

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA  
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
3 ALCOHOLIC BEVERAGE CONTROL BOARD  
4

5 - - - - -X

6 IN THE MATTER OF: :  
7 Joel Mireless Castillo, : Case #15-CMP-00827  
8 t/a Dulcinea Bar and Grill :  
9 2618 Georgia Avenue Northwest :  
10 License #88870 :  
11 Retailer CR :  
12 ANC 1B :

13 - - - - -X

14 Wednesday, May 11, 2016

15  
16 Whereupon, the above-referenced matter  
17 came on for hearing at the Alcoholic Beverage  
18 Control Board, Reeves Center, 2000 14th Street,  
19 N.W., Suite 400S, Washington, D.C. 20009.

20  
21  
22

1 BOARD'S AGENT:

2 DONOVAN ANDERSON, Presiding

3

4 Board MEMBERS

5 RUTHANNE MILLER

6 NICK ALBERTI

7 MIKE SILVERSTEIN

8 JAMES SHORT

9

10 ALSO PRESENT:

11

12

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

2 SHOW CAUSE HEARING (STATUS)

3 MR. ALBERTI: Ms. Zaniel are you here for  
4 the next case also?

5 MS. ZANIEL: I am.

6 CHAIRPERSON ANDERSON: Do you need a  
7 couple? Do you need for us to take a recess or  
8 do you want to go right ahead?

9 MS. ZANIEL: I'm fine to continue. Suit  
10 yourselves.

11 CHAIRPERSON ANDERSON: Well, you know  
12 we'll take -- is the licensee for the Dulcinea  
13 Bar and Grill here? It's 2:38. We'll start at  
14 2:45, it will give us 10 minutes -- 2:45.

15 MS. ZANIEL: Okay.

16 CHAIRPERSON ANDERSON: We're in recess  
17 until 2:45.

18 [Off the record: 2:38]

19 [On the record: 2:45]

20 CHAIRPERSON ANDERSON: We're back on the  
21 record. Our next case on the calendar is Case  
22 #15-CMP-00827, Dulcinea Bar and Grill, License

1 #88870. Will the parties please approach and  
2 identify themselves for the record please.

3 MS. ZANIEL: Good afternoon, Maureen  
4 Zaniel on behalf of the District of Columbia.

5 CHAIRPERSON ANDERSON: Good afternoon,  
6 Ms. Zaniel.

7 MR. CASTILLO: Good afternoon.

8 CHAIRPERSON ANDERSON: And your name,  
9 sir?

10 MR. CASTILLO: Joel Castillo.

11 CHAIRPERSON ANDERSON: Not quite yet.  
12 And who are you?

13 MR. CASTILLO: I am the owner of Dulcinea  
14 Bar and Grill.

15 CHAIRPERSON ANDERSON: And you, sir?

16 MR. LEON: Jose Leon. A witness that  
17 night.

18 CHAIRPERSON ANDERSON: All right, there  
19 is a sign-in sheet that I would like both of you  
20 to sign your name on that and the sheet there,  
21 yeah. The both of you write your names on the  
22 sheet, please. All right, Ms. Zaniel are there

1 any preliminary matters in this case?

2 MS. ZANIEL: No. We need to go to a  
3 hearing on this matter.

4 CHAIRPERSON ANDERSON: All right. Does  
5 the government wish to make an opening statement?

6 MS. ZANIEL: Yes, briefly. The violation  
7 is operating after hours and the government will  
8 present testimony of an investigator along with  
9 photographs that corroborate the testimony and  
10 the government, at the conclusion of its  
11 evidence, will submit that the proof does show a  
12 violation of after-hours sales and delivery on  
13 the premises of the establishment.

14 CHAIRPERSON ANDERSON: Mr. Mireless? Is  
15 that your last name?

16 MR. MIRELESS: That is my last name.

17 CHAIRPERSON ANDERSON: Do you wish to  
18 make an opening statement at this -- at this  
19 point or do you want to wait until you present  
20 your case?

21 MR. CASTILLO: I'm not guilty so.

22 CHAIRPERSON ANDERSON: I'm sorry, you

1 said you're what?

2 MR. CASTILLO: I'm not guilty, I mean we  
3 didn't sell any alcohol.

4 CHAIRPERSON ANDERSON: I'm sorry, sir, I  
5 didn't hear what you said.

6 MR. CASTILLO: I said we didn't sell any  
7 alcohol so we are here, you know, to fix this  
8 problem. We were inside that night but we were  
9 not selling alcohol. There was four people  
10 including him and three others but we were not  
11 selling, so --

12 CHAIRPERSON ANDERSON: All right. You'll  
13 -- after they present, Ms. Zaniel is going to  
14 call an investigator and he will testify. She  
15 will ask him questions. Then you can ask him  
16 questions.

17 MR. CASTILLO: Okay.

18 CHAIRPERSON ANDERSON: And then the Board  
19 will ask questions and you can ask -- you can  
20 present your case and then if he's your witness,  
21 then you can have him testify.

22 MR. CASTILLO: Okay.

1 CHAIRPERSON ANDERSON: Okay. Does the  
2 government wish to call its first witness?

3 MS. ZANIEL: Yes, Investigator Demby,  
4 please.

5 CHAIRPERSON ANDERSON: Do you swear or  
6 affirm to tell the truth and nothing but the  
7 truth?

8 MR. DEMBY: Yes, sir.

9 CHAIRPERSON ANDERSON: Thank you, have a  
10 seat. Your witness, ma'am.

11 MS. ZANIEL: Good afternoon. Please  
12 state your name and spell it.

13 MR. DEMBY: Dorshae Demby. First name  
14 Dorshae, D-O-R-S-H-A-E, last name, Demby, D-E-M  
15 as in Mary - B as in Boy - Y.

16 MS. ZANIEL: Investigator Demby where are  
17 you employed?

18 MR. DEMBY: With the Alcoholic Beverage  
19 Regulation Administration.

20 MS. ZANIEL: And in what capacity?

21 MR. DEMBY: As an investigator.

22 MS. ZANIEL: And what are your duties as

1 an investigator?

2 MR. DEMBY: To conduct regulatory  
3 inspections and investigations in alcohol on ABC  
4 licensed establishments throughout the District  
5 of Columbia.

6 MS. ZANIEL: How long have you been  
7 employed as an ABRA investigator?

8 MR. DEMBY: A little over two years.

9 MS. ZANIEL: And were you employed as an  
10 investigator before then?

11 MR. DEMBY: Yes, ma'am. Six years with  
12 the Office of the Attorney General.

13 MS. ZANIEL: Okay. Drawing your  
14 attention to November 19 of 2015, were you  
15 working as an investigator at that time?

16 MR. DEMBY: Yes, ma'am.

17 MS. ZANIEL: Did you have occasion to go  
18 to the Dulcinea Bar and Grill?

19 MR. DEMBY: Yes, ma'am, I did.

20 MS. ZANIEL: And where is that located?

21 MR. DEMBY: On Georgia Avenue.

22 MS. ZANIEL: Why did you go to Dulcinea

1 Bar & Grill?

2 MR. DEMBY: Well, I was accompanying  
3 investigator Delonte Edgerton. He was doing a  
4 preprinted regulatory inspection given to him by  
5 his supervisor. So, that was the reason for  
6 visiting the establishment, to conduct a  
7 regulatory inspection.

8 MS. ZANIEL: Okay, and does investigator  
9 Edgerton continue to work with ABRA now?

10 MR. DEMBY: No ma'am.

11 MS. ZANIEL: Okay. And were you with  
12 Edgerton on that occasion when he was conducting  
13 the regulatory sectionon?

14 MR. DEMBY: Yes, ma'am, I was.

15 MS. ZANIEL: Could you see and hear  
16 everything he saw and heard?

17 MR. DEMBY: Yes, ma'am, I did.

18 MS. ZANIEL: Okay. Describe for the  
19 Board, please, what happened on that night.

20 MR. DEMBY: Well, we pulled up -- again,  
21 he was -- we have stacks of regulatory  
22 inspections that have been given to us by our

1 supervisor that are preprinted and that was among  
2 investigator Edgerton's stack to be completed, so  
3 we arrived at Dulcinea.

4 MS. ZANIEL: Let me just back up. When  
5 you say preprinted, that meaning with the name of  
6 an establishment?

7 MR. DEMBY: Yes, ma'am, yes, ma'am.

8 MS. ZANIEL: Okay.

9 MR. DEMBY: We arrived at the  
10 establishment prior to making entry into the  
11 establishment we attempted to open the front  
12 door. The front door was locked. Dulcinea Bar  
13 and Grill is located on Georgia Avenue and they  
14 have steps leading up to their front door. When  
15 you get to the door it's, I believe, a 9-pane  
16 glass window, three panes on each level, so it's  
17 three levels of three, so you can see inside the  
18 establishment clearly to the downstairs bar area  
19 where these gentlemen were actually located. We  
20 attempted to turn the knob, the knob was locked.  
21 We did knock on the glass and showed our  
22 identification, meaning our ABRA badges, and

1 credentials at which time, simultaneously we  
2 could observe male patrons inside of the  
3 establishment consuming what appeared to be cans  
4 of alcohol. There was also a male patron with a  
5 glass of what appeared to be alcohol in his hand.  
6 The, I believe later identified as the owner,  
7 came to the front door of the establishment,  
8 unlocked the door and let us in, at which time he  
9 let us in we then verbalized who we were again so  
10 that we could be certain that he heard us  
11 identify ourselves as ABRA investigators.  
12 Investigator Edgerton identified himself, I  
13 identified myself, at which time we proceeded  
14 straight to a trash can that was next to the bar.  
15 As we tapped on the door and they seen our  
16 identification, these male patrons attempted to  
17 throw out these four cans which that we had  
18 initially thought were alcoholic beverages. So,  
19 we went over to that trash can. The only thing  
20 in that trash can were these recently thrown cans  
21 which we observed them drop down into the can,  
22 were cans, I believe, of Miller Lite Beer. We

1 told the owner of the establishment why we were  
2 there, asked him for his identification,  
3 conducted a regulatory inspection and everything  
4 was normal in regards to the regulatory  
5 inspection. We advised the owner that his  
6 establishment's licensed hours of sale were to  
7 cease at 10:00 p.m. The owner advised that it  
8 was just employees and family members out of the  
9 establishment.

10           Investigator Edgerton being the newer  
11 investigator at that point, I stepped in and  
12 advised the owner that the law made no  
13 distinction of alcohol hours of sale and family  
14 members allowing, being allowed to drink after  
15 such time. I told him in a commercial  
16 establishment he had to adhere to his ABC  
17 license, no exceptions. I told him he was in  
18 violation. Investigator Edgerton completed a  
19 regulatory inspection. We exited the  
20 establishment.

21           MS. ZANIEL: And apart from the cans that  
22 you saw in the trash can --

1 MR. DEMBY: Yes, ma'am.

2 MS. ZANIEL: -- what, if any, other  
3 alcohol beverages did you see?

4 MR. DEMBY: There was a glass one of the  
5 patrons had which appeared to be beer. There was  
6 -- and the patron had it in his hand when we  
7 knocked on the door. He then walked over to the  
8 bar as the other patrons were dumping the alcohol  
9 into the trash can, so that glass of beer  
10 remained on the bar and we photographed that  
11 image of beer. I stepped over to the glass of  
12 beer, smelled it, did general observation  
13 techniques and determined it to be alcohol.

14 MS. ZANIEL: And did there come a time  
15 when you spoke to the owner about that beer?

16 MR. DEMBY: yes, Ya'am.

17 MS. ZANIEL: And what was that  
18 discussion?

19 MR. DEMBY: That was the discussion when  
20 I advised him that the establishment's alcohol  
21 sales were to cease at 10:00 p.m. and that was  
22 also the same time that he told me that it was

1 just the other people that worked there and some  
2 family members inside of the establishment and  
3 that's when I advised him of the regulations.

4 MS. ZANIEL: Okay. I want to show you  
5 what's marked as Government's Exhibit #1 and I'll  
6 give one to the licensee and I think I'm probably  
7 one short. In looking at Government's Exhibit #1  
8 investigator can you tell us what it is please.

9 MR. DEMBY: This is an investigative  
10 report prepared by Investigator Delonte Edgerton.

11 MS. ZANIEL: And have you had an  
12 opportunity to see this report?

13 MR. DEMBY: Yes, ma'am, I have.

14 MS. ZANIEL: And where did you obtain the  
15 report?

16 MR. DEMBY: From the G Drive.

17 MS. ZANIEL: And tell us what that means,  
18 please.

19 MR. DEMBY: It contains all the case  
20 reports of ABRA investigators once they're  
21 complete.

22 MS. ZANIEL: All right. And is this the

1 report that was authored by Edgerton?

2 MR. DEMBY: Yes, ma'am.

3 MS. ZANIEL: And I'd like to show you,  
4 refer you to Exhibit #1 of the document. Can you  
5 tell the Board what that is?

6 MR. DEMBY: Okay, I just had to make sure  
7 this was the one. This is a trash can containing  
8 four, it appears to be four, cans of Miller Lite  
9 Beer.

10 MS. ZANIEL: And what's your testimony  
11 with respect to when or how that beer got into  
12 this can? How these cans got into this trash  
13 can?

14 MR. DEMBY: Yes, ma'am. When we  
15 approached the establishment, and attempted to  
16 identify ourselves, or attempted to enter the  
17 establishment, and found the door to be locked,  
18 we then displayed our badges and credentials,  
19 identifying ourselves as ABRA investigators, at  
20 which time the owner recognized who we were.  
21 These four male patron then dropped their beers  
22 into the trash can prior to the owner opening the

1 door in a difference of seconds, so as the owner  
2 was walking to the door they were dropping their  
3 beers into the can.

4 MS. ZANIEL: And you could see that  
5 through the glass, the nine panes --

6 MR. DEMBY: Absolutely, absolutely.

7 MS. ZANIEL: -- that you testified about?

8 MR. DEMBY: Yes, ma'am.

9 MS. ZANIEL: Okay. And tell the Board,  
10 please, what Exhibit #2 is.

11 MR. DEMBY: That's the glass of beer that  
12 one of the male patrons had on his person when we  
13 approached the establishment and that he  
14 subsequently walked up and set on the bar.

15 MS. ZANIEL: And then can you tell us  
16 what Exhibit #3 is please?

17 MR. DEMBY: I don't know if theirs is in  
18 color or not, but if it is in color you'll notice  
19 that it's orange paper showing that it was a  
20 preprinted regulatory inspection to be completed  
21 for the establishment.

22 MS. ZANIEL: And what does it say about

1 time of closure on Thursdays?

2 MR. DEMBY: 10:00 p.m.

3 MS. ZANIEL: Okay. I'd like to move into  
4 evidence government's Exhibit #1 at this time?

5 CHAIRPERSON ANDERSON: Do you have any  
6 objection?

7 MR. CASTILLO: [inaudible 1:03:58].

8 CHAIRPERSON ANDERSON: I mean an  
9 objection that -- this is their document. Do you  
10 object us moving it into the record?

11 MR. CASTILLO: [inaudible ]

12 CHAIRPERSON ANDERSON: I'm sorry, you  
13 said what?

14 MR. CASTILLO: I guess I have an  
15 objection.

16 CHAIRPERSON ANDERSON: What's the  
17 objection, sir?

18 MR. CASTILLO: Yeah, well that's whatever  
19 he say is true, but we were not selling, we don't  
20 have any sales after 10:00.

21 CHAIRPERSON ANDERSON: But I'm -- you can  
22 question that after, but the document.

1 MR. CASTILLO: No, no -- okay.

2 CHAIRPERSON ANDERSON: It's so moved.

3 MS. ZANIEL: Sorry?

4 CHAIRPERSON ANDERSON: It's so moved,  
5 it's in the record.

6 MS. ZANIEL: Oh, thank you. I didn't  
7 hear that part. The government has no further  
8 evidence at this time.

9 CHAIRPERSON ANDERSON: All right, sir,  
10 this is your opportunity. You can ask him now  
11 about what he just testified to and what's in  
12 this report. So you can ask him questions.

13 MR. CASTILLO: What is -- he's right -- he  
14 came inside.

15 CHAIRPERSON ANDERSON: You're asking him  
16 questions.

17 MR. CASTILLO: Oh, okay, yeah.

18 CHAIRPERSON ANDERSON: So, if you want to  
19 ask him questions about the report, if you don't  
20 want -- there are no questions -- I mean you can  
21 present your case by telling us, but I'm just  
22 saying at this moment he's on the witness stand.

1 MR. CASTILLO: Oh, no, I don't have any  
2 questions.

3 CHAIRPERSON ANDERSON: You don't have any  
4 questions for him?

5 MR. CASTILLO: No, I don't have any.

6 CHAIRPERSON ANDERSON: All right. Does  
7 the Board have any questions? Any questions,  
8 Board members? Thank you, sir, for your  
9 testimony and I guess no one has any questions  
10 for you, so thank you for your testimony.

11 MR. DEMBY: Yes, sir.

12 CHAIRPERSON ANDERSON: Does the  
13 government have any other witnesses?

14 MS. ZANIEL: No, the government rests.

15 CHAIRPERSON ANDERSON: All right. Thank  
16 you, Ms. Zaniel. Okay it's now your -- tell me  
17 how you're going to present your case. Are you  
18 going to testify or is he going to testify? Tell  
19 me how you plan to do this.

20 MR. CASTILLO: Well, we both, I mean,  
21 we're --

22 CHAIRPERSON ANDERSON: Why don't you

1 raise your right hand, please?

2 MR. CASTILLO: Oh.

3 CHAIRPERSON ANDERSON: Now you can raise  
4 your hand, both of you. Do you swear or affirm  
5 to tell the truth and nothing but the truth?

6 MR. CASTILLO: Yes.

7 CHAIRPERSON ANDERSON: Okay, fine. You  
8 can go ahead, sir.

9 MR. CASTILLO: On the November 19, I  
10 believe, which was Thursday -- yeah -- 2015, we  
11 were in the restaurant, remember that was the  
12 week before Thanksgiving. We were, right after  
13 we closed, well that day he was doing some kind  
14 of job in the restaurant.

15 MR. MIRELESS: I was fixing a leak.

16 MR. CASTILLO: He was fixing a leak from  
17 the men's room. So, then that night, after we  
18 close, we decide -- he decide -- we decide -- I'm  
19 the owner, so -- we I invite him dinner because  
20 he doesn't charge me you know for whatever he  
21 does and we decide, I give him a beer, that's  
22 four beers as you can see the cans. The can is

1 empty because right after we close the restaurant  
2 we empty the trash. So, that was four cans  
3 that's from 10, it was what I think the special  
4 was almost 11:00 p.m. so in one hour that's what  
5 we had, four Miller Lites, and I said, I don't  
6 wanna discuss it but that's true. We didn't know  
7 being in the restaurant was going to create such  
8 a problem. But my only concern is that we don't  
9 sell any alcohol after hours, like they say we  
10 close at 10:00, we close at 10:00, and we --  
11 nobody is supposed to be inside of the  
12 restaurant, we give the last call like 9:30, so  
13 we have like a time frame between that half an  
14 hour 9:30 to 10:00 to close all the checks.

15 So, I don't know, I mean that night, I  
16 mean nothing like this happen before. I mean,  
17 this is not something that we do, like, every  
18 day, but I got really, really surprised because I  
19 didn't know that being in the restaurant -- as I  
20 said he's one of the waiters and I have also my  
21 brother and one [inaudible 1:07:45] but he  
22 couldn't make it today because he's working.

1 But, if -- I don't know -- if I can bring more  
2 proofs that we didn't have any sales after 10:00,  
3 but we -- you know -- so helpful for us to solve  
4 this problem. I also have copies of the last  
5 section, it's November 20, November 18 and  
6 November 19, the last three, but for some reason  
7 the lawyer found out that it says the number of  
8 payments 80, and there are only like 49, so I  
9 don't know, this is something that I don't know,  
10 I need to bring my wife.

11 CHAIRPERSON ANDERSON: What is the  
12 document that you have, sir?

13 MR. CASTILLO: The last payment for that  
14 night, that last night?

15 CHAIRPERSON ANDERSON: So you wanna --  
16 you wanna --

17 MR. CASTILLO: Let's say like yeah the  
18 last payment was at 9:55, it was cash, it was for  
19 6.00, it was my brother who did this transaction.

20 CHAIRPERSON ANDERSON: Can you show that  
21 to Ms. Zaniel to -- so you brought that to give  
22 to us for us to see.

1           MR. CASTILLO: Yes, for you to see, like  
2 to show you that after 10:00 we don't do -- we  
3 don't write any -- no cards at all because we  
4 supposed to close, I mean we don't have any  
5 customers after 10:00.

6           CHAIRPERSON ANDERSON: Well, can you show  
7 it --

8           MS. ZANIEL: I've seen it.

9           CHAIRPERSON ANDERSON: All right.

10          MS. ZANIEL: We were looking at it.

11          CHAIRPERSON ANDERSON: All right. So you  
12 want -- you want -- you want to -- to -- to put  
13 that -- to move that as your evidence?

14          MR. CASTILLO: Yeah, that's one of my  
15 evidences.

16          CHAIRPERSON ANDERSON: Okay, so why don't  
17 you give that to -- give that to her so we'll get  
18 a copy of it. Do you have any other documents  
19 that you want us to see?

20          MR. CASTILLO: No, no, no, I don't -- I  
21 don't -- no nothing.

22          CHAIRPERSON ANDERSON: All right, Ms.

1 Zaniel, do you have -- is that -- do you have  
2 anything else you want to say, sir?

3 MR. CASTILLO: No, no.

4 CHAIRPERSON ANDERSON: No. That's it?  
5 Do you have any questions?

6 MS. ZANIEL: I have a few questions.

7 CHAIRPERSON ANDERSON: Sure, go ahead.

8 MS. ZANIEL: How many people were in your  
9 establishment when the investigators came in?

10 MR. CASTILLO: Four.

11 MS. ZANIEL: And with respect to the  
12 document that you're asking the Board to look at,  
13 how is it set up? What does it purport to show?

14 MR. CASTILLO: What do you mean?

15 MS. ZANIEL: What does the document show?

16 MR. CASTILLO: The one, they took the  
17 transactions and cash transactions and credit  
18 card transactions during the whole day, yeah,  
19 like for every single day.

20 MS. ZANIEL: And isn't it true that in  
21 the corner there's a line that writes -- that  
22 reads number of transactions?

1 MR. CASTILLO: Yes, yes.

2 MS. ZANIEL: And isn't it true that for  
3 November --

4 MR. CASTILLO: 19 --

5 MS. ZANIEL: -- 19 --

6 MR. CASTILLO: 19 is --

7 MS. ZANIEL: That the amount of  
8 transactions -- I need a copy of it really to  
9 effectively question the witness, I apologize for  
10 that, but apparently that is just an original.  
11 It's three different dates.

12 MR. ALBERTI: I only have one date.

13 CHAIRPERSON ANDERSON: You're not, you're  
14 not -- it's different.

15 MR. ALBERTI: Okay, so these were all  
16 different, right?

17 CHAIRPERSON ANDERSON: No, they're all --

18 MR. ALBERTI: All the same?

19 MS. ZANIEL: He passed -- he passed --

20 CHAIRPERSON ANDERSON: Ah! It's like  
21 three different ones.

22 MR. ALBERTI: Those three different ones.

1 So, I don't know who they were given to --

2 MS. ZANIEL: Oh, okay. Well, I can make  
3 copies of them.

4 MR. ALBERTI: I don't think you need to -  
5 - let's see -- does Ms. Zaniel have copies? No,  
6 she doesn't have copies. No, you don't. None of  
7 us do. None of us do.

8 MS. ZANIEL: Oh, okay. Well we won't ask  
9 questions.

10 CHAIRPERSON ANDERSON: You don't have a  
11 copy, Ms. Zaniel?

12 MS. ZANIEL: No, sir.

13 CHAIRPERSON ANDERSON: All right, hold on  
14 a minute. You don't have an extra copy, sir?

15 MR. CASTILLO: No, I was, I mean, my wife  
16 is in charge of all the pieces [inaudible  
17 1:11:45]

18 CHAIRPERSON ANDERSON: I'm going to give  
19 it back to her. I'm going to give it back to  
20 her.

21 MR. ALBERTI: I know where he's going.

22 MS. ZANIEL: Isn't it true that with

1 respect to the documents you have with you today  
2 that the November 18 sheet that you're purporting  
3 to show transactions says that there were 49?

4 MR. CASTILLO: Yes.

5 MS. ZANIEL: And isn't it true that the  
6 individual transactions on that date add up to  
7 49?

8 MR. CASTILLO: Yes, okay.

9 MS. ZANIEL: I have no other questions  
10 with respect to the document.

11 CHAIRPERSON ANDERSON: All right. I mean  
12 if you -- do you have an objection for this being  
13 moved to --

14 MS. ZANIEL: I just think they're totally  
15 not reliable without someone to explain what they  
16 purport to show. I quickly found a total  
17 discrepancy on the two different dates and so my  
18 concern is that the document isn't accurate for  
19 what it purports to be.

20 CHAIRPERSON ANDERSON: All right.

21 MS. ZANIEL: So, I do object.

22 CHAIRPERSON ANDERSON: All right, then

1 I'm not going to admit it into evidence and one  
2 of the reasons why, I know that based on there  
3 are some discrepancies and you said you'd have to  
4 call your wife to explain it, and so since you're  
5 not in a position to do that, sir, I'm not going  
6 to allow the document, but I think we know what  
7 you're trying to prove. I think you're trying to  
8 prove that on November 18th we did not have any  
9 transactions for after 10:00, that's what you're,  
10 that's the document, right?

11 MR. CASTILLO: Yeah. What I wanted to  
12 prove is like the, like we can be -- like a week,  
13 like a whole week and you won't see any  
14 transactions at, I mean, right after hours, so  
15 that's what I wanted to -- but it's, as I say,  
16 you know that's, I mean my wife can send it to  
17 you like to your e-mail around here, so I mean I  
18 did have to bring different papers.

19 CHAIRPERSON ANDERSON: And you don't need  
20 -- you don't need the document to prove that. I  
21 think that -- I don't think anyone disbelieves  
22 what you stated. I mean, I'm just speaking for

1 myself, but I've seen the presentation, I don't  
2 think anyone, I don't think there's any disbelief  
3 that you're saying that you haven't made any  
4 transactions after 10:00 and so the document that  
5 you provided is to state that we have not sold  
6 any -- we have not sold any goods after 10:00,  
7 but I don't necessarily think that's the issue,  
8 so in this particular case, whether it is  
9 included or excluded, it's not going to make a  
10 determining factor, at least in my view, whether  
11 or not the Board -- how the Board is going to  
12 vote, so I will say that we're not going to  
13 include the document, okay? The document is not  
14 included.

15 MR. ALBERTI: May I?

16 CHAIRPERSON ANDERSON: Yes, go ahead Mr.  
17 Alberti.

18 MR. ALBERTI: This is sort of out of  
19 order and unusual, but I'm just -- Mr. Mireless  
20 I'm trying to be helpful. You keep emphasizing  
21 in your testimony that there were no sales after  
22 10:00. I want you to understand that you,

1 according to the law, you're not allowed to, I'll  
2 say use, the establishment after hours. So,  
3 after 10:00 you can't serve anyone alcohol.  
4 After 10:00 you can't serve anyone meals--

5 MR. CASTILLO: Yeah, okay.

6 MR. ALBERTI: -- in the establishment.

7 All right?

8 MR. CASTILLO: Yeah.

9 MR. ALBERTI: I don't care -- it can't --  
10 after 10:00 on weekdays, after 11:00 on weekends,  
11 so --

12 MR. CASTILLO: Yes.

13 MR. ALBERTI: So, after your licensed  
14 hours you can't have family members, you can't  
15 have friends in there and host them. You can't  
16 give them meals, you can't serve them alcohol.  
17 Even though you're not selling it, you can't do  
18 that, and that's the way the law reads. There's  
19 reasons for that which you may want to talk to  
20 someone else about after this. I don't want to  
21 go into that, but that is the law, and I want you  
22 to understand that, because I don't want you to

1 get in trouble in the future.

2 MR. CASTILLO: Well, no I understand, I  
3 understand. That was a mistake that we made.

4 MR. ALBERTI: Okay.

5 MR. CASTILLO: I mean, we understand, we  
6 were there but we were there, we were there.

7 MR. ALBERTI: Okay, but I just want to  
8 make sure, it's not just the sale, it's not the  
9 selling it's actually having people sitting down  
10 -- even if you gave them the beer for free it's -  
11 - that's a problem. Okay? Thank you. I just  
12 wanted -- trying to be helpful.

13 CHAIRPERSON ANDERSON: Do we have any  
14 other questions? Yes, Mr. Short.

15 MR. SHORT: How many years have you been  
16 in business there?

17 MR. CASTILLO: In this restaurant? It's  
18 going to be five years, five years, yes.

19 MR. SHORT: So, at your regular closing  
20 hours, do you normally have four people in your  
21 establishment after you close?

22 MR. CASTILLO: No. I mean, like what do

1 you mean like people working for us, for me?

2 MR. SHORT: No, your testimony -- the  
3 question was how many people were in your  
4 restaurant after you closed? And you said --

5 MR. CASTILLO: Four people, four people.

6 MR. SHORT: Were they employees?

7 MR. CASTILLO: He was the only one who is  
8 doing construction for us. The other ones were  
9 three, like two, my brother, the other was  
10 running the credit cards, his name appears right  
11 here, one, and there was another one. They are  
12 servers. And we have one guy in the kitchen, the  
13 other two, yes, he was just, he was the one  
14 fixing the plumbing, the one that was leaking  
15 from the men's room.

16 MR. SHORT: Does he have drinks at your  
17 club?

18 MR. CASTILLO: [laughs]

19 MR. SHORT: So, he's kind of like a  
20 customer.

21 MR. CASTILLO: Well, he's like -- okay  
22 let's say he's a customer, okay, but it's just

1 like he fix this thing and I offered him food.  
2 As I said, I made a mistake on that, I will not  
3 deny.

4 MR. SHORT: I'm going to ask you a  
5 question to just turn this around. Let's say  
6 you're the investigator.

7 MR. CASTILLO: Mm hmm.

8 MR. SHORT: I own the club. The rules  
9 say you cannot have anyone, you cannot be serving  
10 anything after your hours. You have to be  
11 closed, lights off. So, you come in and I say to  
12 you this is my plumber, this is my friend, but  
13 I'm not open, but he's drinking, what would you  
14 do?

15 MR. CASTILLO: I would, I mean, give a  
16 ticket.

17 MR. SHORT: Oh, okay.

18 MR. CASTILLO: I mean, yeah, like you know  
19 what they did.

20 MR. SHORT: Well, good, you are a very  
21 honest person.

22 MR. CASTILLO: I'm not denying the

1 charges, what I'm denying is that we didn't drink  
2 any alcohol and they was having our people over  
3 there, like we closed the kitchen and we clean  
4 the kitchen and --

5 MR. SHORT: I hope you understood.

6 MR. CASTILLO: No, no, I understand. I  
7 understand what you're saying.

8 MR. SHORT: When Mr. Alberti said to you  
9 you can't do that.

10 MR. CASTILLO: Yeah. I understand.

11 MR. SHORT: So, you won't do that  
12 anymore.

13 MR. CASTILLO: I won't do it, I mean, I -  
14 -

15 MR. SHORT: I hope not.

16 MR. CASTILLO: You made me swear and I  
17 swear.

18 MR. SHORT: Anyway, that's all I have.  
19 Thank you, Mr. Chair, that's all I have. Thank  
20 you for your honesty.

21 MR. CASTILLO: I'm [inaudible 7:00]

22 MR. SHORT: Thank you for your honesty.

1                   CHAIRPERSON ANDERSON: Do we have any  
2 other Board members have any questions? Go  
3 ahead, Ms. Miller.

4                   MS. MILLER: Good afternoon.

5                   MR. CASTILLO: Good afternoon.

6                   MS. MILLER: I just want to clarify your  
7 testimony. Are you denying that anyone was  
8 drinking when the investigators were there?

9                   MR. CASTILLO: No, no, no, no, no. I mean  
10 you see the four Miller Lites? As I said, we  
11 were not getting wasted it was just beer.

12                  MS. MILLER: Okay, okay.

13                  MR. CASTILLO: So it was just, everyone  
14 needs to go out, you know we were not allowed to  
15 leave. There on the trash can you can see four  
16 cans. So, it was like him, one mine and one for  
17 each, and that's it. You don't see the trash  
18 full of --

19                  MS. MILLER: Okay.

20                  MR. CASTILLO: -- cans. He was just that  
21 [inaudible 07:36] and they were relatives, not  
22 employees?

1 MR. CASTILLO: My brother and two  
2 employees, that's it. I mean he was fixing the  
3 urine upstairs. He hasn't fixed it yet.

4 MS. MILLER: And were you aware of what  
5 Mr. Alberti was telling you, that it's not just  
6 selling after hours, it's serving.

7 MR. CASTILLO: Yes, I know that.

8 MS. MILLER: You're aware now.

9 MR. CASTILLO: Yeah.

10 MS. MILLER: Were you aware then?

11 MR. CASTILLO: No, no, no, no I wasn't. I  
12 wasn't. And right now I didn't know to be honest  
13 with you. I didn't know that being in the  
14 restaurant if you have family, all of us was  
15 going to be an issue, but I didn't know, I mean I  
16 made a mistake and --

17 MS. MILLER: Okay.

18 MR. CASTILLO: I know now. You know, I  
19 learn from mistakes.

20 MS. MILLER: Okay, okay, good. Thank  
21 you.

22 CHAIRPERSON ANDERSON: All right, any

1 other questions by any Board members? Ms. Zaniel  
2 do you have any questions for him based on the  
3 questions asked by the Board?

4 MS. ZANIEL: I don't thank you.

5 CHAIRPERSON ANDERSON: Okay, do you have  
6 anything else you need to say, sir, based on the  
7 questions that were asked?

8 MR. CASTILLO: No, no I don't have  
9 anything to say.

10 CHAIRPERSON ANDERSON: All right. So, do  
11 you rest your case? All right. Does the  
12 government wish to make a closing?

13 MS. ZANIEL: Briefly, the testimony is  
14 clear that there was drinking the establishment  
15 after hours. It wasn't five minutes after hours,  
16 I might point out, it was 10:55 p.m., 55 minutes  
17 subsequent to closing time, and it was clear that  
18 the investigators were seeing through the glass  
19 just as they saw what was happening inside and  
20 the beer cans went into the trash can. You have  
21 a photograph of it. You have a photograph of a  
22 half bottle of beer on the bar top as well. The

1 government evidence more than suffices to show a  
2 violation of ABRA violation after hours. The  
3 admission from the licensee simply confirms that  
4 evidence.

5 CHAIRPERSON ANDERSON: And so as far as a  
6 fine what is it that the government is  
7 recommending to the Board?

8 MS. ZANIEL: I have to say that I believe  
9 before the big Board someday Mr. Mireless will  
10 get good report for his honesty and it's somewhat  
11 of an expensive lesson. Unfortunately, it's a  
12 progressive penalty in the District of Columbia  
13 so at a minimum there has to be a \$4000 fine and  
14 that's what the government would ask for.

15 CHAIRPERSON ANDERSON: Mr. Mireless do  
16 you have any -- what is it that you want us to  
17 do, sir?

18 MR. CASTILLO: Well, you know, right now  
19 I'm in this, right now I'm in really, right now,  
20 in worse situation with the restaurant and in my  
21 personal life, so I cannot, I'm kind of broke, so  
22 I'm about to. I mean, you know, business is

1 going really, really bad, you know, and I don't  
2 have money, you know, to pay like fine, \$4000,  
3 this much. Before when I had the \$7000 and  
4 everything was well, but right now I don't think  
5 I can pay this much, you know. I don't know, I  
6 mean it's just really hard for us, you know, for  
7 me and the family, you know, and I don't think we  
8 are going to renew. We have five, six months for  
9 this restaurant, I mean, to renew the lease. I'm  
10 not sure about it, you know, it's really hard to  
11 keep track of all the things. So, I don't know.  
12 You just do whatever you think is right for you.  
13 I will take it. But it just, as I say, it was a  
14 mistake, just a mistake. I'll find out how -- I  
15 sorry but that's -- I haven't got anything left  
16 to say. I made a mistake and do ask for your.

17 CHAIRPERSON ANDERSON: Well, thank you,  
18 sir for your honesty. All right. Do the parties  
19 wish to file proposed findings of fact and  
20 conclusions of the law or waive their right to do  
21 so?

22 MS. ZANIEL: The government waives that.

1           CHAIRPERSON ANDERSON: And meaning that,  
2    sir, do you just wish that we make a decision  
3    based on the testimony as presented here today?

4           MR. CASTILLO: I'm sorry.

5           CHAIRPERSON ANDERSON: I said do you just  
6    want us to make our decision based on the  
7    testimony that's based --

8           MR. CASTILLO: Just make a decision, yes.

9           CHAIRPERSON ANDERSON: All right. The  
10   Board will issue a decision, then, within 90  
11   days. As chairperson of the Alcoholic Beverage  
12   Control Board for the District of Columbia and in  
13   accordance with section 405 of the Open Meetings  
14   Amendment Act of 2010 I move that the ABC Board  
15   hold a closed meeting for the purpose of seeking  
16   legal advice from our counsel on Case #15-CMP-  
17   00827, Dulcinea Bar & Grill per per section 405  
18   B4 of the Open Meetings Amendment Act of 2010 and  
19   deliberating upon case #15-CMP-00827 Dulcinea Bar  
20   & Grill for the reasons cited in section 405 B13  
21   of the Open Meetings Amendment Act of 2010. Is  
22   there a second?

1 MR. ALBERTI: Second.

2 CHAIRPERSON ANDERSON: Mr. Alberti has  
3 seconded the motion. I will now take a roll call  
4 vote on the motion before us now that it has been  
5 seconded. Ms. Miller?

6 MS. MILLER: I agree.

7 CHAIRPERSON ANDERSON: Mr. Alberti?

8 MR. ALBERTI: I agree.

9 CHAIRPERSON ANDERSON: Mr. Short?

10 MR. SHORT: I agree.

11 CHAIRPERSON ANDERSON: Mr. Silverstein?

12 MR. SILVERSTEIN: I agree.

13 CHAIRPERSON ANDERSON: Mr. Anderson? I  
14 agree. As it appears that the motion has passed  
15 I hereby give notice that the ABC Board will hold  
16 a closed meeting in the ABC Board Conference Room  
17 pursuant to the Open Meetings Amendment Act of  
18 2010 and issue an order within 90 days. Thank  
19 you very much. We'll issue an order within 90  
20 days. Thank you very much, sir, for being here  
21 today and we will issue a decision shortly.

22 MR. CASTILLO: Thanks a lot. Have a nice

1 day.

2 CHAIRPERSON ANDERSON: Okay. The Board  
3 is in recess until our 3:30 hearing.

4 Whereupon at 3:23 p.m. the above-entitled  
5 matter was concluded.