



BOARD MEMBERS PRESENT

NICK ALBERTI, BOARD MEMBER

JAMES SHORT, BOARD MEMBER

MIKE SILVERSTEIN, BOARD MEMBER

RUTHANNE MILLER, BOARD MEMBER

ALSO PRESENT:

AMY SCHMIDT

MEKDLAWIT TEKLE

ASKALE YAREGAL

HALEFOM HADGU

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

CHAIRPERSON ANDERSON: The next case on our show cause hearing schedule is Case #16-CMP-00404, Gedera Market, License #89069. Will the parties please approach and identify themselves for the record?

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

CHAIRPERSON ANDERSON: Good afternoon, Ms. Schmidt. Can you please identify yourself for the record, please, and also there's a sign-in sheet and I need you to sign your name on that sheet, please. Can you please identify yourselves for the record? What are your names, please?

MS. YAREGAL: Askale Yaregal. I am the owner of Gedera Market.

CHAIRPERSON ANDERSON: And your name?

MR. TEKLE: Mekdlawit Tekle. Gedera Market ABC manager.

CHAIRPERSON ANDERSON: Good afternoon, we're

here for a show cause hearing. Are there any preliminary matters in this case?

MS. SCHMIDT: No.

CHAIRPERSON ANDERSON: All right. Have you ever been at a hearing like this before?

MS. YAREGAL: Yes.

CHAIRPERSON ANDERSON: So you are familiar with the proceedings?

MS. YAREGAL: Yes.

CHAIRPERSON ANDERSON: Okay, fine. Does the government wish to make an opening statement?

MS. SCHMIDT: We can waive -- we'll waive our opening statement and go right to testimony.

CHAIRPERSON ANDERSON: I'm sorry, what?

MS. SCHMIDT: We're going to waive the opening statement and go right to the testimony.

CHAIRPERSON ANDERSON: All right. Do you wish to make an opening statement, or will you provide an opening statement once you present your case?

MS. YAREGAL: What does that mean?

CHAIRPERSON ANDERSON: Are you going to tell

me about the case? Not -- you'll have -- the government is going to present its case and then once the government presents its case then you'll present your case to rebut what the government says.

MS. YAREGAL: Yes.

CHAIRPERSON ANDERSON: However, at this juncture, you can state to me what's called an opening statement. You can say this is what the case is about, this is what we're going to prove, these are the witnesses that we're going to bring. You can do that at this juncture but you don't have to. You can state -- you can do that once the government has presented their case, at that point you can -- when you present your case you can do that.

MS. YAREGAL: Okay.

CHAIRPERSON ANDERSON: So you elect to not do that later on -- you elect to do that later on?

MS. YAREGAL: Later on, yeah.

CHAIRPERSON ANDERSON: And you're aware that the government, once the government calls its

witness that you have an opportunity to ask questions of the witness.

MS. YAREGAL: Yes.

CHAIRPERSON ANDERSON: All right. Go ahead, Ms. Schmidt, call your first witness.

MS. SCHMIDT: I'm going to call supervisor/investigator John Suero.

CHAIRPERSON ANDERSON: Good afternoon, Mr. Suero.

MR. SUERO: Good afternoon.

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

MR. SUERO: I do.

CHAIRPERSON ANDERSON: Thank you. Have a seat. Your witness, Ms. Schmidt.

MS. SCHMIDT: Good afternoon. For the record, what is your name and by whom are you employed?

MR. SUERO: I'm ABRA investigator John Suero, I'm employed by the Alcoholic Beverage Regulation Administration.

MS. SCHMIDT: Supervisory investigator Suero,

on April 12, 2016, what was your position with ABRA?

MR. SUERO: Investigator with the Alcoholic Beverage Regulation Administration.

MS. SCHMIDT: And on that date at 10:17 a.m. were you in the vicinity of 4600 14th Street NW in the District of Columbia?

MR. SUERO: I was.

MS. SCHMIDT: And what is that location?

MR. SUERO: Gedera Market.

MS. SCHMIDT: And what were you doing at Gedera Market?

MR. SUERO: I was conducting a regulatory inspection. I had a preprinted form for that location that was part of the many in my stack, I just happened to go there that day.

MS. SCHMIDT: And what happened when you went there?

MR. SUERO: I went inside, identified myself as an ABRA investigator. I asked for an owner or ABC manager and was advised that neither was there at the time.

MS. SCHMIDT: Let's stick with that. Who advised you of this?

MR. SUERO: I need to pronounce it properly, if I can refresh my memory, it's Mr. [inaudible 3:14:13].

MS. SCHMIDT: Okay, what specifically did he tell you?

MR. SUERO: He advised me that the owner would be in later that day.

MS. SCHMIDT: And at approximately what time is this?

MR. SUERO: Well, I got there at 10:17 a.m. and I stayed to complete the regulatory inspection.

MS. SCHMIDT: And how long were you there?

MR. SUERO: I was there at least 20 minutes.

MS. SCHMIDT: And during that time was there any ABC manager at that location?

MR. SUERO: There was not.

MS. SCHMIDT: And now I'm holding what has become part of the investigatory exhibit number 1, I believe, and what is that a copy of?

MR. SUERO: This is a copy from my -- of the ABC license for Gedera Market, identified as license 09069, -- and Gedera Market 4600 14th Street NW.

CHAIRPERSON ANDERSON: I'm sorry, what are you guys looking at?

MS. SCHMIDT: Exhibit 1 as part of the investigatory exhibit 1.

CHAIRPERSON ANDERSON: All right.

MS. SCHMIDT: And identified the -- and what are the hours of operation on a Tuesday?

MR. SUERO: Tuesday, the hours of operation are 10:00 a.m. to 11:00 p.m. The hours of sale are 10:00 a.m. to 10:00 p.m. for Tuesday.

MS. SCHMIDT: So, when someone investigates, what does that mean with respect to the ABC manager?

MR. SUERO: During the hours of sale, D.C. regulations, ABRA regulations require that an ABC Manager or owner be present during those hours, so from 10:00 a.m. to 10:00 p.m. on Tuesday they should have either an owner or an ABC manager

present at the establishment.

MS. SCHMIDT: Okay. Were there any other regulatory violations found there?

MR. SUERO: There were none.

MS. SCHMIDT: At this time the government would like to move the investigatory report into the record.

CHAIRPERSON ANDERSON: Do you have -- meaning that she -- the government is asking that this document -- that the document that you have in front of you -- that that can be placed in the record as part of their documents. Do you have a problem with that?

MS. YAREGAL: No.

CHAIRPERSON ANDERSON: Okay. So moved.

MS. SCHMIDT: No further questions of this witness at this time.

CHAIRPERSON ANDERSON: All right, so this is your opportunity to ask -- Mr. Suero, is the microphone -- there's a microphone there. Is it not working? [inaudible 3:17:00]

CHAIRPERSON ANDERSON: Okay.

UNKNOWN: The ones that were placed there are on.

MR. ALBERTI: Let me ask is this working?

UNKNOWN: Yeah.

MR. ALBERTI: When you plug into that system it's not working?

UNKNOWN: Yeah.

MR. ALBERTI: That's what we need to tell him. [inaudible 3:20:00] Okay thank you.

CHAIRPERSON ANDERSON: Mr. Suero, why don't you move your chair from there and maybe sit to the side since the microphone is not working. All right, Ms. Yaregal?

MS. YAREGAL: Yes?

CHAIRPERSON ANDERSON: Do you have any questions to ask Mr. Suero based on the questions that the government asked?

MS. YAREGAL: Actually I don't have any questions for him but what I want to say is that we fully admitted our mistake on our part, but what I'm saying is that for seventeen minutes she was delayed, she was looking for a parking space,

it's

CHAIRPERSON ANDERSON: Hold on. So, you don't have any questions for the investigator?

MS. YAREGAL: I don't have any questions, but --

CHAIRPERSON ANDERSON: I'm just -- you can tell me that later on.

MS. YAREGAL: Okay.

CHAIRPERSON ANDERSON: But at this juncture, do you have any specific questions that you want to ask him?

MS. YAREGAL: No.

CHAIRPERSON ANDERSON: You have no questions?

MS. YAREGAL: No questions.

CHAIRPERSON ANDERSON: All right. Does the board have any questions that they want to ask of the investigator? All right, hearing none, Investigator Suero, again congratulations on your promotion, thank you, sir.

MR. SUERO: Thank you, sir.

CHAIRPERSON ANDERSON: Does the government have any other witnesses?

MS. SCHMIDT: No, your honor.

CHAIRPERSON ANDERSON: And what is it -- does the government rest?

MS. SCHMIDT: Yes, the government rests at this time.

CHAIRPERSON ANDERSON: All right. Ms. -- and I do apologize if I do a bad job in pronouncing your name, it's not intentional, I just want you to know that. So, Ms. Yaregal, is that it? Do you have any witnesses you want to call?

MS. YAREGAL: Yes.

CHAIRPERSON ANDERSON: All right, who is your first witness? Call your first witness. Who is your first witness? His name? Who do you call for your first witness?

MS. YAREGAL: I call Halefom Hadgu.

CHAIRPERSON ANDERSON: You can come sit down. Can you write your name on this -- on this paper and I did not hear the name, so I need to hear the name so I can write it. Okay, can you state your name for the record, sir, please?

MR. HADGU: Yes, my name is Halefom Hadgu.

CHAIRPERSON ANDERSON: You can just stand there. I didn't hear the last name.

MR. HADGU: Okay. Halefom Hadgu.

CHAIRPERSON ANDERSON: Hadgu?

MR. HADGU: Yes.

CHAIRPERSON ANDERSON: Mr. Hadgu can you raise your right hand, please? Raise your right hand. Can you swear or affirm to tell the truth and nothing but the truth?

MR. HADGU: I do.

CHAIRPERSON ANDERSON: All right, thank you. Have a seat. Go ahead, ma'am. You can ask him whatever questions you want to ask him.

MS. YAREGAL: I'm sitting there at that time --

CHAIRPERSON ANDERSON: No, you're asking him a question. Remember you're not explaining, I said you need to ask him a question. I know you're trying to explain but why don't you rather than explain to us, ask him questions and let him explain, let him answer your questions.

MS. YAREGAL: Okay. You were there at 10:00?

CHAIRPERSON ANDERSON: Ask him what his name is and ask him -- and just tell me who he is. Ask him some questions, if he works for you, or just give me the basics of who this person is you're calling today.

MS. YAREGAL: What's your name?

MR. HADGU: My name is Halefom Hodgu.

CHAIRPERSON ANDERSON: You need to also remember -- we all need to hear what you're saying, okay? And I know you can do this okay. Go ahead, please.

MS. YAREGAL: What's your name?

MR. HADGU: Halefom Hodgu.

MS. YAREGAL: And what is your relationship with the Gedera Market?

MR. HADGU: One of my cousins is the ABC manager.

UNKNOWN: Can you speak into the mic please?

MR. HADGU: Okay. She is one of the ABC managers. She is my cousin. When I've got time, when I'm free, I go there and help out, so that's my relationship with her.

MS. YAREGAL: What were you doing at that time when this thing happened?

CHAIRPERSON ANDERSON: Just ask him first the date, okay? So ask him, mention the date to him. I want the record to be clear so we get this when it happened and I don't think we know what thing you're talking about so when you ask the question, ask him about the date that he's there, and the day and the time, and then ask him to explain what happened during that period of time, please.

MS. YAREGAL: Okay.

CHAIRPERSON ANDERSON: Ask him where was he on whatever date the inspection occurred.

MS. YAREGAL: Okay. Where were you on April 18, 2016 at 10:00 a.m.?

MR. HADGU: Gedera Market.

MS. YAREGAL: And where --

CHAIRPERSON ANDERSON: [inaudible 3:22:55]

MR. HADGU: I'm trying to --

CHAIRPERSON ANDERSON: All right. I'm not hearing you --

MR. HADGU: I understand, I understand.

CHAIRPERSON ANDERSON: I just want to make sure that the record is clear and it's important and I want to make sure that we all hear what you have to say.

MR. HADGU: I understand.

MR. SILVERSTEIN: It might not be -- but we want to hear what you have to say.

MR. HADGU: Yes, sir. Okay.

MS. YAREGAL: Were you working at the front?

MR. HADGU: I was in the Gedera Market as usual, so me and her trying to open the store. So, I was there.

MS. YAREGAL: So, at that time, when the officer come to the store, everything you sold right?

MR. HADGU: Right. Maybe it would make it easier to explain what happened at that time. So, I was there and we open by 10:00 a.m. And not me, actually her, so she's the one having the key and everything, so she opened the store and as usual I had time so I'm going to help her out

there, you know, have my breakfast with her. So, the inspector come in and he come in and we start having conversation. He asked me where the ABC manager and I told him she just went out, you know, to move the car. So, he say, he ask my name, or if there was just me and so he asked me his name, and his name and he say 'it's okay, I'll be back.' And then he left. That's what happened. And, I mean, it doesn't take like 10 minutes max. He say "where's the manager?" I told him let me call her, I was calling her and as I was calling her and I told her the inspector is here. She said, 'okay, I'm coming,' and then he said, 'it's okay' and then he heard the name and then he went out. That's what happened.

MS. YAREGAL: Okay. And after one week he come back and he give us a 2000 dollar fine. I thought it was like just ten minutes.

CHAIRPERSON ANDERSON: You can do that later on, but right now you're asking questions, so you can, when you're doing your closing, all of that you can say, you can tell me, but right now

you're asking him questions to say how to rebut the government's case. So, do you have any other questions that you want to ask him?

MS. YAREGAL: Yeah. I'm finished.

CHAIRPERSON ANDERSON: You don't have any other questions?

MS. YAREGAL: No.

CHAIRPERSON ANDERSON: Ms. Schmidt, do you have any questions to ask?

MS. SCHMIDT: Yes. Was this on April 12th or April 18th that this happened?

MR. HADGU: 12th, which is the first one. And even if the second one, I was there.

MS. SCHMIDT: Okay.

MR. HADGU: When he came out.

MS. SCHMIDT: And you claim that you told him that the manager was parking the car?

MR. HADGU: Yes.

MS. SCHMIDT: And did he say anything to you about the manager parking the car?

MR. HADGU: He said it's okay and he went out.

MS. SCHMIDT: No further questions.

CHAIRPERSON ANDERSON: Do we have any other questions by any other board members? Go ahead, Mr. Alberti.

MR. ALBERTI: Mr. Hadgu?

MR. HADGU: Yes, sir.

MR. ALBERTI: Mr. Hadgu, so after your conversation about the ABC board manager did the investigator do anything else?

MR. HADGU: Nothing.

MR. ALBERTI: Nothing? Did he ask about anything else?

MR. HADGU: Nothing.

MR. ALBERTI: He didn't ask about --

MR. HADGU: He just ask --

MR. ALBERTI: Did he ask about your records?

MR. HADGU: No.

MR. ALBERTI: Okay. So, how did you get to the store?

MR. HADGU: I always, you know, when I got time I always there.

MR. ALBERTI: How did you get there? Did you

walk, ride a bicycle, did you drive?

MR. HADGU: I drive my car.

MR. ALBERTI: You drove your car.

MR. HADGU: I drove my car, yes.

MR. ALBERTI: And where did you park?

MR. HADGU: I parked in the church across the street by the Arkansas Avenue.

MR. ALBERTI: In that parking lot across the street?

MR. HADGU: No.

MR. ALBERTI: By the church?

MR. HADGU: Yeah, there's a church right across the street. The entrance is by Arkansas.

MR. ALBERTI: Okay. So, you parked on the street?

MR. HADGU: In the church property.

MR. ALBERTI: On the church property.

MR. HADGU: Yes.

MR. ALBERTI: The church has a parking lot.

MR. HADGU: Yes.

MR. ALBERTI: Okay. Do you know the name of that church?

MR. HADGU: Yeah, it's DSK St. Mary Orthodox Church.

MR. ALBERTI: It's St. Mary's?

MR. HADGU: Yes, DSK St. Mary's Orthodox Church, yes.

MR. ALBERTI: I didn't catch the first part. The --

MR. HADGU: DSK.

MR. ALBERTI: DSK?

MR. HADGU: Yes, sir.

MR. ALBERTI: St. Mary's?

MR. HADGU: Yes.

MR. ALBERTI: Okay, all right. Do they allow you to park there?

MR. HADGU: Yes, sir.

MR. ALBERTI: All the time? No problem?

MR. HADGU: No problem for me.

MR. ALBERTI: So, where -- how far from the store is that?

MR. HADGU: I would say maybe 500-600 feet.

MR. ALBERTI: About 600 feet to the lot across the street?

MR. HADGU: Across the street, I mean the fence is across the street but the entrance is on the other road going, I can say like half a mile to go to the entrance.

MR. ALBERTI: Okay great.

MR. HADGU: Yes, sir.

MR. ALBERTI: So, do you know where your cousin was going to park?

MR. HADGU: Over there.

MR. ALBERTI: She was going to park over there?

MR. HADGU: I don't know.

MR. ALBERTI: You don't know?

MR. HADGU: Yes, because I wasn't in the --

MR. ALBERTI: But she went out to park the car?

MR. HADGU: Yes, sir.

MR. ALBERTI: Is it well known amongst you and the owner and other people who work in the store that you can park at the church?

MR. HADGU: For me, because I -- what do you call? -- I use free service for the church, and

I'm a volunteer there so I know the -- the -- the managers and everything and the pastor and everything, so I just like familiar with the church, so always I can go over there and park my car no problem, because we have a lot of space there, for me.

MR. ALBERTI: So, what -- do you know where your cousin normally parks?

MR. HADGU: On the street.

MR. ALBERTI: Whereabouts? Do you know where to find? In my neighborhood I know where to find parking, where typically can you find parking in your neighborhood?

MR. HADGU: What's the question? I'm sorry.

MR. ALBERTI: I said, where typically would I look for parking around that location?

MR. HADGU: You know, whatever closest to the store, she got a space, she parked. Even if sometimes it's like for two hours she move it every time, you know, her car for two hours.

MR. ALBERTI: So, what happens, so who opened the store? You or your cousin?

MS. YAREGAL: Me.

MR. ALBERTI: So, where was she park --

CHAIRPERSON ANDERSON: You can't answer the question.

MR. ALBERTI: Where was she parking when she opened the store?

MR. HADGU: Right there by the fire hydrant. It's like in front of the store there's a fire hydrant, there's a space, so she just parked it and opened it and we went inside. She went inside with me, and then she just go out to get her car.

MR. ALBERTI: Thank you. I have no more questions. Thank you.

CHAIRPERSON ANDERSON: Are there any other questions by any other board members? Any other questions by any other board members? No, sir, sir. So what do you do in the store when you're there?

MR. HADGU: Trash, I mean, collecting the trash, putting stuff and stocking and sometimes, you know, I stand -- you know, some kids, you

know they give them a hard time, but if I stand there, you know, they get out without any problem. You know, it's just to help out with anything.

CHAIRPERSON ANDERSON: But suppose a customer comes in. If she is not there and a customer comes in do you serve them?

MR. HADGU: No.

CHAIRPERSON ANDERSON: Why not?

MR. HADGU: Because I'm not working there. My job is just to help her out because I don't know how to do the cashier machine to that, so me? No.

CHAIRPERSON ANDERSON: So, who else was in the store at that time in the morning?

MR. HADGU: Him, Manny Cabrera --

CHAIRPERSON ANDERSON: I'm sorry, who?

MR. HADGU: Manny Cabrera, the guy.

CHAIRPERSON ANDERSON: Who's he?

MR. HADGU: He's working there with her.

CHAIRPERSON ANDERSON: What do you mean he's working there?

MR. HADGU: He's working there. In the store.

CHAIRPERSON ANDERSON: So, when, if she's not there, if a customer comes in would he serve her?

MR. HADGU: No. Here's the thing. So, because I know the store and I know the store and how it works, let me explain it to you briefly. So, both of them are, they can sell when the customers come, not us. I -- me -- I don't know -- me -- I cannot -- the first thing is I don't know how to do the machine, the cash machine. The second, I not allowed because they keep telling me, you know, 'if anybody come to buy stuff you have to hold them until we can' that's always she told me, so I keep that, you know, in my mind so I don't -- I don't do that. But, you know, to help her out, as I told you, collecting the trash, stocking the things and sometimes I can carry things that are too heavy to carry for her. You know, that kind of job, not like going to the front.

CHAIRPERSON ANDERSON: So, when you're there

and this other guy is there, what does this other guy do?

MR. HADGU: He was, you know, stocking beer.

CHAIRPERSON ANDERSON: So you're saying he doesn't serve any customers?

MR. HADGU: No. No one -- there's no customer at that time.

CHAIRPERSON ANDERSON: But I'm saying what if a customer comes in, does he serve?

MR. HADGU: No, no.

CHAIRPERSON ANDERSON: How do you know this?

MR. HADGU: I'm family, and I know, as I told you I spend a lot of my free time in that store, you know, so we know how to do things, and one of the things that is holding me off doing -- serving the customer is like this kind of situation, you know. If an inspector come in we know they going to give us a ticket because we not allowed to do that. I know.

CHAIRPERSON ANDERSON: All right. Do we have any other questions by any other board members? Yes, Mr. Short?

MR. SHORT: Mr. Hadgu thank you for coming this afternoon. I just heard you say "we know," so everybody knows if there's not an ABC manager there you can't sell alcohol. You said everybody knows that.

MR. HADGU: Everybody in the store, yes.

MR. SHORT: Everybody in the store who works there knows that?

MR. HADGU: Yes.

MR. SHORT: So, everybody in the store knows there must be an ABC manager there to serve alcohol.

MR. HADGU: Exactly.

MR. SHORT: And you may know this or you may not know this, the liquor license says that anytime alcohol is -- or the store is open to sell alcohol, there must be an ABC manager on the site. So, you're saying that the morning that the investigator came out you know for certain there was not an ABC manager there?

MR. HADGU: Yes. I told you she was just parking the car.

MR. SHORT: Okay, so there's no dispute, you know that you were in violation.

MR. HADGU: Yes.

MR. SHORT: Okay, fine, thank you. That's all I have, Mr. Chair.

CHAIRPERSON ANDERSON: Are there any other questions by any other board members? Do you have any questions, Ms. Schmidt?

MS. SCHMIDT: No, not at this time.

CHAIRPERSON ANDERSON: Do you have any other questions to ask him based on the questions the board asked?

MS. YAREGAL: No, but can I say something?

CHAIRPERSON ANDERSON: Not yet.

MS. YAREGAL: Okay.

CHAIRPERSON ANDERSON: Mr. Hadgu, thank you very much. You can take a seat.

MR. HADGU: Thank you.

CHAIRPERSON ANDERSON: Do you have any other witnesses?

MS. YAREGAL: No.

CHAIRPERSON ANDERSON: No? All right. So,

you want to make a statement. Is she going to testify? She's not going to testify?

MS. YAREGAL: No.

CHAIRPERSON ANDERSON: Not you telling me. Does she have anything that she is going to say? No. Ma'am I'm asking you, I'm not asking her.

MS. YAREGAL: Yeah.

CHAIRPERSON ANDERSON: This is your case, you're the one who tells me.

MS. YAREGAL: Yes, she wants to say something.

CHAIRPERSON ANDERSON: I'm sorry?

MS. YAREGAL: She wants to say something.

CHAIRPERSON ANDERSON: She -- no, it's not that she wants to say something, do you have any questions that you're going to ask her?

MS. YAREGAL: No.

CHAIRPERSON ANDERSON: No. Okay, fine. I know that you want to make a statement, and you were not there at the time right?

MS. YAREGAL: No, I wasn't.

CHAIRPERSON ANDERSON: All right. So, I'm

going to give you an opportunity to say what you need to say, but at this formality you don't have any other witnesses, is that correct?

MS. YAREGAL: Yeah.

CHAIRPERSON ANDERSON: All right. Do you rest your case?

MS. YAREGAL: Yes.

CHAIRPERSON ANDERSON: That's fine. Does the government wish to make a closing statement?

MS. SCHMIDT: Yes, we do.

CHAIRPERSON ANDERSON: Go ahead.

MS. SCHMIDT: Basically, this is a pretty --

CHAIRPERSON ANDERSON: Use the microphone.

MS. SCHMIDT: Oh, sorry. This s a pretty straightforward case and it all rests on credibility. The credibility of investigator Suero versus Mr. Hadgu. There's -- Investigator Suero testified that he came to the establishment and he was told simply there was no ABC manager there. He was not told, unlike what Mr. Hadgu said, that Mr. Suero said, 'oh, that's fine, that's fine,' Mr. Suero never testified to that.

He never said that he was told that the person was parking the car and so, again -- and also Mr. Hadgu also said that Mr. Suero did nothing else even though he did conduct a regulatory inspection and the board can take notice of the fact that when a regulatory inspection is conducted it's more of -- it's walking around, it's checking papers, asking for records. So it's a matter of -- so Mr. Suero did more than just walk in there and say, 'oh, okay, I'm going, I'll come back and give a ticket.' And so, he testified that on April 12, 2016 at 10:17 a.m. the licensee was required by the terms of its license to have an ABC manager there and there was no ABC manager present on the premises at that time.

CHAIRPERSON ANDERSON: And what is it that you're asking the board to do, ma'am?

MS. SCHMIDT: We're asking, since this is going to be the fifth second tier violation, we're asking for a \$2250 fine.

CHAIRPERSON ANDERSON: All right. Now you

have an opportunity -- you have now wrapped up your case so you're going to make a statement to tell me what is it you want to tell us. Go ahead.

MS. YAREGAL: I want to say, I mean I know it's a mistake. But I ask respectfully the court to give us just a warning, that's all I'm asking. You know, the store is very slow, we cannot even pay the rent, you know, business is dead, but it's hard to pay \$2000 for 17-15 minutes. Every time over there is very problem to find a parking space, so to open the store and then drop the stuff in and then leave them and to find a parking space and in the meantime, he walked in, talked to them, and he say 'I'll be back' and the next thing after one week he come back with a \$2000 ticket. This is what I'm asking, I don't know what else to say.

CHAIRPERSON ANDERSON: You have anything else you want to say?

MS. YAREGAL: Yeah, because of this being -- we cannot even afford to hire somebody, you know,

we work each other like a family, it's friends, it's cousins, they help us. So, I don't know.

CHAIRPERSON ANDERSON: All right. Thank you for your presentation. The Board will issue a decision in 90 days and as chairperson of the Alcoholic Beverage Control Board for the District of Columbia and in accordance with D.C. section 405 of the Open Meetings Amendment Act of 2010, I move that the ABC Board hold a closed meeting for the purpose of seeking legal advice from our counsel on Case #16-CMP-00404, Gedera Market, per section 405 B4 of the Open Meetings Amendment Act of 2010 and deliberating upon case #16-CMP-00404, Gedera Market, for the reasons cited in section 405 B13 of the Open Meetings Amendment Act of 2010. Is there a second?

MR. SHORT: Second.

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

MS. MILLER: I agree.

CHAIRPERSON ANDERSON: Mr. Alberti?

MR. ALBERTI: I agree.

CHAIRPERSON ANDERSON: Mr. Silverstein?

MR. SILVERSTEIN: I agree.

CHAIRPERSON ANDERSON: Mr. Anderson? I agree. It appears that the motion has passed I hereby give notice that the ABC Board will hold a closed meeting in the ABC Board Conference Room pursuant to the Open Meetings Amendment Act of 2010 and issue an order within 90 days. We will listen to what the government has to say, we will listen to your presentation and we will issue a decision within 90 days. Thank you very much.

(Whereupon, the above-entitled matter was concluded.)