

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE AND CANNABIS BOARD
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 MEETING

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IN THE MATTER OF:           :
                              :
Aware Bar and                :
Restaurant, Inc.             :
t/a Abuare Bar and           :
Restaurant                   :
1524 U Street NW           : Show Cause
Retailer CR - ANC 2B        : Hearing
License No. 123105          :
Case #24-CIT-00244         :
                              :
(Failed to File             :
Quarterly Statement)        :
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Wednesday
 January 15, 2025

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

PRESENT:

DONOVAN W. ANDERSON, Chairperson
 SILAS GRANT, JR., Member
 RYAN JONES, Member
 DAVID MEADOWS, Member
 TERI JANINE QUINN, Member

ALSO PRESENT:

JOSE ORELLANA, DC ABCA Staff
 NIBERET AMIDON, Licensee
 CHRISTOPHER SOUTHOTT, DC OAG
 INVESTIGATOR KEVIN HALL, DC ABCA

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

2 1:50 p.m.

3 CHAIRPERSON ANDERSON: And so the next
4 case in our calendar is Case Number 24-CIT-00244.
5 It's Abuare, A-B-U-A-R-E, Bar and Restaurant,
6 License Number 123105.

7 Good afternoon, Mr. Orellana, can you
8 please elevate the rights of the parties in this
9 case?

10 MR. ORELLANA: Good afternoon.
11 Niberet Amidon, your access has been elevated.
12 And Christopher Southcott, your access has been
13 elevated.

14 That is all, Chair.

15 CHAIRPERSON ANDERSON: Thank you.

16 MR. ORELLANA: Apologies, we have an
17 investigator that should be on. I'm going to
18 check on it. Investigator Hall, Kevin Hall, you
19 have been elevated.

20 CHAIRPERSON ANDERSON: Okay, good
21 afternoon, everyone. As I stated before, this
22 matter is on for a show cause hearing status --
23 I'm sorry, this approach show cause hearing for
24 Abuare Bar and Restaurant. Let me have the
25 parties identify themselves for the record. Mr.

1 Southcott, can you please spell and state your
2 name for the record?

3 MR. SOUTHCOTT: Good afternoon, Mr.
4 Chairman and members of the Board. My name is
5 Chris Southcott, first name C-H-R-I-S, last name
6 S-O-U-T-H-C-O-T-T from D.C. Office of the
7 Attorney General, representing the District.

8 CHAIRPERSON ANDERSON: Good afternoon.
9 Ma'am, I did not get your last name so can you
10 please unmute yourself and spell and state your
11 name for the record, ma'am?

12 (No audible response.)

13 CHAIRPERSON ANDERSON: You have to
14 unmute your -- ma'am, you're still on mute.

15 MS. AMIDON: Now you hear me?

16 CHAIRPERSON ANDERSON: Yes, I can hear
17 you, ma'am.

18 MS. AMIDON: Good afternoon. My name
19 is Niberet Amidon, N-I-B-E-R-E-T, and my last
20 name A-M-I-D-O-N.

21 CHAIRPERSON ANDERSON: Amidon. And
22 what's your relationship to the establishment,
23 ma'am?

24 MS. AMIDON: I'm the manager --

25 CHAIRPERSON ANDERSON: You're the

1 owner of this establishment?

2 MS. AMIDON: -- owner.

3 CHAIRPERSON ANDERSON: You're the
4 owner?

5 MS. AMIDON: Yes.

6 CHAIRPERSON ANDERSON: Ma'am, can you
7 probably pull your camera back? Because I'm not
8 seeing your full face, I'm only seeing --

9 MS. AMIDON: Okay, I will.

10 CHAIRPERSON ANDERSON: Yes, that's
11 much better, ma'am. All right. Okay, fine.
12 Yes, perfect. Now you're gone.

13 MS. AMIDON: Okay.

14 CHAIRPERSON ANDERSON: I can't see
15 you. I cannot see you.

16 MS. AMIDON: Now you see me?

17 CHAIRPERSON ANDERSON: No, ma'am, I
18 cannot see you. I was able to see you before. I
19 don't know what happened.

20 MS. AMIDON: Can you see me now?

21 CHAIRPERSON ANDERSON: No, ma'am.
22 Nope. Oh, well, I did see you. Okay, yes, now I
23 can.

24 All right. Mr. Southcott, are there
25 any preliminary matters in this case?

1 MR. SOUTHCOTT: Nothing from the
2 Government.

3 CHAIRPERSON ANDERSON: Ma'am, do you
4 have any preliminary matters that you need to
5 bring to the attention of the Board before we
6 start this hearing?

7 MS. AMIDON: No.

8 CHAIRPERSON ANDERSON: All right, so
9 this is a show cause hearing. The Government has
10 the burden, so the process that occurs is that
11 the Government will do an opening statement.
12 They will call witnesses. Once the Government
13 has called its witness, the licensee will have an
14 opportunity to cross-examine the witness. After
15 the Government has, and then once the licensee
16 has cross-examined the witness, the Board will
17 have an opportunity to ask questions of the
18 witness the Board so desires.

19 Once the Government has rested its
20 case, then the licensee will have the opportunity
21 to provide evidence why they believe that the
22 infraction that we're here today did not occur.
23 Does anyone have any questions prior to us
24 starting?

25 MR. SOUTHCOTT: No.

1 MS. AMIDON: No.

2 CHAIRPERSON ANDERSON: All right. And
3 ma'am, I can't see your face anymore, so pull the
4 camera down a little bit.

5 MS. AMIDON: There you go. Sorry.

6 CHAIRPERSON ANDERSON: That's fine.
7 All right, Mr. Southcott, do you wish to do an
8 opening statement?

9 MR. SOUTHCOTT: Very briefly.

10 CHAIRPERSON ANDERSON: Yes. Go ahead,
11 sir.

12 MR. SOUTHCOTT: Good afternoon,
13 members of the Board. The case before of us one
14 related to a simple charge of the establishment's
15 inability to file a quarterly statement for the
16 period of October 1, 2023 to December 31, 2023.
17 You will hear testimony from Investigator Kevin
18 Hall who received notice on February 1, 2024 that
19 the establishment had failed to file its
20 quarterly statement within the 30 days as
21 required by District law.

22 Mr. Hall checked those records,
23 confirmed that the establishment had not in fact
24 filed its quarterly statement for that relevant
25 period, and went to the establishment and issued

1 a citation. Based on the testimony that you will
2 hear, we expect the Board to substantiate the
3 District's single charge. Thank you.

4 CHAIRPERSON ANDERSON: I'm sorry, just
5 I missed -- what was the period in question, sir?

6 MR. SOUTHCOTT: October 1, 2023 to
7 December 31, 2023. The last quarter of 2023.

8 CHAIRPERSON ANDERSON: Thank you.
9 Ma'am, do you wish to make an opening statement
10 now or do you wait for the government to present
11 its case, and then when you decide to present
12 your testimony and evidence, then you can do an
13 opening statement? What do you want to do,
14 ma'am?

15 (No audible response.)

16 CHAIRPERSON ANDERSON: Ma'am, ma'am,
17 ma'am, I can't see you.

18 MS. AMIDON: Yes.

19 CHAIRPERSON ANDERSON: Hold on.

20 MS. AMIDON: Because I can't -- the
21 hearing is so difficult, but I try to hear you.

22 CHAIRPERSON ANDERSON: Why can't -- I
23 mean, you can't hear -- what you're saying you
24 can't hear? What's --

25 (Simultaneous speaking.)

1 CHAIRPERSON ANDERSON: Ma'am, I hear
2 somebody. I can hear someone speaking to you in
3 the background, so I don't know who that is.

4 MS. AMIDON: No, he --

5 CHAIRPERSON ANDERSON: I can't -- yes,
6 go --

7 MS. AMIDON: It's just -- it is my
8 husband, so I'm just waiting for the government.

9 CHAIRPERSON ANDERSON: All right,
10 fine. But at the same time, ma'am, while you're
11 testifying, I need you testify from your own
12 recollection and memory. I cannot have anyone
13 feed you information and I cannot have anyone
14 speaking to you and sharing information with you,
15 ma'am, okay? I just --

16 MS. AMIDON: Okay.

17 CHAIRPERSON ANDERSON: Just letting
18 you know that I do -- all right. Mr. Southcott,
19 do you have a witness you wish to call, sir?

20 MR. SOUTHCOTT: Yes, the District
21 wishes to call Investigator Kevin Hall.

22 CHAIRPERSON ANDERSON: Mr. Hall, can
23 you raise your right hand, please? Do you swear
24 or affirm to tell the truth and nothing but the
25 truth?

1 MR. HALL: I do.

2 CHAIRPERSON ANDERSON: Your witness,
3 sir.

4 MR. SOUTHCOTT: Thank you, Mr. Chair.
5 Mr. Hall, what is your name and what are your
6 duties at ABCA?

7 MR. HALL: Kevin Hall, my duties are
8 to conduct investigations and inspections on all
9 ABC-licensed establishments within the District
10 of Columbia.

11 MR. SOUTHCOTT: And how long have you
12 been an investigator?

13 MR. HALL: Approximately one year.

14 MR. SOUTHCOTT: In your duties as an
15 investigator, do you receive information about
16 establishments who have or have not filed their
17 quarterly statements in a timely fashion?

18 MR. HALL: Yes.

19 MR. SOUTHCOTT: How are those lists
20 generated?

21 MR. HALL: They are generated by our
22 compliance analysts every three months.

23 MR. SOUTHCOTT: And what happens when
24 one of these lists is generated?

25 MR. HALL: So as an investigator, we

1 get the list of establishments and we'll go out
2 to the establishments to issue the citations for
3 failing to file in time.

4 MR. SOUTHCOTT: And what is the time
5 period which the lists are generated?

6 MR. HALL: So for this time period, it
7 was October 1 of 2023 to December 31 of 2023,
8 which is the fourth quarter.

9 MR. SOUTHCOTT: And when was the list
10 actually generated?

11 MR. HALL: It was generated February
12 1 of 2024 to have that 30-day grace period to
13 file in time.

14 MR. SOUTHCOTT: And so after 30 days,
15 if an establishment has not filed their quarterly
16 statement, is that establishment in violation of
17 District law requiring them to file a quarterly
18 statement for the relevant period?

19 MR. HALL: Yes.

20 MR. SOUTHCOTT: Was there any
21 notification that you received that this
22 establishment failed to file its quarterly
23 statement for the last quarter of 2023?

24 MR. HALL: Yes, there was a
25 notification, like I said, from my compliance

1 analysts.

2 MR. SOUTHCOTT: And once you got that
3 notification what did you do?

4 MR. HALL: I went to the
5 establishment.

6 MR. SOUTHCOTT: Did you issue a
7 citation?

8 MR. HALL: Yes. I issued a citation
9 for a \$250 fine.

10 MR. SOUTHCOTT: Did you advise the
11 establishment about future filing dates?

12 MR. HALL: Yes, I did.

13 MR. SOUTHCOTT: I have no further
14 questions.

15 CHAIRPERSON ANDERSON: I'm sorry,
16 ma'am, what's your last name again, ma'am?

17 MS. AMIDON: Say it again?

18 CHAIRPERSON ANDERSON: What is your
19 last name again, please?

20 (No audible response.)

21 CHAIRPERSON ANDERSON: Your last name,
22 ma'am?

23 MS. AMIDON: Last name?

24 CHAIRPERSON ANDERSON: Yes.

25 MS. AMIDON: Amidon. A-M-I-D-O-N.

1 CHAIRPERSON ANDERSON: Ms. Amidon, do
2 you have any questions of Mr. Hall?

3 MS. AMIDON: No.

4 CHAIRPERSON ANDERSON: Okay. All
5 right. Mr. Hall, what type of establishment is
6 this?

7 MR. HALL: It's a restaurant.

8 CHAIRPERSON ANDERSON: So is a
9 restaurant required to file a quarterly
10 statement?

11 MR. HALL: Yes, restaurants and
12 hotels.

13 CHAIRPERSON ANDERSON: All right. But
14 do you know if the quarterly statement was ever
15 filed?

16 MR. HALL: I don't know at this
17 moment, no.

18 CHAIRPERSON ANDERSON: You testified
19 that you delivered the notation to the -- who did
20 you deliver the notation to regarding the fact
21 that the quarterly statement was not filed?

22 MR. HALL: I delivered it to a Ms. --
23 I might pronounce this wrong -- Amidon.

24 CHAIRPERSON ANDERSON: Is that the
25 person who the record identified as the owner of

1 the establishment?

2 MR. HALL: Yes.

3 CHAIRPERSON ANDERSON: And all right,
4 okay, fine. Any questions by any Board members
5 of the witness?

6 (No audible response.)

7 CHAIRPERSON ANDERSON: Ms. Amidon, do
8 you have any questions of the witness based on
9 the questions that I asked of the witness?

10 MS. AMIDON: Oh, my question is I
11 didn't receive any notice, so I thought my
12 accountant has already filed it. I told him, he
13 told me he already filed it, that's why I was
14 just like --

15 CHAIRPERSON ANDERSON: Hold on, ma'am.
16 Ma'am, you have to ask Mr. Hall a question.
17 You're making a statement, so I'm just saying --

18 MS. AMIDON: No.

19 CHAIRPERSON ANDERSON: Do you have a
20 question that you want to ask Mr. Hall?

21 MS. AMIDON: No, I don't have any
22 questions.

23 CHAIRPERSON ANDERSON: Ms. Amidon,
24 I'll say it to you one more time. I just heard
25 someone in the background said -- say no.

1 MS. AMIDON: He --

2 CHAIRPERSON ANDERSON: I have
3 instructed you, ma'am, I cannot have someone who
4 is off-camera providing you with information, you
5 have to testify and ask questions by -- from your
6 own recollection. If you want someone to
7 represent you, whoever the person is --

8 MS. AMIDON: Oh.

9 CHAIRPERSON ANDERSON: Hold -- let me
10 finish, please, ma'am. The person who is sitting
11 next to you, if you say that you want them to
12 represent you, you can say that. You can say, I
13 have John Doe here and I want John Doe to
14 represent me in this matter. You can say that
15 and that person can speak for you. But if that -
16 - if you have not shared that with me, I cannot
17 have someone in the background speaking to you
18 and providing information.

19 MS. AMIDON: I'm sorry.

20 CHAIRPERSON ANDERSON: Do you want to
21 continue representing yourself or do you have
22 someone there who you want to represent you in
23 this matter?

24 MS. AMIDON: No, because I want -- no,
25 that's why -- I know nobody, I'm just I'm here.

1 CHAIRPERSON ANDERSON: All right,
2 that's fine, ma'am. All right, Mr. Southcott, do
3 you have any questions of the witness based on
4 the questions that I asked?

5 MR. SOUTHCOTT: I do not.

6 CHAIRPERSON ANDERSON: All right,
7 fine. Thank you very much for your testimony,
8 Mr. Hall. You're free to go. All right, ma'am,
9 all right. Do you wish to make an opening
10 statement or tell me how you present? Are you --
11 do you have a witness you're going to call, or
12 are you just going to testify? Tell me how do
13 you want --

14 (Simultaneous speaking.)

15 MS. AMIDON: I have witness if you
16 want to, I can call. I have a witness ready.
17 He's not with me, I can talk to him by phone if
18 you wanted.

19 CHAIRPERSON ANDERSON: Well ma'am, I
20 guess the bottom line, let me ask Mr. Southcott.
21 Was a -- did the licensee, did they do -- provide
22 notice of documents or witnesses five days prior
23 to the hearing?

24 MR. SOUTHCOTT: I have not received
25 any witness or exhibit lists or any exhibits from

1 the establishment.

2 CHAIRPERSON ANDERSON: Ma'am, so, if
3 you did not do an exhibit list, how do you plan
4 to call a witness if you didn't tell the
5 Government that you planned to call a witness?

6 MS. AMIDON: I have my accountant
7 who's -- I can connect with him in the phone, I
8 can put him on speaker. My accountant, he told
9 me we filed the report.

10 CHAIRPERSON ANDERSON: But what I'm
11 saying to you, ma'am, I don't have the transcript
12 in front of me, but when we had this show cause
13 hearing status, I did warn, I did alert all
14 parties that seven days before the hearing if
15 they're going to call witnesses and rely on
16 documents, that they have to disclose those
17 witnesses and documents seven days before the
18 hearing. Were you aware of that, ma'am?

19 MS. AMIDON: I thought the meeting was
20 8:30 and would be four hours, that's why we came
21 to start opening the restaurant. I went to his
22 office, like, three, four hours.

23 CHAIRPERSON ANDERSON: No, that's not
24 the question I said, ma'am. I'm saying, did you
25 provide the government with a list of witnesses

1 you plan to call prior to the seven days prior to
2 this hearing?

3 MS. AMIDON: Oh, yes.

4 CHAIRPERSON ANDERSON: You did?

5 MS. AMIDON: No, I did not. But I put
6 file and then I go with my accountant office, and
7 then I tried to print them here.

8 CHAIRPERSON ANDERSON: All right.
9 But, all right. So how do you plan to defend
10 yourself in this mater, ma'am?

11 MS. AMIDON: Huh?

12 CHAIRPERSON ANDERSON: How do you plan
13 to respond to this? How do you plan to defend
14 yourself in this matter?

15 MS. AMIDON: Oh. I already filed it,
16 so if you wanted to give me another appointment?

17 CHAIRPERSON ANDERSON: No ma'am. All
18 right. So you're saying you've -- all right.
19 Can you raise your right hand please, ma'am?

20 MS. AMIDON: My hand?

21 CHAIRPERSON ANDERSON: Yes. I'm going
22 to swear you in.

23 MS. AMIDON: Okay.

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

1 truth?

2 MS. AMIDON: Okay.

3 CHAIRPERSON ANDERSON: You said what?
4 Are you saying yes? What are you saying? You
5 just said okay, so do you swear or affirm to tell
6 the truth and nothing but the truth? I need you
7 to answer, to say yes, I swear, or yes, I affirm.

8 MS. AMIDON: Yes, I swear.

9 CHAIRPERSON ANDERSON: All right
10 ma'am, so how do you plan to defend yourself?
11 What is your position regarding this? The charge
12 is that you were supposed to file this quarterly
13 statement for the period October 1 through
14 December 31, and that it was not filed timely.
15 So how do you plan to respond to that, ma'am?

16 MS. AMIDON: So, I have to call my
17 accountant. I thought he already filed it. I
18 told him he already filed it, that's why I
19 thought he's already filed. The one he wrote
20 that, so the report, everything. I thought he
21 already filed it.

22 CHAIRPERSON ANDERSON: Ma'am, this is
23 you telling me -- so this is you trying to defend
24 yourself. So I need you to tell me how you plan
25 to defend yourself in this matter.

1 MS. AMIDON: Okay. I don't
2 understand, could you say that again?

3 CHAIRPERSON ANDERSON: Well ma'am, all
4 right, you saw the government call a witness, and
5 the government called Mr. Hall, and Mr. Hall
6 testified about what it is that he did. He
7 stated that he was told that you did not file and
8 he came and gave you a notice of infraction that
9 stated that you did not file. So how do plan to
10 respond to that? That's what I'm asking you, how
11 do you plan to respond to the testimony that the
12 government just put on a couple of minutes ago?

13 MS. AMIDON: Okay, I just want to say
14 I already filed it.

15 CHAIRPERSON ANDERSON: But do you have
16 any documentation to prove that you had filed it?

17 MS. AMIDON: Yes.

18 CHAIRPERSON ANDERSON: And where is
19 that, ma'am?

20 MS. AMIDON: It's my own and my
21 accountant's, he knows. He has it, I already
22 spoke to him. He says he already filed it.

23 CHAIRPERSON ANDERSON: So where's the
24 proof that it was filed and when was it filed,
25 ma'am?

1 MS. AMIDON: I don't know. Can you
2 allow me to talk to my accountant?

3 CHAIRPERSON ANDERSON: Ma'am, you knew
4 that you had this hearing today. Is that
5 correct?

6 MS. AMIDON: I know, I went to his
7 office, I thought the meeting is 10:30. Then I -
8 -

9 CHAIRPERSON ANDERSON: Ma'am --

10 MS. AMIDON: Waiting the last three
11 hours and then nobody, and then I email, and but
12 she say the meeting is at 1:30, I already on the
13 way. And then I came, I had to open the
14 restaurant and now I'm there.

15 CHAIRPERSON ANDERSON: Well ma'am, did
16 you not get a notice to state that this matter
17 was scheduled for 1:30?

18 MS. AMIDON: It said 1:30. I can
19 email you back. That email said it was 10:30.

20 CHAIRPERSON ANDERSON: What? You got
21 an email that said it was 10:30, ma'am?

22 MS. AMIDON: Yes.

23 CHAIRPERSON ANDERSON: What email did
24 you get that says it was 10:30?

25 MS. AMIDON: And let me check my

1 phone, hold on. It says (audio interference) and
2 then they say 10:30, and then I email back, is
3 the 11:20, you guys go back break, I was there in
4 your meeting. I had everything, and then she --
5 I don't know whether he or she, she said your
6 hearing was scheduled for 1:30, and then I
7 emailed her thank you, how are you?

8 After you email, I send it at 10:30,
9 my case was never called and by -- to -- so at
10 12:20 p.m. my connection was lost. Please advise
11 me. And then email back, she said your hearing,
12 it is scheduled for 1:30 p.m. Please note that
13 time. After I --

14 CHAIRPERSON ANDERSON: Well, let me --

15 MS. AMIDON: Already left his office.

16 CHAIRPERSON ANDERSON: Well, let me
17 ask you a question, ma'am.

18 MS. AMIDON: Uh-huh.

19 CHAIRPERSON ANDERSON: What notice did
20 you receive to inform you that this hearing was
21 scheduled for 10:30?

22 MS. AMIDON: The email, the email,
23 the one I read.

24 CHAIRPERSON ANDERSON: What email --
25 who emailed it, who emailed you, ma'am?

1 (Audio interference.)

2 CHAIRPERSON ANDERSON: I'm sorry, I
3 can't hear you, ma'am.

4 MS. AMIDON: D-A-N-N-E-T-T-E, A-B-C-A,
5 that's the email.

6 CHAIRPERSON ANDERSON: And what --

7 MS. AMIDON: The guy.

8 CHAIRPERSON ANDERSON: Tell me what's
9 the date of the email, ma'am?

10 MS. AMIDON: Today I emailed him back
11 1:08, and then yesterday --

12 CHAIRPERSON ANDERSON: No, ma'am. No.
13 The question I'm asking you, ma'am. What email
14 did you receive that told you the 10:30

15 (Simultaneous speaking.)

16 MS. AMIDON: -- restaurant, this I saw,
17 the one I said the name. And then I received
18 this email yesterday 12:29 p.m.

19 CHAIRPERSON ANDERSON: I'm sorry.

20 MS. AMIDON: This is this email

21 (Simultaneous speaking.)

22 CHAIRPERSON ANDERSON: Hold, ma'am --

23 MS. AMIDON: The email, I got the
24 email.

25 CHAIRPERSON ANDERSON: All right, hold

1 on.

2 MS. AMIDON: Dannette. D-A-N-N --

3 CHAIRPERSON ANDERSON: So you received
4 an email. When did you receive this email?

5 MS. AMIDON: It just said the time,
6 12:29 p.m.

7 CHAIRPERSON ANDERSON: And what did
8 the email yesterday at 12:29 p.m. tell you?

9 MS. AMIDON: So they say I have a
10 meeting at 10:30 a.m. today. This is the email
11 if you want to see it right here. You see, this
12 is the email, I received it.

13 CHAIRPERSON ANDERSON: I can't see the
14 email. I'm going to try to see if I can get a
15 copy of the email.

16 MS. AMIDON: Okay. I already find
17 that the email --

18 CHAIRPERSON ANDERSON: I'm sorry,
19 who's the email from, ma'am?

20 MS. AMIDON: Okay, let me spell you.
21 dannette.walker@dc.gov.

22 MR. SOUTHCOTT: Mr. Chair, I'd like to
23 say that I don't believe that any of this is
24 relevant to the actual issue of notice, which is
25 that even if these documents were to be produced

1 or this individual were to be produced, at no
2 point was the District informed via a submission
3 of an exhibit and witness list, an exhibit seven
4 days prior to the hearing.

5 And so even if Ms. Amidon were to
6 produce -- their accountant were to produce
7 documentation, the District will be objecting on
8 the grounds that those documents have not been
9 provided to the District seven days in advance of
10 the show cause hearing in accordance with
11 District regulations.

12 CHAIRPERSON ANDERSON: All right. So
13 ma'am, all right, so even if you were told that
14 this hearing was scheduled for 10:30 this morning
15 and you had your accountant with you at 10:30,
16 did you submit a witness list to the Government
17 to share with the Government that you'd be
18 calling your accountant as a witness, ma'am?

19 MS. AMIDON: No, I did not.

20 CHAIRPERSON ANDERSON: Do you recall
21 participating in another hearing with me
22 recently, ma'am?

23 MS. AMIDON: Yes, I please.

24 CHAIRPERSON ANDERSON: You did?

25 MS. AMIDON: No, I did not. You say

1 you're going to send me another meeting?

2 CHAIRPERSON ANDERSON: No. No, ma'am,
3 I'm asking you ma'am, do you recall particular --
4 let me see if I can get a copy of the transcript.
5 Can someone provide me a transcript of this show
6 cause hearing status of this case? Mr.
7 Southcott, I hear the Government's objection, but
8 you stated that you never received notice
9 regarding the documents of witnesses seven days.
10 So I'm just trying to get a copy of the
11 transcript to see whether or not Ms. Amidon was
12 at the show cause hearing status. Just that's
13 what I'm trying to check before I respond.

14 MR. SOUTHCOTT: I believe Ms. Amidon
15 was because I -- and the status hearing was on
16 December 4. And I contend that I was the status
17 attorney on that day. And I have a distinct
18 memory of inquiring or asking Ms. Amidon for an
19 email address. She was --

20 CHAIRPERSON ANDERSON: Hold on. All
21 right, hold on one minute please, hold on. All
22 right, let me -- I have the transcript, so hold
23 on. All right, the licensee was -- the show
24 cause hearing status was scheduled for December
25 4, and Ms. Amidon was at the show cause hearing

1 status.

2 And Ms. Amidon, I specifically stated
3 at the show cause hearing, the status, the
4 status, it says that this matter's scheduled for
5 a show cause hearing on January 15 at 1:30 p.m.
6 And I said that the show cause hearing the
7 parties are required seven days prior to the
8 hearing to exchange documents of witnesses.
9 Failure by either side to exchange, and I said,
10 when I say documents and witnesses, I said, if
11 you're going to call any witnesses, you'll have
12 to provide those documents.

13 If you're going to rely on those
14 documents, you must send these documents to the
15 government, and you also must send these
16 documents to ABCA legal. And I said, failure by
17 either side to exchange documents and witnesses
18 to the other side are provided to the agency.
19 Unless reasonable cause is shown, the Board is
20 empowered to prevent that side from relying on
21 documents and witnesses that have not been
22 disclosed within the seven-day timeline.

23 And I asked you, ma'am, do you have
24 any questions? You said no, you don't have any
25 questions. So ma'am, and I -- again, at the end

1 of the hearing, I also repeated, I said this
2 hearing is scheduled for January 15 at 1:30 p.m.
3 That was the last thing I did. I said, have a
4 great day, and you also said the same thing to
5 me, ma'am. So where's Ms. Amidon?

6 MS. AMIDON: Yes, I'm here.

7 CHAIRPERSON ANDERSON: I can see you,
8 ma'am. And so therefore, you appeared at the
9 hearing on the 15th, ma'am. I specifically
10 instructed you when the hearing was scheduled
11 for, that it was scheduled for 1:30, and I also
12 instructed you that if you're going to rely on
13 any documents or call any witnesses, you had to
14 provide a copy of those documents to the
15 government seven days prior to the hearing, and
16 you also needed to provide a copy of the
17 documents to ABCA legal.

18 And you told me that you did neither.
19 Is that correct, ma'am? You did not provide a
20 copy of the documents so they -- to the
21 government or to the agency. Is that correct,
22 ma'am?

23 MS. AMIDON: No. I already filed it.
24 My accountant, he already filed all those for
25 seven days.

1 CHAIRPERSON ANDERSON: But --

2 MS. AMIDON: He did. He already told
3 me, that's why, you know, I don't have more I can
4 do. That's why I'm there to explain -- he
5 explains to you more. So that's (audio
6 interference) all the time, that's why. But he
7 told me, he said (audio interference) today he
8 already filed everything.

9 CHAIRPERSON ANDERSON: No, but I'm
10 saying, ma'am, you were supposed to provide
11 notice to the government of the documents or the
12 witnesses you're going to call. You did not do
13 that. You did not do that seven days prior to
14 this hearing, ma'am. You did not tell the
15 government that you were planning to call your
16 accountant as a witness.

17 MS. AMIDON: No, that's one that I did
18 not. I thought he said the file -- okay, I'm
19 sorry for everything, could you reschedule?

20 CHAIRPERSON ANDERSON: Ma'am, the
21 Government has presented this case, you are now
22 defending yourself. I can't reschedule this
23 case. The case has already been presented. This
24 is your opportunity to present evidence to tell
25 us why that you're not guilty of this infraction.

1 I can't reschedule this case in the middle of the
2 case, ma'am.

3 So I guess the bottom line, is there
4 anything else that you have to say to defend
5 yourself? I mean, you're saying that your
6 accountant said that it was filed, but you don't
7 -- you have not provided us any proof that the
8 documents were filed timely. I mean, do you know
9 when the documents were filed, ma'am?

10 MS. AMIDON: So before seven days, he
11 already told me he already filed. So --

12 CHAIRPERSON ANDERSON: Wait a minute,
13 before seven -- ma'am, ma'am, ma'am.

14 MS. AMIDON: I'm sorry.

15 CHAIRPERSON ANDERSON: Do you know
16 when -- all right. Do you know when these
17 documents were filed? The documents for October
18 1 through December 1 -- December 31, do you know
19 when those documents were filed?

20 MS. AMIDON: I already talked to him,
21 he's not told me the specific date. That date he
22 has not told me, but he told me he already filed
23 it. He -- I didn't know the, like, exact time.
24 You can check it, the --

25 CHAIRPERSON ANDERSON: Ma'am, you have

1 to -- the purpose of this hearing is that you are
2 supposed to provide evidence to the Board to say,
3 this is when the document was filed. You have
4 not done that, ma'am. I don't -- you're saying,
5 like, my accountant, but you're the owner.
6 You're not telling me when it was filed.

7 That's the purpose of this hearing,
8 for you to tell the Board to say the investigator
9 coming to your establishment was in error because
10 this is when the document was filed. You're not
11 doing that, ma'am, and that's what I --

12 (Simultaneous speaking.)

13 MS. AMIDON: I know that he is -- I
14 know. Sorry to interrupt. Because I don't have
15 any clue, this is a new restaurant, I -- this is
16 my first time to do this conversation. I don't
17 have any clue, that's why now I'm confusing, so I
18 give him everything for him, I thought he did,
19 but you say it's not, I don't know. I don't have
20 any experience, that's why. It's a new
21 restaurant, it's the new -- I don't have any
22 experience. This is my first time, so give me a
23 chance to reschedule or something, I don't have
24 any clue, but.

25 CHAIRPERSON ANDERSON: All right

1 ma'am, do you have anything else you wish to say?

2 MS. AMIDON: No.

3 CHAIRPERSON ANDERSON: Mr. Southcott,
4 do you have any questions you have of this
5 witness, of Ms. Amidon?

6 MR. SOUTHCOTT: I have no questions.

7 CHAIRPERSON ANDERSON: All right. All
8 right, ma'am. Does the government wish to make a
9 closing statement?

10 MR. SOUTHCOTT: Yes, very briefly.
11 Mr. Chair and members of the Board, testimony
12 that you heard today from Investigator Hall was
13 that the establishment failed to file its
14 quarterly statement for the relevant period of
15 October 1, 2023 to December 31, 2023.
16 Investigator Hall told you about the manner in
17 which the lists are generated, that they are
18 generated by noting which establishments are
19 required to file quarterly statements and have
20 not done so after the 30-day grace period has
21 lapsed.

22 Here the statement was generated on
23 February 1, which is more than -- February 1,
24 2024, which is more than 30 days after the
25 establishment was required to file the quarterly

1 statement for the relevant period in question.

2 As such, because the establishment has
3 not produced any evidence to the contrary
4 indicating that they had in fact filed a
5 quarterly statement for the relevant time period
6 within the 30-day grace window, it is appropriate
7 for the Board to find the establishment liable on
8 the charge of failure to file a quarterly
9 statement. Thank you.

10 CHAIRPERSON ANDERSON: All right,
11 thank you. Ma'am, is there anything else you
12 want to state at this junction, ma'am?

13 MS. AMIDON: No.

14 CHAIRPERSON ANDERSON: What is it that
15 you want the Board to do, ma'am? What do you
16 want us to do? You're at a hearing here. What
17 is it that you want us to do?

18 MS. AMIDON: For one, reschedule, and
19 then also doing like, for 30 after days, I
20 promise to do --

21 CHAIRPERSON ANDERSON: You --

22 MS. AMIDON: Do it after this
23 properly, and also, so I got more experience,
24 that's why. So if you give me a chance to
25 reschedule, I'm going to provide the copies of

1 everything, or just next time I will do it
2 properly.

3 CHAIRPERSON ANDERSON: All right.
4 Okay. The record is now closed. Okay. As
5 chairperson of the Alcoholic Beverage and
6 Cannabis Board for the District of Columbia in
7 accordance with D.C. Official Code Section 2575
8 of the Open Meetings Act, I move that the ABC
9 Board hold a closed meeting for the purpose of
10 seeking legal advice from our counsel on Case
11 Number 24-CIT-00244, Abuare Bar and Restaurant,
12 pursuant to D.C. Official Code Section 2-575B4A
13 of the Open Meetings Act, and deliberating upon
14 Case Number 24-CIT-00244, Abuare, A-B-U-A-R-E,
15 Bar and Restaurant for the reasons cited in D.C.
16 Official Code Section 2-575B13 of the Open
17 Meetings Act. Is there a second?

18 MEMBER GRANT: Mr. Grant, I second the
19 motion.

20 CHAIRPERSON ANDERSON: Mr. Grant has
21 seconded the motion, we'll now have a roll call.
22 Mr. Grant?

23 MEMBER GRANT: Mr. Grant, I agree.

24 CHAIRPERSON ANDERSON: Ms. Quinn?

25 MEMBER QUINN: Ms. Quinn, I agree.

1 CHAIRPERSON ANDERSON: Mr. Meadows?

2 MEMBER MEADOWS: Mr. Meadows, I agree.

3 CHAIRPERSON ANDERSON: Mr. Jones?

4 MEMBER JONES: Mr. Jones, I agree.

5 CHAIRPERSON ANDERSON: Mr. Anderson,
6 I agree. As it appears that the motion has
7 passed 5-0-0 -- 5-0, I hereby give notice that
8 the ABC Board will recess this proceeding to hold
9 a closed meeting pursuant to Section 2-575 of the
10 Open Meetings Act. Thank -- I want to thank both
11 parties for their presentation today.

12 The Board will take their evidence and
13 testimony that was presented today, and we will
14 make a decision in due course on what action the
15 Board will take regarding this matter. All
16 right? Thank you very much. Have a great day.

17 MR. SOUTHCOTT: Thank you.

18 MS. AMIDON: Thank you.

19 CHAIRPERSON ANDERSON: All right.
20 We're now at the end of our calendar for the day.
21 And I will now close the record. As chairperson
22 of the Alcoholic Beverage and Cannabis Board for
23 the District of Columbia in accordance with Title
24 3, Chapter 4 and 5, Office of Open Government, I
25 move that ABC Board hold a closed meeting for the

1 -- hold a closed meeting on January 16, 2025 for
2 the purpose of discussing and hearing reports
3 concerning ongoing or planned investigations of
4 alleged criminal or civil misconduct or
5 violations of law or regulations and seeking
6 legal advice from our legal counsel on the
7 Board's investigative agenda, legal agenda, and
8 licensing agenda for October 16 as published in
9 D.C. Register on October 10.

10 Is there a second?

11 MEMBER QUINN: Ms. Quinn, I second.

12 CHAIRPERSON ANDERSON: Ms. Quinn has
13 seconded the motion. I will now take a roll call
14 vote on the motion before us now that it's been
15 seconded. Mr. Grant?

16 MEMBER GRANT: Mr. Grant, I agree.

17 CHAIRPERSON ANDERSON: Ms. Quinn?

18 MEMBER QUINN: Ms. Quinn, I agree.

19 CHAIRPERSON ANDERSON: Mr. Meadows?

20 MEMBER MEADOWS: Mr. Meadows, I agree.

21 CHAIRPERSON ANDERSON: And Mr.

22 Anderson, I agree. The matter passes 4-0. As it
23 appears that the motion has passed, I hereby give
24 notice that the ABC Board will hold this closed
25 meeting, pursuant to the Open Meetings Act.

1 Notice will also be posted on the ABC Board
2 hearing room bulletin board, placed on the
3 electronic calendar on ABCA's website, and
4 published to the D.C. Register in as timely a
5 manner as practical. We're now adjourned for the
6 day.

7 I would like to thank the members of
8 the ABC Board who participated in our hearings
9 today. I also would like to thank the members of
10 the public who participated in our hearings
11 today.

12 Now that we have adjourned for the
13 day, I'd ask all Board members to return to
14 executive session for further development. Thank
15 you very much, have a great day.

16 (Whereupon, the above-entitled matter
17 went off the record at 2:31 p.m.)
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A

A-B-C-A 22:4
A-B-U-A-R-E 2:5 33:14
A-M-I-D-O-N 3:20 11:25
a.m 23:10
ABC 33:8 34:8,25 35:24
 36:1,8
ABC-licensed 9:9
ABCA 1:22,23 9:6
 26:16 27:17
ABCA's 36:3
able 4:18
above-entitled 36:16
Abuare 1:7 2:5,24
 33:11,14
access 2:11,12
accountant 13:12 16:6
 16:8 17:6 18:17 20:2
 24:6,15,18 27:24
 28:16 29:6 30:5
accountant's 19:21
Act 33:8,13,17 34:10
 35:25
action 34:14
actual 23:24
address 25:19
adjourned 36:5,12
advance 24:9
advice 33:10 35:6
advise 11:10 21:10
affirm 8:24 17:25 18:5,7
afternoon 2:7,10,21 3:3
 3:8,18 6:12
agency 26:18 27:21
agenda 35:7,7,8
ago 19:12
agree 33:23,25 34:2,4,6
 35:16,18,20,22
ahead 6:10
Alcoholic 1:2,14 33:5
 34:22
alert 16:13
alleged 35:4
allow 20:2
Amidon 1:22 2:11 3:15
 3:18,19,21,24 4:2,5,9
 4:13,16,20 5:7 6:1,5
 7:18,20 8:4,7,16
 11:17,23,25,25 12:1,3
 12:23 13:7,10,18,21
 13:23 14:1,8,19,24
 15:15 16:6,19 17:3,5
 17:11,15,20,23 18:2,8
 18:16 19:1,13,17,20
 20:1,6,10,18,22,25
 21:15,18,22 22:4,7,10
 22:16,20,23 23:2,5,9
 23:16,20 24:5,19,23

24:25 25:11,14,18,25
 26:2 27:5,6,23 28:2
 28:17 29:10,14,20
 30:13 31:2,5 32:13,18
 32:22 34:18
analysts 9:22 11:1
ANC 1:8
Anderson 1:15,18 2:3
 2:15,20 3:8,13,16,21
 3:25 4:3,6,10,14,17
 4:21 5:3,8 6:2,6,10
 7:4,8,16,19,22 8:1,5,9
 8:17,22 9:2 11:15,18
 11:21,24 12:1,4,8,13
 12:18,24 13:3,7,15,19
 13:23 14:2,9,20 15:1
 15:6,19 16:2,10,23
 17:4,8,12,17,21,24
 18:3,9,22 19:3,15,18
 19:23 20:3,9,15,20,23
 21:14,16,19,24 22:2,6
 22:8,12,19,22,25 23:3
 23:7,13,18 24:12,20
 24:24 25:2,20 27:7
 28:1,9,20 29:12,15,25
 30:25 31:3,7 32:10,14
 32:21 33:3,20,24 34:1
 34:3,5,5,19 35:12,17
 35:19,21,22

answer 18:7
anymore 6:3
Apologies 2:16
appeared 27:8
appears 34:6 35:23
appointment 17:16
approach 2:23
appropriate 32:6
Approximately 9:13
asked 13:9 15:4 26:23
asking 19:10 22:13
 25:3,18
attention 5:5
attorney 3:7 25:17
audible 3:12 7:15 11:20
 13:6
audio 21:1 22:1 28:5,7
aware 1:6 16:18

B

back 4:7 20:19 21:2,3
 21:11 22:10
background 8:3 13:25
 14:17
Bar 1:6,7 2:5,24 33:11
 33:15
based 7:1 13:8 15:3
believe 5:21 23:23
 25:14

better 4:11
Beverage 1:2,14 33:5
 34:22
bit 6:4
board 1:2,15 3:4 5:5,16
 5:18 6:13 7:2 13:4
 26:19 30:2,8 31:11
 32:7,15 33:6,9 34:8
 34:12,15,22,25 35:24
 36:1,2,8,13
Board's 35:7
bottom 15:20 29:3
break 21:3
briefly 6:9 31:10
bring 5:5
bulletin 36:2
burden 5:10

C

C-H-R-I-S 3:5
calendar 2:4 34:20 36:3
call 5:12 8:19,21 15:11
 15:16 16:4,5,15 17:1
 18:16 19:4 26:11
 27:13 28:12,15 33:21
 35:13
called 5:13 19:5 21:9
calling 24:18
camera 4:7 6:4
Cannabis 1:2,14 33:6
 34:22
case 1:9 2:4,4,9 4:25
 5:20 6:13 7:11 21:9
 25:6 28:21,23,23 29:1
 29:2 33:10,14
cause 1:8 2:22,23 5:9
 16:12 24:10 25:6,12
 25:24,25 26:3,5,6,19
Chair 2:14 9:4 23:22
 31:11
Chairman 3:4
chairperson 1:15,18
 2:3,15,20 3:8,13,16
 3:21,25 4:3,6,10,14
 4:17,21 5:3,8 6:2,6,10
 7:4,8,16,19,22 8:1,5,9
 8:17,22 9:2 11:15,18
 11:21,24 12:1,4,8,13
 12:18,24 13:3,7,15,19
 13:23 14:2,9,20 15:1
 15:6,19 16:2,10,23
 17:4,8,12,17,21,24
 18:3,9,22 19:3,15,18
 19:23 20:3,9,15,20,23
 21:14,16,19,24 22:2,6
 22:8,12,19,22,25 23:3
 23:7,13,18 24:12,20
 24:24 25:2,20 27:7

28:1,9,20 29:12,15,25
 30:25 31:3,7 32:10,14
 32:21 33:3,5,20,24
 34:1,3,5,19,21 35:12
 35:17,19,21
chance 30:23 32:24
Chapter 34:24
charge 6:14 7:3 18:11
 32:8
check 2:18 20:25 25:13
 29:24
checked 6:22
Chris 3:5
Christopher 1:23 2:12
citation 7:1 11:7,8
citations 10:2
cited 33:15
civil 35:4
close 34:21
closed 33:4,9 34:9,25
 35:1,24
closing 31:9
clue 30:15,17,24
Code 33:7,12,16
Columbia 1:1 9:10 33:6
 34:23
coming 30:9
compliance 9:22 10:25
concerning 35:3
conduct 9:8
confirmed 6:23
confusing 30:17
connect 16:7
connection 21:10
contend 25:16
continue 14:21
contrary 32:3
conversation 30:16
copies 32:25
copy 23:15 25:4,10
 27:14,16,20
correct 20:5 27:19,21
counsel 33:10 35:6
couple 19:12
course 34:14
CR 1:8
criminal 35:4
cross-examine 5:14
cross-examined 5:16

D

D-A-N-N 23:2
D-A-N-N-E-T-T-E 22:4
D.C 3:6 33:7,12,15 35:9
 36:4
Dannette 23:2
dannette.walker@dc....
 23:21

date 22:9 29:21,21
dates 11:11
DAVID 1:19
day 25:17 27:4 34:16,20
 36:6,13,15
days 6:20 10:14 15:22
 16:14,17 17:1 24:4,9
 25:9 26:7 27:15,25
 28:13 29:10 31:24
 32:19
DC 1:22,23,23
December 6:16 7:7
 10:7 18:14 25:16,24
 29:18,18 31:15
decide 7:11
decision 34:14
defend 17:9,13 18:10
 18:23,25 29:4
defending 28:22
deliberating 33:13
deliver 12:20
delivered 12:19,22
desires 5:18
development 36:14
difficult 7:21
disclose 16:16
disclosed 26:22
discussing 35:2
distinct 25:17
District 1:1 3:7 6:21
 8:20 9:9 10:17 24:2,7
 24:9,11 33:6 34:23
District's 7:3
document 30:3,10
documentation 19:16
 24:7
documents 15:22 16:16
 16:17 23:25 24:8 25:9
 26:8,10,12,14,14,16
 26:17,21 27:13,14,17
 27:20 28:11 29:8,9,17
 29:19 18:19
Doe 14:13,13
doing 30:11 32:19
Donovan 1:15,18
due 34:14
duties 9:6,7,14

E

either 26:9,17
electronic 36:3
elevate 2:8
elevated 2:11,13,19
email 20:11,19,19,21,23
 21:2,8,11,22,22,24
 22:5,9,13,18,20,23,24
 23:4,4,8,10,12,14,15
 23:17,19 25:19

emailed 21:7,25,25
 22:10
empowered 26:20
error 30:9
establishment 3:22 4:1
 6:19,23,25 10:15,16
 10:22 11:5,11 12:5
 13:1 16:1 30:9 31:13
 31:25 32:2,7
establishment's 6:14
establishments 9:9,16
 10:1,2 31:18
evidence 5:21 7:12
 28:24 30:2 32:3 34:12
exact 29:23
exchange 26:8,9,17
executive 36:14
exhibit 15:25 16:3 24:3
 24:3
exhibits 15:25
expect 7:2
experience 30:20,22
 32:23
explain 28:4
explains 28:5

F

face 4:8 6:3
fact 6:23 12:20 32:4
failed 1:10 6:19 10:22
 31:13
failing 10:3
failure 26:9,16 32:8
fashion 9:17
February 6:18 10:11
 31:23,23
feed 8:13
file 1:10 6:15,19 10:3,13
 10:17,22 12:9 17:6
 18:12 19:7,9 28:18
 31:13,19,25 32:8
filed 6:24 9:16 10:15
 12:15,21 13:12,13
 16:9 17:15 18:14,17
 18:18,19,21 19:14,16
 19:22,24,24 27:23,24
 28:8 29:6,8,9,11,17
 29:19,22 30:3,6,10
 32:4
filing 11:11
find 23:16 32:7
fine 4:11 6:6 8:10 11:9
 13:4 15:2,7
finish 14:10
first 3:5 30:16,22
five 15:22
four 16:20,22
fourth 10:8

free 15:8
front 16:12
full 4:8
further 11:13 36:14
future 11:11

G

General 3:7
generated 9:20,21,24
 10:5,10,11 31:17,18
 31:22
give 17:16 30:18,22
 32:24 34:7 35:23
go 6:5,10 8:6 10:1 15:8
 17:6 21:3
going 2:17 15:11,12
 16:15 17:21 23:14
 25:1 26:11,13 27:12
 28:12 32:25
good 2:7,10,20 3:3,8,18
 6:12
government 5:2,9,11
 5:12,15,19 7:10 8:8
 16:5,25 19:4,5,12
 24:16,17 26:15 27:15
 27:21 28:11,15,21
 31:8 34:24
Government's 25:7
grace 10:12 31:20 32:6
Grant 1:18 33:18,18,20
 33:22,23,23 35:15,16
 35:16
great 27:4 34:16 36:15
grounds 24:8
guess 15:20 29:3
guilty 28:25
guy 22:7
guys 21:3

H

Hall 1:23 2:18,18 6:18
 6:22 8:21,22 9:1,5,7,7
 9:13,18,21,25 10:6,11
 10:19,24 11:4,8,12
 12:2,5,7,11,16,22
 13:2,16,20 15:8 19:5
 19:5 31:12,16
hand 8:23 17:19,20
happened 4:19
happens 9:23
hear 3:15,16 6:17 7:2
 7:21,23,24 8:1,2 22:3
 25:7
heard 13:24 31:12
hearing 1:8 2:22,23 5:6
 5:9 7:21 15:23 16:13
 16:14,18 17:2 20:4
 21:6,11,20 24:4,10,14

24:21 25:6,12,15,24
 25:25 26:3,5,6,8 27:1
 27:2,9,10,15 28:14
 30:1,7 32:16 35:2
 36:2
hearings 36:8,10
hold 7:19 13:15 14:9
 21:1 22:22,25 25:20
 25:21,21,22 33:9 34:8
 34:25 35:1,24
hotels 12:12
hours 16:20,22 20:11
Huh 17:11
husband 8:8

I

identified 12:25
identify 2:25
inability 6:15
indicating 32:4
individual 24:1
inform 21:20
information 8:13,14
 9:15 14:4,18
informed 24:2
infraction 5:22 19:8
 28:25
inquiring 25:18
inspections 9:8
instructed 14:3 27:10
 27:12
interference 21:1 22:1
 28:6,7
interrupt 30:14
investigations 9:8 35:3
investigative 35:7
investigator 1:23 2:17
 2:18 6:17 8:21 9:12
 9:15,25 30:8 31:12,16
issue 10:2 11:6 23:24
issued 6:25 11:8

J

JANINE 1:20
January 1:13 26:5 27:2
 35:1
John 14:13,13
Jones 1:19 34:3,4,4
JOSE 1:22
JR 1:18
junction 32:12

K

Kevin 1:23 2:18 6:17
 8:21 9:7
knew 20:3
know 4:19 8:3,18 12:14
 12:16 14:25 20:1,6

21:5 28:3 29:8,15,16
29:18,23 30:13,14,19
knows 19:21

L

lapsed 31:21
law 6:21 10:17 35:5
left 21:15
legal 26:16 27:17 33:10
35:6,6,7
letting 8:17
liable 32:7
License 1:9 2:6
licensee 1:22 5:13,15
5:20 15:21 25:23
licensing 35:8
line 15:20 29:3
list 10:1,9 16:3,25 24:3
24:16
lists 9:19,24 10:5 15:25
31:17
little 6:4
long 9:11
lost 21:10

M

ma'am 3:9,11,14,17,23
4:6,11,17,21 5:3 6:3
7:9,14,16,16,17 8:1
8:10,15 11:16,16,22
13:15,16 14:3,10 15:2
15:8,19 16:2,11,18,24
17:10,17,19 18:10,15
18:22 19:3,19,25 20:3
20:9,15,21 21:17,25
22:3,9,12,13,22 23:19
24:13,18,22 25:2,3
26:23,25 27:5,8,9,19
27:22 28:10,14,20
29:2,9,13,13,13,25
30:4,11 31:1,8 32:11
32:12,15
making 13:17
manager 3:24
manner 31:16 36:5
mater 17:10
matter 1:5 2:22 14:14
14:23 17:14 18:25
20:16 34:15 35:22
36:16
matter's 26:4
matters 4:25 5:4
Meadows 1:19 34:1,2,2
35:19,20,20
mean 7:23 29:5,8
meeting 1:3 16:19 20:7
20:12 21:4 23:10 25:1
33:9 34:9,25 35:1,25

Meetings 33:8,13,17
34:10 35:25
Member 1:18,19,19,20
33:18,23,25 34:2,4
35:11,16,18,20
members 3:4 6:13 13:4
31:11 36:7,9,13
memory 8:12 25:18
met 1:15
middle 29:1
minute 25:21 29:12
minutes 19:12
misconduct 35:4
missed 7:5
moment 12:17
months 9:22
morning 24:14
motion 33:19,21 34:6
35:13,14,23
move 33:8 34:25
mute 3:14

N

N-I-B-E-R-E-T 3:19
name 3:2,4,5,5,9,11,18
3:20 9:5 11:16,19,21
11:23 22:17
need 5:4 8:11 18:6,24
needed 27:16
neither 27:18
never 21:9 25:8
new 30:15,20,21
Niberet 1:22 2:11 3:19
Nope 4:22
notation 12:19,20
note 21:12
notice 6:18 13:11 15:22
19:8 20:16 21:19
23:24 25:8 28:11 34:7
35:24 36:1
notification 10:21,25
11:3
noting 31:18
Number 2:4,6 33:11,14
NW 1:8

O

OAG 1:23
objecting 24:7
objection 25:7
occur 5:22
occurs 5:10
October 6:16 7:6 10:7
18:13 29:17 31:15
35:8,9
off-camera 14:4
office 3:6 16:22 17:6
20:7 21:15 34:24

Official 33:7,12,16
Oh 4:22 13:10 14:8 17:3
17:15
okay 2:20 4:9,11,13,22
8:15,16 12:4 13:4
17:23 18:2,5 19:1,13
23:16,20 28:18 33:4,4
once 5:12,15,19 11:2
ongoing 35:3
open 20:13 33:8,13,16
34:10,24 35:25
opening 5:11 6:8 7:9,13
15:9 16:21
opportunity 5:14,17,20
28:24
Orellana 1:22 2:7,10,16
owner 4:1,2,4 12:25
30:5

P

P-R-O-C-E-E-D-I-N-G-S
2:1
p.m 2:2 21:10,12 22:18
23:6,8 26:5 27:2
36:17
participated 36:8,10
participating 24:21
particular 25:3
parties 2:8,25 16:14
26:7 34:11
passed 34:7 35:23
passes 35:22
perfect 4:12
period 6:16,25 7:5 10:5
10:6,12,18 18:13
31:14,20 32:1,5
person 12:25 14:7,10
14:15
phone 15:17 16:7 21:1
placed 36:2
plan 16:3 17:1,9,12,13
18:10,15,24 19:9,11
planned 16:5 35:3
planning 28:15
please 2:8 3:1,10 8:23
11:19 14:10 17:19
21:10,12 24:23 25:21
point 24:2
position 18:11
posted 36:1
practical 36:5
preliminary 4:25 5:4
present 1:17,21 7:10,11
15:10 28:24
presentation 34:11
presented 28:21,23
34:13
presiding 1:15

prevent 26:20
print 17:7
prior 5:23 15:22 17:1,1
24:4 26:7 27:15 28:13
probably 4:7
proceeding 34:8
process 5:10
produce 24:6,6
produced 23:25 24:1
32:3
promise 32:20
pronounce 12:23
proof 19:24 29:7
properly 32:23 33:2
prove 19:16
provide 5:21 15:21
16:25 25:5 26:12
27:14,16,19 28:10
30:2 32:25
provided 24:9 26:18
29:7
providing 14:4,18
public 36:10
published 35:8 36:4
pull 4:7 6:3
purpose 30:1,7 33:9
35:2
pursuant 33:12 34:9
35:25
put 16:8 17:5 19:12

Q

quarter 7:7 10:8,23
quarterly 1:11 6:15,20
6:24 9:17 10:15,17,22
12:9,14,21 18:12
31:14,19,25 32:5,8
question 7:5 13:10,16
13:20 16:24 21:17
22:13 32:1
questions 5:17,23
11:14 12:2 13:4,8,9
13:22 14:5 15:3,4
26:24,25 31:4,6
Quinn 1:20 33:24,25,25
35:11,11,12,17,18,18

R

raise 8:23 17:19
read 21:23
ready 15:16
reasonable 26:19
reasons 33:15
recall 24:20 25:3
receive 9:15 13:11
21:20 22:14 23:4
received 6:18 10:21
15:24 22:17 23:3,12

25:8
recess 34:8
recollection 8:12 14:6
record 2:25 3:2,11
 12:25 33:4 34:21
 36:17
records 6:22
regarding 12:20 18:11
 25:9 34:15
Register 35:9 36:4
regulations 24:11 35:5
related 6:14
relationship 3:22
relevant 6:24 10:18
 23:24 31:14 32:1,5
rely 16:15 26:13 27:12
relying 26:20
repeated 27:1
report 16:9 18:20
reports 35:2
represent 14:7,12,14
 14:22
representing 3:7 14:21
required 6:21 12:9 26:7
 31:19,25
requiring 10:17
reschedule 28:19,22
 29:1 30:23 32:18,25
respond 17:13 18:15
 19:10,11 25:13
response 3:12 7:15
 11:20 13:6
restaurant 1:6,7 2:5,24
 12:7,9 16:21 20:14
 22:16 30:15,21 33:11
 33:15
restaurants 12:11
rested 5:19
Retailer 1:8
return 36:13
right 4:11,24 5:8 6:2,7
 8:9,18,23 12:5,13
 13:3 15:1,2,6,8,9 17:8
 17:9,18,18,19 18:9
 19:4 22:25 23:11
 24:12,13 25:21,22,23
 29:16 30:25 31:7,8
 32:10 33:3 34:16,19
rights 2:8
roll 33:21 35:13
room 36:2
RYAN 1:19

S

S-O-U-T-H-C-O-U-T-T 3:6
saw 19:4 22:16
saying 7:23 13:17
 16:11,24 17:18 18:4,4

28:10 29:5 30:4
says 19:22 20:24 21:1
 26:4
scheduled 20:17 21:6
 21:12,21 24:14 25:24
 26:4 27:2,10,11
second 33:17,18 35:10
 35:11
seconded 33:21 35:13
 35:15
Section 33:7,12,16 34:9
see 4:14,15,16,18,18,20
 4:22 6:3 7:17 23:11
 23:11,13,14 25:4,11
 27:7
seeing 4:8,8
seeking 33:10 35:5
send 21:8 25:1 26:14
 26:15
session 36:14
seven 16:14,17 17:1
 24:3,9 25:9 26:7
 27:15,25 28:13 29:10
 29:13
seven-day 26:22
share 24:17
shared 14:16
sharing 8:14
show 1:8 2:22,23 5:9
 16:12 24:10 25:5,12
 25:23,25 26:3,5,6
shown 26:19
side 26:9,17,18,20
SILAS 1:18
simple 6:14
Simultaneous 7:25
 15:14 22:15,21 30:12
single 7:3
sir 6:11 7:5 8:19 9:3
sitting 14:10
somebody 8:2
sorry 2:23 6:5 7:4 11:15
 14:19 22:2,19 23:18
 28:19 29:14 30:14
Southcott 1:23 2:12 3:1
 3:3,5 4:24 5:1,25 6:7
 6:9,12 7:6 8:18,20 9:4
 9:11,14,19,23 10:4,9
 10:14,20 11:2,6,10,13
 15:2,5,20,24 23:22
 25:7,14 31:3,6,10
 34:17
speak 14:15
speaker 16:8
speaking 7:25 8:2,14
 14:17 15:14 22:15,21
 30:12
specific 29:21

specifically 26:2 27:9
spell 3:1,10 23:20
spoke 19:22
Staff 1:22
start 5:6 16:21
starting 5:24
state 3:1,10 20:16
 32:12
stated 2:21 19:7,9 25:8
 26:2
statement 1:11 5:11 6:8
 6:15,20,24 7:9,13
 10:16,18,23 12:10,14
 12:21 13:17 15:10
 18:13 31:9,14,22 32:1
 32:5,9
statements 9:17 31:19
status 2:22 16:13 25:6
 25:12,15,16,24 26:1,3
 26:4
Street 1:8
submission 24:2
submit 24:16
substantiate 7:2
supposed 18:12 28:10
 30:2
swear 8:23 17:22,24
 18:5,7,8

T

t/a 1:7
take 34:12,15 35:13
talk 15:17 20:2
talked 29:20
tell 8:24 15:10,12 16:4
 17:25 18:5,24 22:8
 23:8 28:14,24 30:8
telling 18:23 30:6
TERI 1:20
testified 12:18 19:6
testify 8:11 14:5 15:12
testifying 8:11
testimony 6:17 7:1,12
 15:7 19:11 31:11
 34:13
thank 2:15 7:3,8 9:4
 15:7 21:7 32:9,11
 34:10,10,16,17,18
 36:7,9,14
thing 27:3,4
thought 13:11 16:19
 18:17,19,20 20:7
 28:18 30:18
three 9:22 16:22 20:10
time 8:10 10:3,4,6,13
 13:24 21:13 23:5 28:6
 29:23 30:16,22 32:5
 33:1

timeline 26:22
timely 9:17 18:14 29:8
 36:4
Title 34:23
today 5:22 20:4 22:10
 23:10 28:7 31:12
 34:11,13 36:9,11
told 13:12,13 16:8
 18:18 19:7 22:14
 24:13 27:18 28:2,7
 29:11,21,22,22 31:16
transcript 16:11 25:4,5
 25:11,22
tried 17:7
truth 8:24,25 17:25 18:1
 18:6,6
try 7:21 23:14
trying 18:23 25:10,13
type 12:5

U

U 1:8
Uh-huh 21:18
understand 19:2
unmute 3:10,14

V

videoconference 1:15
violation 10:16
violations 35:5
vote 35:14

W

W 1:15,18
wait 7:10 29:12
waiting 8:8 20:10
want 7:13 13:20 14:6,11
 14:13,20,22,24 15:13
 15:16 19:13 23:11
 32:12,15,16,17 34:10
wanted 15:18 17:16
warn 16:13
way 20:13
we'll 10:1 33:21
we're 5:22 34:20 36:5
WebEx 1:15
website 36:3
Wednesday 1:12
went 6:25 11:4 16:21
 20:6 36:17
window 32:6
wish 6:7 7:9 8:19 15:9
 31:1,8
wishes 8:21
witness 5:13,14,16,18
 8:19 9:2 13:5,8,9 15:3
 15:11,15,16,25 16:4,5
 19:4 24:3,16,18 28:16

31:5
witnesses 5:12 15:22
16:15,17,25 25:9 26:8
26:10,11,17,21 27:13
28:12
wrong 12:23
wrote 18:19

X

Y

year 9:13
yesterday 22:11,18
23:8

Z

0

1

1 6:16,18 7:6 10:7,12
18:13 29:18,18 31:15
31:23,23
1:08 22:11
1:30 20:12,17,18 21:6
21:12 26:5 27:2,11
1:50 2:2
10 35:9
10:30 20:7,19,21,24
21:2,8,21 22:14 23:10
24:14,15
11:20 21:3
12:20 21:10
12:29 22:18 23:6,8
123105 1:9 2:6
15 1:13 26:5 27:2
1524 1:8
15th 27:9
16 35:1,8

2

2-575 34:9
2-575B13 33:16
2-575B4A 33:12
2:31 36:17
2023 6:16,16 7:6,7,7
10:7,7,23 31:15,15
2024 6:18 10:12 31:24
2025 1:13 35:1
24-CIT-00244 1:9 2:4
33:11,14
250 11:9
2575 33:7
2B 1:8

3

3 34:24
30 6:20 10:14 31:24

32:19
30-day 10:12 31:20
32:6
31 6:16 7:7 10:7 18:14
29:18 31:15

4

4 25:16,25 34:24
4-0 35:22

5

5 34:24
5-0 34:7
5-0-0 34:7

6

7

8

8:30 16:20

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This is to certify that the foregoing transcript

In the matter of: Aware Bar and Restaurant

Before: DC ABCA

Date: January 15, 2025

Place: teleconference

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