

Capital Reporting Company
In the Matter of: Langston Bar & Grille, Inc. 09-12-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :
 :
Langston Bar & Grille, LLC :
t/a Langston Bar & Grille :
1831 Benning Road, NE :
Retailer CR : Show Cause
License No. 76260 : Hearing
ANC 6A :
Case No. 11-CMP-00562 :
Violation of Voluntary Agreement: :
----- :

September 12, 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.

PRESENT

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HERMAN JONES, Member
CALVIN NOPHLIN, Member
MIKE SILVERSTEIN, Member

ALSO PRESENT

FERNANDO RIVERO, OAG
RICHARD RODRIGUEZ, OAG
FELICIA MARTIN, ABRA

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6	<p>1 and (inaudible). 2 CHAIRPERSON MILLER: Okay. Good. All right. 3 Mr. Rivero, we are ready for you to bring up your 4 witness. 5 MR. RODRIGUEZ: Thank you. 6 CHAIRPERSON MILLER: Oh, I'm sorry, what is 7 his name? 8 MR. RODRIGUEZ: Mr. Rodriguez. 9 CHAIRPERSON MILLER: Mr. Rodriguez, should I 10 be addressing -- 11 MR. RIVERO: He'll be doing the lion's share 12 of -- 13 CHAIRPERSON MILLER: Okay. 14 MR. RIVERO: -- the work today. 15 CHAIRPERSON MILLER: All right. Good 16 afternoon. 17 MS. MARTIN: Good afternoon. 18 CHAIRPERSON MILLER: Do you swear to tell the 19 truth, the whole truth, nothing but the truth? 20 MS. MARTIN: I do. 21 CHAIRPERSON MILLER: Okay. Thank you. 22 MR. RODRIGUEZ: For the record state your</p>	8	<p>1 of Benning Road at the entrance to the parking lot 2 positioned on the side of the building. It was a 3 clear, sunny day. And I noticed there were -- there 4 was a dumpster that was overflowing with trash. And it 5 also had plastic trash bags surrounding the dumpster as 6 well. 7 MR. RODRIGUEZ: I'm going to show the 8 document that is marked as Exhibit 1 and 2, which we're 9 giving to the witness as well -- Licensee rather. 10 CHAIRPERSON MILLER: Oh, you're ready to -- 11 we don't have anybody here right now. 12 MR. RODRIGUEZ: Well, if I may approach? 13 CHAIRPERSON MILLER: All right. Under these 14 circumstances -- 15 MR. RODRIGUEZ: No one else is watching. 16 CHAIRPERSON MILLER: Thank you. 17 MR. ROBERSON: Thank you. 18 MR. RODRIGUEZ: A set of exhibits for -- 19 CHAIRPERSON MILLER: Thank you. 20 MR. RODRIGUEZ: You're welcome. Do you 21 recognize these? 22 MS. MARTIN: Yes, sir. I do.</p>
7	<p>1 name. 2 MS. MARTIN: Felicia Martin. 3 MR. RODRIGUEZ: And who's your employer? 4 MS. MARTIN: The Alcoholic Beverage 5 Regulation Administration. 6 MR. RODRIGUEZ: And what is your occupation? 7 MS. MARTIN: I am an investigator. 8 MR. RODRIGUEZ: An ABRA investigator? 9 MS. MARTIN: Yes. 10 MR. RODRIGUEZ: What do you do as an ABRA 11 investigator? 12 MS. MARTIN: I enforce alcohol regulations 13 for the city, which entails writing citations and 14 conducting regulatory inspections. 15 MR. RODRIGUEZ: Are you familiar with 16 Langston Bar & Grille? So 17 MS. MARTIN: Yes, sir. I am. I went there 18 on December the 13th, 2011 to conduct a regulatory 19 inspection. 20 MR. RODRIGUEZ: What did you observe outside 21 the establishment when you arrived? 22 MS. MARTIN: I was sitting on the 1800 block</p>	9	<p>1 MR. RODRIGUEZ: What do they appear to be to 2 you? 3 MS. MARTIN: On the government's Exhibit No. 4 1, it shows a -- the side of the Langston Bar & Grille 5 located at 1831 Benning Road, north by east. On the 6 bottom right corner it shows a green dumpster with 7 trash sitting atop and below. 8 MR. RODRIGUEZ: And who took these two 9 photos? 10 MS. MARTIN: I did. 11 MR. RODRIGUEZ: And are these the original 12 photos? 13 MS. MARTIN: No, they're not. This appears 14 to be a copy of the original. 15 MR. RODRIGUEZ: Okay. And are these copies 16 accurate copies of the photos you took? 17 MS. MARTIN: Yes, sir. 18 MR. RODRIGUEZ: Can you just confirm, whose 19 handwriting is in the top right? 20 MS. MARTIN: My handwriting. 21 MR. RODRIGUEZ: And what is that date? 22 MS. MARTIN: December 13th, 2011.</p>

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<p style="text-align: right;">10</p> <p>1 MR. RODRIGUEZ: Okay. And just to confirm, 2 Exhibit 1 is from the front angle? 3 MS. MARTIN: Yes, sir. The front angle as 4 one walks from the mouth of the driveway onto the 5 driveway. 6 MR. RODRIGUEZ: Okay. And Exhibit 2 is from 7 the back angle? 8 MS. MARTIN: Yes, sir. 9 MR. RODRIGUEZ: Okay. The government would 10 now move government Exhibit 1 and 2, the two 11 photographs of Langston Bar & Grille dumpsters, into 12 evidence. 13 CHAIRPERSON MILLER: One and two? Do you 14 have any objection? 15 MR. ROBERSON: No. 16 CHAIRPERSON MILLER: Okay. They're admitted 17 into evidence. 18 MR. RODRIGUEZ: And just to repeat, when was 19 these photos taken? 20 MS. MARTIN: On December the 13th, 2011. 21 MR. RODRIGUEZ: Okay. Can you describe the 22 first photo there?</p>	<p style="text-align: right;">12</p> <p>1 issues that I saw. 2 MR. RODRIGUEZ: And at that time did he 3 finally talk to you? 4 MS. MARTIN: Yes, sir. He did. 5 MR. RODRIGUEZ: And so when you returned at a 6 later time, what happened? 7 MS. MARTIN: At approximately three hours 8 later on the very same day of December the 22nd, 2011 I 9 did get an opportunity to sit down with Mr. Roberson 10 and advise him that on a previous visit, which was 11 December the 13th of 2011, I had noticed that the trash 12 dumpster was overflowing with trash, as well as the lid 13 to the dumpster was open because the garbage dumpster 14 was bursting with trash. 15 MR. RODRIGUEZ: And how did he respond to 16 you? 17 MS. MARTIN: I asked Mr. Roberson if he can 18 produce his voluntary agreement. I did have one with 19 me as well. So I wanted to see if he had his voluntary 20 agreement. Mr. Roberson complied and he and I reviewed 21 the language as it pertains to the dumpsters. 22 MR. RODRIGUEZ: How did he respond to you</p>
<p style="text-align: right;">11</p> <p>1 MS. MARTIN: Yes. The first photo is Exhibit 2 1 -- depicts at the bottom right corner -- will be a 3 green dumpster with dark-colored multiple plastic bags 4 sitting on top and debris sitting below the dumpster. 5 MR. RODRIGUEZ: And is the cover closed? 6 MS. MARTIN: No, sir. Correction, sorry. 7 Yes, sir. From this -- from this angle on government 8 Exhibit No. 1, the dumpster top is closed. However, if 9 you look at government Exhibit No. 2, that photo shows 10 the back of the dumpster where you can see that it's 11 open from all the trash. And the lid to the dumpster 12 is open. 13 MR. RODRIGUEZ: Okay. Did you happen to 14 speak to the ABC manager when you first visited the 15 location? 16 MS. MARTIN: Well, it was approximately nine 17 days later when I first did my visit to Langston Bar & 18 Grille. I believe that was December 22nd. I did two 19 visits at the establishment on December 22nd of 2011. 20 My first visit I met with Mr. Roberson, who was too 21 busy at the time to speak with me. And I advised him 22 that I would return later to discuss with him some</p>	<p style="text-align: right;">13</p> <p>1 when you notified him about the dumpster or the garbage 2 bags? Did he say anything to that regard? 3 MS. MARTIN: Yes. Mr. Roberson stated that 4 he was very much aware of the trash situation. He 5 alerted me to the fact that he recently switched trash 6 companies. The trash company he used had an issue with 7 collecting the trash due to vehicles parked in close 8 proximity of the garbage dumpster and/or vehicles 9 parked -- or something blocking the dumpster. 10 MR. RODRIGUEZ: So I'm going to show you a 11 document that is multiple pages. It has been marked as 12 government's Exhibit 3, which will be given to the 13 Licensee as well. What does this appear to be to you? 14 MS. MARTIN: A copy of the voluntary 15 agreement. 16 MR. RODRIGUEZ: Is it an accurate copy of the 17 voluntary agreement as the license is filed with ABRA? 18 MS. MARTIN: Yes, sir. 19 MR. RODRIGUEZ: And it is -- it is filed in 20 ABRA location? 21 MS. MARTIN: Yes. This voluntary agreement 22 is part of ABRA records for Langston Bar & Grille.</p>

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14	<p>1 MR. RODRIGUEZ: And this -- you would go to 2 these record files in the course of your business? 3 MS. MARTIN: Yes, sir. 4 MR. RODRIGUEZ: Okay. The government will 5 now move government Exhibit 3, establishment's 6 voluntary agreement, into evidence. 7 CHAIRPERSON MILLER: Okay. Mr. Roberson has 8 a copy? 9 MR. BROOKS: Excuse me, speak a little 10 louder, please. You were fading out a little bit. 11 MR. RODRIGUEZ: Okay. 12 MR. BROOKS: Speak a little louder into the 13 mike. Thank you. 14 MR. RODRIGUEZ: Yes, sir. 15 CHAIRPERSON MILLER: Okay. And you have no 16 objection, correct? 17 MR. ROBERSON: Excuse me? 18 CHAIRPERSON MILLER: No objection? 19 MR. ROBERSON: No. 20 CHAIRPERSON MILLER: Okay. Then government 21 Exhibit 3 is admitted into evidence. 22 MR. RODRIGUEZ: Turning your attention to the</p>	16	<p>1 the applicant? 2 MS. MARTIN: On behalf of the applicant the 3 documents show Antonio Roberson. 4 MR. RODRIGUEZ: At this time we have no 5 further questions. 6 CHAIRPERSON MILLER: Okay. And you are 7 entitled to cross-examination if you'd like. 8 MR. ROBERSON: Did you take -- when you first 9 visit, you noticed that the trash can was overflowing 10 with trash. Did you take occasion to examine the trash 11 in terms of what made up the contents of the -- of the 12 canisters? 13 MS. MARTIN: Are you asking, did I physically 14 look at the objects inside? No, sir. 15 MR. ROBERSON: So you -- you're not aware of 16 whether or not the trash was actually produced by 17 Langston Bar & Grille or not? 18 PARTICIPANT: Are we clear? 19 PARTICIPANT: Yeah. 20 MS. MARTIN: I did receive a statement from 21 someone in the community who I wish to remain anonymous 22 -- was concerned about at first whose responsibility</p>
15	<p>1 bottom of Page 1 under No. 1, Part B, what does the 2 agreement say about trash removal? 3 MS. MARTIN: Under, "the parties agree as 4 follows: (1) public space cleanliness and maintenance. 5 Letter A, picking up trash, including beverage bottles 6 and cans, and all other trash at a minimum of twice 7 daily. (Once immediately before business hours and 8 again between 5:00 p.m. and 8:00 p.m.)" B -- letter B 9 goes on to state that, "Maintaining regular trash 10 garbage removal service, regularly remove trash from 11 the trash and dumpster area, and see that the trash and 12 dumpster area remain clean." 13 MR. RODRIGUEZ: And turning your attention to 14 the top of Page 2, under Letter C, what does the 15 agreement say about dumpsters? 16 MS. MARTIN: Letter C states that, "Applicant 17 shall deposit trash and garbage only in rodent-proof 18 dumpsters and shall see that dumpster covers fit 19 properly and remain fully closed except when trash or 20 garbage is being added or removed." 21 MR. RODRIGUEZ: And now, turning your 22 attention to the last page. Who signed on behalf of</p>	17	<p>1 it was -- correction, not responsibility but whose 2 trash can it belonged to. 3 MR. ROBERSON: So is -- was he probing to the 4 contents of the trash can? 5 MS. MARTIN: That I don't know. 6 MR. ROBERSON: No more questions. 7 CHAIRPERSON MILLER: Okay. Are there Board 8 questions? Mr. Nophlin. 9 MR. NOPHLIN: Investigator, thank you for a 10 thorough report. You said you went a couple of times 11 to actually review the problem. And now, you don't -- 12 you didn't go just once? You went a couple of times? 13 MS. MARTIN: Yeah, I had a few regulatory 14 inspections in the 1800 block of Benning Road. So when 15 I did other inspections after December 13th, I also 16 took notice of the dumpsters and there were no 17 additional problems. 18 MR. NOPHLIN: Was the dumpster still a 19 problem then when you went back? 20 MS. MARTIN: Not on December the 22nd of 21 2011. 22 MR. NOPHLIN: So you saw the problem only</p>

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18	<p>1 once, when you went to investigate the dumpster? 2 MS. MARTIN: That's correct. 3 MR. NOPHLIN: How long ago -- after that did 4 you go back, do you think? 5 MS. MARTIN: Approximately two days later I 6 went to another ABC establishment located across the 7 street. 8 MR. NOPHLIN: Okay. Is there any other 9 businesses there that -- near that establishment? 10 MS. MARTIN: Yes. Directly -- no, correction 11 -- next-door to Langston Bar & Grille? There's an ABC 12 establishment called Capitol Liquors. I did an 13 inspection there as well the very same day of December 14 the 13th. I asked of the owner if -- was that his 15 dumpster and he advised me that it was not. He told me 16 that his dumpster is located at the end of the parking 17 lot, where it meets the alley. And his dumpster is in 18 an enclosed fence, which is locked. 19 MR. NOPHLIN: Which is locked? 20 MS. MARTIN: Yes. 21 MR. NOPHLIN: So you don't think there was 22 any collaboration between the two dumpsters? Each one</p>	20	<p>1 days later? 2 MS. MARTIN: That's correct. 3 CHAIRPERSON MILLER: Okay. All right. I 4 don't have any questions. I'm going to go to the 5 government first and then the Licensee for a follow-up 6 if there are no other Board questions. No, okay. 7 MR. RODRIGUEZ: So when you returned on the 8 22nd, can you tell us about your conversation that you 9 had with the Licensee as to whether the dumpster you 10 photographed was his and -- 11 MS. MARTIN: Yes. Mr. Roberson confirmed 12 that that dumpster did indeed belong to his 13 establishment. 14 MR. RODRIGUEZ: You have no reason to believe 15 that neighbors put trash in the dumpsters, do you? 16 CHAIRPERSON MILLER: I'm sorry, what? 17 MR. ALBERTI: Say again. 18 CHAIRPERSON MILLER: Okay. We're all asking 19 that, especially the court reporter. Can you speak a 20 little more slowly and a little more loudly? 21 MR. RODRIGUEZ: Sure. 22 CHAIRPERSON MILLER: Okay.</p>
19	<p>1 had his own separate dumpster? 2 MS. MARTIN: Yes. 3 MR. NOPHLIN: Okay. Thank you. Thank you 4 again for your thorough report. Thank you, Madam 5 Chair. 6 CHAIRPERSON MILLER: Okay. Other questions? 7 MR. ROBERSON: Can I ask an additional 8 question? We do have (inaudible). 9 CHAIRPERSON MILLER: You can -- well, I'm 10 going to allow you a follow up after we're done. After 11 the Board finishes their questions, we will allow each 12 of the parties to follow up. Are there other Board 13 questions? 14 Ms. Martin, what time of day did you say this 15 was? 16 MS. MARTIN: Approximately 11:10 a.m. 17 CHAIRPERSON MILLER: 11:10. Okay. So you 18 don't know how long the dumpster was as the picture 19 (inaudible) is that correct? The next time you came 20 back, it was -- had been emptied? 21 MS. MARTIN: That's correct. 22 CHAIRPERSON MILLER: Okay. And that was two</p>	21	<p>1 MR. RODRIGUEZ: You have no reason to believe 2 that a neighbor would put any garbage or any bags of 3 garbage in that dumpster, would you? 4 MS. MARTIN: That I can't say. And I say 5 that because it appears that the parking lot is a 6 thoroughfare because I did see pedestrians that will 7 come between the parking lot through the alley. So it 8 just -- anything's possible. 9 MR. RODRIGUEZ: No further questions. 10 CHAIRPERSON MILLER: Mr. Roberson? 11 MR. ROBERSON: Did you notice on your second 12 visit that the dumpster -- the logo or the company name 13 of the dumpster had changed? 14 MS. MARTIN: No, sir. I did not. 15 CHAIRPERSON MILLER: Okay. All right. Then 16 thank you very much. 17 MS. MARTIN: You're welcome. 18 CHAIRPERSON MILLER: So I think I heard the 19 government just say that you just had one witness, 20 correct? 21 MR. RODRIGUEZ: Correct. 22 CHAIRPERSON MILLER: All right. So now, if -</p>

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22	<p>1 - go to you, Mr. Roberson. 2 MR. ROBERSON: I have several exhibits but I 3 only have one set. Am I allowed to give these exhibits 4 to the counsel and then forward to you? 5 MR. RIVERO: We don't have any objection to 6 first taking a look at -- 7 CHAIRPERSON MILLER: Okay. Otherwise Ms. 8 Walker can make copies but -- 9 MR. RIVERO: He -- well -- 10 CHAIRPERSON MILLER: How many pages do you 11 have? 12 MR. ROBERSON: Eleven. 13 CHAIRPERSON MILLER: Eleven. Yeah, let's do 14 that. It'll be easier for the Board to -- 15 MR. ALBERTI: Well, could we -- may I make a 16 suggestion just so that we can speed things along? If 17 the government could take a look at them very quickly 18 and decide whether or not they object, then we could 19 proceed with at least that portion of it. And then -- 20 and then Ms. Walker could go ahead and -- 21 MR. RIVERO: Yeah, the problem with that is 22 that we actually --</p>	24	<p>1 over there, that's fine. 2 MR. ROBERSON: This is fine here. 3 CHAIRPERSON MILLER: Okay. So if you would 4 raise your right hand? Do you swear to tell the truth, 5 the whole truth, nothing but the truth? 6 MR. RODRIGUEZ: Yes. 7 CHAIRPERSON MILLER: Okay. Then you can 8 proceed. 9 MR. ROBERSON: Do I need to describe these? 10 CHAIRPERSON MILLER: However you want to 11 proceed, however you want to use the documents. Do you 12 want to put the documents into evidence? 13 MR. ROBERSON: Yes. 14 CHAIRPERSON MILLER: Then you would need to 15 identify them. 16 MR. ROBERSON: Okay. 17 CHAIRPERSON MILLER: And we would ask if the 18 government has any objections to them. 19 MR. ROBERSON: Okay. I'll try to move 20 quickly. Exhibit A is a letter of support from the 21 Rosedale Citizens' Alliance. Exhibit B shows the trash 22 -- a trash dumpster that's in my -- that I do control</p>
23	<p>1 CHAIRPERSON MILLER: They need them. 2 MR. RIVERO: -- I actually don't know what 3 I'm looking at. And so there has to be some -- 4 MR. ALBERTI: Okay. I apologize. Let's move 5 on. 6 MR. RIVERO: -- as to what these images are. 7 So unfortunately, I can't split -- 8 CHAIRPERSON MILLER: Okay. That's not that 9 many pages. 10 MR. ALBERTI: I understand. I understand. 11 MR. RIVERO: Sorry. 12 MR. ALBERTI: That's all right. Can't blame 13 a guy for trying, right? 14 MR. RIVERO: Absolutely not. 15 CHAIRPERSON MILLER: Okay. 16 MR. ROBERSON: (Inaudible) describe these. 17 CHAIRPERSON MILLER: Okay. And what I'm 18 going to ask you is if you're going to testify on 19 behalf of yourself, I need to swear you in. 20 MR. ROBERSON: Okay. 21 CHAIRPERSON MILLER: Okay. So if you -- I -- 22 if you're more comfortable using the table than going</p>	25	<p>1 that has the top affixed behind the dumpster that -- 2 which won't allow it to be closed. Exhibit C shows 3 random trash that was put beside the dumpster. Exhibit 4 D shows random trash that was put beside my old 5 collection container. Exhibit E shows random bulk 6 trash in the alleyway behind -- just directly behind my 7 business. Exhibit F shows random trash that was placed 8 closely -- in close proximity to my dumpster. Exhibit 9 G shows more bulk trash directly adjacent to my 10 property -- to my building. Exhibit H shows trash 11 inside of my container that comes from some kind of 12 retail outfit, 16 pieces -- 16-piece dining ware set. 13 Exhibit I shows random trash on top of my dumpster, 14 fans, a sneaker, a box, and other random bulk trash. 15 Exhibit J just shows another angle for that same power 16 fan. Exhibit K shows multiple boxes on top of my -- on 17 top of my -- the dumpster that's in my possession. 18 CHAIRPERSON MILLER: All right. Let me just 19 ask you, did you take these pictures? 20 MR. ROBERSON: I did. 21 CHAIRPERSON MILLER: And when did you take 22 them?</p>

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26	<p>1 MR. ROBERSON: Over the course of the last 2 two or three months. 3 CHAIRPERSON MILLER: After the incident, 4 before the -- 5 MR. ROBERSON: After. 6 CHAIRPERSON MILLER: After. Okay. Does the 7 government have any objection to these exhibits being 8 admitted into evidence? 9 MR. RIVERO: I think we're going to have to 10 object. 11 CHAIRPERSON MILLER: You object to all of 12 them? 13 MR. RIVERO: The testimony is that these 14 pictures took place, (A) after the incident. They have 15 -- they have nothing to do with the date involved in 16 question. And I think the government just should put 17 that on the record however the Board rules, that it is 18 our view that these photographs are not germane to the 19 allegations of the government, which pertain to a 20 particular date and time -- the violation that took 21 place at the particular date. 22 If there had been testimony such that this</p>	28	<p>1 MR. ROBERSON: Yes. 2 CHAIRPERSON MILLER: Okay. 3 MR. ROBERSON: Should I -- 4 CHAIRPERSON MILLER: You -- what? 5 MR. ROBERSON: Should I give these to you or 6 do you have a set? 7 CHAIRPERSON MILLER: We have a copy. We're 8 all set. Oh, you should give the original to Ms. 9 Walker. Okay. She's going to come get them. 10 MR. ROBERSON: Yeah. Well, I do admit that 11 there has been a problem and there was a problem that 12 particular day. But that's a recurring issue with both 13 -- that was a recurring issue with the trash company 14 that I resolved by bringing on a new trash company. 15 And the testimony that the detective gave is accurate. 16 My former trash company did not pick the trash up for 17 various reasons. And I would call them and solicit 18 them to come back and pick the trash up. 19 From my perspective, the community using the 20 dumpsters is not something that I -- I don't advocate 21 that. But it's better for them to put it in the 22 dumpster than to have it spread all around the -- you</p>
27	<p>1 empty dumpster was on the date in question, it would 2 have to be different. He'd perhaps say on that -- 3 that's not (inaudible). 4 CHAIRPERSON MILLER: Mr. Roberson, would you 5 like to -- 6 MR. ROBERSON: Yeah. You can tell that the 7 photographs show a history and a pattern existing and 8 so it is germane. 9 CHAIRPERSON MILLER: Okay. A history and a 10 pattern of other people putting trash there? Okay. I 11 would overrule the objection -- how about -- and admit 12 photographs into evidence. How about Exhibit A, which 13 is the letter? 14 MR. RIVERO: May I have a moment to read it? 15 CHAIRPERSON MILLER: Uh-huh. 16 MR. RIVERO: Thank you. 17 CHAIRPERSON MILLER: Uh-huh. 18 MR. RIVERO: The government has no objection 19 as to Exhibit A. 20 CHAIRPERSON MILLER: Okay. Exhibit A is also 21 admitted into evidence. Okay. Do you have some 22 testimony you'd like to present also?</p>	29	<p>1 know, the neighborhood. You know, so those are the 2 kinds of choices I have. Either I -- when I tried to 3 lock the dumpster, they would put trash beside the 4 dumpster. If I leave the dumpster open, at least they 5 will put trash inside the dumpster or attempt to. 6 So those were -- that's what I had to deal 7 with, what I had to weigh. I have moved to a company 8 that's more diligent and more aggressive about making 9 sure they pick the trash up. They will even make 10 return trips to pick it up. So I problem-solved that. 11 And at this point I've increased the frequency of the 12 trash being picked up to five days a week. It used to 13 be three. I have a larger dumpster. I have a new 14 company. And we've done the best we can to resolve the 15 problem for what we have under our control. 16 But illegal dumping is a major issue in my 17 community. 18 CHAIRPERSON MILLER: I'm sorry. 19 BOARD MEMBER: You swore him in? 20 CHAIRPERSON MILLER: Yes, I did. I just told 21 him he could sit there. 22 MR. RODRIGUEZ: Oh, yeah. That was that</p>

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30	<p>1 little confusing. That's okay. 2 CHAIRPERSON MILLER: Okay. 3 MR. RODRIGUEZ: No objection from the 4 government. 5 CHAIRPERSON MILLER: Okay, okay. Do you have 6 any questions? Are you finished with your testimony? 7 MR. ROBERSON: Yeah, but I can do questions. 8 CHAIRPERSON MILLER: Do you have any 9 questions? 10 MR. RODRIGUEZ: So bringing your attention to 11 Exhibit B, the first question is -- okay -- is this 12 your new -- is this the new dumpster now? 13 MR. ROBERSON: Yes. 14 MR. RODRIGUEZ: The new company? Okay. And 15 to confirm, you said something about the cover -- 16 MR. ROBERSON: It's trapped behind the 17 dumpster. So it -- I -- we -- you can't physically move 18 it because it's heavy. And when the company lays -- 19 sits it down, they sat it down with the trap or the 20 door wide open and it's behind the dumpster at this 21 point. 22 MR. RODRIGUEZ: So is it like this now?</p>	32	<p>1 the applicant? 2 MR. ROBERSON: Yes. 3 MR. RODRIGUEZ: And just on Page 4, you 4 signed the VA for the establishment, correct? 5 MR. ROBERSON: Correct. 6 MR. RODRIGUEZ: Okay. And the responsibility 7 for keeping the dumpster clean and sealed is with 8 Langston and you, as the owner, correct? 9 MR. ROBERSON: Correct. 10 MR. RODRIGUEZ: In the VA is there any 11 reference to outside company errors or exceptions to 12 compliance? 13 MR. ROBERSON: There is not. 14 MR. RODRIGUEZ: And there are no exceptions 15 for foreign trash as well in the VA? 16 MR. ROBERSON: There is not. 17 MR. RODRIGUEZ: I think that is all we have. 18 Thank you. 19 CHAIRPERSON MILLER: Okay. Board questions? 20 Mr. Brooks, yeah. 21 MR. BROOKS: Yeah, I have a question. 22 MR. ROBERSON: Mr. Brooks, yeah.</p>
31	<p>1 MR. ROBERSON: Today? 2 MR. RODRIGUEZ: Yeah. 3 MR. ROBERSON: No. 4 MR. RODRIGUEZ: Okay. So -- 5 MR. ROBERSON: But every time they come to 6 pick it up, you know, they put it back in different 7 position. 8 MR. RODRIGUEZ: Okay. So I'm going to direct 9 your attention to the Exhibit B, which we gave you. 10 What was it? The VA Agreement. 11 MR. ROBERSON: Uh-huh. 12 MR. RODRIGUEZ: Okay. I'm going to ask you, 13 on Page 1, No. 1 at the bottom, the -- does the VA 14 state that the applicant will maintain the -- I'm sorry 15 -- will maintain the public space? 16 MR. ROBERSON: Yeah, this is private space. 17 But -- yes -- it does say that. Yes. 18 MR. RODRIGUEZ: And it requires the -- the VA 19 requires the applicant to keep the dumpster clean and 20 sealed, correct? 21 MR. ROBERSON: Correct. 22 MR. RODRIGUEZ: Okay. And Langston Grille is</p>	33	<p>1 MR. BROOKS: Yeah. Is it possible to fence 2 your dumpster in? 3 MR. ROBERSON: No. That -- I actually 4 formally lease that property from the liquor store. 5 That is not my parking lot. They won't allow me to 6 build a new structure on their -- on their property. 7 Recently, the liquor store has closed and the property 8 has been sold. So we'll try to negotiate something with 9 the new land owner whenever we found out who that is. 10 MR. BROOKS: And I'm not suggesting that's 11 going to be a panacea or solve the problem because 12 people -- I've seen that first hand. People -- even if 13 you have it fenced it, people will throw it over the 14 fence. 15 MR. ROBERSON: Over or put it beside it. 16 MR. BROOKS: Yeah, put beside the fence. 17 Yeah. 18 MR. ROBERSON: Sure. 19 MR. BROOKS: So people do that, I know, in 20 DC. I'm not sure anyplace else. But that is a 21 recurring problem throughout the neighborhoods. So, I 22 mean, I empathize and sympathize with you. Yeah, that</p>

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34	<p>1 is a problem, foreign trash from the neighborhood folk. 2 They just, you know, find a place to dump it rather 3 than call the city to pick it up and then dump it in 4 front of yours. So that's all I have to say, Madam 5 Chair. 6 CHAIRPERSON MILLER: Thank you. Mr. 7 Silverstein? 8 MR. SILVERSTEIN: Mr. Roberson, I have to 9 apologize. I had to leave the room for a moment. As 10 they say, when you got to go. 11 MR. ROBERSON: You got to go. 12 MR. SILVERSTEIN: If you could very briefly 13 repeat, so that I can hear, your case or your argument? 14 MR. ROBERSON: It -- I admit that there was a 15 problem that day and that there were mitigating 16 circumstances that allowed it to be a problem, pretty 17 much people using that dumpster without my permission. 18 Sometimes we have to collect trash from the parking lot 19 or in close proximity to the parking lot and actually 20 put it in our dumpster. Oftentimes, people are just 21 using our dumpster as a -- you know, as an additional 22 resource for their own use.</p>	36	<p>1 room to put it inside? 2 MR. ROBERSON: you know, I -- you know, 3 obviously I -- you know, when I come to my facility, 4 unless I see a problem that my staff did, you know, I 5 really generally don't examine what's inside the bags. 6 You know, I just take ownership of it and, you know, 7 call my company and say, "Can you take it away at this 8 point?" So on that particular day, whether the trash 9 bags on top were mine or not, I -- 10 MR. SILVERSTEIN: Again, I apologize for 11 having to leave. Thank you. 12 13 MR. ROBERSON: Uh-huh. 14 CHAIRPERSON MILLER: Mr. Nophlin? 15 MR. NOPHLIN: Thank you for your testimony. 16 Could you tell the Board exactly what corrective action 17 you've taken? I think you said something earlier. 18 MR. ROBERSON: I could relate that, yes. 19 MR. NOPHLIN: But just discuss what 20 corrective action -- 21 MR. ROBERSON: Well, I'll tell you about the 22 corrective actions and I'll tell you about some of the</p>
35	<p>1 We have a one-year contract with our trash 2 removal company. And in our contract, we have to give 3 them the opportunity to correct any problem that 4 exists. And we gave them that opportunity. And when it 5 didn't happen, we contracted to a new company. 6 MR. SILVERSTEIN: There -- in the pictures 7 that were the government's exhibit here, there are 8 different colored trash bags. Are the black ones yours 9 generally? Is that the color you use or -- 10 MR. ROBERSON: That's the color I use but, 11 you know, that's a universal color for -- 12 MR. SILVERSTEIN: Yeah. 13 MR. ROBERSON: -- trash bags. 14 MR. SILVERSTEIN: Are the white ones not 15 yours? 16 MR. ROBERSON: No, no. 17 MR. SILVERSTEIN: So there were in fact 18 things in here that were not yours for sure. That's 19 what you're saying? But -- 20 MR. ROBERSON: Yeah. 21 MR. SILVERSTEIN: -- there also may be things 22 sitting on top that are yours maybe if you didn't have</p>	37	<p>1 things I've tried. The corrective action was just to 2 contract to a new facility, different company, one that 3 would be more aggressive in terms of picking the 4 dumpster up. If there was a car in close proximity to 5 the dumpster with the original company, VHI, the driver 6 wouldn't even attempt to pick the dumpster up. 7 And I would call and complain and so, you 8 know, they just wouldn't do it. The new company 9 probably -- you know, they will pick the trash up. And 10 if there's something that's blocking the trash can, 11 they will actually make a trip back the same day and 12 attempt to pick the trash up. There's a large -- a 13 larger dumpster and with a little more capacity to it. 14 And we've increased the number of times the trash is 15 picked up also. 16 But in terms of what I've tried, I've tried 17 to lock the trash can. But then that would create a 18 bigger problem. You know, it was easier to pick up one 19 bundle than to pick up trash that's all over the 20 parking lot. So that didn't work for me. 21 MR. NOPHLIN: Thank you. Thank you, Madam 22 Chair.</p>

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38	<p>1 CHAIRPERSON MILLER: You're welcome. Other 2 Board questions? Okay. I just want to ask you about 3 this day and it's government's Exhibit 1. Was the 4 trash picked up later that day or when was the -- when 5 was this trash picked up, do you recall? 6 MR. ROBERSON: I just don't recall. It 7 wasn't there for long. I think -- I just don't recall. 8 But she came in several days, I think, after -- we 9 didn't communicate on this day for that question. 10 CHAIRPERSON MILLER: So you have a bigger 11 dumpster now, correct? 12 MR. ROBERSON: Slightly larger. 13 CHAIRPERSON MILLER: Slightly larger. But do 14 you still have this type of problem? 15 MR. ROBERSON: Yeah. 16 CHAIRPERSON MILLER: So you still have -- I 17 think you said other people were dumping trash in 18 there. Do you know who they are, just anybody? 19 MR. ROBERSON: No. I mean, on occasion I've 20 -- you know, when I noticed it's someone else's bag, 21 you know, I will open it up and look in it to see if I 22 see a piece of mail or something. You know, if I do,</p>	40	<p>1 CHAIRPERSON MILLER: You broke it? Okay. 2 Well, I have to say I concur with Mr. Brooks that 3 ideally is this -- this is -- looks like a difficult 4 problem to control. It doesn't sound like you're not 5 making the best efforts and things are better but, 6 yeah, I think the fencing in would be ideal if you 7 could do that but -- 8 MR. ROBERSON: Yeah, I would have to -- and 9 that property -- my lot is -- my building contains my 10 lot. The parking lot does not belong to me. I will 11 need to -- 12 CHAIRPERSON MILLER: Right. You need the -- 13 MR. ROBERSON: -- negotiate that with 14 landowners -- 15 CHAIRPERSON MILLER: Right. Okay. 16 MR. ROBERSON: -- particular group. 17 CHAIRPERSON MILLER: Because it looks like a 18 recurring problem and a recurring eyesore that's 19 difficult for you to control. 20 MR. ROBERSON: Uh-huh. 21 CHAIRPERSON MILLER: Okay. Any other Board 22 questions? From Mr. Alberti?</p>
39	<p>1 I'll go over there to the person and say, "Hey, this is 2 not a public, you know, container. You can't do that." 3 CHAIRPERSON MILLER: Oh, okay. 4 MR. ROBERSON: But, you know, it's random. 5 It's not like -- it's not -- I don't believe it's the 6 same people doing it over and over. I think it's just 7 some people take this opportunity. When they have -- 8 they have an opportunity, they take it. 9 CHAIRPERSON MILLER: Right. 10 MR. ROBERSON: I believe. 11 CHAIRPERSON MILLER: But as your testimony -- 12 it doesn't get as bad as in this picture now? 13 MR. ROBERSON: No. Because at that point, I 14 think, we were having trash service three times a week. 15 Now, we do five times a week. 16 CHAIRPERSON MILLER: You do five times a 17 week? 18 MR. ROBERSON: Right. 19 CHAIRPERSON MILLER: Okay. Did you break 20 your contract with the other trash company or did it go 21 a year or did it -- was there a lease? 22 MR. ROBERSON: I broke it.</p>	41	<p>1 MR. ALBERTI: Mr. Roberson -- okay. The 2 trash company you were using on the day that the 3 investigator took pictures, how long had you been with 4 them? How long had you used them? 5 MR. ROBERSON: Maybe a year and a half or so. 6 MR. ALBERTI: More than a year. Okay. And 7 when did the problems of -- you testified that there 8 were problems with them not picking up timely; is that 9 correct? 10 MR. ROBERSON: Yes. 11 MR. ALBERTI: And when did those begin to 12 occur? 13 MR. ROBERSON: Excuse me? 14 MR. ALBERTI: When did those begin? 15 MR. ROBERSON: I just don't recall. But we - 16 - it's been -- it's -- it was ongoing. It wasn't -- 17 didn't happen, like, you know, a day or two before this 18 incident. It had been ongoing. And again, we were 19 under contract. And -- well, our contract, it stated 20 that whenever, you know, we have an issue with them, we 21 have to give them the opportunity to correct it. And, 22 you know, I would either send emails or take</p>

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42	<p>1 photographs, send them to my rep or call my rep and 2 say, "This is a recurring problem -- recurring 3 problem." 4 And after I got to a point where I assumed 5 they couldn't fix it, I went on to contract with 6 another company. 7 MR. ALBERTI: And when did you go on to a 8 contract with another company? 9 MR. ROBERSON: Probably the matter of a week 10 after the investigator came maybe. 11 MR. ALBERTI: So the investigator was there 12 in December of 2011. And you -- 13 MR. ROBERSON: If that's public record, I've 14 got (inaudible). 15 MR. ALBERTI: -- changed your contract when? 16 MR. ROBERSON: Excuse me? 17 MR. ALBERTI: You've changed your contract 18 when? 19 MR. ROBERSON: I don't recall exactly. I 20 have a copy of the contract but I would have to refer 21 to that to get the exact date. 22 MR. ALBERTI: And you're not submitting a</p>	44	<p>1 MR. NOPHLIN: -- that you had a contract with 2 with your concerns in terms of picking up the trash. 3 MR. ROBERSON: Right. 4 MR. NOPHLIN: And so I guess at some point 5 wouldn't you want to send that information to the 6 investigator? 7 MR. ROBERSON: I didn't see the -- if I 8 thought it had some value, then maybe I wouldn't be 9 here. I guess that would -- but I didn't see -- you 10 know, I didn't think to do that. I didn't -- I didn't 11 see the value there. 12 MR. NOPHLIN: Thank you, Madam Chair. 13 CHAIRPERSON MILLER: Okay. I have one more 14 actually -- a question. I might have asked it before 15 but I just want to be sure. The pictures that you took 16 that are here as Exhibit 2 through -- no -- B through J 17 or -- okay -- whatever -- these photographs, they were 18 taken by you after December 13th? 19 MR. ROBERSON: Yes. 20 CHAIRPERSON MILLER: Correct? Okay. And are 21 they -- they're of your old dumpster, not your new 22 dumpster; am I correct?</p>
43	<p>1 copy of either of those contracts for evidence today? 2 MR. ROBERSON: No, not today. 3 MR. ALBERTI: Okay. Thank you. 4 CHAIRPERSON MILLER: Yes, Mr. Nophlin. 5 MR. NOPHLIN: Yes. I thank you again, Madam 6 Chair. I'd like to piggyback on the -- one of the 7 Board's concerns. Did you show that information to the 8 investigator in terms of email exchanged between you 9 and the owner of the dumpsters or the trash pickup 10 people? 11 MR. ROBERSON: No. When we had our 12 communication -- the day we had our communication, I 13 was actually a server at my restaurant serving. And 14 that's when she said I was busy. I was serving people. 15 And she came back when kind of the rush had gone away. 16 And we had a conversation. I may have told her but at 17 that point -- well, I didn't have access to any laptop 18 or any computer to show her that. And she didn't ask. 19 So, no, it didn't -- that didn't come up. 20 MR. NOPHLIN: But you said you sent email to 21 the dumpster people -- the people -- 22 MR. ROBERSON: Uh-huh.</p>	45	<p>1 MR. ROBERSON: Those are my new dumpster. 2 CHAIRPERSON MILLER: This is your new 3 dumpster? 4 MR. ROBERSON: Yes. 5 CHAIRPERSON MILLER: Which you got soon 6 after. Okay. And you said a week or so later? 7 MR. ROBERSON: Yeah, you may be able to see 8 the logo on the first one. It says, "VHI." Then on 9 the second one it says, "Republic." 10 CHAIRPERSON MILLER: Right. Okay. I thought 11 in one of those exhibits you were showing us how the 12 top didn't close or something. 13 MR. ROBERSON: Yes. When they sat that 14 dumpster down, they sat the dumpster down with the top 15 open. So just -- if you refer to my VA, being able to 16 close the top -- sometimes if they don't do it, I can't 17 physically correct the dumpsters. It's heavy. I can't 18 physically correct that. So I have to wait for them to 19 come back on a second trip and say, "Hey, make sure my 20 lid's up, able to close." 21 CHAIRPERSON MILLER: Okay. But that has 22 nothing to do with the dumpster being -- top being open</p>

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<p style="text-align: right;">46</p> <p>1 on December 13th?</p> <p>2 MR. ROBERSON: No.</p> <p>3 CHAIRPERSON MILLER: Okay. All right. Mr.</p> <p>4 Brooks?</p> <p>5 MR. BROOKS: Yeah, just one last question.</p> <p>6 Just curious. You said you have it picked up, what,</p> <p>7 four times a week?</p> <p>8 MR. ROBERSON: Five times.</p> <p>9 MR. BROOKS: Five times a week. So you</p> <p>10 generate that much trash?</p> <p>11 MR. ROBERSON: No. The community generates</p> <p>12 that much trash.</p> <p>13 MR. BROOKS: Oh, so you helping -- okay.</p> <p>14 MR. ROBERSON: Yeah.</p> <p>15 MR. BROOKS: Okay. All right. Thank you,</p> <p>16 Madam Chair.</p> <p>17 CHAIRPERSON MILLER: Oh, I have one more</p> <p>18 question. Do you -- I mean, you've submitted a letter</p> <p>19 from some of your community. Do you -- have you gotten</p> <p>20 any complaints from other members of the community</p> <p>21 about trash?</p> <p>22 MR. ROBERSON: No.</p>	<p style="text-align: right;">48</p> <p>1 The Licensee's photos don't prove that the trash inside</p> <p>2 the can were -- I'm sorry. The photos don't prove that</p> <p>3 the trash inside of the dumpster on that date was not</p> <p>4 his -- on the violation date. And any mitigating</p> <p>5 evidence goes to the actual penalty and not whether the</p> <p>6 government proved the violation.</p> <p>7 And lastly, the government is recommending a</p> <p>8 \$750 fine. Thank you.</p> <p>9 CHAIRPERSON MILLER: Okay. Thank you. Mr.</p> <p>10 Roberson, closing?</p> <p>11 MR. ROBERSON: In closing, you know, we're</p> <p>12 willing to do whatever we can afford to do and whatever</p> <p>13 makes good sense in order to keep that facility clean</p> <p>14 and appropriate. And, you know, we want it to be clean</p> <p>15 just as badly as anyone else.</p> <p>16 CHAIRPERSON MILLER: Okay. Thank you. At</p> <p>17 this point I'll close the record unless there's a</p> <p>18 request to keep the record open for any other</p> <p>19 documents. I'm not hearing that there is.</p> <p>20 MR. RIVERO: No requests from the government.</p> <p>21 CHAIRPERSON MILLER: Okay. Okay. All right.</p> <p>22 Then the record is closed. And then also I want to ask</p>
<p style="text-align: right;">47</p> <p>1 CHAIRPERSON MILLER: Okay. All right. No</p> <p>2 further questions. Any follow-up questions from the</p> <p>3 government?</p> <p>4 MR. RIVERO: No.</p> <p>5 CHAIRPERSON MILLER: Okay. All right. That</p> <p>6 completes your case, Mr. Roberson.</p> <p>7 MR. ROBERSON: Great.</p> <p>8 CHAIRPERSON MILLER: Yep. Okay. Does the</p> <p>9 government need anything further? No? Then we are --</p> <p>10 I believe we're closing, are we not? Okay. Closings?</p> <p>11 MR. RODRIGUEZ: We believe that the</p> <p>12 government (inaudible) witness testimony from</p> <p>13 Investigator Felicia Martin that presents sufficient</p> <p>14 evidence of a violation that Langston Bar & Grille</p> <p>15 violated the terms of the voluntary agreement by</p> <p>16 failing to make sure trash and dumpster area remained</p> <p>17 clean in rodent -- in rodent-proof dumpsters and to</p> <p>18 make sure that dumpster covers fit properly and</p> <p>19 remained fully closed, except when trash is added or</p> <p>20 removed.</p> <p>21 The trash had for his -- there are no VA</p> <p>22 exceptions for trash company problems or foreign trash.</p>	<p style="text-align: right;">49</p> <p>1 if the parties want to file Proposed Findings of Facts</p> <p>2 and Conclusions of Law or waive their right to do so.</p> <p>3 MR. RIVERO: The government will waive.</p> <p>4 CHAIRPERSON MILLER: Think about it. Okay.</p> <p>5 Mr. Roberson?</p> <p>6 MR. ROBERSON: Waive.</p> <p>7 CHAIRPERSON MILLER: Okay. All right. Then</p> <p>8 that concludes this hearing. I'm just going to read</p> <p>9 the Open Meetings Act because we will be considering</p> <p>10 this case later in executive sessions.</p> <p>11 So as Chairperson of the Alcoholic Beverage</p> <p>12 Control Board for the District of Columbia and in</p> <p>13 accordance with Section 405 of the Open Meetings</p> <p>14 Amendment Act of 2010, I move that the ABC Board hold a</p> <p>15 closed meeting for the purpose of seeking legal advice</p> <p>16 from our counsel on Case No. 11-CMP-00562, Langston Bar</p> <p>17 & Grille, per Section 405(b)(4) of the Open Meetings</p> <p>18 Amendment Act of 2010 and deliberating upon Case No.</p> <p>19 11- CMP-00562, Langston Bar & Grille, for the reasons</p> <p>20 cited in Section 405(b)(13) of the Open Meetings</p> <p>21 Amendment Act of 2010.</p> <p>22 Is there a second?</p>

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<p style="text-align: right;">50</p> <p>1 MR. NOPHLIN: Second. 2 CHAIRPERSON MILLER: The motion has been 3 seconded by Mr. Nophlin. I'll now take a roll call 4 vote. Mr. Nophlin? 5 MR. NOPHLIN: I agree. 6 CHAIRPERSON MILLER: Mr. Brooks? 7 MR. BROOKS: I agree. 8 CHAIRPERSON MILLER: Mr. Alberti? 9 MR. ALBERTI: I agree. 10 CHAIRPERSON MILLER: Ms. Miller agrees. Mr. 11 Silverstein? 12 MR. SILVERSTEIN: I agree. 13 CHAIRPERSON MILLER: It appears that the 14 motion has passed on a 5-0-0 vote. I hereby give 15 notice that the ABC Board will hold a closed meeting in 16 the ABC Board conference room today pursuant to the 17 Open Meetings Amendment Act of 2010 and issue an order 18 within 90 days. Okay. 19 MR. RIVERO: Thank you. 20 MR. ROBERSON: Thank you. 21 CHAIRPERSON MILLER: Have a good afternoon. 22 It still is afternoon.</p>	<p style="text-align: right;">52</p> <p>1 CERTIFICATE OF NOTARY PUBLIC 2 3 I, ERICK McNAIR, the officer before whom the 4 foregoing hearing was taken, do hereby certify that the 5 testimony appearing in the foregoing transcript 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 any 10 of the parties to the action in which this was taken; 11 and, further, that I am not a relative or employee of 12 any counsel or attorney employed by the parties hereto, 13 nor financially or otherwise interested in the outcome 14 of this action. 15 16 17 18 19 _____ 20 ERICK McNAIR 21 Notary Public in and for the 22 District of Columbia My Commission Expires: July 14, 2016</p>
<p style="text-align: right;">51</p> <p>1 MR. RODRIGUEZ: That's right. 2 MR. ALBERTI: It's still the same day. Wait 3 a second. Thank you. 4 BOARD MEMBER: Thank you. 5 MR. ALBERTI: Wait a second. It says on our 6 calendar, "Board recess." No, no, no. 7 (WHEREUPON, at 3:08 p.m., the hearing was 8 concluded.) 9 10 11 12 13 14 15 16 17 18 19 20 21 22</p>	<p style="text-align: right;">53</p> <p>1 CERTIFICATE OF TRANSCRIPTION 2 3 I, MIRANDA PENNACHI, hereby certify that I am not 4 the Court Reporter who reported the following 5 proceeding and that I have typed the transcript of this 6 proceeding using the Court Reporter's notes and 7 recordings. The foregoing/attached transcript is a 8 true, correct and complete transcription of said 9 proceeding. 10 11 12 _____ 13 Date MIRANDA PENNACHI 14 Transcriptionist 15 16 17 18 19 20 21 22</p>

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