

Capital Reporting Company
In the Matter of: Prospect Dining, LLC t/a George 10-17-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :
 :
Prospect Dining, LLC :
t/a George :
3251 Prospect Street, NW :
Retailer CR : Show Cause
License No. 78058 : Hearing
ANC 2E :
Case No. 11-CMP-00484 :
Violation of Voluntary Agreement:
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October 17, 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

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

2 10:33 a.m.

3 CHAIRPERSON MILLER: The next case on our
4 calendar is Case No. 11-CMP-00484, George, located at
5 3251 Prospect Street, N.W. Is that Ms. Phillips's
6 case?

7 MR. RIVERO: Correct.

8 CHAIRPERSON MILLER: Okay. She's not here
9 right now?

10 MR. RIVERO: No.

11 CHAIRPERSON MILLER: Oh, you're standing in
12 for Ms. Phillips?

13 MR. RIVERO: (audio missing) Board members --

14 CHAIRPERSON MILLER: Okay. 3251 Prospect
15 Street, N.W., License No. 78058. Is anybody here for
16 the Licensee?

17 MR. RIVERO: Nowhere.

18 CHAIRPERSON MILLER: No, okay.

19 MR. ALBERTI: I don't see them.

20 CHAIRPERSON MILLER: So as we've been passing
21 others, I guess we'll do that and come back to those
22 who pass.

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1 (WHEREUPON, at 10:34 a.m., the hearing went
2 off record until 10:44 a.m.)

3 CHAIRPERSON MILLER: And then we have Case
4 No. 11-CMP-00484, which is George, located at 3251
5 Prospect Street, N.W. Anyone here for that case?
6 License No. 78058 in ANC 2A -- 2E. We passed on that
7 case. There was -- that was scheduled for a show cause
8 hearing at 11:00 a.m. But there was a joint motion to
9 convert the show cause hearing to a status hearing,
10 which was granted by the Board on October 10th, 2012.

11 The Licensee is not here for that case. So
12 the hearing is now scheduled by that date -- for
13 November 28, 2012 at 10:00 a.m.

14 MR. RIVERO: Thank you.

15 CHAIRPERSON MILLER: Thank you. So you're
16 going to take a few minutes?

17 MR. RIVERO: Yes.

18 CHAIRPERSON MILLER: All right. How many
19 minutes do you think, five, ten?

20 MR. RIVERO: Five. No, no, no.

21 CHAIRPERSON MILLER: Okay.

22 MR. RIVERO: Five.

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1 CHAIRPERSON MILLER: All right. Thank you.

2 MR. RIVERO: Thank you.

3 (WHEREUPON, at 10:46 a.m., the hearing went
4 off record until 11:10 a.m.)

5 CHAIRPERSON MILLER: Okay. I passed a few
6 cases earlier. And I understand that the parties to
7 one of the cases that I passed and then went back to
8 and just scheduled for a show cause hearing may
9 actually be here now. And if that's the case, the case
10 that I am talking about is Case No. 11-CMP-00484,
11 George.

12 Is that -- is somebody here for George?
13 Okay. This is located at 3251 Prospect Street, N.W.,
14 License No. 78058, in ANC 2B. Would you identify
15 yourself for the record, please? Yes.

16 MR. RIVERO: Fernando Rivero for the District
17 of Columbia standing in for Assistant Amy Phillips.

18 MR. SUN: Kijun Sun for Prospect Dining.

19 CHAIRPERSON MILLER: I'm sorry, what's your
20 name?

21 MR. SUN: Kijun Sun, S-U-N.

22 CHAIRPERSON MILLER: Okay, Mr. Sun. So Mr.

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1 Rivero thought that the cases that we had heard before
2 were not actually going to have anybody show up on it.
3 So we scheduled yours for show cause hearing. However,
4 you are in fact here. So I will, you know, take your
5 case.

6 Let me ask you, did you receive notice of
7 this status hearing?

8 MR. SUN: Yes.

9 CHAIRPERSON MILLER: Did you read it?

10 MR. SUN: Yes.

11 CHAIRPERSON MILLER: Did you understand it?

12 MR. SUN: Yes.

13 CHAIRPERSON MILLER: And do you waive our
14 reading the notice into the record?

15 (No audible response.)

16 CHAIRPERSON MILLER: All right. And there's
17 also a sign-in sheet there. I'm not sure. Did you
18 sign it? Okay.

19 MR. SUN: I did sign it.

20 CHAIRPERSON MILLER: All right. And Mr.
21 Rivero, do we have any preliminary matters in this
22 case?

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1 MR. RIVERO: Yes, we do. Board's indulgence?

2 CHAIRPERSON MILLER: Okay.

3 MR. RIVERO: Parties have an offer in
4 compromise to present to the Board at this time.

5 CHAIRPERSON MILLER: Okay.

6 MR. RIVERO: That offer consists of a \$4000
7 fine -- \$4000 fine payable in 30 days, a suspension of
8 the license for two days stayed for a period of one
9 year, pending no further violations.

10 MR. SILVERSTEIN: How many days stayed?

11 MR. RIVERO: Two days stayed for a period of
12 one year pending no further violations and a suspension
13 of the license for two days that are triggered by a
14 prior case. That case number is 10-251-00073. The
15 dates that will be served are November 4th and 5th,
16 which are dates the Licensee is regularly open. That
17 is the offer in compromise.

18 CHAIRPERSON MILLER: Mr. Sun, I'm just going
19 to state that back to you and make sure that the --
20 you're understanding the compromise. It's a fine of
21 \$4000 to be paid within 30 days, license suspended for
22 two days but that's stayed for a year pending no

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1 further violation. But the license will be suspended
2 for two days triggered by a prior case.

3 MR. SUN: Yes.

4 CHAIRPERSON MILLER: That's -- okay. And do
5 you understand also that you waive your right to a
6 hearing by accepting this offer in compromise?

7 MR. SUN: Yes.

8 CHAIRPERSON MILLER: Okay. Are there any
9 questions by Board members?

10 MR. BROOKS: I've got a question.

11 CHAIRPERSON MILLER: Yes, Mr. Brooks.

12 MR. BROOKS: Yes. I just want to be sure.

13 So the two days that are closed -- you're proposing to
14 be closed is a Sunday and a Monday?

15 MR. RIVERO: Yeah, the Licensee's regularly
16 open on Sundays and Mondays.

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

18 CHAIRPERSON MILLER: Okay. Mr. Rivero, could
19 you just remind me, is this for a noise violation? I
20 mean, I'm sorry, what is this for -- the violations
21 for?

22 MR. RIVERO: I'm sorry, what do you mean, the

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1 prior case?

2 CHAIRPERSON MILLER: This case. Did the
3 statement say what the violation was?

4 MR. SUN: Capacity issue.

5 MR. RIVERO: It was a capacity issue. It was
6 more people --

7 CHAIRPERSON MILLER: Capacity?

8 MR. RIVERO: Yeah.

9 CHAIRPERSON MILLER: Okay.

10 MR. RIVERO: The voluntary agreement had a
11 term not to exceed a certain number of people while in
12 operation.

13 CHAIRPERSON MILLER: Okay. All right. Any
14 other -- any questions? Okay. Then -- yeah.

15 MR. ALBERTI: Well, I actually have a
16 question for the Licensee.

17 CHAIRPERSON MILLER: Okay. Good.

18 MR. ALBERTI: Not on the OIC but it has to do
19 -- you were more than an hour and a half late.

20 MR. SUN: I'm not --

21 MR. ALBERTI: Well, any explanation?

22 MR. SUN: I thought that the agenda was at

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1 11:00 and -- I actually though the agenda also said
2 11:00. So I apologize. I had the wrong information.

3 MR. ALBERTI: You believed the agenda
4 published was -- I'll double-check. Thank you.

5 MR. SUN: And I apologize for that.

6 CHAIRPERSON MILLER: There actually was a
7 change. It was -- it was scheduled for 11:00 and then
8 it was changed to 9:30. So I think that could explain
9 that.

10 MR. JONES: So you're saying you weren't
11 notified of the change, if there was a change?

12 MR. SUN: I don't --

13 MR. JONES: Only -- you knew it was 11:00?

14 MR. SUN: This whole time I thought it was
15 11:00. It -- I recall that you -- we got notice. I
16 can't tell you the date. I honestly doubt it --

17 MR. ALBERTI: I guess the confusion is that
18 the 11:00 was a show cause hearing originally.

19 MR. SUN: Oh, I see.

20 MR. ALBERTI: Is that correct?

21 MR. SUN: That's right, yes.

22 MR. ALBERTI: And we -- and now, we have a

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1 joint motion. And I would assume that when the joint
2 motion was filed that you would have gotten notice of
3 the rescheduling of the hearing to an earlier time.

4 You know, it's good.

5 MR. SUN: Maybe I missed it then.

6 MR. ALBERTI: Okay.

7 MR. SUN: The request to reschedule a date
8 was made to me. I --

9 MR. ALBERTI: Please pay closer attention in
10 the future. It's just --

11 MR. SUN: I will. I will.

12 CHAIRPERSON MILLER: Okay. Any other
13 questions on the offer in compromise? Okay. We have
14 an offer in compromise for a fine of \$4000 payable
15 within 30 days with the license suspended for two days.
16 But those -- that suspension stayed for one year
17 pending no further violation. And the license will be
18 suspended for two days triggered by a prior case. And
19 those days are November 4th and 5th.

20 Do I have a second?

21 MR. NOPHLIN: Second.

22 CHAIRPERSON MILLER: Mr. Nophlin has seconded

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1 the motion. Any other comments?

2 (No audible response.)

3 CHAIRPERSON MILLER: All those in favor of
4 the motion as seconded, say aye?

5 (Chorus of ayes.)

6 CHAIRPERSON MILLER: All those opposed?

7 (No audible response.)

8 CHAIRPERSON MILLER: All those abstaining?

9 (No audible response.)

10 CHAIRPERSON MILLER: And the vote is 6-0-0 to
11 accept the offer in compromise. Thank you.

12 MR. RIVERO: Thank you.

13 CHAIRPERSON MILLER: Thank you. I think that
14 concludes the morning calendar unless --

15 MR. RIVERO: I certainly hope so.

16 CHAIRPERSON MILLER: -- somebody else has
17 shown up -- Montana Liquor. So

18 MR. ALBERTI: Mr. Rivero?

19 MR. RIVERO: Ends here.

20 MR. ALBERTI: Mr. Rivero? Mr. Rivero, you're
21 welcome to stick around if you'd like.

22 MR. RIVERO: I'm needed back at the office

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1 unfortunately.

2 MR. ALBERTI: Okay.

3 CHAIRPERSON MILLER: Thank you very much.

4 MR. RIVERO: Thank you.

5 CHAIRPERSON MILLER: The Board will now go
6 into recess.

7 (WHEREUPON, at 11:18 a.m., the hearing was
8 concluded.)

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1 CERTIFICATE OF NOTARY PUBLIC

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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 pages was recorded
6 by me and thereafter reduced to typewriting under my
7 direction; that said transcription is a true record of
8 the testimony given by said parties; that I am neither
9 counsel for, related to, nor employed by any of the
10 parties to the action in which this hearing 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.

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ERICK McNAIR

19

Notary Public in and for the

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District of Columbia

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22 My commission expires: July 14, 2016

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CERTIFICATE OF TRANSCRIPTION

I, MIRANDA PENNACHI, hereby certify that I am not the Court Reporter who reported the proceeding and that I have typed the transcript of the proceeding using the Court Reporter's notes and recordings. The foregoing/attached transcript is a true, correct and complete transcription of the proceedings.

Date

MIRANDA PENNACHI

Transcriptionist

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<p style="text-align: center;"><u> </u> \$</p> <p>\$4000 6:6,7,21 10:14</p> <p style="text-align: center;"><u> </u> 1</p> <p>10:00 3:13 10:33 2:2 10:34 3:1 10:44 3:2 10:46 4:3 10-251-00073 6:14 10th 3:10 11:00 3:8 9:1,2,7,13,15,18 11:10 4:4 11:18 12:7 11-CMP-00484 1:8 2:4 3:4 4:10 14 13:22 14th 1:13 17 1:11</p> <p style="text-align: center;"><u> </u> 2</p> <p>2000 1:13 2012 1:11 3:10,13 2016 13:22 28 3:13 2A 3:6 2B 4:14 2E 1:8 3:6</p> <p style="text-align: center;"><u> </u> 3</p> <p>30 6:7,21 10:15 3251 1:6 2:5,14 3:4 4:13</p>	<p style="text-align: center;"><u> </u> 4</p> <p>4th 6:15 10:19</p> <p style="text-align: center;"><u> </u> 5</p> <p>5th 6:15 10:19</p> <p style="text-align: center;"><u> </u> 6</p> <p>6-0-0 11:10</p> <p style="text-align: center;"><u> </u> 7</p> <p>78058 1:7 2:15 3:6 4:14</p> <p style="text-align: center;"><u> </u> 9</p> <p>9:30 9:8</p> <p style="text-align: center;"><u> </u> A</p> <p>a.m 2:2 3:1,2,8,13 4:3,4 12:7</p> <p>abstaining 11:8 accept 11:11 accepting 7:6 action 13:10,14 actually 4:9 5:2 8:15 9:1,6 agenda 8:22 9:1,3 agreement 1:9 8:10 ALBERTI 1:17 2:19 8:15,18,21 9:3,17,20,22 10:6,9 11:18,20 12:2 Alcoholic 1:2,12,13 am 4:10 13:8,11 14:3 Amy 4:17</p>	<p>ANC 1:8 3:6 4:14 anybody 2:15 5:2 Anyone 3:5 apologize 9:2,5 appearing 13:5 Assistant 4:17 assume 10:1 attention 10:9 attorney 13:12 audible 5:15 11:2,7,9 audio 2:13 aye 11:4 ayes 11:5</p> <p style="text-align: center;"><u> </u> B</p> <p>believed 9:3 Beverage 1:2,12,13 Board 1:2,13 2:13 3:10 6:4 7:9 12:5 Board's 6:1 Brooks 1:17 7:10,11,12,17 Building 1:13</p> <p style="text-align: center;"><u> </u> C</p> <p>calendar 2:4 11:14 CALVIN 1:18 capacity 8:4,5,7 case 1:8 2:3,4,6 3:3,5,7,11 4:9,10 5:5,22 6:14 7:2 8:1,2 10:18 cases 4:6,7 5:1 cause 1:7 3:7,9 4:8</p>	<p>5:3 9:18 certain 8:11 certainly 11:15 CERTIFICATE 13:1 14:1 certify 13:4 14:3 Chair 7:17 Chairperson 1:14,16 2:3,8,11,14,18,2 0 3:3,15,18,21 4:1,5,19,22 5:9,11,13,16,20 6:2,5,18 7:4,8,11,18 8:2,7,9,13,17 9:6 10:12,22 11:3,6,8,10,13,1 6 12:3,5 change 9:7,11 changed 9:8 Chorus 11:5 closed 7:13,14 closer 10:9 Columbia 1:1 4:17 13:20 comments 11:1 commission 13:22 complete 14:8 compromise 6:4,17,20 7:6 10:13,14 11:11 concluded 12:8 concludes 11:14 confusion 9:17 consists 6:6 Control 1:2,12,13</p>
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<p>convert 3:9 correct 2:7 9:20 14:7 counsel 13:9,12 Court 14:4,6 CR 1:7</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>D.C 1:14 date 3:12 9:16 10:7 14:14 dates 6:15,16 days 6:7,8,10,11,13,2 1,22 7:2,13 10:15,18,19 Dining 1:5 4:18 direction 13:7 District 1:1 4:16 13:20 DONALD 1:17 double-check 9:4 doubt 9:16</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>earlier 4:6 10:3 else 11:16 employed 13:9,12 employee 13:11 ERICK 13:3,18 exceed 8:11 expires 13:22 explain 9:8 explanation 8:21</p> <hr/> <p style="text-align: center;">F</p> <hr/>	<p>fact 5:4 favor 11:3 Fernando 1:20 4:16 filed 10:2 financially 13:13 fine 6:7,20 10:14 five 3:19,20,22 foregoing 13:4,5 foregoing/ attached 14:7 future 10:10</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>George 1:6 2:4 3:4 4:11,12 given 13:8 gotten 10:2 granted 3:10 guess 2:21 9:17</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>half 8:19 heard 5:1 hearing 1:7,13 3:1,8,9,12 4:3,8 5:3,7 7:6 9:18 10:3 12:7 13:4,10 hereby 13:4 14:3 hereto 13:12 HERMAN 1:18 honestly 9:16 hope 11:15 hour 8:19</p>	<hr/> <p style="text-align: center;">I</p> <hr/> <p>identify 4:14 I'll 9:4 I'm 4:19 5:17 6:18 7:20,22 8:20 11:22 indulgence 6:1 information 9:2 interested 13:13 issue 8:4,5 it's 6:20 10:4,10 I've 7:10</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>joint 3:8 10:1 JONES 1:18 9:10,13 July 13:22</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>Kijun 4:18,21 knew 9:13</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>late 8:19 license 1:7 2:15 3:6 4:14 6:8,13,21 7:1 10:15,17 Licensee 2:16 3:11 6:16 8:16 Licensee's 7:15 Liquor 11:17 LLC 1:5 located 2:4 3:4 4:13</p>	<hr/> <p style="text-align: center;">M</p> <hr/> <p>Madam 7:17 MATTER 1:4 matters 5:21 may 4:8 Maybe 10:5 McNAIR 13:3,18 mean 7:20,22 MEETING 1:3 Member 1:17,18,19 members 2:13 7:9 met 1:13 MIKE 1:19 Miller 1:14,16 2:3,8,11,14,18,2 0 3:3,15,18,21 4:1,5,19,22 5:9,11,13,16,20 6:2,5,18 7:4,8,11,18 8:2,7,9,13,17 9:6 10:12,22 11:3,6,8,10,13,1 6 12:3,5 minutes 3:16,19 MIRANDA 14:3,14 missed 10:5 missing 2:13 Monday 7:14 Mondays 7:16 Montana 11:17 morning 11:14 motion 3:8 10:1,2 11:1,4</p>
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<p style="text-align: center;"><u>N</u></p> <p>N.W 1:13 2:5,15 3:5 4:13</p> <p>neither 13:8</p> <p>NICK 1:17</p> <p>noise 7:19</p> <p>Nophlin 1:18 10:21,22</p> <p>nor 13:9,13</p> <p>Notary 13:1,19</p> <p>notes 14:6</p> <p>notice 5:6,14 9:15 10:2</p> <p>notified 9:11</p> <p>November 3:13 6:15 10:19</p> <p>Nowhere 2:17</p> <p>NW 1:6</p> <p style="text-align: center;"><u>O</u></p> <p>OAG 1:20</p> <p>October 1:11 3:10</p> <p>offer 6:3,6,17 7:6 10:13,14 11:11</p> <p>office 11:22</p> <p>officer 13:3</p> <p>Oh 2:11 9:19</p> <p>OIC 8:18</p> <p>okay 2:8,14,18 3:21 4:5,13,22 5:18 6:2,5 7:4,8,17,18 8:9,13,14,17 10:6,12,13 12:2</p> <p>open 6:16 7:16</p> <p>operation 8:12</p>	<p>opposed 11:6</p> <p>originally 9:18</p> <p>others 2:21</p> <p>otherwise 13:13</p> <p>outcome 13:13</p> <p style="text-align: center;"><u>P</u></p> <p>pages 13:5</p> <p>paid 6:21</p> <p>parties 4:6 6:3 13:8,10,12</p> <p>pass 2:22</p> <p>passed 3:6 4:5,7</p> <p>passing 2:20</p> <p>pay 10:9</p> <p>payable 6:7 10:14</p> <p>pending 6:9,12,22 10:17</p> <p>PENNACHI 14:3,14</p> <p>people 8:6,11</p> <p>period 6:8,11</p> <p>Phillips 2:12 4:17</p> <p>Phillips's 2:5</p> <p>please 4:15 10:9</p> <p>preliminary 5:21</p> <p>present 1:16,20 6:4</p> <p>presiding 1:14</p> <p>prior 6:14 7:2 8:1 10:18</p> <p>proceeding 14:4,5</p> <p>proceedings 14:8</p> <p>proposing 7:13</p> <p>Prospect 1:5,6</p>	<p>2:5,14 3:5 4:13,18</p> <p>Public 13:1,19</p> <p>published 9:4</p> <p style="text-align: center;"><u>Q</u></p> <p>question 7:10 8:16</p> <p>questions 7:9 8:14 10:13</p> <p style="text-align: center;"><u>R</u></p> <p>reading 5:14</p> <p>recall 9:15</p> <p>receive 5:6</p> <p>recess 12:6</p> <p>record 3:2 4:4,15 5:14 13:7</p> <p>recorded 13:5</p> <p>recordings 14:6</p> <p>reduced 13:6</p> <p>Reeves 1:13</p> <p>regularly 6:16 7:15</p> <p>related 13:9</p> <p>relative 13:11</p> <p>remind 7:19</p> <p>reported 14:4</p> <p>Reporter 14:4</p> <p>Reporter's 14:6</p> <p>request 10:7</p> <p>reschedule 10:7</p> <p>rescheduling 10:3</p> <p>response 5:15 11:2,7,9</p> <p>Retailer 1:7</p> <p>Rivero 1:20</p>	<p>2:7,10,13,17 3:14,17,20,22 4:2,16 5:1,21 6:1,3,6,11 7:15,18,22 8:5,8,10 11:12,15,18,19,2 0,22 12:4</p> <p>Room 1:13</p> <p>Ruthanne 1:14,16</p> <p style="text-align: center;"><u>S</u></p> <p>scheduled 3:7,12 4:8 5:3 9:7</p> <p>second 10:20,21</p> <p>seconded 10:22 11:4</p> <p>served 6:15</p> <p>sheet 5:17</p> <p>She's 2:8</p> <p>shown 11:17</p> <p>sign 5:18,19</p> <p>sign-in 5:17</p> <p>SILVERSTEIN 1:19 6:10</p> <p>somebody 4:12 11:16</p> <p>sorry 4:19 7:20,22</p> <p>standing 2:11 4:17</p> <p>state 6:19</p> <p>statement 8:3</p> <p>status 3:9 5:7</p> <p>stayed 6:8,10,11,22 10:16</p> <p>stick 11:21</p> <p>Street 1:6,13</p>
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