

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE AND CANNABIS BOARD
+ + + + +
MEETING

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IN THE MATTER OF: :

816 Dirty Water, LLC, :
t/a Dirty Water :
816 H Street NE : Show Cause
Retailer CT - ANC 6A : Hearing
License No. 125771 :
Case #25-CMP-00105 :
: :

(Allowed a Patron to :
leave the Establishment :
with an Alcoholic :
Beverage in an Open :
Container) :
: :
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Wednesday
September 30, 2026

The Alcoholic Beverage and Cannabis
Board met via WebEx videoconference, Chairperson
Donovan W. Anderson presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson
RYAN JONES, Member
DAVID MEADOWS, Member
TERI JANINE QUINN, Member
JAMES TURNER, Member

ALSO PRESENT:

LUKE CASEY, Licensee
INVESTIGATOR BERNELL DAVIS, DC ABCA
JOSE ORELLANA, DC ABCA Staff

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

2 2:03 p.m.

3 CHAIRPERSON ANDERSON: And the next
4 matter on our calendar is a show cause hearing
5 for Case Number 25-CMP-00105, Dirty Water,
6 License Number 125771. Good afternoon, Mr.
7 Orellana. Can you please elevate the parties in
8 this case?

9 MR. ORELLANA: Good afternoon. Sophia
10 Mietus, access elevated. Luke Casey, access
11 elevated. And Investigator Bernell Davis,
12 access elevated. That is all, Chairman.

13 CHAIRPERSON ANDERSON: Thank you. Good
14 afternoon. Ms. Mietus, can you please identify
15 yourself for the record?

16 MS. MIETUS: Good afternoon, Assistant
17 Attorney General Sophia Mietus, S-O-P-H-I-A M-I-
18 E-T-U-S, on behalf of the District.

19 CHAIRPERSON ANDERSON: Good afternoon.
20 Mr. Casey, can you identify yourself for the
21 record?

22 MR. CASEY: Yeah. Luke Casey. L-U-K-E
23 C-A-S-E-Y.

24 CHAIRPERSON ANDERSON: What is your
25 relationship to this establishment?

1 MR. CASEY: Oh -- oh, no, I'm sorry.

2 CHAIRPERSON ANDERSON: Good afternoon,
3 sir. Ms. Mietus, are there any preliminary
4 matters in this case?

5 MS. MIETUS: No preliminary matters.

6 CHAIRPERSON ANDERSON: For you, Mr.
7 Casey?

8 MR. CASEY: No.

9 CHAIRPERSON ANDERSON: All right. This
10 is a show cause hearing. The government goes
11 first. The burden is on the government. So the
12 government has an opportunity to present an
13 opening statement. Then, Mr. Casey, you'll have
14 an opportunity to present an opening statement.

15 The government will call its witness.
16 Once the government calls the witness, Mr.
17 Casey, you'll have an opportunity to cross-
18 examine the witness. Then the board will have
19 an opportunity to cross-examine that witness.
20 After the government has disposed of its
21 witnesses, then they will rest, and then, Mr.
22 Casey, you can put on your case.

23 Any questions by either side before we
24 start? All right, Ms. Mietus, do you wish to
25 make an opening statement?

1 MS. MIETUS: Yes, Mr. Chair. May it
2 please the board, the District is here to
3 present a simple case. Dirty Water allowed
4 patrons to exit a licensed establishment with
5 open containers of alcohol in violation of
6 District law and a settlement agreement. The
7 District will prove this violation by
8 substantial evidence, which is defined as
9 evidence that a reasonable mind might accept as
10 adequate to support a conclusion.

11 This board will hear from Investigator
12 Bernell Davis, who visited Dirty Water at 816 H
13 Street, Northeast late night on Friday, October
14 3rd, 2026. Investigator Davis will testify that
15 as he arrived outside, he saw patrons exit the
16 building with beverages. You'll see photographs
17 of a patron with a can and a patron with a
18 plastic cup. Investigator Davis will testify
19 that both contained alcoholic beverages.
20 Investigator Davis will testify that he then
21 proceeded inside the building and immediately
22 observed empty cans that he identified as
23 alcoholic beverages. You'll see photographs of
24 those too. Finally, Investigator Davis will
25 present Dirty Water's settlement agreement with

1 ANC 6A that requires Dirty Water to ensure that
2 patrons do not exit the establishment with an
3 open container of an alcoholic beverage.

4 Based upon this evidence, the District
5 will ask the board to find that Dirty Water
6 violated D.C. Code § 13(a)(2)(a)(2) by knowingly
7 allowing patrons to exit with open containers or
8 in the alternative, that Dirty Water violated
9 its settlement agreement by failing to ensure
10 that patrons did not exit with open containers.

11 In either case, the District will ask the board
12 to levy the maximum penalty for a secondary tier
13 violation. Thank you.

14 CHAIRPERSON ANDERSON: All right.
15 Thank you. Mr. Casey, do you wish to make an
16 opening statement?

17 MR. CASEY: No, I'll waive.

18 CHAIRPERSON ANDERSON: All right. Mr.
19 Casey, are you expecting a witness, sir?

20 MR. CASEY: No.

21 CHAIRPERSON ANDERSON: Okay. No, there
22 isn't. There is some call-in user that --

23 MR. CASEY: Oh, okay.

24 CHAIRPERSON ANDERSON: -- was trying to
25 see if -- okay. I just want to make sure that

1 everyone was elevated. Okay. Ms. Mietus, do
2 you have a witness you wish to call?

3 MS. MIETUS: Yes. Investigator Bernell
4 Davis.

5 B E R N E L L D A V I S, having been first duly
6 sworn, testified as follows:

7 CHAIRPERSON ANDERSON: Mr. Davis, can
8 you raise your right hand, please? Do you swear
9 or affirm to tell the truth and nothing but the
10 truth?

11 INVESTIGATOR DAVIS: Yes, I do.

12 CHAIRPERSON ANDERSON: You are witness,
13 ma'am.

14 DIRECT EXAMINATION

15 MS. MIETUS: Thank you. Good
16 afternoon, Investigator Davis. Can you please
17 state and spell your name for the record?

18 THE WITNESS: Bernell Davis. B-E-R-N-
19 E-L-L D-A-V-I-S.

20 BY MS. MIETUS:

21 Q Investigator Davis, where do you work?

22 A Alcohol Beverage and Cannabis
23 Administration.

24 Q And what is your position there?

25 A I'm an investigator for the enforcement

1 division.

2 Q How long have you worked as an
3 investigator at ABCA?

4 A Three years.

5 Q What are your typical duties and
6 responsibilities as an investigator?

7 A To go to different establishments
8 throughout the Washington D.C. area and conduct
9 inspections, regulatory inspections, and to
10 ensure that the licensees are abiding by their
11 ABCA-issued license.

12 Q Investigator Davis, were you working on
13 October 2nd, 2025?

14 A Yes.

15 Q Did you respond to any complaints that
16 night?

17 A Yes.

18 Q What complaints did you respond to?

19 A A noise complaint towards Dirty Water
20 establishment.

21 Q How did you investigate that complaint?

22 A I went and arrived at Dirty Water
23 around midnight and began monitoring the
24 surrounding areas of Dirty Water.

25 Q Investigator Davis, are you familiar

1 with the surrounding area of Dirty Water?

2 A Yes.

3 Q Are there any other bars or restaurants
4 next to Dirty Water?

5 A Yes, up and down H Street.

6 Q Were any of them open when you arrived?

7 A I don't recall.

8 Q Are you familiar with any bars or
9 restaurants that are next to Dirty Water?

10 A No.

11 Q Investigator Davis, what did you
12 observe upon arriving outside of Dirty Water?

13 A Upon arrival, I witnessed multiple
14 patrons outside consuming alcoholic beverages.

15 Q Can you describe where those patrons
16 were outside of Dirty Water?

17 A Outside the front door of Dirty Water.

18 Q Did you see them exit Dirty Water?

19 A Yes.

20 MR. CASEY: I wanted to object to that
21 question, but he answered too fast. I'm sorry.

22 BY MS. MIETUS:

23 Q Investigator Davis.

24 CHAIRPERSON ANDERSON: No, hold on. I'm
25 going to overrule the objection. I mean, I

1 don't -- I'm going to overrule the objection, so
2 he answered the question, so let's --

3 MR. CASEY: Oh, there you go.

4 CHAIRPERSON ANDERSON: I'm sorry, what
5 did you say, Mr. Chair?

6 MR. CASEY: Oh, no, I said I'm sorry.
7 I'll do it on cross.

8 CHAIRPERSON ANDERSON: Okay, fine,
9 because remember, you have an opportunity to --

10 MR. CASEY: Yeah.

11 CHAIRPERSON ANDERSON: -- to cross-
12 examine him. Yeah, go ahead, ma'am.

13 MS. MIETUS: Investigator Davis, did
14 you take any photographs of the patrons that you
15 saw exit Dirty Water?

16 THE WITNESS: Yes.

17 BY MS. MIETUS:

18 Q And would you recognize those
19 photographs?

20 A Yes.

21 Q I'm going to start by presenting what
22 is marked as Exhibit A6 from the case report,
23 which should be part of this board's record
24 under the regulations.

25 (Whereupon, the document referred to

1 was marked as Government's Exhibit No. A6, for
2 identification.)

3 CHAIRPERSON ANDERSON: That's fine.
4 And Mr. Orellana, can you please allow her to,
5 Ms. Mietus to share her screen?

6 MR. ORELLANA: Access granted.

7 CHAIRPERSON ANDERSON: Thank you.

8 MS. MIETUS: Investigator Davis, can
9 you see this photograph?

10 THE WITNESS: Yes.

11 BY MS. MIETUS:

12 Q Do you recognize this photograph?

13 A Yes.

14 Q Did you take this photograph?

15 A Yes.

16 Q Where did you take it?

17 A From across the street.

18 Q Across the street where?

19 A Across the street from Dirty Water.

20 Q And why were you across the street
21 taking photographs?

22 A It's where I arrived and where parking
23 was available.

24 Q Why did you take a photograph of this
25 patron?

1 A Because I watched him come out of Dirty
2 Water -- the Dirty Water establishment.

3 Q Does this patron have anything in his
4 hands in the photograph?

5 A Yes.

6 Q What is in his hands?

7 A It appears to be a cup of beer or
8 alcoholic beverage.

9 Q Why do you believe that is beer in the
10 cup?

11 A It has the same color as a beer would.
12 And Dirty Water, they sell alcoholic beverages
13 in cups.

14 Q Did you see the patron consuming the
15 beverage outside?

16 A Yes.

17 Q Investigator Davis, I'm going to
18 present what is marked as Exhibits A3 to A5.
19 We'll just look at these all together.

20 (Whereupon, the documents referred to
21 were marked as Government's Exhibit Nos. A3
22 through A5, for identification.)

23 MS. MIETUS: Have you seen all three of
24 these photographs?

25 THE WITNESS: Yes.

1 BY MS. MIETUS:

2 Q And do you recognize these photographs?

3 A Yes.

4 Q Did you take these photographs?

5 A Yes.

6 Q Where did you take these photographs?

7 A From across the street of Dirty Water.

8 Q And why did you photograph this patron?

9 A Because I witnessed him walk out of
10 Dirty Water as well.

11 Q Does this patron have anything in his
12 hands?

13 A Yes, it appears to be a beer can.

14 Q Investigator Davis, I'll stop sharing
15 my screen now. Did you go inside of Dirty Water
16 on October 2nd, 2025?

17 A Yes.

18 Q How did you get inside of Dirty Water?

19 A Can you repeat the question?

20 Q How did you get inside of Dirty Water?

21 A I walked through the front door and up
22 the stairwell.

23 Q Was the front door locked or unlocked?

24 A Unlocked.

25 Q Did you have to show an ID to get

1 through the front door?

2 A No.

3 Q Investigator Davis, did you take a
4 photograph of the entrance at Dirty Water?

5 A Yes.

6 Q Would you recognize that photograph?

7 A Yes.

8 Q I'm going to present what is marked as
9 Government Exhibit A 10 from the case report
10 again.

11 (Whereupon, the document referred to
12 was marked as Government's Exhibit No. A10, for
13 identification.)

14 MS. MIETUS: Investigator Davis, can you
15 see the photograph?

16 THE WITNESS: Yes.

17 BY MS. MIETUS:

18 Q Do you recognize this photograph?

19 A Yes.

20 Q Did you take this photograph?

21 A Yes.

22 Q What is the subject of this photograph?

23 A There were beer cans on the stairs and
24 the ground of Dirty Water's entrance.

25 Q Investigator Davis, do you know where

1 these stairs lead?

2 A To Dirty Water establishment on the top
3 floor.

4 Q Investigator Davis, did you see any
5 other doorways in this stairwell?

6 A Yes, it's one to the left. It was
7 vacant at the time of my visit.

8 Q Are you aware of any other
9 establishments located in the same building?

10 A During my visit, there were no other
11 known establishments that were open, but now
12 there is an establishment that is open for
13 business, but during my visit there was none.

14 Q Investigator Davis, you mentioned
15 seeing some cans in the stairwell. Did you take
16 any photographs?

17 A Yes.

18 Q I'm going to present what is marked as
19 Exhibit A8 from your case report.

20 (Whereupon, the document referred to
21 was marked as Government's Exhibit No. A8, for
22 identification.)

23 MS. MIETUS: Investigator Davis, do you
24 recognize this picture?

25 THE WITNESS: Yes.

1 BY MS. MIETUS:

2 Q Did you take this picture?

3 A Yes.

4 Q Where did you take it?

5 A In the stairwell of Dirty Water.

6 Q What's pictured here?

7 A It appears to be Miller High Life beer
8 cans.

9 Q And did you see any other alcoholic
10 beverages in the stairwell?

11 A Yes.

12 Q Would you recognize a photograph of
13 those beverages?

14 A Yes.

15 Q Now I'm presenting Exhibit A9.

16 (Whereupon, the document referred to
17 was marked as Government's Exhibit No. A9, for
18 identification.)

19 MS. MIETUS: Investigator Davis, did you
20 take this photograph?

21 THE WITNESS: Yes.

22 BY MS. MIETUS:

23 Q Where did you take this photograph?

24 A In the stairwell of Dirty Water.

25 Q And what is in this photograph?

1 A Two Bud Light Seltzer alcoholic
2 beverages.

3 Q Did you look closely at the cans when
4 you took the photographs?

5 A Yes.

6 Q And would you recognize a different
7 picture of those cans?

8 A Yes.

9 Q I'm now going to present what is marked
10 as Government's Exhibit B.

11 MS. MIETUS: Investigator Davis, are you
12 familiar with the can pictured here?

13 THE WITNESS: Yes.

14 BY MS. MIETUS:

15 Q Have you seen this can before?

16 A Yes.

17 Q Where did you see it?

18 A On the steps of Dirty Water
19 establishment during my visit.

20 Q Is this an alcoholic beverage?

21 A Yes.

22 Q And is this a true and accurate
23 representation of one of the cans pictured in
24 Exhibit 9 that you took?

25 A Yes.

1 MS. MIETUS: Chairperson Anderson, I
2 move to admit this photograph as Government's
3 Exhibit B.

4 (Whereupon, the document referred to
5 was marked and admitted as Government's Exhibit
6 No. B, for identification.)

7 MR. CASEY: Without objection.

8 CHAIRPERSON ANDERSON: Without
9 objection.

10 MS. MIETUS: I'm now going to present
11 what is marked as Government's Exhibit C.

12 Investigator Davis, what is pictured here?

13 THE WITNESS: A Bud Light Seltzer.

14 BY MS. MIETUS:

15 Q And have you ever seen this drink
16 before?

17 A Yes, on the steps of Dirty Water.

18 Q Is this an alcoholic beverage?

19 A Yes.

20 Q Is this a true and accurate
21 representation of the can that you saw pictured
22 in Exhibit 9?

23 A Yes.

24 MS. MIETUS: Chairperson Anderson, I
25 move to admit this photograph as Government's

1 Exhibit C.

2 (Whereupon, the document referred to
3 was marked and admitted as Government's Exhibit
4 No. C, for identification.)

5 CHAIRPERSON ANDERSON: Mr. Casey?

6 MR. CASEY: Without objection.

7 CHAIRPERSON ANDERSON: Without
8 objection. Thank you.

9 MS. MIETUS: Okay, I'm going to pause
10 sharing my screen. Investigator Davis, did you
11 go inside of Dirty Water on October 2nd, 2025?

12 THE WITNESS: Yes.

13 BY MS. MIETUS:

14 Q Did you speak to anyone inside of Dirty
15 Water?

16 A Yes, Mr. Casey.

17 Q Did you talk to Mr. Casey?

18 A Yes.

19 Q What did you discuss?

20 A That there had been a noise complaint
21 towards his establishment as well as patrons
22 outside of the establishment consuming alcoholic
23 beverages.

24 Q Did you ask Mr. Casey if his
25 establishment has a settlement agreement?

1 A Yes.

2 Q And did you see that settlement
3 agreement?

4 A Yes.

5 Q Would you recognize the settlement
6 agreement?

7 A Yes.

8 Q I'm presenting what is marked as
9 Exhibit A15 from the case report.

10 (Whereupon, the document referred to
11 was marked as Government's Exhibit No. A15, for
12 identification.)

13 MS. MIETUS: Investigator Davis, do you
14 recognize this document?

15 THE WITNESS: Yes.

16 BY MS. MIETUS:

17 Q Is this a document that Luke Casey
18 presented to you as his settlement agreement?

19 A Yes.

20 Q Have you read the settlement agreement?

21 A Yes.

22 Q Are you familiar with the terms in this
23 settlement agreement?

24 A Yes.

25 Q Are there any terms about open

1 containers?

2 A Yes.

3 Q Investigator Davis, I'm going to turn
4 your attention to what is marked as page 2 of 4
5 of the settlement agreement. Do you see the
6 term about open containers on this page?

7 A Yes.

8 Q Can you read it aloud for the board?

9 A Yes. Applicant agrees to ensure that
10 no patron brings an open container of alcoholic
11 beverage into the establishment from outside
12 sources and at no time exits the establishment
13 with an open container of an alcoholic beverage.

14 Q Thank you, Investigator Davis. The
15 District rests.

16 CHAIRPERSON ANDERSON: Mr. Casey, any
17 questions?

18 CROSS EXAMINATION

19 MR. CASEY: Yeah, Investigator Davis,
20 when you conducted your initial observations,
21 you were on the public street, correct?

22 THE WITNESS: Yes.

23 BY MR. CASEY:

24 Q And you were not positioned at Dirty
25 Water's actual licensed entrance, correct?

1 A Can you repeat the question?

2 Q You were not positioned at Dirty
3 Water's actual licensed entrance during your
4 observations, correct?

5 A No.

6 Q And the street level doorway does not
7 itself open directly into Dirty Water, which is
8 licensed --

9 CHAIRPERSON ANDERSON: Hold on a
10 minute, Mr. Casey. What was the question that
11 you asked, and what was the question that the
12 investigator answered? I'm not sure if -- I
13 think that kind of went over your head, so I
14 don't think that was the -- all right. So maybe
15 you need to ask the question again, and let's
16 start again.

17 (Simultaneous speaking.)

18 MR. CASEY: My second question was --
19 you

20 CHAIRPERSON ANDERSON: Go ahead.

21 MR. CASEY: Sorry, I didn't mean to cut
22 you off. My second question was: You were not
23 positioned at Dirty Water's actual licensed
24 entrance, correct?

25 THE WITNESS: I was positioned across

1 the street from the entrance.

2 BY MR. CASEY:

3 Q Okay. So in the government's Exhibit
4 A13 it lists the licensed premises as only the
5 third floor. Is that correct?

6 A Repeat your question.

7 Q On your RI, which is listed as, I
8 believe, the Government's Exhibit A13 attached
9 to the case report, it lists the licensed
10 premises as only the third floor. Is that
11 correct?

12 A I don't believe so.

13 MR. CASEY: Could I have permission to
14 share my screen to bring up the RI?

15 CHAIRPERSON ANDERSON: Can you, Mr.
16 Orellana, allow Mr. Casey to share his screen,
17 please?

18 MR. ORELLANA: Access granted.

19 MR. CASEY: Thank you. I hope we don't
20 have this issue again. Is this Safari?

21 CHAIRPERSON ANDERSON: You're speaking
22 French to me, Mr. Casey. Okay.

23 MR. CASEY: Got it?

24 CHAIRPERSON ANDERSON: There you go.

25 MR. CASEY: Okay.

1 CHAIRPERSON ANDERSON: Well, you're
2 sharing your screen, but I'm not seeing anything
3 though.

4 MR. CASEY: You're not seeing anything?

5 CHAIRPERSON ANDERSON: Yeah, but you
6 are sharing your screen.

7 MR. ORELLANA: You're sharing an
8 application.

9 MR. CASEY: I am sharing an
10 application. In the interest of time, is there
11 any way that we can just bring up Government's
12 Exhibit A13, so I don't have to play around
13 here?

14 CHAIRPERSON ANDERSON: Ms. Mietus, can
15 you share -- what number please?

16 MR. CASEY: It's A13.

17 MS. MIETUS: Yes, Mr. Chairman.

18 CHAIRPERSON ANDERSON: Yeah. Thank
19 you, ma'am.

20 MR. CASEY: Okay.

21 CHAIRPERSON ANDERSON: Okay.

22 MR. CASEY: Investigator Davis, where
23 it says approved floors, could you read what the
24 approved floors are?

25 THE WITNESS: Third floor.

1 BY MR. CASEY:

2 Q Okay. And the stairwell opens into a
3 stairwell serving more than one licensed
4 establishment, correct?

5 A Not at the time of my visit, no.

6 MR. CASEY: Okay. I would like to ask
7 the board to take administrative notice of the
8 ABCA licensee report for October of 2025.
9 Moving on from that --

10 CHAIRPERSON ANDERSON: What report are
11 you asking, sir? You're asking us to take
12 administrative notice of what?

13 MR. CASEY: The ABCA's licensee report
14 for October of 2025, the time of the inspection.

15 CHAIRPERSON ANDERSON: I'm not
16 following you. I'm sorry. I'm not following
17 you.

18 MR. CASEY: Oh, sorry, because there's
19 another licensed establishment on the first and
20 second floor. I don't believe they were open at
21 the time, and I'm not really sure that it
22 matters, but in the case that it might.

23 CHAIRPERSON ANDERSON: Okay, so you're
24 saying that --

25 MR. CASEY: So the door that

1 Investigator Davis watched people walk out of.
2 That's to a shared stairwell, and on the first
3 and second floor are separate establishments.
4 We're on the third floor.

5 CHAIRPERSON ANDERSON: Right and he
6 testified that at the time, well, what I heard
7 he testified to, at the time he visited your
8 establishment, you were the only licensed
9 establishment at that location. However,
10 subsequent to his visit, there is now another
11 licensed establishment there. That's what he
12 testified to. So you're saying that that is not
13 correct?

14 MR. CASEY: No, that's not correct.

15 CHAIRPERSON ANDERSON: All right.
16 Well, let's go.

17 MR. CASEY: Okay. So --

18 CHAIRPERSON ANDERSON: If that's not
19 correct, and then you need to flesh that out
20 then, sir. Go ahead.

21 MR. CASEY: Okay, so Dirty Water's
22 entrance is farther upstairs, around the corner,
23 and up an additional flight of stairs, correct?

24 THE WITNESS: Is that a question for
25 me?

1 BY MR. CASEY:

2 Q Yes.

3 CHAIRPERSON ANDERSON: Yes, it is.

4 THE WITNESS: Oh, okay. Yes.

5 MR. CASEY: All right. So from your
6 observation position on the street, you could
7 not see patrons actually crossing Dirty Water's
8 licensed entrance, correct?

9 THE WITNESS: Repeat your question.

10 BY MR. CASEY:

11 Q From your observation position, either
12 on the street or from the bottom of the
13 stairwell, you could not see patrons actually
14 crossing Dirty Water's licensed entrance,
15 correct?

16 A So because I know that your
17 establishment was the only establishment open
18 and you were the only one operating in that
19 building in that space, then they had to only
20 come from your establishment.

21 Q Okay. And you did not personally
22 observe or photograph any patron cross Dirty
23 Water's licensed entrance holding an open
24 alcoholic beverage because the photographs you
25 showed were of individuals already outside of

1 the building, correct?

2 A I watched them come down the stairwell
3 outside to the -- outside of -- on the ground
4 floor.

5 Q Okay.

6 A But they walked down the steps, and you
7 were the only one establishment operating
8 upstairs.

9 Q Correct. And it is true that we hold a
10 carryout endorsement, correct?

11 A This is correct.

12 Q Okay. So with respect to the cup, not
13 the can right now, could you describe your
14 methodology for determining that what was in
15 that cup was alcoholic and even if it was beer -
16 - it was beer that was alcoholic in nature?

17 A Repeat your question.

18 Q So with respect to the cup, that is,
19 you were questioned about before, which is
20 listed as Government's Exhibit A6.

21 A The one where the male was drinking?

22 Q Yeah. Just with the, of the --

23 A Okay -- okay.

24 Q Can you describe your methodology for
25 determining that there was alcohol in that cup

1 and, even if it was beer, that it was beer that
2 was alcoholic in nature?

3 A It had the same color as an alcoholic
4 beverage, and your establishment serves
5 alcoholic beverages. And they were acting as if
6 they were consuming alcoholic beverages on the
7 street. That was my determination.

8 Q Okay. So we have no way of knowing if
9 that was alcoholic or non-alcoholic beer,
10 correct? Or is there a way that you can
11 determine from a picture, from an observation
12 whether a beer actually has alcohol in it?

13 A I mean, we have tools that we use, but
14 because I just witnessed them, multiple people
15 come out with alcoholic beverages, they were
16 deemed as having and consuming alcoholic
17 beverages from your establishment.

18 Q Okay. So moving on to the person with
19 -- the second person we talked about who had the
20 can of Miller Lite, these photographs do not
21 show what condition the containers were in when
22 they crossed Dirty Water's licensed entrance,
23 only what condition they were in when they left
24 the first-floor doorway, correct?

25 A Repeat your question.

1 Q With regard to the person who had the
2 can of Miller Lite, the photographs you took do
3 not show the condition the containers were in
4 when they crossed Dirty Water's licensed
5 entrance, but rather only the entrance at the
6 bottom of the stairwell.

7 A Again, your establishment was the only
8 establishment operating in business, so
9 therefore they assumably came from your
10 establishment because your establishment was the
11 only one operating during that time.

12 Q Okay. Yeah. I mean, I'm not disputing
13 that these two individuals and that you took
14 pictures of on the street, that the alcohol came
15 from our establishment.

16 A So what we talking about?

17 Q We're talking about -- well, with the
18 person with the open cup, we're talking about if
19 there was alcohol in the cup, and with the
20 person who had the Miller Lite can, we're
21 talking about if when he left, if that was an
22 open can or not.

23 A So let me ask you a question.

24 CHAIRPERSON ANDERSON: Mr. Davis, you
25 can't ask questions, sir.

1 THE WITNESS: I mean, I just -- just --

2 CHAIRPERSON ANDERSON: But no -

3 THE WITNESS: Oh -- oh.

4 CHAIRPERSON ANDERSON: It's, it -- I --
5 I'm sorry. You can't ask him any questions. So
6 if you don't understand or if you can't answer
7 the question, say you can't. But you can't ask
8 him a question. He's the only one who can ask
9 questions, sir.

10 THE WITNESS: Oh, okay. I mean, I just
11 wanted to say, I never saw an advertisement for
12 non-alcoholic beverages or drinks in his
13 establishment, so it's only known that his
14 establishment serves alcoholic beverages because
15 it's a bar, correct, Mr. Casey.

16 MR. CASEY: I mean, we serve non-
17 alcoholic beer.

18 THE WITNESS: I've never --

19 CHAIRPERSON ANDERSON: All right. Hold
20 on -- hold on. Mr. Davis, you can't ask him any
21 questions. So when you ask -- all right. He
22 asks you a question, and you answer the question
23 to the best of your ability. you cannot answer
24 the question with a question asking him. So
25 just answer the question to the best of your

1 ability, and let's move on, okay?

2 THE WITNESS: Okay.

3 MR. CASEY: Okay. So just to wrap up
4 that line, you cannot say from your observation
5 when any of those containers were opened and
6 whether those containers were opened before or
7 after the individuals left the licensed third-
8 floor entrance of Dirty Water, correct?

9 THE WITNESS: Repeat your question.

10 BY MR. CASEY:

11 Q So you cannot say from your own
12 observation whether any of those containers were
13 opened before or after the individuals left the
14 licensed third-floor premises of Dirty Water,
15 correct?

16 A Incorrect. I can say that they were
17 open because your establishment was the only one
18 operating and serving alcohol during the time.

19 Q So you're aware that Dirty Water has a
20 carryout endorsement, correct?

21 A I am aware, and I'm also aware that
22 none of the patrons had any type of food with
23 their alcoholic beverages.

24 Q Okay. Can you describe the food sales
25 requirement to sell carryout?

1 A It has to be. The food sales have to
2 be packaged food, and the containers have to be
3 covered. The cups have to be covered, and
4 neither patron who was outside had a covered cup
5 nor food for at that matter.

6 Q So a bag of chips would satisfy the
7 food sales requirement, correct?

8 A Nobody outside had a bag of chips.

9 Q Is it possible that they had consumed
10 the bag of chips already or -

11 A Nobody outside had a bag of chips.
12 Nobody outside had any type of food.

13 Q Okay. So the mere fact that a patron
14 possessed an alcoholic beverage outside would
15 not by itself establish that the patron left
16 Dirty Water with an open container because they
17 could have been sold it as a carryout beverage,
18 correct?

19 A It wasn't because nobody had food.
20 Nobody who left your establishment, the only
21 establishment operating in that building at that
22 time serving alcoholic beverages, had any food
23 or closed containers upon exiting your
24 establishment.

25 Q So when was the first time that you

1 observed the individual who had the yellow
2 Miller Lite can?

3 A When he walked out of the stairwell
4 from your establishment.

5 Q Did you speak to him and ask him if he
6 had a bag of chips or any food on him in his
7 pocket by chance or if he had happened to
8 consume food at any time in the previous few
9 hours that he was there that would satisfy that
10 requirement?

11 A When I watched him walk out of your
12 establishment, he didn't have any type of food
13 to satisfy that your -- what you're arguing
14 here.

15 Q Okay. Did you perform a pat-down
16 search on this person to make sure that there
17 were no bags of chips in any of his pockets?

18 A Let me ask you a question. Did -- is
19 Dave --

20 CHAIRPERSON ANDERSON: Mr. Davis, you
21 cannot ask him any questions.

22 THE WITNESS: I'm sorry -- I'm sorry.

23 CHAIRPERSON ANDERSON: I can't remember
24 all right. Mr. Casey, why would he do a pat
25 down? He's not in -- anyway.

1 MR. CASEY: Okay. Moving on. Where am
2 I at? Sorry, I lost my place.

3 CHAIRPERSON ANDERSON: You can take a
4 minute, sir, to get back to where you are.

5 MR. CASEY: All right. So turning to
6 the cans in the stairwell, you did not
7 personally observe anyone carrying, placing, or
8 discarding any of those particular cans there,
9 correct?

10 THE WITNESS: Your establishment is the
11 only one operating in that building who was
12 serving alcoholic beverages.

13 BY MR. CASEY:

14 Q So is it possible that those cans were
15 left by someone on their way into the
16 establishment rather than on their way out of
17 the establishment?

18 A So wouldn't that go against your
19 settlement agreement if you're not supposed to
20 allow people to come inside the establishment
21 with alcoholic beverages or leave?

22 MR. CASEY: Can I respond to that, Mr.
23 Chair, or no?

24 CHAIRPERSON ANDERSON: No, sir. Why
25 don't you ask him a question in the way he

1 responded? I mean, I know he's asked -- Mr.
2 Davis, I keep on telling you. Don't ask him any
3 questions if you're going to ask him --

4 THE WITNESS: I'm trying -- I'm trying.

5 CHAIRPERSON ANDERSON: No, I know you
6 are trying. You are. I know you are. So but
7 Mr. Casey, you can ask him a question -- don't
8 respond to him. Just figure out how to ask him
9 a question as your response, sir.

10 MR. CASEY: Okay. Because our licensed
11 premises are on the third floor, would it be
12 true that a can that is on the first or second
13 floor had not entered our licensed premises and
14 would not have even been observed by security,
15 which is positioned at the entrance on the third
16 floor?

17 THE WITNESS: So, just to go back, your
18 certificate of occupancy states first and third
19 floor, the one that's on our ABCA records, one.

20 Two, there was no security positioned at the
21 door upon my arrival. So that could mean
22 anything like you were allowing underage
23 patrons, and I'm not saying you did, I'm just
24 saying that could have occurred as well, but
25 there was no security at your front door upon

1 arrival.

2 BY MR. CASEY:

3 Q You mean the front door on the street,
4 not the front door --

5 A The front door. The front door on the
6 street or when you get to the third floor at
7 your establishment.

8 Q Okay. I don't have any way to dispute
9 that, but I don't think that's relevant. I will
10 also -- with regard to the certificate of
11 occupancy, I'll also make the administrative
12 notice that in 2024 the --

13 CHAIRPERSON ANDERSON: Why don't you do
14 that as part of your case in chief, Mr. Casey?

15 MR. CASEY: Okay.

16 CHAIRPERSON ANDERSON: Yes. So put a
17 notation in your presentation, in your case in
18 chief, because you're trying to testify and you
19 can't testify at this juncture.

20 MR. CASEY: Yeah, I'm sorry. I got
21 what you're saying.

22 CHAIRPERSON ANDERSON: But just put
23 yourself a notation as part of your testimony,
24 then you need to bring that up, sir.

25 MR. CASEY: Okay, so you stated that

1 our certificate of occupancy said first through
2 third floor at the time of your visit. If that
3 --

4 THE WITNESS: No, I said that the one
5 on our record -- in our record, state that it's
6 first and third floor in our ABCA record. See,
7 the one you have posted in the establishment
8 just said third floor. The one on our record
9 say first and third floor -- first through third
10 floor.

11 Q Oh, okay. I'll talk to licensing then
12 about that if that's indeed the case, but we're
13 way outside the scope of where we should be
14 here. So let me rein it back down a little bit.

15 We were talking about the cans in the
16 stairwell. So again, you do not know whether
17 those cans were carried into the stairwell from
18 the street or carried down from upstairs,
19 correct?

20 A Your establishment was the only one
21 operating during the time of the visit, so only
22 alcoholic beverages could have only come from
23 your establishment. If any other -- if any cans
24 came in your establishment from outside on the
25 street, then that would violate your settlement

1 agreement because you allowed cans to come in or
2 go out from your establishment.

3 Q Okay. Skip all this over. So I guess
4 just one last question to wrap this all up is
5 that you cannot say from your observation, from
6 your personal observation, whether any
7 particular container was open at the moment a
8 patron crossed the licensed third floor
9 premises. You can only say whether it was open
10 at the time they left on the street, which was
11 on the first level.

12 A Your establishment was the only one
13 operating and alcoholic beverages. I watched
14 the patron come down the steps from your
15 establishment, because your establishment was
16 the only one operating from the third floor,
17 come down the steps outside with an alcoholic
18 beverage in hand, which violates your settlement
19 agreement.

20 Q Okay. And you cannot testify to the
21 condition of that container, only that you
22 believe it came from Dirty Water?

23 A I mean --

24 Q The condition of the container at the
25 time that it left the licensed third floor

1 premises.

2 A Where else did -- never mind. Your
3 establishment was the only one operating and
4 giving out -- not giving out, but providing a
5 service of giving -- of selling alcoholic
6 beverages to patrons, and your establishment was
7 the only one open in that building during that
8 time.

9 Q Okay. So while we can establish that
10 it is likely that the can of Miller Lite that
11 was being held by the person in the green shirt,
12 as well as the cup of whatever was in that cup,
13 likely came from Dirty Water, we cannot
14 establish with relation to the can at least
15 whether that can was opened or closed at the
16 time that he passed through security to leave on
17 the third floor.

18 A There was no security posted.

19 MR. CASEY: No further questions.

20 CHAIRPERSON ANDERSON: Any questions by
21 any board members? Go ahead, Mr. Meadows.

22 MEMBER MEADOWS: Good afternoon, Mr.
23 Casey. Do you have security footage of showing
24 there was a security at your doorway on the
25 third floor level?

1 MR. CASEY: I do not, but if you look
2 at the case report, which is part of the record,
3 Investigator Davis notes in his case report that
4 there was security there, and at the time that
5 he arrived at the premises, he spoke to security
6 before he spoke to me.

7 MEMBER MEADOWS: Okay, but you don't
8 have any --

9 THE WITNESS: He wasn't -- he wasn't
10 posted at the door, is what I've seen.

11 CHAIRPERSON ANDERSON: Mr. Davis -- Mr.
12 Davis.

13 MEMBER MEADOWS: Thank you, Mr. Davis.
14 Mr. Casey, do you have a copy of a receipt?

15 CHAIRPERSON ANDERSON: Hold on, hold on.
16 I'm sorry. Hold on -- hold on. I apologize,
17 Mr. Davis. You're on the cross-exam. Mr.
18 Casey, if you have an objection, you need to
19 raise an objection. So you can't do that. So
20 you have me reacting to -- to Mr. Casey, and so
21 I apologize, I apologize, Mr. Davis, okay?
22 You're being -- the question that has been asked
23 by Mr. Meadows. And so Mr. -- and the only
24 thing you can do, Mr. Casey, if the board member
25 asks a question, you can object to the question

1 being asked by the board member. You cannot
2 object to the answer by Mr. Davis. And I do
3 apologize, Mr. Davis, okay? All right.

4 MR. CASEY: I'm sorry. I thought Mr.
5 Meadows was addressing me. Does he --

6 CHAIRPERSON ANDERSON: No.

7 MEMBER MEADOWS: He did.

8 MR. CASEY: Yeah, he did.

9 MEMBER MEADOWS: Yes, I was.

10 CHAIRPERSON ANDERSON: Well, all right.
11 All right, okay. Mr.--

12 MEMBER MEADOWS: I was addressing Mr.
13 Casey to see if he had evidence to show --

14 CHAIRPERSON ANDERSON: All right. Hold
15 on -- hold on. Hold on -- hold on.

16 MEMBER MEADOWS: -- at midnight --

17 CHAIRPERSON ANDERSON: Hold on one --
18 you're both are confusing me.

19 MEMBER MEADOWS: I apologize.

20 CHAIRPERSON ANDERSON: Okay. So let
21 me, you know, because this hearing room is so
22 cold, I think my brain is getting frozen, okay?

23 So I apologize. Mr. Meadows?

24 MEMBER MEADOWS: Yes, sir.

25 CHAIRPERSON ANDERSON: You can only ask

1 questions of Mr. Davis. At some point, if Mr.
2 Casey decides to testify, then you can ask him
3 questions, but at this juncture, the only person
4 we can ask questions to is Mr. Davis, okay?

5 MEMBER MEADOWS: Okay. I'll ask my
6 questions to Mr. Davis. Mr. Davis, did the
7 establishment provide you with any video footage
8 showing that there was a security posted at the
9 doorway at the third floor or at the bottom of
10 the stairs? Any security footage just showing
11 that there was security personnel at the
12 entrance to Dirty Water?

13 THE WITNESS: No.

14 MEMBER MEADOWS: Thank you. Did the
15 establishment provide you with any receipts or -
16 - of a person that ordered food and beverage to
17 go?

18 THE WITNESS: No.

19 MEMBER MEADOWS: Okay. Thank you very
20 much.

21 THE WITNESS: You're welcome.

22 CHAIRPERSON ANDERSON: All right. Any
23 other questions by any of the board members?
24 Mr. Casey, do you have any questions of Mr.
25 Davis based on the questions that were asked by

1 the board?

2 MR. CASEY: So the question that Mr.
3 Meadows asked me, will that be part of the
4 record, or do I -- or is that going to be
5 stricken from the record?

6 CHAIRPERSON ANDERSON: Mr. Meadows
7 wasn't supposed to ask you that question.
8 However, in your presentation in chief when you
9 present your case, because you're representing
10 yourself and you're also going to be a witness,
11 you know what it is, so you can put that, you
12 can respond to that as part of your case in
13 chief, sir. Okay?

14 MR. CASEY: Right.

15 CHAIRPERSON ANDERSON: You can do that.

16 MR. CASEY: Well, I didn't plan on case
17 in chief. I plan to just move directly to
18 closing. So if I --

19 CHAIRPERSON ANDERSON: Oh, well --

20 MR. CASEY: -- need to ask one more
21 question of Investigator Davis. If that's not
22 going to be part of the record, I'll need to ask
23 that question now. If it's not going to be part
24 of the record, then --

25 CHAIRPERSON ANDERSON: That's not going

1 to be. So that's it. So this is an opportunity
2 for you. Before I go back to Ms. Mietus, if you
3 have a question for Mr. Davis, ask the question
4 now, sir.

5 MR. CASEY: Okay. Investigator Davis,
6 in response to Investigator Meadows' question,
7 is it true that in your case report you wrote
8 that upon arriving to the establishment, you
9 first spoke with security?

10 THE WITNESS: Repeat your question.

11 MR. CASEY: Is it true that in your
12 case report you wrote that upon arriving to
13 Dirty Water on this night, you first spoke with
14 security?

15 THE WITNESS: I spoke with a guy who
16 wasn't posted at the security spot, but later on
17 he stated that he was the security and then went
18 to find you.

19 MR. CASEY: All right. Can you
20 describe -- no further questions.

21 CHAIRPERSON ANDERSON: Ms. Mietus, any
22 redirect?

23 REDIRECT EXAMINATION

24 MS. MIETUS: Yes, just briefly.
25 Investigator Davis, when you entered 816 H

1 Street Northeast, did you see any patrons
2 entering or exiting the door on the first floor?

3 THE WITNESS: You talking about the one
4 to the left?

5 BY MS. MIETUS:

6 Q Yes.

7 A Or you talking about the main door?

8 Q Did you see anybody exiting or entering
9 the door on the left in the stairwell?

10 A No, there was nobody entering or
11 exiting the door on the -- it's two doors.
12 Neither door was entered or exited by patrons.

13 Q Investigator Davis, do you know if
14 Dirty Water has a kitchen?

15 A No, I don't -- I don't believe they
16 have a kitchen.

17 Q Do you know if Dirty Water prepares any
18 food items, like cooks anything?

19 A I don't believe they do.

20 MS. MIETUS: I rest my case.

21 CHAIRPERSON ANDERSON: Mr. Davis, thank
22 you for your testimony today. You have a great
23 day, sir.

24 THE WITNESS: All right, you too.
25 Thank you so much.

1 CHAIRPERSON ANDERSON: All right. You
2 said, Ms. Mietus, that the government rests?

3 MS. MIETUS: Yes, no further witnesses.

4 CHAIRPERSON ANDERSON: All right.
5 Thank you. All right, Mr. Casey, what is it
6 that you plan to do? How do you present your
7 case?

8 MR. CASEY: I'll waive my opportunity
9 to present our case in chief. We'll just move
10 straight to closing.

11 CHAIRPERSON ANDERSON: All right.
12 Government, closing please.

13 MS. MIETUS: Yes, and I'd like to
14 reserve time for rebuttal, Chairperson Anderson.

15 CHAIRPERSON ANDERSON: Yes, Ms. Mietus,
16 you can do that, but I keep on reminding you I'm
17 in a cold room and I'm very cold, so all right.
18 Go ahead, please.

19 MS. MIETUS: The District has proven by
20 substantial evidence that Dirty Water broke the
21 law and breached its settlement agreement by
22 allowing patrons to exit with open containers.
23 You heard that Investigator Davis went to 816 H
24 Street around midnight, and he saw patrons
25 exiting with what has been identified as a

1 Miller Lite can and a cup of what he believed to
2 be alcoholic beer. And you heard that he saw
3 cans on the stairs of a Surfside alcoholic
4 beverage and a Bud Light Seltzer alcoholic
5 beverage. You heard that Dirty Water is the
6 only establishment open and serving alcohol at
7 that hour inside that building and that
8 Investigator Davis did not see any other
9 establishments open in the proximity.

10 Now, Investigator Davis mentioned that
11 Dirty Water has a carry-out endorsement. Carry-
12 out endorsements permit the sale of prepared
13 food with an alcoholic beverage in a closed
14 container. Under D.C. Code 25-101(38B),
15 prepared food means food that is prepared or
16 cooked on the premises that does not require
17 further preparation for dine-in, carry-out, or
18 delivery. Investigator Davis told us that
19 there's no kitchen at Dirty Water. He told us
20 that he did not see any kind of food wrappers,
21 any kind of evidence that food had been
22 purchased or consumed on the patrons that were
23 outside with the open alcoholic beverages.

24 Further, members of the board, Mr.
25 Casey would like this board to believe that they

1 didn't violate D.C. Code or their settlement
2 agreement because patrons just brought open cans
3 in and left them in the stairwell. If that's
4 true, we still have the patrons outside
5 consuming alcoholic beverages that Investigator
6 Davis saw come straight from Dirty Water. Those
7 containers were open when they exited, and they
8 were not accompanied by a prepared food item.

9 And even if Dirty Water didn't
10 knowingly allow these patrons to exit, they're
11 bound by the terms of their settlement
12 agreement, which says that they have to ensure
13 that a patron at no time exits with an open
14 container. According to Investigator Davis,
15 there was no security personnel or staff right
16 out the door when he came in, which means that
17 Dirty Water didn't have that measure in place to
18 prevent patrons from exiting with open
19 containers.

20 Finally, members of the board, the
21 stairwell is not part of Mr. Casey's
22 establishment. So any alcoholic beverages that
23 are located in that stairwell most likely came
24 from inside his establishment in violation of
25 the open container laws. Members of the board,

1 this is a simple charge and a simple case.

2 The District has proven by substantial
3 evidence that patrons left Dirty Water with open
4 containers. Any reasonable person would come to
5 that conclusion upon consideration of this
6 evidence. And there is no way that the carry
7 out endorsement applies to this situation.
8 Therefore, the board may find that Dirty Water
9 violated either D.C. Code or their summit
10 agreement, but the penalty should be the same
11 here, a fine of \$500. Thank you.

12 CHAIRPERSON ANDERSON: Go ahead, Mr.
13 Casey.

14 MR. CASEY: Thank you. At this point,
15 the issue is very narrow. I'm not asking the
16 board to find that these individuals were never
17 inside of Dirty Water. I'm not asking the board
18 to find that the beverages observed outside
19 should never have come from Dirty Water. And I
20 don't need the board to determine exactly how
21 every can ended up where it was found. The
22 question is whether the District proved by
23 substantial evidence that a patron exited Dirty
24 Water's third floor licensed premises with an
25 open alcoholic beverage. The evidence does not

1 establish that.

2 Investigator Davis observed patrons
3 outside the building with beverages far enough
4 away from the relevant exit that was upstairs,
5 around the corner, and up an additional flight
6 of stairs that we were not even the closest
7 licensed establishment to them at the time of
8 the investigation. He did not observe the
9 patrons crossing that exit, and therefore he did
10 not observe the condition of the containers at
11 the time they left the licensed premises.

12 As Investigator Davis testified before,
13 they likely did come from Dirty Water with
14 regard to the two that were on the street -- the
15 individual in the Red Sox jersey with the Miller
16 Lite can and the cup of whatever was in the cup.

17 Further, we have a carry out
18 endorsement. A patron's possession of an open
19 alcoholic beverage on the sidewalk does not
20 establish that the beverage was open when that
21 patron left. A closed container may lawfully
22 leave the premises. What happens to that
23 container afterward does not establish what its
24 condition was when it crossed the licensed
25 boundary. The stairwell photographs do not help

1 fill that evidentiary gap either. They
2 established that Miller Lite, Raspberry
3 Surfside, and Bud Light Seltzer cans were found
4 in a shared stairwell before entering the
5 establishment. They do not establish who
6 possessed those cans, how they came to be there,
7 or whether any particular can was ever inside of
8 Dirty Water, much less carried out in an open
9 condition.

10 Further, it would be completely
11 illogical for somebody to try to sneak out a can
12 and then leave it in the stairwell when they
13 could just throw it away at the trash can at the
14 licensed exit. This was obviously cans that
15 were brought by somebody who they discarded
16 before entering the licensed establishment, so
17 they wouldn't have to pay for alcohol once they
18 were inside or could continue pregameing on their
19 Uber or however they got to the bar. This board
20 addressed a closely related evidentiary problem
21 a few months ago in our June 10th hearing, and
22 at that time, the board --

23 MS. MIETUS: Objection.

24 CHAIRPERSON ANDERSON: What are your --

25 MS. MIETUS: I don't see the relevance

1 of bringing up an evidentiary finding from a
2 prior hearing in which there is no findings of
3 fact and conclusions of law published by the
4 board.

5 MR. CASEY: Well, I'm going to talk
6 about the motion in limine that you made. So
7 that would have been decided as a preliminary
8 matter, so that would be irrelevant anyway.

9 CHAIRPERSON ANDERSON: What are we
10 talking about? There is no motion in this case.

11 MR. CASEY: We're talking about the
12 June 10th case.

13 CHAIRPERSON ANDERSON: Mr. Casey.

14 MR. CASEY: Do you want me to skip
15 this? Is that what you're telling me?

16 CHAIRPERSON ANDERSON: I don't even
17 know what the June 10th case was, okay? I don't
18 even know if Ms. Mietus said if the -- if the
19 board hasn't issued, if there's no written
20 findings of fact, I have no idea what you're
21 talking about. So let's move. Let's just talk
22 about this case, okay?

23 MR. CASEY: Okay. I want you to move
24 on.

25 CHAIRPERSON ANDERSON: Let's just talk

1 about this case.

2 MR. CASEY: We don't need to talk about
3 that.

4 CHAIRPERSON ANDERSON: Thank you. All
5 right.

6 MR. CASEY: All right. So just in
7 closing after the full hearing, the essential
8 fact is the District bears the burden of proving
9 remains unknown. The District has shown what
10 was observed outside and what was later found in
11 the stairwell. It does not show the condition
12 of any patron's container when that patron
13 crossed the licensed exit. So for those
14 reasons, the board should find that the District
15 has failed to establish either charge by
16 substantial evidence and dismiss both charges.
17 Thank you.

18 CHAIRPERSON ANDERSON: Yep. All right.
19 The record is closed, and I guess I have to
20 ask. Do the parties wish to file proposed
21 findings of fact and conclusion of law or waive
22 their right to do so?

23 MR. CASEY: Can I reserve that right?
24 I don't want to commit to doing it, but I'd like
25 to reserve it if I don't have to. Thank you.

1 CHAIRPERSON ANDERSON: I guess the only
2 reason I'm going to ask that, sir, you didn't
3 present any evidence. Of course, it's your
4 right to, to do that, but I'm not quite sure,
5 unless in your filings you're going to say this
6 is what the government put in this case. But
7 it's your right. Anyway, since you're saying
8 that you, you're reserving your right to do
9 that, the transcript for this case will be
10 available in approximately three weeks.

11 Proposed findings of fact and
12 conclusion of law are then due to the board 30
13 days after the transcript is made available to
14 you. Okay? Let me -

15 MS. MIETUS: Chairperson Anderson, may
16 I clarify?

17 CHAIRPERSON ANDERSON: Go ahead, ma'am.

18 MS. MIETUS: I believe Mr. Casey stated
19 that he was reserving his right, but he did not
20 request findings of fact and conclusions of law.

21 CHAIRPERSON ANDERSON: I know. Well,
22 he said he's reserving his right to do that.
23 That's what he said, right?

24 MS. MIETUS: So in -

25 MR. CASEY: Yeah. Like, I --

1 MS. MIETUS: Past experience, the board
2 has informed us on the day of the hearing
3 whether we would proceed with findings of fact
4 and conclusions of law filings.

5 CHAIRPERSON ANDERSON: Okay. You're
6 correct. So this is what you need to say, sir.

7 Are you going to do it? At this juncture, you
8 can say yes. You can change your mind, but you
9 can't say, I'm thinking about it. So, the
10 government is correct. So you have to let me
11 know at this juncture which way you want to go.

12 You can say yes, and then if you change your
13 mind, I'll ask that you do that as quickly as
14 possible, or you can move forward, but you just
15 can't reserve your right at this juncture to do
16 that.

17 MR. CASEY: All right. I'll file then.

18 CHAIRPERSON ANDERSON: You'll file?

19 MR. CASEY: Yeah.

20 CHAIRPERSON ANDERSON: Okay, fine. All
21 right, he said that he's going to file, and so
22 therefore, as stated before, the transcript
23 should be available in approximately three
24 weeks. And the proposed findings of fact and
25 conclusion of law are then due to this agency 30

1 days upon receipt of the transcript. But we'll
2 provide you with the timeline, and then the
3 board will then issue its decision within 90
4 days after us receiving the proposed findings of
5 fact and conclusion of law. Okay?

6 All right, so let me close this case.
7 As chairperson of the Alcoholic Beverage and
8 Cannabis Board -- I'm sorry, Miss. I'm sorry.
9 Hold on. Okay. Yeah, I had moved on. Okay.
10 Today is a terrible day for me. I apologize.
11 Ms. Mietus, I know that I'd asked a question
12 before, and you had said that you wanted to
13 reserve to do rebuttal. Did I give you that
14 opportunity to do that, or did you move on?

15 MS. MIETUS: You did not, but I've
16 moved on. There was nothing new that I had to
17 address other than maybe to point out that facts
18 not in evidence cannot be the basis for a
19 closing. So any statements that Mr. Casey made
20 in the closing that are factual that did not
21 come from the case report or Mr. Bernell Davis'
22 testimony should not be considered by the board.

23 CHAIRPERSON ANDERSON: All right. Just
24 want to make sure I did that. Okay, fine. So
25 the record is closed. The licensee says that he

1 would like to do proposed findings of fact and
2 conclusion of law, and as I stated before, the
3 transcript will be available in approximately
4 three weeks, and the proposed findings of fact
5 and conclusion of law are due to 30 days after
6 that. Mr. Casey, if you change your mind,
7 please let us know as soon as possible so at
8 least the government will not have to prepare to
9 do that if you're not doing that. Okay, sir?

10 MR. CASEY: Sounds good. Will do.

11 CHAIRPERSON ANDERSON: All right.

12 Okay. All right. As Chairperson of the
13 Alcoholic Beverage and Cannabis Board, in
14 accordance with D.C. Official Code §2-575 of
15 the Open Meetings Act, I move that the board
16 hold a closed meeting for the purpose of seeking
17 legal advice from our counsel on Case Number 25-
18 CMP-00105 Dirty Water pursuant to D.C. Official
19 Code §2-575(B)(4)(a) of the Open Meetings Act
20 and deliberating upon Case Number 25-CMP-00105
21 Dirty Water for the reasons cited in D.C.
22 Official Code §2-575(B13). Is there a second?

23 MS. QUINN: Ms. Quinn, I second.

24 CHAIRPERSON ANDERSON: Ms. Quinn has
25 seconded the motion. We'll have a roll call

1 vote. Ms. Quinn?

2 MS. QUINN: Ms. Quinn, I agree.

3 CHAIRPERSON ANDERSON: Mr. Meadows?

4 MEMBER MEADOWS: Mr. Meadows, I agree.

5 CHAIRPERSON ANDERSON: Mr. Jones?

6 MR. JONES: Mr. Jones, I agree.

7 CHAIRPERSON ANDERSON: Mr. Turner?

8 MR. TURNER: Turner, agree.

9 CHAIRPERSON ANDERSON: And Mr.

10 Anderson, I agree. The matter passes 5-0. As
11 the motion has passed, I give notice that the
12 board will recess to hold a closed meeting
13 pursuant to Section 2-575 of the Open Meetings
14 Act.

15 Thank you very much for your
16 presentation today. Have a great day. And
17 again, Mr. Casey, if you change your mind,
18 please alert us as soon as possible. Okay, sir?

19 MR. CASEY: Will do. Thank you.

20 CHAIRPERSON ANDERSON: All right.

21 Thank you. Have a great day.

22 MS. MIETUS: Thank you.

23 CHAIRPERSON ANDERSON: Ms. Mietus, all
24 right, thank you. All right. Let me close the
25 record for the day.

1 As Chairperson of the Alcoholic
2 Beverage Control Board for the District of
3 Columbia and in accordance with the Open
4 Meetings Act, D.C. Official Code §2-571 et seq,
5 I move that ABC Board hold a closed meeting on
6 October 7th, 2026 for the purpose of: A)
7 Reviewing ongoing or planned investigations of
8 alleged criminal or civil misconduct or
9 violations and obtaining legal advice from legal
10 counsel on the matters appearing on the board's
11 investigative agenda; B) Obtaining legal advice
12 and counsel and to review trade secrets,
13 commercial and financial information related to
14 matters appearing on the board's licensing
15 agenda; C) Obtaining legal advice and counsel
16 and to deliberate on administrative judicial
17 matters appearing on the board's legal agendas;
18 D) Discussing the logistics, regulation, and
19 scheduling of the day's meetings; and E)
20 reviewing personnel matters and the
21 administration of the District's alcohol and
22 medical cannabis laws and regulation.

23 In accordance with D.C. Official Code
24 §2-575(B4)(11)(13)(14) and 25-204.01(B) and (C)
25 for October 7th, 2026, as published in the DC

1 Register on October 2nd, 2026. Is there a
2 second?

3 MEMBER MEADOWS: Mr. Meadows, I second.

4 CHAIRPERSON ANDERSON: Mr. Meadows has
5 seconded the motion. We'll have a roll call
6 vote. Ms. Quinn?

7 MS. QUINN: Ms. Quinn, I agree.

8 CHAIRPERSON ANDERSON: Mr. Meadows?

9 MEMBER MEADOWS: Mr. Meadows, I agree.

10 CHAIRPERSON ANDERSON: Mr. Jones?

11 MR. JONES: Mr. Jones, I agree.

12 CHAIRPERSON ANDERSON: Mr. Turner?

13 MR. TURNER: Turner, I agree.

14 CHAIRPERSON ANDERSON: And Mr.

15 Anderson, I agree. The matter passes 5-0. As
16 the motion has passed, I give notice that the
17 ABC Board will hold this aforementioned closed
18 meeting. Notice will also be posted outside
19 ABCA's offices and the calendar on ABCA's
20 website and published in the DC Register as soon
21 as practicum.

22 We're now adjourned for the day. We'd
23 like to thank all members of the public who
24 participated in our hearings today and also our
25 board members. We're now adjourned for the day,

1 and I'll ask all board members to return to
2 executive session for further development.
3 Thank you and good afternoon.

4 (Whereupon, the above-entitled matter
5 went off the record at 3:05 p.m.)
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21 C E R T I F I C A T E

22 This is to certify that the foregoing transcript
23 was duly recorded and accurately transcribed
24 under my direction; further, that said
25 transcript is a true and accurate record of the

1 proceedings; and that I am neither counsel for,
2 related to, nor employed by any of the parties
3 to this action in which this matter was taken;
4 and further that I am not a relative nor an
5 employee of any of the parties nor counsel
6 employed by the parties, and I am not
7 financially or otherwise interested in the
8 outcome of the action.

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