

Capital Reporting Company  
In the Matter of: Pangean Investments Group, LLC t/a 19th 07-25-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :  
 :  
Pangean Investments Group, LLC :  
t/a 19th :  
1919 Pennsylvania Avenue, NW :  
Retailer CR : Fact Finding  
License No. 78475 : Hearing  
ANC 2B :  
Case No. 11-251-00274 :  
Sale to Minor :  
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July 25, 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

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<p style="text-align: right;">2</p> <p>1           P R O C E E D I N G S</p> <p>2                                 3:17 p.m.</p> <p>3           CHAIRPERSON MILLER: Okay. Our next case on</p> <p>4 the calendar is 11-251-00274, fact finding hearing for</p> <p>5 LLC, trading as 19th, 1919 Pennsylvania Avenue, N.W.,</p> <p>6 License No. 78475, in ANC 2B. And the fact finding</p> <p>7 specifically involves conduct of the ABC manager of the</p> <p>8 establishment.</p> <p>9           And I'm wondering if there's anybody here for</p> <p>10 this case. You are, sir?</p> <p>11          MR. MCCARTHY: Gentleman certainly did his</p> <p>12 research, didn't he?</p> <p>13          CHAIRPERSON MILLER: Good afternoon.</p> <p>14          MR. MCCARTHY: How are you?</p> <p>15          CHAIRPERSON MILLER: Can you identify</p> <p>16 yourself for the record, please?</p> <p>17          MR. MCCARTHY: My name is Travis McCarthy.</p> <p>18          CHAIRPERSON MILLER: Okay. Mr. McCarthy, I</p> <p>19 just want to say upfront -- I don't know if you were</p> <p>20 here at the beginning of the other hearing -- we don't</p> <p>21 take any testimony at fact finding hearings. We're</p> <p>22 just trying to gather facts to see whether any future</p>	<p style="text-align: right;">4</p> <p>1           CHAIRPERSON MILLER: Okay. All right. Do</p> <p>2 you want to just tell your side of the story on this?</p> <p>3           MR. MCCARTHY: Yeah, I was a bartender at</p> <p>4 19th on July 20th of 2011, last year. And I was at</p> <p>5 work. I was very sick. I had -- I had just had a --</p> <p>6 just because it's relevant -- I'm sorry -- but I had a</p> <p>7 kidney infection. And I needed to go -- I had an</p> <p>8 appointment with a physician at the hospital the very</p> <p>9 next day. And I had told the manager on duty that I</p> <p>10 just -- I really -- I needed to go home.</p> <p>11          But the manager on duty left. She just left</p> <p>12 the establishment. I possessed an ABC manager's</p> <p>13 license for another establishment. However, I was not</p> <p>14 part of the management team at 19th, nor was I ever</p> <p>15 even told that I would be in charge or anything like</p> <p>16 this. It was completely unbeknownst to me that she had</p> <p>17 left without leaving -- there was another manager that</p> <p>18 was there, again unbeknownst to me. I did not know</p> <p>19 that he did not have an ABC license.</p> <p>20          So basically they were kind of trying to pin</p> <p>21 it on me and I had no idea that this was going on. I</p> <p>22 was very ill and trying to go home. I was sitting on</p>
<p style="text-align: right;">3</p> <p>1 action should be taken.</p> <p>2          MR. MCCARTHY: Absolutely. I'd like to clear</p> <p>3 it up because the report that I read was completely</p> <p>4 inaccurate from what I feel happened that day.</p> <p>5          CHAIRPERSON MILLER: Okay. And --</p> <p>6          BOARD MEMBER: Chairman, turn that on. Just</p> <p>7 move it closer to you.</p> <p>8          MR. MCCARTHY: Is that better?</p> <p>9          BOARD MEMBER: Yeah.</p> <p>10          MR. MCCARTHY: Yeah? Okay.</p> <p>11          CHAIRPERSON MILLER: Are you referring to</p> <p>12 case report -- another finding or --</p> <p>13          MR. MCCARTHY: I have the paperwork that you</p> <p>14 brought me.</p> <p>15          CHAIRPERSON MILLER: And --</p> <p>16          MR. MCCARTHY: 7/20/2011 is the date. 11-</p> <p>17 251- 00274, is that right? It's correct?</p> <p>18          CHAIRPERSON MILLER: Yes, that is correct.</p> <p>19          MR. MCCARTHY: Okay. Okay.</p> <p>20          CHAIRPERSON MILLER: Okay. Just so I know</p> <p>21 you're referring to the same report.</p> <p>22          MR. MCCARTHY: Yes.</p>	<p style="text-align: right;">5</p> <p>1 the side of the bar when a regular customer of ours</p> <p>2 walked over to me and said, "Somebody just asked me for</p> <p>3 an ID." And I said, "Well, then give it to them." No</p> <p>4 big deal, didn't think of it. And she went in the</p> <p>5 bathroom. I -- right prior to that happening, I had</p> <p>6 called the manager and said, "This is it. I've got to</p> <p>7 go. I can't -- I can't stay any longer. I'm sick.</p> <p>8 And I just -- I need to leave."</p> <p>9          So I went back behind the bar, tried to just</p> <p>10 kind of clean up a little bit and grab my stuff. At</p> <p>11 that time, someone who didn't identify themselves as a</p> <p>12 police officer or an ABC agent or anything like that</p> <p>13 said, "Don't touch that drink." I thought that was</p> <p>14 weird but just -- you know, maybe it was a customer.</p> <p>15 Maybe it was his girlfriend. I didn't know. I really</p> <p>16 wasn't paying that much attention. I was sick and out</p> <p>17 of it.</p> <p>18          So I left. As I was leaving, I had about a</p> <p>19 five-minute conversation with the manager who was</p> <p>20 there. When -- that's when he told me that the reason</p> <p>21 why -- I had been calling the other manager all day and</p> <p>22 saying, "I need to go. I need to go." And she had</p>

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6	<p>1 left. She wouldn't let me leave. So out of 2 professionalism, I was still sitting there. That's 3 when he informed me the reason why I wasn't allowed to 4 leave is because I was the ABC manager on duty at time 5 -- at the time. 6 Again, this was absolutely unbeknownst to me 7 at the time. And I said -- due to many, many other 8 things that have happened in that place, I didn't bring 9 my ABC card to work there because I didn't want to be 10 responsible for the way that they did business, which 11 was serving underage people. The policy was pretty 12 much just if they have an ID -- it doesn't even matter 13 what it looks like -- if they have an ID, serve them. 14 And I was reprimanded many times for refusing 15 to serve underage patrons. Because I have an ABC 16 license. I take more responsibility in this. I've 17 worked in this -- in this business in this city for 18 seven years. I'm just a little bit more responsible 19 than that. So it was very disheartening. And so I got 20 into an argument with the manager, telling him that I 21 needed to leave because I was sick. 22 And he said, "You can't -- you cannot leave."</p>	8
7	<p>1 And I said, "Well, then I quit." And I said that about 2 five feet away from one of the officers who was in the 3 establishment while this happened. And he looked at me 4 and acknowledged that I said, "I quit. I'm leaving." 5 So as far as in here, where it says I fled and left -- 6 led out the back door and I -- none of that is 7 accurate. 8 Because I feel like if they really -- if he 9 had said to me, "You know what? I need to ask you a 10 couple of questions before you leave," or anything like 11 that, I would absolutely have stayed, complied, 12 everything like that. It really was just a very 13 unfortunate timing that I was taking off at that point. 14 CHAIRPERSON MILLER: Okay. And how long had 15 you worked there? 16 MR. MCCARTHY: I worked there from about the 17 middle of January until this day. 18 CHAIRPERSON MILLER: Okay. It's July. So 19 were you aware of the allegation that's made in here 20 that someone sold an alcoholic beverage to a minor 21 without checking the ID? Were you aware that that had 22 happened, do you know?</p>	9

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<p style="text-align: right;">10</p> <p>1 really was that matter of fact, that I thought she was          2 of age. She was at the bar every day.          3 CHAIRPERSON MILLER: Did you talk to this          4 detective the next day? Is that what you --          5 MR. MCCARTHY: I did.          6 CHAIRPERSON MILLER: It was Detective Carter          7 that's referenced in the report?          8 MR. MCCARTHY: The email that I have is a          9 gentleman named Shawn Emmons (ph). Now, I don't know          10 if he is -- I don't know if he was there or not.          11 MR. SILVERSTEIN: Shawn --          12 MR. MCCARTHY: Emmons.          13 MR. SILVERSTEIN: E-A-M-O-N-S?          14 MR. MCCARTHY: E-M-M-O-N-S. Yes, sir.          15 That's who I emailed with. I don't know if that's just          16 the email address or what but that was who I was          17 instructed to speak with.          18 CHAIRPERSON MILLER: Who? Back up.          19 MR. MCCARTHY: Well, the actual manager of          20 the restaurant contacted me that night to explain to me          21 what was going on.          22 CHAIRPERSON MILLER: Okay.</p>	<p style="text-align: right;">12</p> <p>1 CHAIRPERSON MILLER: Uh-huh.          2 MR. MCCARTHY: (inaudible) --          3 CHAIRPERSON MILLER: Okay.          4 MR. MCCARTHY: And like I said, I've had --          5 I've possessed an ABC manager's license for upwards of          6 five years, worked in this business in this -- worked          7 in this business for 15 years, in this city for 10          8 years. And I have never so much as had a reporting.          9 You know, this is -- this is the first time I've ever          10 had to, like, explain my actions. Many, many times          11 they've tried the sting and I've always, you know -- I          12 do 100 percent.          13 Since this happened -- actually and I will --          14 I will admit at this time, when I was working at this          15 bar, my knowledge of especially fake IDs was not as          16 good as it needed to be. The eTIPS class that I took          17 online, that counted towards my, like, as a sufficient          18 certification to be a manager, did not cover fake IDs          19 at all, which I don't know if maybe that's something          20 that should be looked into.          21 Because I since then have taken -- Alcohol          22 Beverage Control is the name of the company. Jeff</p>
<p style="text-align: right;">11</p> <p>1 MR. MCCARTHY: And she told me that that is          2 who I should talk to. I think that she gave me a card          3 or something like that.          4 CHAIRPERSON MILLER: Okay.          5 MR. MCCARTHY: So if that's the wrong person,          6 then I really just didn't -- sorry, I didn't -- I          7 thought I was doing what they were asking me to do.          8 Like I said, I was kind of blindsided by this whole          9 thing.          10 CHAIRPERSON MILLER: And when did you see          11 this report?          12 MR. MCCARTHY: This report right here?          13 CHAIRPERSON MILLER: Uh-huh.          14 MR. MCCARTHY: I was served with it about          15 three weeks ago.          16 CHAIRPERSON MILLER: Okay.          17 MR. MCCARTHY: This is the first time I've          18 ever seen this report.          19 CHAIRPERSON MILLER: Okay. So are you          20 working as a bartender for now or --          21 MR. MCCARTHY: Yeah, actually I'm a bar          22 manager.</p>	<p style="text-align: right;">13</p> <p>1 Jackson used to actually, I think, serve on this Board.          2 I took his class on how to spot fake IDs and how to          3 really be 100 percent compliant with all ABC          4 regulations at all times. I actually recommend his          5 course. I made my entire staff take it at this point          6 because it just really helped me out.          7 Yeah, because the fake IDs nowadays are so --          8 are so good that you need to really know what you're          9 looking for. So since then I've done extensive          10 training on this specific issue to make sure that I --          11 this never happens again.          12 CHAIRPERSON MILLER: Good. So -- and you're          13 a manager now? Is that what you said?          14 MR. MCCARTHY: Yes, ma'am.          15 CHAIRPERSON MILLER: Okay. How big a staff          16 do you have?          17 MR. MCCARTHY: Twelve give or take.          18 CHAIRPERSON MILLER: Okay. (Inaudible) --          19 MR. MCCARTHY: It's not a -- it's not a real          20 big place.          21 CHAIRPERSON MILLER: What's the place?          22 MR. MCCARTHY: Shenanigans.</p>

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14	<p>1 CHAIRPERSON MILLER: Shenanigans. Okay. 2 Others have questions? 3 MR. ALBERTI: I do. 4 CHAIRPERSON MILLER: Yes? 5 MR. ALBERTI: When you left that night, which 6 door did you go out of? 7 MR. MCCARTHY: The front door of the 8 establishment is the one that faces I Street. 9 MR. ALBERTI: It didn't -- oh, I Street. 10 Okay. 11 MR. MCCARTHY: The one that faces I Street is 12 - I would consider that the front door. The other door 13 leads out to, like, a balcony. 14 MR. ALBERTI: Uh-huh. 15 MR. MCCARTHY: And then there aren't any, 16 like, fire exits or anything in the back. There are 17 really just that one -- the front door. Like I said, 18 and there was a police officer stationed at the door 19 when I -- when I walked out it. And sneaking out the 20 back, I don't even know where the back door is. So I 21 don't know what it says, "Sneaking out the back door." 22 MR. ALBERTI: So what made them put that in</p>	16	<p>1 MR. ALBERTI: So you were there when it was 2 called McNasty's? 3 MR. MCCARTHY: Yes, sir. 4 MR. ALBERTI: Okay. And when does your 5 manager's -- ABC manager's license expire? 6 MR. MCCARTHY: It's soon. I want to say 7 October -- 8 MR. ALBERTI: All right. Thank you. 9 MR. MCCARTHY: -- give or take. 10 MR. ALBERTI: Thank you. Thank you. 11 CHAIRPERSON MILLER: Okay. Yeah, Mr. Jones? 12 MR. MCCARTHY: Yes, sir. 13 MR. JONES: Thank you, Madam Chair. So you 14 quit that night? 15 MR. MCCARTHY: I quit that moment. I talked 16 to that manager and told him that, "I'm sick. I have 17 to go." 18 MR. JONES: So you quit -- 19 MR. MCCARTHY: "This is not a question." And 20 he said, "You cannot leave." And I said, "Well, then I 21 quit." 22 MR. JONES: And then you've never -- have you</p>
15	<p>1 this report, any idea? 2 MR. MCCARTHY: I have no idea. I -- honestly 3 most of these things -- I mean, I hope that I've 4 covered everything, especially the fact it does say in 5 the statement that I was not on the management team -- 6 was one of the bigger things that I saw in here. 7 That's actually really important because, you know, 8 like I said, for them to call me the ABC manager seems 9 like a convenient excuse after they realized they 10 didn't have an ABC manager in the house when, you know 11 -- first of all, you need to have one all the time, but 12 especially if the ABRA Board comes in and you have to 13 speak to the ABC manager and everything like that. 14 MR. ALBERTI: And how long have you been at 15 Shenanigans? 16 MR. MCCARTHY: Well, we just changed the 17 name. 18 MR. ALBERTI: I know. 19 MR. MCCARTHY: I've been there since the 20 beginning. 21 MR. ALBERTI: Since the beginning? 22 MR. MCCARTHY: Uh-huh.</p>	17	<p>1 been back to the establishment since then? 2 MR. MCCARTHY: I stopped by once to see a 3 friend. And that lasted about five minutes. 4 MR. JONES: Yeah. So how far -- 5 MR. MCCARTHY: They don't particularly like 6 me there. 7 MR. JONES: How long after the date that you 8 quit to the time that you went back? 9 MR. MCCARTHY: It was just a couple months 10 ago so it was almost nine months later. 11 MR. JONES: Nine months later? 12 MR. MCCARTHY: Yeah, I don't -- I don't 13 really care to go back there after -- 14 MR. JONES: Okay. Understood. Did you get a 15 -- did you get your final paycheck from the time that 16 you quit? 17 MR. MCCARTHY: I never got a paycheck there. 18 MR. JONES: Never got a paycheck? 19 MR. MCCARTHY: Never -- they never even put 20 me on the books. I was just a -- 21 MR. JONES: How did you -- got cash -- 22 MR. MCCARTHY: I was just a -- I never even</p>

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18	<p>1 got paid by them. I was just a fill-in bartender. 2 MR. JONES: So what does that -- how do 3 bartenders get paid? 4 MR. MCCARTHY: Tips. 5 MR. JONES: That's it? 6 MR. MCCARTHY: Yep. 7 MR. JONES: Okay. 8 MR. MCCARTHY: I never clocked in -- 9 MR. JONES: So -- 10 MR. MCCARTHY: -- anything like that. They - 11 - there's not even a record of my employment there. I 12 asked them several times but they just said that they 13 would rather just keep me as a fill-in bartender. 14 MR. JONES: Okay. And who was the ABC 15 manager on duty supposedly -- supposed to be the ABC 16 manager on duty that night? 17 MR. MCCARTHY: Oh, yeah. I apologize. I 18 left that part out. The manager's name was Monica 19 Valdes (ph). 20 MR. JONES: Monica Valdes. Okay. 21 MR. MCCARTHY: She came in at 5:00. I 22 immediately talked to her and said, "Look, I'm really</p>	20	<p>1 have been standing at the door carding people myself 2 because it's my responsibility. It's my watch, you 3 know. 4 So she took off. She showed back up at, 5 like, 11:00. So she was gone for six hours. 6 MR. JONES: So you reported to work on time? 7 MR. MCCARTHY: I got to work at 5:00. 8 MR. JONES: You got to work at 5:00. 9 MR. MCCARTHY: She got to work at, like, 5:15 10 and then left. 11 MR. JONES: Okay. So she came in 15 minutes 12 roughly after you reported to work. You communicated 13 to her in between -- at roughly 5:15, when she arrived, 14 you communicated to her that you were there -- you were 15 sick, you had to leave? 16 MR. MCCARTHY: Uh-huh. 17 MR. JONES: She left. You didn't know that 18 she had gone? 19 MR. MCCARTHY: Nope. 20 MR. JONES: Who was -- so she's no longer at 21 the establishment. Would she be the -- I guess the 22 manager on duty at this -- not just the ABC manager,</p>
19	<p>1 not feeling good. And I'm not going to be able to stay 2 long, if at all." You know, I was trying to be a pro 3 so I stuck around for a couple of minutes. She took 4 off. She didn't tell me she was leaving. She didn't - 5 - nothing. 6 MR. JONES: Understood. 7 MR. MCCARTHY: I was calling her all day, 8 saying, "I need to go. I need to go." And she was 9 saying, "Okay. I'll be there soon. I'll be there 10 soon." From what the actual manager of the restaurant, 11 whom I spoke with later on that evening, said, she 12 didn't come back until 11:00 at night. So from 5:00 13 until 11:00 they didn't have an ABC manager on premise 14 at all, except for -- and like I said, I didn't have my 15 card. 16 They were -- and I didn't know I was -- 17 because if I knew that I was being the ABC manager -- 18 and I repeatedly said, "I don't want to be an ABC 19 manager here because I don't like the way that you do 20 business. I don't like the way" -- I don't want to 21 take the responsibility for it. But if I were to know 22 that that was the way things were going on, I would</p>	21	<p>1 but like the manager of the location? Is that the 2 person to whom you would go to -- 3 MR. MCCARTHY: Not the general manager, no. 4 MR. JONES: Not the general manager. 5 MR. MCCARTHY: That would be Michelle Yurita 6 (ph). 7 MR. JONES: She -- was she there? 8 MR. MCCARTHY: Michelle Yurita's named in the 9 report. 10 MR. JONES: She was there? 11 MR. MCCARTHY: She was not there. She was -- 12 MR. JONES: She was not there? 13 MR. MCCARTHY: -- the general manager. She 14 was just off work. 15 MR. JONES: She was off work? 16 MR. MCCARTHY: Like, she wasn't working that 17 night. 18 MR. JONES: Okay. She wasn't working that 19 night. 20 MR. MCCARTHY: Monica was working. 21 MR. JONES: So who was the -- who would be 22 her -- who would be the person that would be serving in</p>

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<p style="text-align: right;">22</p> <p>1 her role as general manager on that night, given that 2 she wasn't there? If you had an issue that a general 3 manager needed to handle, who would -- who would have 4 been that person that you would have gone to -- 5 MR. MCCARTHY: The manager on duty, which 6 would have been Monica Veldes. 7 MR. JONES: Okay. So if she didn't -- 8 MR. MCCARTHY: There was -- 9 MR. JONES: -- tell you -- if she didn't 10 convey to you -- that person didn't convey to you that 11 you were now the ABC manager -- 12 MR. MCCARTHY: Yes. 13 MR. JONES: -- on duty -- 14 MR. MCCARTHY: She did not. 15 MR. JONES: -- then, therefore, there was no 16 one else there to serve in that capacity? 17 MR. MCCARTHY: No. 18 MR. JONES: And she didn't designate that to 19 you based on what you're -- 20 MR. MCCARTHY: No. 21 MR. JONES: -- telling us today. 22 MR. MCCARTHY: Not at all.</p>	<p style="text-align: right;">24</p> <p>1 actually spoken to him since then. He actually -- just 2 to show compliance, he sometimes posts stuff kind of 3 right -- not out in front of our bar but kind of right 4 over there because he knows that we're really good with 5 the IDs. So when he sees a fake, he comes over and he 6 takes the fake and he takes the person and he arrests 7 them. 8 MR. JONES: Just that -- is that -- 9 MR. MCCARTHY: I've spoken to him a couple of 10 times -- 11 MR. JONES: Is this at Shenanigans? 12 MR. MCCARTHY: This is at Shenanigans. 13 MR. JONES: Okay. 14 MR. MCCARTHY: This is -- this is current. 15 MR. JONES: Right. 16 MR. MCCARTHY: I'm just having interaction 17 with him. 18 MR. JONES: Yes. 19 MR. MCCARTHY: But he's never -- he's never 20 brought anything up. 21 MR. JONES: Okay. And -- 22 MR. MCCARTHY: And I spoke with him briefly.</p>
<p style="text-align: right;">23</p> <p>1 MR. JONES: Okay. 2 MR. MCCARTHY: I have no idea. 3 MR. JONES: All right. 4 MR. MCCARTHY: Because I -- like I said, I 5 repeatedly denied -- they would ask me to do that. And 6 I said, "Well, you know, I can come in and manage but 7 I'm not going to be behind the bar because I need to 8 make sure that this is going to be -- 9 MR. JONES: Understood. 10 MR. MCCARTHY: -- handled." 11 MR. JONES: Got it. So are you aware of any 12 issues with -- any legal issues, any warrants or any 13 actions that are out on -- that are related to you as 14 is it connected -- in connection with this activity -- 15 the connection with the night the events of this 16 evening -- on this day? 17 MR. MCCARTHY: I'm sorry, am I -- am I 18 familiar with any warrants? 19 MR. JONES: Are you aware of any issues -- 20 any legal issue, any matters -- 21 MR. MCCARTHY: I have not heard anything 22 about this since the day I spoke to the sergeant. I've</p>	<p style="text-align: right;">25</p> <p>1 I ran into him about a couple of weeks afterwards. And 2 all he told me was, you know, "We didn't file a warrant 3 for your arrest and they might do an investigation and 4 that you'll hear about it" -- is basically it. And 5 then I had -- 6 MR. JONES: So he communicated to you that he 7 did not file a warrant for your arrest? 8 MR. MCCARTHY: He did not. He did not. 9 MR. JONES: What prompted him to communicate 10 that? It seems like an odd just to bring up out of the 11 blue. Why would -- if you weren't aware that there was 12 a sale to a minor on that evening -- 13 MR. MCCARTHY: Uh-huh. 14 MR. JONES: -- why would he feel the need to 15 make you aware of the fact that they didn't file a 16 warrant for your arrest if you weren't -- 17 MR. MCCARTHY: Because I spoke -- 18 MR. JONES: Okay. 19 MR. MCCARTHY: Because I spoke to him the 20 next day. 21 MR. JONES: Okay. 22 MR. MCCARTHY: And I explained the situation.</p>

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26	<p>1 And as noted in the bottom of this -- this is, I guess, 2 the report he filed -- that they were thinking about it 3 or something. I guess just -- 4 MR. JONES: They were contemplating it. 5 MR. MCCARTHY: Yeah. So I -- like I said, 6 when I found all of this information out, I immediately 7 called and addressed it with the detective. 8 MR. JONES: Okay. Thank you. Thank you, 9 Madam Chair. I have a couple more questions. 10 CHAIRPERSON MILLER: Okay. 11 MR. JONES: Okay. You indicated that you 12 didn't -- on several occasions that you did not like 13 the way that 19 -- that's then name of that -- 14 MR. MCCARTHY: 19th, yes. 15 MR. JONES: -- 19th, yeah -- you did not like 16 the way they did business. 17 MR. MCCARTHY: Absolutely. I did -- 18 MR. JONES: Right, okay. 19 MR. MCCARTHY: -- I do not. 20 MR. JONES: Now, do you like the way they did 21 business at McNasty? 22 MR. MCCARTHY: We had some issues with fake</p>	28	<p>1 misunderstanding." And he'll, you know -- 2 MR. ALBERTI: I see. 3 MR. MCCARTHY: The manager on duty that 4 night, the one that left, her name is Monica Valdes. 5 The manager who was there but did not possess an ABRA 6 license, his name was Sam White. That is the manager 7 whom I got into an argument with at the front door when 8 I said, "I got to go." And he said, "You -- you know" 9 -- so I said, "I quit." I forgot to mention that 10 earlier so I'm glad we clarified that. 11 MR. ALBERTI: Thank you. Officer Emmons, you 12 emailed him? 13 MR. MCCARTHY: I did. 14 MR. ALBERTI: Did you talk to him by phone? 15 MR. MCCARTHY: On the phone. Yes. And I 16 offered to come down to the station to speak with him, 17 give a statement, all that information. He told me he 18 didn't -- it wasn't necessary to actually come down 19 there, that we could just do it over the phone. 20 MR. ALBERTI: Okay. What was the content of 21 your email to him? Was it just the -- 22 MR. MCCARTHY: Just explaining the situation.</p>
27	<p>1 IDs in the beginning, which we addressed by training -- 2 extensive training. And I feel like we addressed that 3 issue. 4 MR. JONES: Were you there when our 5 investigators were there on two occasions and 6 identified underage persons drinking? 7 MR. MCCARTHY: I was not there. 8 MR. JONES: Did you know about it? 9 MR. MCCARTHY: I'd been told about it. 10 MR. JONES: Thank you, Madam Chair. 11 CHAIRPERSON MILLER: Yeah, Mr. Alberti? 12 MR. ALBERTI: Mr. McCarthy, you said that a 13 manager told you to contact the police officers, which 14 you never told us that manager's name. 15 MR. MCCARTHY: I'm sorry. Actually I was 16 thinking when I was answering his question that I 17 should actually clarify this a little bit more. 18 Michelle Yurita was the general manager. She is the 19 one who contacted me later that night, gave me the 20 information that I needed and the card and said, "You 21 know, call this guy. Talk to him. He seems like he 22 wants to help you. He realizes this is probably a</p>	29	<p>1 To be honest with you, he did -- he did kind of tell me 2 that he saw me serve the drink or something like that, 3 which again, I told you I didn't recall. So there 4 might -- it might be -- it's a little fuzzy on that 5 part. Like I said, I was sitting down at the end of 6 the bar. Again, I'm not saying I -- I'm not saying I 7 didn't do it. I just don't remember. 8 MR. ALBERTI: Yeah, yeah. We'll get there. 9 Yeah. 10 MR. MCCARTHY: Sorry? 11 MR. ALBERTI: Did he respond to you by email? 12 MR. MCCARTHY: No. 13 MR. ALBERTI: So you sent him an email? 14 Okay. 15 MR. MCCARTHY: Yes. 16 MR. ALBERTI: Can you -- did you keep a copy 17 of that email? 18 MR. MCCARTHY: I looked it up the other day, 19 yes. I still have it. 20 MR. ALBERTI: Okay. So you have that -- 21 MR. MCCARTHY: Uh-huh. 22 MR. ALBERTI: -- if we requested it? Okay.</p>

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<p style="text-align: right;">30</p> <p>1 MR. MCCARTHY: Yeah.</p> <p>2 MR. ALBERTI: Let's go back to when you</p> <p>3 arrived. You arrived at approximately 5:00?</p> <p>4 MR. MCCARTHY: Yes.</p> <p>5 MR. ALBERTI: You're not feeling well?</p> <p>6 MR. MCCARTHY: No, I had a kidney infection.</p> <p>7 MR. ALBERTI: Okay.</p> <p>8 MR. MCCARTHY: Those are not -- those are not</p> <p>9 fun.</p> <p>10 MR. ALBERTI: Yeah, I know. I know. But you</p> <p>11 said you told Ms. Valdez when she showed up that you</p> <p>12 were sick and you had to leave; is that correct?</p> <p>13 MR. MCCARTHY: I told her that I was going to</p> <p>14 try and -- I was going to try and stick it out a little</p> <p>15 bit but that I really wasn't feeling good, so that, you</p> <p>16 know -- I basically told her I might make it through</p> <p>17 happy hour, which would be 5:00 to 7:00.</p> <p>18 MR. ALBERTI: Okay. Twenty-four -- \$64,000</p> <p>19 question for me is --</p> <p>20 MR. MCCARTHY: Okay.</p> <p>21 MR. ALBERTI: -- what prompted you to decide</p> <p>22 at the moment that you left that you needed to leave?</p>	<p style="text-align: right;">32</p> <p>1 MR. MCCARTHY: I understand -- I understand</p> <p>2 that it is coincidental. However, I -- like I said,</p> <p>3 had I known -- and, look, I said it right in front of a</p> <p>4 police officer. I feel like if they really wanted to</p> <p>5 talk to me or ask me any questions or anything like</p> <p>6 that that they should have said, "Hey, you know, stick</p> <p>7 around for a minute," which I would have done and no</p> <p>8 problem. It just was literally, you know -- I'm on</p> <p>9 antibiotics. I'm feeling really horrible. My family</p> <p>10 has a history of kidney problems. And I'm kind of</p> <p>11 freaking out. So I wanted to go home.</p> <p>12 MR. ALBERTI: Okay. Thank you. I have no</p> <p>13 further questions.</p> <p>14 CHAIRPERSON MILLER: Do you still have your</p> <p>15 text, if you needed to produce it?</p> <p>16 MR. MCCARTHY: Text?</p> <p>17 CHAIRPERSON MILLER: Text?</p> <p>18 MR. ALBERTI: The email --</p> <p>19 MR. MCCARTHY: I --</p> <p>20 MR. ALBERTI: -- or the text?</p> <p>21 MR. MCCARTHY: The email -- the email I can -</p> <p>22 - I can more than likely produce. I did look it up the</p>
<p style="text-align: right;">31</p> <p>1 Because it looks -- is it coincidental that this was</p> <p>2 going on and you -- all of a sudden you felt too bad --</p> <p>3 I mean, so bad --</p> <p>4 MR. MCCARTHY: I understand that.</p> <p>5 MR. ALBERTI: -- you couldn't stay or --</p> <p>6 MR. MCCARTHY: What --</p> <p>7 MR. ALBERTI: -- did something else prompt</p> <p>8 you to leave --</p> <p>9 MR. MCCARTHY: What --</p> <p>10 MR. ALBERTI: -- at that particular moment?</p> <p>11 MR. MCCARTHY: What prompted me is that I</p> <p>12 finally had just texted her and said, "This is it. I'm</p> <p>13 leaving."</p> <p>14 MR. ALBERTI: So coincidental --</p> <p>15 MR. MCCARTHY: It was before -- it was</p> <p>16 actually before Ms. Gory (ph) came over and talked to</p> <p>17 me about -- she said what -- that, you know, "Someone</p> <p>18 just asked me for my ID." This was before all that</p> <p>19 happened. I had texted her and I said, "This is it.</p> <p>20 I'm out." And I was just gathering my things and</p> <p>21 gathering myself and --</p> <p>22 MR. ALBERTI: Okay.</p>	<p style="text-align: right;">33</p> <p>1 other day. This happened one year ago. Even with our</p> <p>2 fancy iPhones, I don't think I can look that up.</p> <p>3 CHAIRPERSON MILLER: Okay.</p> <p>4 MR. MCCARTHY: I mean, I can probably pull up</p> <p>5 a phone record say -- showing me texting her number all</p> <p>6 night. It'd probably be the best that I could do.</p> <p>7 But, you know, I -- not even -- not even in today's day</p> <p>8 and age do I think a year-old text could come back.</p> <p>9 CHAIRPERSON MILLER: Right. Okay. Mr.</p> <p>10 Silverstein, yes?</p> <p>11 MR. MCCARTHY: Yes, ma'am.</p> <p>12 MR. SILVERSTEIN: What about -- what about</p> <p>13 the emails with the officer --</p> <p>14 MR. MCCARTHY: Absolutely. We're already</p> <p>15 talked about that. If you guys need those, I can bring</p> <p>16 them to you. Like I said, this was just -- I gave him</p> <p>17 a rough statement of kind of what had happened that</p> <p>18 night. And, you know, he -- you know, he didn't</p> <p>19 respond but I'm sure he might have them as well. I</p> <p>20 don't know.</p> <p>21 CHAIRPERSON MILLER: Okay. We're just going</p> <p>22 to pause for a minute. Okay. Okay. I have a request</p>

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34	<p>1 from a Board member that we just recess this for a 2 minute to think about what we want to do. So I think 3 you should definitely hang around longer. And -- 4 MR. MCCARTHY: You ask me to, I'll stay here. 5 CHAIRPERSON MILLER: Well, if you want to 6 find out what -- whether, you know -- the basic -- we 7 take -- decide based on what, you know, you told us. 8 MR. MCCARTHY: Uh-huh. 9 CHAIRPERSON MILLER: There isn't any further 10 action that should be taken. That's one option, just 11 so you know. Or the Board -- so the majority of the 12 Board might think, "Oh, you know, I think there's 13 something here. I'm going to send it to the Office of 14 Attorney General to see whether they should take action 15 against an ABC manager." So that's kind of -- 16 MR. MCCARTHY: Okay. Again -- 17 CHAIRPERSON MILLER: And I -- 18 MR. MCCARTHY: -- I wasn't the ABC manager. 19 Sorry. 20 CHAIRPERSON MILLER: I understand that. I 21 understand that. And I understand that. 22 MR. MCCARTHY: Absolutely. So do you want me</p>	36	<p>1 No. 11- 251-00274 and 19 -- okay -- per Section 2 405(b)(4) of the Open Meetings Amendment Act of 2010 3 and deliberating upon this case for the reasons cited 4 in Section 405(b)(13) of the Open Meetings Amendment 5 Act of 2010. 6 Is there a second? 7 BOARD MEMBER: Second. 8 CHAIRPERSON MILLER: Okay. Roll call. Mr. 9 Nophlin? 10 MR. NOPHLIN: I agree. 11 CHAIRPERSON MILLER: Mr. Brooks? 12 MR. BROOKS: I agree. 13 CHAIRPERSON MILLER: Mr. Alberti? Mr. 14 Alberti? 15 MR. ALBERTI: I agree. 16 CHAIRPERSON MILLER: Ms. Miller agrees. Mr. 17 Silverstein? 18 MR. SILVERSTEIN: I agree. 19 CHAIRPERSON MILLER: Mr. Jones? 20 MR. JONES: I agree. 21 CHAIRPERSON MILLER: Okay. So by a vote of 22 6-0 the motion passes and we will go into the ABC Board</p>
35	<p>1 -- 2 CHAIRPERSON MILLER: Absolutely. 3 MR. MCCARTHY: -- to leave? Is that what 4 you're saying? 5 CHAIRPERSON MILLER: No, no. We're going to 6 leave. So what you understand -- 7 MR. MCCARTHY: Oh, can I use the restroom and -- 8 CHAIRPERSON MILLER: Yes, yes. 9 MR. MCCARTHY: -- water fountain? Okay. 10 CHAIRPERSON MILLER: Go right ahead. 11 BOARD MEMBER: Sure, it's free. 12 BOARD MEMBER: It is. It is. 13 CHAIRPERSON MILLER: I'm going to read our 14 Closed Meeting now. 15 BOARD MEMBER: The Board talked so much, I 16 was going to go pour one. 17 CHAIRPERSON MILLER: Okay. As Chairperson of 18 the Alcoholic Beverage Control Board for the District 19 of Columbia and in accordance with Section 405(b) of 20 the Open Meetings Amendment Act of 2010, I move that 21 the ABC Board hold a closed meeting for the purpose of 22 seeking legal advice from our counsel on Investigation</p>	37	<p>1 room. 2 (WHEREUPON, at 3:46 p.m., the hearing went 3 off record until 3:46 p.m.) 4 CHAIRPERSON MILLER: Okay. What'd you say? 5 MR. MCCARTHY: I said, "You really have a 6 nice view from those glass windows." That's what I was -- 7 CHAIRPERSON MILLER: Oh, yeah. 8 MR. MCCARTHY: I was just kind of -- kind of 9 lost out there. 10 CHAIRPERSON MILLER: Okay. Well, we have a 11 quorum here. And basically what I'm just going to say 12 is you've provided a lot of interesting, significant, I 13 think, information today. And what we're going to do 14 is just take it under advisement at this point. So 15 MR. MCCARTHY: What does that mean? 16 CHAIRPERSON MILLER: That means we're just 17 going to spend more time thinking about it, considering 18 any facts, seeing if our investigators should look into 19 anything further. That means we're not sending your 20 case right now to -- 21 MR. MCCARTHY: Okay. 22 CHAIRPERSON MILLER: -- Office of Attorney</p>

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<p style="text-align: right;">38</p> <p>1 General for, you know, enforcement action against you.                  2 MR. MCCARTHY: Okay.                  3 CHAIRPERSON MILLER: You know, we're not                  4 doing that right now. And we're not just saying,                  5 "Okay. Everything's set and we're just going to, you                  6 know, put the book." There's some -- there's some, you                  7 know, issues you raised about, you know, the actions                  8 that went on the establishment and actions of, you                  9 know, others. So --                  10 MR. MCCARTHY: Yeah, I mean, I have -- I                  11 still have some concerns about the establishment. And                  12 I really -- again, I'd like to just say that -- yeah,                  13 I've been very responsible for a number of years in                  14 this city. And I was really just caught in a bad spot                  15 over there. And like I said, I didn't appreciate the                  16 way they did it. I've reprimanded several times for the                  17 way they did business because I refused to do it. So I                  18 really did just get kind of caught in a bad spot. So                  19 CHAIRPERSON MILLER: Okay. Yeah.                  20 MR. MCCARTHY: All right. Well --                  21 CHAIRPERSON MILLER: So --                  22 MR. MCCARTHY: -- is there anything further</p>	<p style="text-align: right;">40</p> <p style="text-align: center;">1 CERTIFICATE OF NOTARY PUBLIC                  2                  3 I, BRADLEY ANGLIN, 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 BRADLEY ANGLIN                  21 Notary Public in and for the                  22 DISTRICT OF COLUMBIA</p>
<p style="text-align: right;">39</p> <p>1 that I need to know?                  2 CHAIRPERSON MILLER: No, not at this time.                  3 So --                  4 MR. MCCARTHY: Okay. Well, then you guys                  5 have a nice day.                  6 CHAIRPERSON MILLER: Thank you very much for                  7 coming down.                  8 BOARD MEMBER: Thank you very much for                  9 coming.                  10 CHAIRPERSON MILLER: Okay.                  11 (WHEREUPON, at 3:48 p.m., the hearing was                  12 concluded.)                  13                  14                  15                  16                  17                  18                  19                  20                  21                  22</p>	<p style="text-align: right;">41</p> <p style="text-align: center;">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                  14 _____                  15 Date MIRANDA PENNACHI                  16 Transcriptionist                  17                  18                  19                  20                  21                  22</p>

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<p>_____</p> <p style="text-align: center;">\$</p> <p><b>\$64,000</b> 30:18</p> <p>_____</p> <p style="text-align: center;">0</p> <p><b>00274</b> 3:17</p> <p>_____</p> <p style="text-align: center;">1</p> <p><b>10</b> 12:7</p> <p><b>100</b> 12:12 13:3</p> <p><b>11</b> 3:16 36:1</p> <p><b>11:00</b> 19:12,13 20:5</p> <p><b>11-251-00274</b> 1:8 2:4</p> <p><b>14th</b> 1:13</p> <p><b>15</b> 12:7 20:11</p> <p><b>19</b> 26:13 36:1</p> <p><b>1919</b> 1:6 2:5</p> <p><b>19th</b> 1:6 2:5 4:4,14 26:14,15</p> <p>_____</p> <p style="text-align: center;">2</p> <p><b>2000</b> 1:13</p> <p><b>2010</b> 35:20 36:2,5</p> <p><b>2011</b> 4:4</p> <p><b>2012</b> 1:10</p> <p><b>20th</b> 4:4</p> <p><b>25</b> 1:10</p> <p><b>251</b> 3:17</p> <p><b>251-00274</b> 36:1</p> <p><b>2B</b> 1:8 2:6</p> <p>_____</p> <p style="text-align: center;">3</p> <p><b>3:17</b> 2:2</p> <p><b>3:46</b> 37:2,3</p> <p><b>3:48</b> 39:11</p>	<p>_____</p> <p style="text-align: center;">4</p> <p><b>405(b)</b> 35:19</p> <p><b>405(b)(13)</b> 36:4</p> <p><b>405(b)(4)</b> 36:2</p> <p>_____</p> <p style="text-align: center;">5</p> <p><b>5:00</b> 18:21 19:12 20:7,8 30:3,17</p> <p><b>5:15</b> 20:9,13</p> <p>_____</p> <p style="text-align: center;">6</p> <p><b>6-0</b> 36:22</p> <p>_____</p> <p style="text-align: center;">7</p> <p><b>7/20/2011</b> 3:16</p> <p><b>7:00</b> 30:17</p> <p><b>78475</b> 1:7 2:6</p> <p>_____</p> <p style="text-align: center;">A</p> <p><b>ABC</b> 2:7 4:12,19 5:12 6:4,9,15 12:5 13:3 15:8,10,13 16:5 18:14,15 19:13,17,18 20:22 22:11 34:15,18 35:21 36:22</p> <p><b>able</b> 19:1</p> <p><b>ABRA</b> 15:12 28:5</p> <p><b>absolutely</b> 3:2 6:6 7:11 8:4 26:17 33:14 34:22 35:2</p> <p><b>accordance</b> 35:19</p> <p><b>accurate</b> 7:7</p> <p><b>acknowledged</b> 7:4</p> <p><b>Act</b> 35:20 36:2,5</p> <p><b>action</b> 3:1</p>	<p>34:10,14 38:1 40:10,14</p> <p><b>actions</b> 12:10 23:13 38:7,8</p> <p><b>activity</b> 23:14</p> <p><b>actual</b> 10:19 19:10</p> <p><b>actually</b> 8:6,16,20 11:21 12:13 13:1,4 15:7 24:1 27:15,17 28:18 31:16</p> <p><b>address</b> 9:12,13 10:16</p> <p><b>addressed</b> 26:7 27:1,2</p> <p><b>admit</b> 12:14</p> <p><b>advice</b> 35:22</p> <p><b>advisement</b> 37:14</p> <p><b>afternoon</b> 2:13</p> <p><b>afterwards</b> 25:1</p> <p><b>against</b> 34:15 38:1</p> <p><b>age</b> 10:2 33:8</p> <p><b>agent</b> 5:12</p> <p><b>ago</b> 11:15 17:10 33:1</p> <p><b>ahead</b> 35:10</p> <p><b>Alberti</b> 1:16 14:3,5,9,14,22 15:14,18,21 16:1,4,8,10 27:11,12 28:2,11,14,20 29:8,11,13,16,20 ,22 30:2,5,7,10,18,2 1 31:5,7,10,14,22 32:12,18,20</p>	<p>36:13,14,15</p> <p><b>Alcohol</b> 12:21</p> <p><b>alcoholic</b> 1:2,11,12 7:20 35:18</p> <p><b>allegation</b> 7:19</p> <p><b>allowed</b> 6:3</p> <p><b>already</b> 33:14</p> <p><b>am</b> 23:17 40:9,11 41:3</p> <p><b>Amendment</b> 35:20 36:2,4</p> <p><b>ANC</b> 1:8 2:6</p> <p><b>ANGLIN</b> 40:3,19</p> <p><b>answering</b> 27:16</p> <p><b>antibiotics</b> 32:9</p> <p><b>anybody</b> 2:9</p> <p><b>anything</b> 4:15 5:12 7:10 9:19 14:16 18:10 23:21 24:20 32:5 37:19 38:22</p> <p><b>apologize</b> 18:17</p> <p><b>appearing</b> 40:5</p> <p><b>appointment</b> 4:8</p> <p><b>appreciate</b> 38:15</p> <p><b>approximately</b> 30:3</p> <p><b>area</b> 8:17</p> <p><b>aren't</b> 14:15</p> <p><b>argument</b> 6:20 28:7</p> <p><b>arrest</b> 25:3,7,16</p> <p><b>arrests</b> 24:6</p> <p><b>arrived</b> 20:13 30:3</p> <p><b>attention</b> 5:16</p> <p><b>attorney</b> 34:14</p>
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