:7 45:18 46:18,21 47:8,16,20 48:13 50:20 54:15 55:3,12 57:6,16 60:16 62:10,18 63:2,6,13,19 65:22 66:1,3 68:19 71:5 72:16 73:17,18 76:17 79:14 87:14 92:22 95:11 100:11 104:6</p>	<p>106:1,2 107:3 108:14 109:12,22 111:6 113:6 116:3,9,10 117:7,22 124:16 125:9,16 127:19 128:12 130:19 131:19 134:6,7,8,9,10,1 1,18 135:8 136:16,17 137:3,4,12,13 138:3 140:18 143:4 145:9 148:13,18</p> <p>I've 16:16 32:13 35:2 71:13 113:2,13 137:10 139:21 141:13,14 146:6</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>jam 48:9</p> <p>January 15:15</p> <p>Jenkins 147:12 149:1</p> <p>jobs 8:21</p> <p>Jones 2:6 13:19,21,22 14:3 26:12,13 27:3,5,15,17,21 28:2,7 39:7,8,12,15,18, 21 40:3,5,7,13,17,1 9,21 41:1,3,5,8,11,14, 16,20 42:1,4,8,12,18,2 2 43:2,7 47:2,4 49:18,22 50:1,4 51:11,13,18,20 56:22</p>	<p>57:2,5,11,14 58:4,5,9 91:10,11,15,19 92:3,6,9,12,15,1 7,20,22 93:7,10,17 94:3,7,13,17,21 95:1,4,8,15,18,2 0 96:9,11,15,17,22 97:2,4,12,18,22 98:2,5,7,9,12,14, 17 99:1,6,10,15,18 100:1,9,12,19,21 101:1,4,6,10,18 102:3,9,12,16,20 ,22 103:4,6,7,11 104:6,18 133:7,8,14,17 134:2,12,14 135:5,7,15,18,20 136:1,20 137:3,12,14,16,1 9,20,22 144:14,18 146:17,19 150:9,12</p> <p>judge 29:2 44:6</p> <p>July 30:17</p> <p>jump 47:19</p> <p>Jung 3:7 4:19,21 16:8 17:5</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>Kenneth 11:11</p> <p>key 8:3 9:22</p> <p>kids 71:15 105:7,10</p> <p>knew 122:8</p> <p>knock 120:14</p>	<p>knowledge 27:1 36:2 64:11,17,18 74:8,13,14 84:7,11 94:7,8,11,12 124:4,21</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>labeled 41:12</p> <p>lack 142:3</p> <p>ladies 84:16</p> <p>lady 5:8 119:10</p> <p>landscape 87:4</p> <p>language 119:6</p> <p>last 6:21 28:14 60:17 65:3 68:1,2 77:11 80:2,15 81:15 86:3 89:14 96:10 117:9 142:20</p> <p>late 54:3</p> <p>later 6:3 147:17</p> <p>law 72:22 86:1 92:1 93:4 135:11 136:10</p> <p>lawyer 38:22</p> <p>layout 19:17</p> <p>lead 142:5</p> <p>leadership 142:4</p> <p>learned 115:2</p> <p>learner 55:14</p> <p>learning 73:18</p> <p>least 35:18</p> <p>leave 6:13 7:12 69:3</p> <p>leaves 6:22 146:2 150:10</p>
---	--	---	---

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

lecture 129:14	125:1 126:22	98:20 100:3	losing 144:20
leg 145:17	129:20 130:22	136:21 137:4	145:17
legal 124:20	liquid 42:9	littering 137:5	lot 20:21,22 21:2
length 48:7	liquor 3:15 5:1	little 19:9 23:18	29:18
lengths 8:20	17:13	24:3 47:20,21	36:12,14,18
let's 59:3 64:16	20:15,18,20 30:3	59:1 102:7	37:1,12,17 45:20
105:18 139:19	41:18 46:4 53:22	110:14 114:16	66:9 88:5,8
141:12 146:15	64:14,19,22 65:5	118:1	102:11
147:4	69:16 72:3,4	live 6:20 30:8	107:6,7,8,18,19
letter 98:7 150:4	86:18,21	109:16 110:1	lots 107:16
level 46:7 97:14	99:4,10,13,15	116:5 134:19,20	louder 19:9
98:3	102:18 106:22	135:3 145:20	loudly 114:16
library 54:1	107:5 109:13	lives 35:6	115:5
license 1:7 4:11	110:3,5,15	living 34:12	Loudoun 6:20
13:9 14:16 46:4	115:15 116:6	lobby 119:13	lounge 140:7
67:18 73:3 83:8	118:5,9 119:4	localized 99:20	Lovettsville
84:12 101:11	121:12,17	locate 38:17	145:21
115:10	124:13,18	located 4:11	lower 120:10,15
121:12,17	126:9,12,16,19,2	21:3,14 125:8,9	
124:13,19 137:8	2 128:14,18	location 100:6,16	<hr/> M <hr/>
licensed 98:18,20	129:1,21	locked 108:13,14	ma'am 38:1 91:11
99:7,19	131:2,4,7,21	locks 108:16	92:15 96:22
100:4,5,14	132:5,11,21	logic 134:3	102:9,16
135:10 137:1	133:18,19	logistical 6:9 7:18	131:5,15
Licensee	134:17,21	52:16	Madam 13:19
3:3,13,14,18	135:2,3 136:2	loiterer 3:17	29:17 32:3 34:2
4:16 13:5 51:7	137:8 146:8	loitering 15:22	39:8 44:11 51:11
82:18 101:13	liquors 1:5,6	52:14 85:21	52:9 56:1,22
133:11 150:13	4:5,11,18	136:22 137:5,15	75:13 84:20
Licensee's 3:12	14:16,17 15:20	long 7:15 9:1,7	91:11 103:6
50:19 103:8	17:7 64:5 99:3	32:11	130:6 133:8
109:9 110:10	113:17 115:2	33:8,15,17,18,19	138:1 148:10
131:3	118:15 121:18	34:22 35:3 53:7	main 134:1
lie 78:9 128:3	123:5 124:13	58:11 83:2	maintain 81:6
light 41:18 111:4	125:6,16,17	112:22 113:11	major 15:17 25:5
limited 75:20	126:21 128:8,11	148:4	117:14
145:13	131:20 133:15	longer 4:14 85:14	majority 96:7
line 7:3 86:9 116:9	137:18	105:17 118:3	man 85:12 86:8,17
117:4,7 122:2	literally 62:20		mandated 149:7
	86:14 102:5		
	108:17		
	litter 92:7		
	93:13,14 97:14		

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

<p>mandatory 8:11,13</p> <p>marked 16:10,12,16,17 18:14,18 19:18 52:8</p> <p>married 146:6</p> <p>Martha 147:12</p> <p>Maryland 6:22</p> <p>material 44:12</p> <p>matter 1:4 65:20 74:4 75:20 141:15</p> <p>max 147:5</p> <p>may 5:15 45:3 50:22 57:2 60:3,5 75:16 96:6 102:7 114:3 128:6 140:14</p> <p>maybe 31:9 35:7 52:18 76:7 81:15 89:18 101:3,4 102:8 117:22 126:21 137:9,10</p> <p>mayor 61:9</p> <p>MCNAIR 151:3,19</p> <p>mean 7:20 11:11 25:20 33:17 34:10 37:9 41:10 43:16 64:1,21 71:16 73:16 75:18 77:20 84:16 86:6 90:16 98:3 102:14 108:14 109:18 114:9,14 133:11 138:13,19 149:15</p> <p>means 7:2 57:18</p>	<p>114:10</p> <p>meantime 13:16</p> <p>medical 144:4</p> <p>MEETING 1:3</p> <p>meetings 90:11</p> <p>member 2:4,5,6,7,8 5:7,13 12:21 37:5 57:8,17 113:1,2,12,13 136:10 145:12,15</p> <p>members 12:17 15:12 16:4 22:15 60:3 78:19 97:20 133:7 136:15 145:4</p> <p>mentioned 42:16 69:7</p> <p>mess 16:1</p> <p>met 1:14</p> <p>Metro 30:14</p> <p>Metropolitan 30:4</p> <p>microphone 5:16 95:13</p> <p>middle 68:18 79:9 86:10</p> <p>mike 2:8 59:7 79:4</p> <p>miles 145:21</p> <p>Miller 1:17 2:3 4:3,20,22 5:2,6,14,20 6:2,6,8,17 7:1,5,8,12,17 8:13,18,22 9:5,10,13,17,19 10:12,15,22 11:3,6,10,15 12:1,5,19</p>	<p>13:3,20 14:1,12 15:7 16:5,11,15,18 17:3 19:8 23:9,16,21 24:1,7,10,13,17, 20 25:7,10 26:12 27:2,4,6,8 28:8,10,17,21 29:1,2,3,6,8,11,1 4,17,21 32:4,7 34:3 37:22 38:2,5,8,10,13,1 5,19 39:1,6 43:8 44:15,19 45:7,9,12 46:10,12,14,20 47:8,12,21 48:1,4,6,10,13,1 6 49:3,8,11,14,17, 21 50:2,7,11,15,18 51:2,6,9,12,17 52:9,10,16,21 53:4,6 54:4,7,15,18,22 55:7,16,19,22 56:3,9,12,14,16, 18,20 57:1,4 58:6,13,15,18,22 59:3,6,10,19 69:21 70:6,9,11,19 71:1 73:9,11,14,17,21 74:7 75:12,15,17 76:2 77:6,19 78:14,18,22 79:3,6,8,11,16,1 8 80:8,11,13,17 81:2,5,8,11 82:8,10,15 84:3,21 87:11 88:18,21 89:2</p>	<p>91:10 95:12 97:5,10 103:7,12,16,19 104:1,4,9,12,15, 20,22 105:8,10,15,18,2 2 106:6,9,13,16,21 107:4,9,13,15,19 ,22 108:4,7,10,15,19 ,22 109:2,5,8,11,15, 19 110:2,4,7,10,13, 17,19,21 111:2,8,10,13,17 ,20 112:2,5,8,10,14, 18,21 113:5,10 114:2,5,7,12,15, 18,21 122:9,11,15 125:3,21 126:4,6 128:22 129:4,7,11,15,19 130:4,7,10,12,15 ,19 131:6,10,13,22 132:2,5,7,10,13, 18,20 133:2,5 138:2 139:7,11,15 141:11,15 142:17,19,21 143:3,9,12,15,19 ,22 144:9,13,17 145:8,11,13,18 146:1,5,9,11,14, 18 147:4,10 148:10,20,22 149:6,9,12,17,20 150:1,5,11,18,20</p> <p>minor 25:5</p>
---	---	--	--

Capital Reporting Company
 ABRA - Three Way Liquors, Inc. 11-07-2012

<p>minutes 14:8,10,12 49:16 50:3 57:7,14,15,18 58:10 143:19 144:3,15,16,19,2 2 145:22 147:5 150:12,13</p> <p>MIRANDA 152:3,12</p> <p>miss 79:11 143:2</p> <p>missed 148:1</p> <p>mission 90:3</p> <p>moment 117:10</p> <p>Monday 18:4</p> <p>money 60:2,22 121:18</p> <p>month 117:22</p> <p>months 33:13 38:12 60:4,18</p> <p>moon 54:2</p> <p>morning 46:6</p> <p>Moroni 21:12</p> <p>mosque 64:14</p> <p>motion 30:22 31:5</p> <p>mouth 64:2</p> <p>move 10:4 43:22 44:2 50:13 84:14 129:18</p> <p>moving 50:8,12</p> <p>myriad 117:1</p> <p>myrtle 118:1,4 127:1</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>N.W 1:16 4:11 11:9,12,13 14:17</p>	<p>narrower 75:19</p> <p>N-D 112:13</p> <p>needles 67:15</p> <p>negligence 15:20</p> <p>neighbor 12:6 113:18 134:5</p> <p>neighborhood 3:15,16 11:5,7,14 38:17,21 47:7 48:21 52:5 67:13,22 86:6,21 115:12 133:18</p> <p>neighborly 127:18,20 128:1</p> <p>neighbors 22:12</p> <p>neither 151:9</p> <p>nice 48:19</p> <p>Nick 2:4 140:20</p> <p>night 150:21</p> <p>nightclub 3:16 21:9,10</p> <p>nine 139:6 147:5</p> <p>nobody 35:6,8 68:20 83:17</p> <p>nobody's 35:10</p> <p>noise 30:22</p> <p>NOPHLIN 2:7</p> <p>nor 151:9,13</p> <p>normal 44:4</p> <p>normally 10:2 14:3</p> <p>north 20:1,2,7 21:22 124:1</p> <p>noted 138:20</p> <p>notes 152:6</p>	<p>nothing 16:22 30:11 58:20 102:15 112:16</p> <p>notice 131:2 132:21</p> <p>noticed 43:2 148:15</p> <p>notify 127:20</p> <p>November 1:12</p> <p>nowhere 68:13</p> <p>NW 1:6</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>oath 78:9</p> <p>object 23:20 24:4 69:21,22 70:1 147:8</p> <p>objected 24:14</p> <p>objection 13:2 23:17,19 50:16 69:19 122:10</p> <p>objections 141:17</p> <p>observations 117:10 138:16,19 139:2,5,6</p> <p>occasion 85:19 118:11</p> <p>occasionally 35:18,22</p> <p>occasions 85:20</p> <p>occupation 127:6</p> <p>occupied 34:10</p> <p>occupies 17:19</p> <p>occur 89:5</p> <p>offending 15:4 126:12,16</p>	<p>offer 13:17 44:19</p> <p>offered 38:5</p> <p>officer 151:3</p> <p>officially 51:14 136:11</p> <p>oh 5:14 10:22 13:18,20 14:1 24:17 25:20 26:11 29:6 33:15 38:4 39:7 40:15 49:7 51:3 54:13 58:18 61:12 65:18 67:4 73:14 79:16 80:17 86:13 88:7 90:2,10 98:6,8 101:8,11 103:12 104:11,20 108:15 111:13,20 126:4,6 138:3 142:21 143:3 150:11</p> <p>oil 65:15</p> <p>oily 101:20,22</p> <p>okay 4:3,5,12,20,22 5:6 6:3,6,8,17 7:1,5,8,17,22 8:22 9:5,19 11:1,10,15 12:1,6,19,21 13:1,3 14:2,9,13,14 15:7 16:5,18 17:3,6,9,12,18 18:2,8 19:2,5,18 20:10,13,17,19 21:5,11,13,20 23:9 24:4,7,10,17,20 25:7,10</p>
--	--	--	--

Capital Reporting Company
 ABRA - Three Way Liquors, Inc. 11-07-2012

27:2,6,14 28:1,6,8,21 29:1,14,21 30:5 32:4,11,15,20 33:8,21 34:2,19,22 35:15 36:1,2,10,17 37:6,20 38:10,13,15 39:1,6 40:7,21 41:3,5,11,12,20 42:18,22 43:7,8 44:5,7,8,20 45:12,13,14,18 48:17 49:3,14 50:2,7,15,18,19, 21 51:2,9,18 52:10,17,21 53:4,8 54:4 55:6,7,11,19,22 56:12,14,16,19 57:4,10,20 58:2,15 59:5,9,11,19 61:5 63:11 70:2,19 73:18 74:5 75:12,15,17,21 76:2,3,18 79:6,7,10,16 80:1,17 81:2,5,7,10,11 82:10,14,15 84:5,6,20,21 87:22 88:7,10,13,17,18 89:2,11,16,17 90:2,6,13,19 92:3,9,17,22 93:7 94:3,13,21 96:9 97:2,4,10,18 98:9,17 99:1,9 100:9,12 101:10,18	102:3,12,20 103:4,13,16 104:1,15,22 105:8,18 107:4,13 108:5 109:8,15 110:19 111:8,13,15 112:2,5,8,18,21 113:10 114:5,7,21 117:21 121:7 122:11,13,15 124:8 125:3,12 126:6 127:5,9,10 129:8,19,20 130:2,4,18 131:9,13 132:2,7,10,18 133:5,6 134:2,14 135:5,18,22 137:14,22 139:7 140:8,12 141:8,19 142:8,17 143:2,3 144:21 145:2,18 146:6 147:3,10 149:19 150:3,6,11,18 older 80:7,19 one-day 43:18 ones 39:18 open 37:18 46:5 64:2 116:21 123:9 open-ended 67:3 opening 3:3 13:4,10 14:8 operate 15:4 136:9,10 operated 14:18 22:6 134:4,7,9 operation 18:3	22:9 76:5 98:21 136:2,12 opinion 48:8 101:19 136:8 opportunity 73:1,5 101:12 115:19 123:13,14 148:11,14 opposed 100:4 option 148:18 optional 8:12 options 29:18 ordained 58:17 order 11:3,17 15:10 52:4,15 62:20 ordered 44:13 organized 52:11 others 41:3 54:20 69:13 otherwise 151:13 ours 75:20 outcome 151:14 outdoor 39:2 outrageous 146:10 outright 16:1 outside 84:13,17 96:12 97:1 98:17 99:6,18 106:18 119:1,13 overruled 70:20 owned 14:18,19 32:12 49:1 owner 5:11 11:22 17:6 116:1 120:20 121:10	122:18 owners 10:10 123:5 owns 71:3 <hr/> P <hr/> p.m 4:2 150:22 page 53:14 61:3,4,14 63:7,18 80:3,15 87:15 88:19,20 89:3 91:16 96:1,2,10,11,12 100:16 107:11 115:8 138:15 139:12,15,17 pages 9:7 151:5 paint 42:16 panel 9:8 51:22 123:10 panhandling 60:2 paper 4:9 25:16 95:12 papers 123:15 Pardon 47:3 50:10 77:3 81:21 park 95:10 parked 37:10,12,17 parking 15:17 20:21,22 21:2 36:11,14,18 37:1 71:4 88:5,8 136:20 parsonage 54:1 PARTICIPANT 5:19 129:2 participants
---	--	---	--

Capital Reporting Company
 ABRA - Three Way Liquors, Inc. 11-07-2012

<p>123:20 particular 100:3 119:7 120:12 137:1 140:18 parties 4:15 5:17 9:14 10:8 151:8,10,13 party 4:6,7 5:21,22 party's 12:12 pass 73:8 past 14:20 148:15 149:15 pastor 5:4 15:8,21 60:22 69:10 71:22 72:9 84:1,7 89:19 93:21 97:21 115:17 116:2 121:2,3 122:21 pathetic 85:4 patron 100:4 118:8 patrons 15:20 65:22 69:8 70:14 pattern 72:17 142:3,12 patterns 142:6 pay 44:3,6 peace 11:3 15:10 52:3,15 87:6 peaceful 84:15 86:2 87:7 pedestrian 15:17 PENNACHI 152:3,12 people 10:18 12:9,20 35:16,19</p>	<p>45:20 46:3 53:12 65:1,4 71:14 77:21 84:13 86:2,7 87:1,7 99:2 107:7,16 109:16 110:1 117:2 128:13,15 131:7 132:21 135:1 144:7 149:10 per 150:17 percent 137:8,9 perfectly 115:14 121:19 period 37:15 81:12 117:15 134:11 periodically 58:10 permission 15:6 person 63:20,22 69:15 70:22 71:1,18 84:9 122:8 personal 7:9 94:11,12,22 147:16 personally 57:7 63:21 64:2,8 70:22 71:13 94:15 100:13,18 101:8,9 128:15 person's 120:17 perspective 119:3 120:2 ph 6:7 11:11,13 17:5 photo 40:15 91:17,20 92:20 101:13 109:9 photograph 3:12,13,14,15,16</p>	<p>18:12,13,15,18,2 0 19:3,6,18,19 20:8,13 21:7 53:11 63:19,20 76:21 77:1 photographs 3:18 16:9 19:12 photos 3:17 16:13 101:12 phrase 24:21 physical 26:15 69:14 physically 118:11 119:4 pick 46:6,11,13 86:5 144:5 picked 64:2 picture 21:19 32:19,21 38:12,21 39:3 41:12,16 60:8,9,10 63:18 67:5,9 68:1,2 77:11 78:10,11 80:2,7,9,13,19,2 0 87:14 88:4,15 93:11 95:15 96:17 97:6,9,12 101:16 102:14 103:1,9 104:16 105:2,22 106:5 107:10 108:1 113:22 118:17 131:3,16 132:3 pictures 38:3 39:9,19,22 40:3,8 50:8,12,16 51:14 54:12 55:4 60:1,4,17,21 68:4 81:13,14,17,20,2</p>	<p>2 82:3 103:8,17 104:5 105:19 picture's 59:21 piece 4:8 92:7 93:12,13,14 pile 96:3,6 piles 96:7 Pizza 21:12 places 106:10,14,20 plain 94:4,9 plaintiff's 131:2 plan 7:13 plant 67:14 planter 93:16,19,20 planters 92:14,19 94:1 play 117:14 please 17:4 58:19 70:18 112:20 114:12 117:19 120:22 145:11 146:19 plus 22:5 point 7:14 13:19 14:3 26:13 44:15 46:14 47:17 50:9 51:13 52:2,22 68:12 81:1 115:18 119:14 122:2 134:16 pointed 96:11 pointedly 133:10 police 23:2,6 24:6 30:4,14 31:14 85:6,20,21 91:4 127:14,20</p>
--	---	--	--

Capital Reporting Company
 ABRA - Three Way Liquors, Inc. 11-07-2012
 Page 18

<p>poorly 134:8</p> <p>portion 42:9</p> <p>posed 24:5 47:5</p> <p>position 116:11</p> <p>possible 84:16,18</p> <p>possibly 131:17</p> <p>preached 70:15</p> <p>preliminary 10:7</p> <p>premise 116:11 126:20 134:7</p> <p>prepared 50:22</p> <p>presence 9:4</p> <p>present 2:1 55:11,15 57:14,22 58:1</p> <p>presented 101:12 121:13 138:7</p> <p>presenting 55:9</p> <p>president 4:19 17:9</p> <p>presiding 1:17</p> <p>pressure 27:20</p> <p>pretty 67:17 138:18</p> <p>prevention 15:18</p> <p>prior 115:16 116:1,2</p> <p>probably 32:18 58:6 78:13 79:13,14 81:18 87:5 88:15 96:2,19 103:20 105:4 113:6</p> <p>problem 7:18 43:12,13 45:22 133:14,17,19,20 134:6 136:6,17</p>	<p>137:17</p> <p>problems 85:11</p> <p>proceed 13:4</p> <p>proceeded 121:8</p> <p>proceeding 152:5,6,9</p> <p>process 58:2 72:17,20 73:6,19 115:20 123:2,13 124:17,19,22 147:20 149:21</p> <p>prodding 26:18</p> <p>profanity 119:5</p> <p>professional 113:20 146:20,22</p> <p>proffer 16:8</p> <p>profiled 41:17</p> <p>program 64:9</p> <p>programs 87:3</p> <p>prohibited 121:11</p> <p>projects 90:3</p> <p>prolong 9:11</p> <p>promised 146:11</p> <p>proper 29:4,5</p> <p>properties 53:21 74:9,13 102:21</p> <p>property 3:12,13,14,18 11:22 31:9,16 35:21 61:17 92:11 95:11 102:19 103:2 106:22 107:1,11 108:1 110:16,17 121:10 128:12 132:22 133:22 134:11 135:4</p>	<p>proposed 141:17</p> <p>pros 55:17</p> <p>protect 141:7</p> <p>protest 1:6 8:2 10:5 11:19 14:22 15:1 22:22 46:4 60:9 71:5 82:18 83:10,21 115:19 136:5</p> <p>protestable 136:3</p> <p>protestant 3:3 11:20 12:4,5 14:22 16:8 18:22 52:13 57:3 59:20 91:12 100:17 106:1 107:10 112:20 113:15 114:4,6</p> <p>protestants 5:3 49:13 150:12</p> <p>protestant's 3:13,17 52:7 88:21 97:13 104:16 105:19</p> <p>protested 82:22</p> <p>protesting 49:2 60:16 72:3,20 121:5 122:6,21 137:7</p> <p>protests 15:1</p> <p>protocol 8:10 29:16 114:11 148:13</p> <p>proudly 74:10</p> <p>provide 9:7</p> <p>proximity 98:18 99:7,19 100:2 133:19</p> <p>public 85:22 141:7</p>	<p>pull 94:1</p> <p>purchase 17:15,21</p> <p>purchasing 99:3</p> <p>purpose 8:6</p> <p>pushback 54:8</p> <p>puts 73:22</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>question 11:16 12:7 23:11,17,19,20 24:5,7,12,14,19, 21 25:8,11 26:17,22 27:9,11 28:9,11,12,22 29:20 32:2,6 46:16,20 67:2 69:5,20 70:11 74:6 95:1 103:5 104:19 117:9 122:16 125:19,22 126:1 129:5,6,13,15,16 130:8,20 131:5,13,16 135:8 142:2 147:6</p> <p>questioner 81:9</p> <p>questioning 121:3 131:1</p> <p>questions 8:4 13:14,17 23:8 32:5 37:22 43:9,10 44:21 45:10 46:18,22 47:1,2,4,5,10 56:5,17 74:3,4,5 75:16,18 77:7 81:11 82:12,16 87:10 91:8 103:13 104:5 111:14,18,21</p>
--	---	---	---

Capital Reporting Company
 ABRA - Three Way Liquors, Inc. 11-07-2012

<p>115:22 128:21 130:3,22 131:1 133:6 141:9,19 148:7</p> <p>quickly 61:15 147:7</p> <p>quiet 11:3 15:11 52:4</p> <p>quite 40:14</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>raise 16:21 58:18 112:14 141:16</p> <p>raised 47:13 142:1</p> <p>ramblings 85:4</p> <p>range 53:13</p> <p>rather 14:20 15:18</p> <p>rationale 93:1 95:21 96:5</p> <p>ravishing 86:20</p> <p>reaction 115:1</p> <p>reactions 26:15</p> <p>ready 77:9</p> <p>real 30:22 60:10 67:20</p> <p>really 24:2 32:1 41:11 48:8 54:19 59:7 60:13,19 65:6 67:21 68:15 86:1 123:12 137:13</p> <p>reason 8:17 23:22 85:21 92:22 98:19 100:1 128:3</p> <p>reasoning 93:8</p> <p>rebuttal 10:20 49:11,12 50:21</p>	<p>recall 28:15 132:15</p> <p>receive 124:17</p> <p>received 22:8 23:5,12,15 124:13</p> <p>recently 32:16,17</p> <p>recess 148:8</p> <p>recognize 135:9</p> <p>recollect 70:13 120:7</p> <p>recollection 69:13 93:10</p> <p>reconvene 150:15</p> <p>record 10:3 13:19 31:19 59:12 75:11 88:19 97:5 113:7 137:7 150:9,14,15 151:8</p> <p>recorded 151:6</p> <p>recordings 152:7</p> <p>recreational 113:21 127:7</p> <p>recross 142:19,22</p> <p>red 109:6,17,21</p> <p>redirect 43:9 130:13 141:19</p> <p>reduced 151:6</p> <p>Reeves 1:15</p> <p>refer 29:4</p> <p>referenced 96:13</p> <p>references 128:7</p> <p>referred 119:1</p> <p>referring 27:19,22 28:3 61:3 62:2 88:19 103:9</p>	<p>106:10 114:2 120:17</p> <p>regard 116:13</p> <p>regarding 11:17 22:9 43:12 47:6 126:19</p> <p>regardless 115:16 124:22</p> <p>regs 136:10</p> <p>regular 97:16</p> <p>regularly 46:5</p> <p>regulation 140:17,18</p> <p>rehab 64:9 87:3</p> <p>rehearsal 116:22</p> <p>reissued 73:2 83:8 84:12</p> <p>relate 52:3</p> <p>related 151:9</p> <p>relates 115:11 117:2</p> <p>relating 30:11</p> <p>relation 30:20</p> <p>relationship 45:16,19</p> <p>relative 151:11</p> <p>relicensed 73:2</p> <p>religious 119:19</p> <p>religious-based 64:15</p> <p>remaining 150:13,16</p> <p>remember 39:2 45:21 119:2 129:16 130:16 132:13</p>	<p>remind 26:21</p> <p>remodel 32:18 33:2</p> <p>renewal 1:9 14:15 46:4 137:7</p> <p>renewed 67:19</p> <p>renewing 115:10</p> <p>renovated 32:16 33:6,22</p> <p>renovation 77:13,15,16</p> <p>reopened 44:4</p> <p>repeat 40:13 66:1</p> <p>rephrase 122:14,15</p> <p>report 8:2,4 9:6 10:2,3 11:18 15:3 31:14 66:2,3 91:5 115:9 141:1</p> <p>reported 152:4</p> <p>reporter 53:8 151:1,20 152:4</p> <p>Reporter's 152:6</p> <p>reports 15:3</p> <p>represent 67:7 114:1</p> <p>representative 92:7 97:13 98:3</p> <p>representing 4:17 5:21</p> <p>represents 67:9</p> <p>request 15:5</p> <p>require 12:22</p> <p>required 13:10</p> <p>requires 6:19</p>
---	--	--	---

Capital Reporting Company
 ABRA - Three Way Liquors, Inc. 11-07-2012
 Page 20

<p>reschedule 124:6</p> <p>rescheduled 123:18 148:15,16</p> <p>resident 12:20 15:11</p> <p>residents 11:4,6,14 12:17 15:11</p> <p>resides 11:8,12,13</p> <p>resort 86:3</p> <p>respect 125:15 128:7 135:1 144:12 146:17,21 147:1,2,3</p> <p>respectful 84:18</p> <p>respectfully 15:5</p> <p>respectively 150:16</p> <p>respond 148:14</p> <p>responding 126:5</p> <p>response 24:19 46:15,18 66:17 74:17 130:7</p> <p>responsibility 142:4</p> <p>responsive 47:18 49:4 130:20</p> <p>rest 8:8 75:5</p> <p>restate 142:1</p> <p>restaurant 19:21 21:10,12 132:16</p> <p>result 4:13 30:3</p> <p>Retailer 1:7 14:15</p> <p>return 63:17</p> <p>Reverend 5:4</p> <p>review 101:12</p>	<p>revoke 121:17</p> <p>right-hand 108:1</p> <p>role 117:14</p> <p>room 1:15 12:11 117:3 121:2</p> <p>roughly 98:9</p> <p>rule 10:17 12:9,16,22</p> <p>rules 14:9 55:12 77:21</p> <p>running 54:3</p> <p>rushed 57:9,20 58:1,2</p> <p>Ruthanne 1:17 2:3</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>sacrifice 144:10 148:2</p> <p>safe 100:13</p> <p>safety 15:17 113:20 116:13 117:5,6,7,8 134:15 137:4,13 141:6,22 142:4</p> <p>sake 53:5 63:9</p> <p>sale 109:3</p> <p>sample 53:11,12,14,15</p> <p>samples 96:5</p> <p>Sanitation 25:3</p> <p>sat 65:19 86:10</p> <p>Saturday 18:5 90:11</p> <p>Saturdays 90:12</p> <p>save 146:4</p> <p>saved 64:1 91:17</p>	<p>saving 50:20</p> <p>saw 42:11 43:5 85:5 89:14 114:1 126:19</p> <p>scared 31:8</p> <p>schedule 145:20 147:21 149:14</p> <p>scheduled 76:11</p> <p>schedules 148:12</p> <p>scheduling 8:5</p> <p>scholar 124:20</p> <p>School 116:14,20</p> <p>Scientology 64:15</p> <p>second 28:22 46:12 53:11 63:18 65:8,10 77:19 78:10,15 80:2,15 82:19,20 138:15 139:12</p> <p>Secondly 15:16</p> <p>seeing 46:16</p> <p>seem 134:2</p> <p>seems 85:13 94:4</p> <p>seen 89:15 94:17 100:14 101:6,8,9 118:10,11 131:19 139:21 141:13,14</p> <p>segment 147:7</p> <p>self 56:1</p> <p>self-evident 56:4</p> <p>sell 99:11 126:8</p> <p>selling 71:6,7 90:22</p> <p>sells 94:9</p> <p>Send 33:3</p> <p>senior 59:17 72:9</p>	<p>118:20 119:6</p> <p>seniors 120:10</p> <p>sense 62:16</p> <p>sensitive 30:7,8,12,21</p> <p>sensor 31:4,5</p> <p>sent 94:13</p> <p>sentences 48:1,14,15,16</p> <p>September 77:18</p> <p>series 16:9</p> <p>serious 127:11,13 144:11</p> <p>serves 53:20</p> <p>services 87:2</p> <p>seven 51:5 103:11,12 139:6</p> <p>seven-foot 62:17,18 98:10</p> <p>several 25:2 27:22 30:1,18 31:15 52:3 60:4,18 90:4 123:15</p> <p>share 55:5 70:18</p> <p>sharing 52:20 53:10</p> <p>Sheler 5:13</p> <p>she'll 150:5,6</p> <p>she's 28:4 58:16 64:9 145:16 149:13</p> <p>shock 31:4</p> <p>short 9:20 59:1</p> <p>shot 65:13 143:21</p> <p>showed 65:14</p> <p>shown 118:14</p>
---	---	---	--

Capital Reporting Company
 ABRA - Three Way Liquors, Inc. 11-07-2012
 Page 21

<p>shows 15:3 18:15 19:15 140:10</p> <p>sick 8:1</p> <p>sides 53:21</p> <p>sign 4:8 36:18 41:18 114:1</p> <p>significance 63:20 138:10,11,12 141:10</p> <p>signs 104:11</p> <p>Silverstein 2:8 47:1,10 49:20 50:6 51:16 55:8,12 59:12 84:21,22 85:6,8,10,19 87:9 148:21</p> <p>Similar 95:1</p> <p>Simmons 11:11</p> <p>sir 19:1 47:1 81:1 82:21 87:16 97:17 125:15,18 126:18 127:4,22 128:6 133:13 134:1 135:6,12 136:19 137:20 139:1,21 140:2,11 143:22 145:12</p> <p>sit 16:19 53:5,7 59:1,4 130:20</p> <p>site 99:5</p> <p>sitting 65:17,18 86:10 121:2</p> <p>situation 147:1</p> <p>six 14:22 40:10 53:13 62:17 72:22 115:19 116:3 123:13</p>	<p>139:6</p> <p>sixth 60:11</p> <p>skipped 102:18</p> <p>slightly 41:17,20</p> <p>smashed 111:7</p> <p>snapshots 60:5</p> <p>solution 52:13</p> <p>somebody 14:6 27:10 31:2,8 86:14,22 94:14 109:4</p> <p>someone 15:19 34:12,13 51:3 62:12 69:8 83:18 100:14 101:6,8 108:7 110:8 122:3,4 124:19 127:10</p> <p>sometime 37:2,11</p> <p>son 45:20 46:1</p> <p>sorry 13:20 18:12 19:8 24:4 48:5 62:4 77:20 78:14,17 79:2 81:4 82:7,9,11 97:8 104:20 105:21 106:8 114:15 117:5 122:9,13 147:21 150:2</p> <p>sort 42:10</p> <p>sounds 52:17</p> <p>south 21:15,17</p> <p>space 71:4 102:8 147:13</p> <p>speak 5:15 19:8,9 54:20 114:16 117:19 120:11</p>	<p>speaker 115:5</p> <p>specific 136:22 140:3</p> <p>specifically 142:13</p> <p>specifics 120:11</p> <p>speculate 42:5</p> <p>speculation 70:2</p> <p>spend 48:10 53:15</p> <p>split 150:2</p> <p>spot 102:7,14</p> <p>sprayed 65:16</p> <p>spring 117:18</p> <p>square 93:14</p> <p>stain 42:10 43:3 47:14 101:14,15 103:1</p> <p>stake 143:1</p> <p>stamp 78:1,3 81:1 82:2</p> <p>stamped 82:1</p> <p>stand 16:21 45:14 59:2 86:22</p> <p>standing 11:21 84:13 88:3 121:3 136:7</p> <p>standpoint 100:12</p> <p>stands 135:15</p> <p>start 4:15 6:9 10:2 13:4,18 17:12 49:2 64:16 111:1,4 139:19 148:5</p> <p>started 46:4 144:3</p> <p>starting 4:16 138:14</p> <p>starts 111:1,5</p>	<p>state 8:19 17:4 27:12</p> <p>stated 23:22 52:2 127:17</p> <p>statement 3:3 45:6</p> <p>statements 13:5</p> <p>states 113:7 140:6</p> <p>station 6:22 7:3 146:2,4</p> <p>status 12:3 89:8,9</p> <p>stay 43:16</p> <p>staying 46:7</p> <p>step 13:1</p> <p>stepped 74:12 119:11</p> <p>stick 93:19</p> <p>stop 14:2 21:20 144:4 145:9 147:16</p> <p>stopping 7:14</p> <p>storage 54:1</p> <p>store 3:15 14:18 18:3,16,17 19:4,14,17,20 20:6,15,16,18,20 21:4,21 22:6,9 30:3 32:19 34:6 35:2 40:11 43:17 46:5,6 53:22 64:14,19,22 69:16 72:3,4 99:14,15 102:18 107:5 109:13 110:3,5,15 115:15 116:7 128:14,18 129:1,21 131:2,4,7 132:5,21</p>
--	--	--	---

Capital Reporting Company
 ABRA - Three Way Liquors, Inc. 11-07-2012
 Page 22

<p>134:4,5,17,21 135:2,3 136:2 146:8 storefront 34:7 46:6 storefronts 3:15 stores 86:21 99:10 132:19 133:18,19 store's 106:22 Stores 119:5 street 1:16 11:9,12,13 21:6 22:1 64:1 86:13 124:2 131:18,19,20,21, 22 132:6,7 strong 116:12 structure 42:5 students 116:20 117:2,6 studies 74:22 stuff 54:12 60:12 62:19,21 72:15 96:3,6,8 106:19 stupor 86:17 Styrofoam 94:4,10 Su 17:5 subject 74:4 75:20 subjective 100:11 subliminal 72:13 subsequently 100:6 substance 101:22 102:10 suggest 142:5 sum 138:18,19</p>	<p>summer 54:1 summertime 60:6 Sunday 18:7 46:5 69:9 72:14 74:19 76:9 85:7 89:10 90:5 116:14,20 120:12 Sundays 18:6 74:15 90:9,19,20 Sunghee 6:7 support 137:9 supposed 43:16 68:6 93:5 sure 26:16 27:17 28:4 29:13,16 36:6 37:7,8,9 41:11 49:18 57:7 60:7 67:4 72:6 90:10 93:6,22 96:20 101:11 107:17,18 111:21 117:14 118:17 119:9,12 125:14 137:16 148:5 surprised 115:4,7 surrounding 15:12 93:11 109:13 Sustained 122:11 swear 16:20,21 53:1 54:11 55:1 58:19 112:15 swore 113:4 sworn 55:3 synagogue 64:14 128:19 134:22 <hr style="width: 20%; margin: 0 auto;"/> <p style="text-align: center;">T</p> <hr style="width: 20%; margin: 0 auto;"/></p>	<p>t/a 1:6 table 4:6 26:20 49:9 tagging 53:18 taking 4:14 77:11 96:5 120:13 talk 13:5 45:3 54:13 55:4 69:15 83:18 113:16 118:9 120:9 149:2 talked 83:7 talking 54:11 128:10,11 131:7 139:9 talks 68:15 Tawanna 3:7 5:7 58:16 59:17 teach 116:14,17 team 145:5 tedious 109:22 teeny 102:7 ten 139:6 143:19 144:2,22 tenants 30:8 tendency 26:14 terms 136:16 testified 128:13 testify 6:3 13:7 77:12 122:12 testifying 10:17,20 12:11 53:1 78:20 128:21 testimony 9:7 12:12,13 46:17 47:16,17 49:13 70:5 83:9 89:14 120:18 122:14</p>	<p>126:11,15,19 127:19 151:5,8 thank 4:12 5:2 13:18 15:7 16:5 17:3 26:10 27:7 28:7,20 29:7,15 32:2 33:5 34:2,3 37:21 39:6,8 43:7 44:10 49:5,7 51:10,21 55:21 58:3,4,5,22 62:5 68:8,9 70:10 72:1 73:7 75:14 77:17 79:18 80:17 81:10 84:22 87:9 91:7,11 95:15 97:10 103:4,6,12 112:6,7,9,10,11, 18 113:10 114:21 123:8,12 125:2 133:8 137:22 141:21 142:16 149:22 150:7,8,19,20 thankful 73:5 Thanks 51:20 that's 7:8 9:3,20 12:2 14:7 18:16,17,21,22 19:4,7,10,14,20 20:6,10,15 21:9,15,18 24:2 26:1 27:8 29:11 30:10,17 31:3,10,12 32:1,8 36:3 40:10,11 41:12,18 43:14,17 44:4,9 47:18 48:9 49:4 54:12,18 56:4</p>
---	---	--	--

Capital Reporting Company
 ABRA - Three Way Liquors, Inc. 11-07-2012

<p>57:13 59:4,6 60:11,20 61:1,2 62:19 64:6,7,9 66:13,20 67:12 68:2 74:1 75:9 78:2,11,13 79:13 81:2 86:18 87:21 88:5 89:14 92:16 96:6,10 101:10,14,15 105:1 106:4,19 107:7,15 109:2 110:5,16,17 111:1,3,4,5 115:20,21 116:9 117:6 118:1,4 119:22 124:8 125:1 132:20 133:5 134:1,6 135:6 136:8 137:6 143:3 144:10,17 145:7 146:10 148:2,5 149:1,5,10,11,16 ,17 150:3</p> <p>therapist 113:21 127:8,9</p> <p>thereafter 151:6</p> <p>therefore 38:21 74:17 136:17</p> <p>there's 9:21 11:17 12:7 13:16 14:21 15:10 16:19 41:16,18 46:15 47:9 63:18 72:17 86:21 92:1 104:4 108:17 109:11,12 110:14 115:22 118:1 131:1,18,19,21,2 2 132:4,16 134:16 142:3,5</p>	<p>they'll 10:19,20 71:16</p> <p>they're 5:20 10:16 11:4,13 12:18,19,20 56:3 60:2,22 62:6 65:17 67:17 82:4 87:2 92:4 93:5 97:21 99:3,4 106:14,17 116:21 133:4</p> <p>they've 16:16</p> <p>third 87:14 104:16 139:15,16,17</p> <p>thirdly 15:21</p> <p>thirty-six 138:16,17</p> <p>threat 69:14 85:3,5,22 89:5</p> <p>threatened 65:22 66:4 69:15 127:21</p> <p>threatenings 120:8</p> <p>threatens 127:10</p> <p>threats 121:21</p> <p>threw 66:6 85:17 102:5</p> <p>throw 62:12,20 91:22 101:7,9 108:7</p> <p>thrown 72:16 108:12</p> <p>Thursday 18:4,9 37:4,14 71:16 72:14,15 74:21 76:6 79:21 90:5 101:21 116:21 119:8</p> <p>Thursdays</p>	<p>37:10,13 76:8 90:9 117:11</p> <p>tic 27:20</p> <p>ticket 23:5,15</p> <p>ticketed 24:6</p> <p>tie 100:2</p> <p>tightly 93:1</p> <p>time-stamped 78:2 81:20</p> <p>today 135:16 143:16 147:22 148:1</p> <p>to-go 68:5 92:1 93:4</p> <p>tolerated 119:12</p> <p>top 91:16 94:2 110:1</p> <p>toss 100:15</p> <p>total 14:5 116:9,10</p> <p>totally 102:14</p> <p>touch 117:13</p> <p>track 28:12 49:17</p> <p>trades 14:16</p> <p>traffic 117:18</p> <p>train 6:21 7:4 134:3 143:2 145:22 146:2</p> <p>transcript 12:3 152:5,7</p> <p>transcription 151:7 152:1,8</p> <p>Transcriptionist 152:13</p> <p>trash 3:17,18 15:22 63:14 91:22 93:13 97:14 100:3,6,15</p>	<p>105:6 106:1,18 107:18,19 108:8,11,18 118:14 137:5</p> <p>treats 72:8</p> <p>tree 80:5,6,18 105:14,17 118:2,3</p> <p>tried 38:20 84:15 101:22</p> <p>true 17:10 25:1 26:5 29:22 30:4 60:18,19 151:7 152:8</p> <p>truth 16:22 17:1 58:19,20 112:15,16 128:4</p> <p>try 68:20 84:18 102:1</p> <p>trying 52:12 53:16 60:7 127:18 134:16 135:20,21 136:11 141:9 142:13</p> <p>turn 50:20 84:4</p> <p>turning 80:1</p> <p>Twelve 32:15</p> <p>typed 152:5</p> <p>typewriting 151:6</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>Uh-huh 20:12 30:16 33:11 34:1 35:5 40:6 41:22 42:3,7 58:12 92:12 93:17 99:17 114:18 117:12 122:19,22</p>
--	--	---	---

Capital Reporting Company
ABRA - Three Way Liquors, Inc. 11-07-2012

138:6,8 unacceptable 116:9 134:19 136:7 understand 36:5 40:14 68:15 70:6 73:20 77:20 88:10 100:8,10 135:12 136:1,12,15,18 138:11 141:4,9 143:5 144:9 145:8 150:17 understanding 11:20 12:4 43:3 57:16 124:21 understands 27:18 Understood 99:6 100:21 unheard 134:18 Unh-unh 22:14 23:4 37:19 Union 7:3 unit 106:11 units 61:22 62:3,5 63:12 99:21 106:7 107:3 unless 7:14 44:16 70:2 103:20 148:7 upon 49:13 upset 119:2 upstairs 30:8 urinate 67:14 107:8 urination 85:22 usually 10:5 58:11 60:1 90:15	utilize 74:19 <hr/> <p style="text-align: center;">V</p> <hr/> vacant 34:19 validate 141:4,5 validates 141:1,3 van 71:3,6,7,8 85:14 90:22 120:20 vandalize 103:2,3 variety 53:17 verbal 26:15 verified 12:2 view 41:17 violation 114:22 121:11 135:11 140:11,13,15,17, 19 violations 23:12 25:2,4 26:7 86:1 138:19 140:4 violence 115:3 Virginia 145:21 <hr/> <p style="text-align: center;">W</p> <hr/> wait 4:7 5:14 23:17 44:13,17 46:14 50:9 51:3 75:18 77:6,19 78:15 84:3 114:15 146:18 waited 9:1 waiting 4:12 waive 8:14 walk 71:16 94:17 100:15 walked 86:15 119:9,17 121:1	walking 86:8,12 99:12 100:5 140:7 walks 71:13 wall 31:3 42:2,9 43:4 61:2 88:6 101:15 walls 48:18 Ward 116:5 134:20 Washington 1:16 5:9 59:18 64:10 wasn't 78:4 115:4,7 water 101:22 We'd 15:18 week 65:20 76:14 79:19 89:6,9,12,21 90:4 97:21,22 98:2 weekday 90:21 weekdays 46:5 welcome 55:4 91:9 97:11 we'll 7:13,21 10:4 15:14 89:21 90:10 148:8 we're 7:20 8:7 14:2 32:1 46:16 49:4 54:2 60:16 61:14,18 63:5 66:15 67:21,22 68:2,18,19 89:18 90:3 110:6 128:10 143:9 144:13 147:20 Western 6:20 we've 8:19 9:1,2	52:11 58:2 63:22 65:21 66:4 72:17 84:15 142:21 143:20 146:7 149:15 whatever 13:9 29:9,18 53:6 63:14 65:19 85:16 whatnot 94:22 where's 21:13 82:2,5 WHEREUPON 150:22 whether 28:13 57:15 72:21 94:8 113:16 131:18 white 71:3 90:22 94:4,10 120:20 whoever 4:6 128:2 whole 16:12,22 58:20 96:3 112:15 133:11 whom 56:5 151:3 wife 6:5,16,18 56:13 144:12 145:15,16 146:4 148:12 wife's 143:1 Williams 69:18 71:2 85:2 89:5 90:14,15 118:22 119:8 120:6,18 121:2,9 122:6,18 123:4 window 110:22 111:1,3 wish 85:8 witness 8:3 9:22
---	--	--	--

Capital Reporting Company
 ABRA - Three Way Liquors, Inc. 11-07-2012
 Page 25

<p>14:6 16:7 26:17,21,22 44:16 49:9 52:19 55:9,17 56:5,9,15 73:12,22 74:1 76:1,2 77:7,8 81:8 82:13 111:19 112:12 118:20 141:18 142:16 143:16</p> <p>witnesses 3:6 5:17,19,20 10:8,17,21 12:8,10,11,16,22 13:13,15 49:12 50:21 65:11 69:12 144:21 147:19</p> <p>witness's 12:13</p> <p>woman 6:4 91:17</p> <p>women's 90:11</p> <p>wonderful 53:20</p> <p>wondering 106:2</p> <p>work 109:16 116:5 134:20 144:8 148:1 149:14 150:6</p> <p>workers 61:6</p> <p>working 8:20 51:22 52:12 105:16</p> <p>world 134:5</p> <p>worry 31:1,4</p> <p>worship 45:15 69:9</p> <p>worth 57:6 135:8</p> <p>wrote 83:7</p>	<hr/> <p style="text-align: center;">Y</p> <hr/> <p>yellow 86:9</p> <p>yep 96:20</p> <p>yesterday 86:7,15</p> <p>yet 77:2 141:12 147:12</p> <p>York 6:13</p> <p>you'll 13:13,14 42:1 49:5 50:3 75:17 112:6 130:10,12 144:5 147:19,20</p> <p>young 65:16 117:2</p> <p>yourself 59:15 147:3</p> <p>yourselves 6:3</p> <p>youth 53:21</p> <p>you've 10:4 22:6 27:21 49:18 57:5 83:10 113:8 117:15 126:16 133:9 141:4 147:10</p> <p>Yu 3:7 4:19,20,21 5:1 6:5,7 16:8 17:2,5,8,11,14,1 7,20 18:1,4,7,10,16,2 1 19:1,4,7,10,14,1 6,20 20:2,4,6,9,12,15, 18,21 21:2,4,6,9,12,15, 18,22 22:4,7,11,14,17, 20 23:1,4,7,11,13 25:1,11,12,15,20 26:1,6,9,11</p>	<p>27:15,16 28:16,19 29:22 30:5,7,16,20 31:12,21 32:10,13,17,22 33:2,4,7,10,12,1 7,20 34:1,5,8,15,18,2 1 35:2,5,10,13,17, 20,22 36:5,9,13,16,21 37:2,8,11,14,19, 22 38:1,4,7,9,12,14, 16,20 39:4,11,14,17,20 40:1,4,6,10,15,1 8,20,22 41:2,4,7,9,13,15, 19,22 42:3,7,11,13,19 43:1,5,14,21 44:2,9 45:1,6,8,13 46:11,13 47:20,22 48:15,18 49:7 66:8 69:16 74:9 77:12,18 86:8 121:14,15 122:8 129:17</p> <p>Yu's 71:3 102:13 110:16</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p>zoned 61:18</p> <p>zoom 95:22 96:6</p> <p>zoomed 95:16 96:3 105:4</p> <p>zoomed-in 106:4</p> <p>zooming 93:1</p>	
--	--	---	--