

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

2 1:46 p.m.

3 CHAIRPERSON ANDERSON: All right. So
4 the next case on our calendar is Case No. 20-251-
5 00036, Churreria Madrid Restaurant, License
6 Number 060806. Ms. Andrews, can you please
7 elevate the rights of the Government and the
8 other parties in this case, please?

9 MS. ANDREWS: Sure. Stand by.

10 CHAIRPERSON ANDERSON: Thank you.

11 MS. ANDREWS: Mr. Brashears, your
12 rights have been elevated. Mr. Lui, your rights
13 have been elevated. Mr. Giron, your rights have
14 been elevated. That's all, Mr. Chair.

15 CHAIRPERSON ANDERSON: Thank you, Ms.
16 Andrews. I cannot see you, Mr. Lui, or Mr.
17 Brashears. Good afternoon, everyone. This is,
18 again, Case No. 20-251-00036, Churreria Madrid
19 Restaurant. So can I have the parties introduce
20 themselves for the record starting with the
21 Government, please?

22 MR. LUI: Good afternoon, Board
23 Members. My name is John Lui on behalf of the
24 Government. That's J-O-H-N, L-U-I.

25 CHAIRPERSON ANDERSON: Thank you. Mr.

1 Giron? You're on mute, sir.

2 MR. GIRON: Sorry. I got it. Thank
3 you. Ernesto Giron, Churreria Madrid, the owner.
4 First name E-R-N-E-S-T-O, last name G-I-R-O-N.

5 CHAIRPERSON ANDERSON: All right.
6 Good afternoon. All right. Mr. Lui -- and I
7 guess I confused myself. Although this is the
8 only case that was on the calendar today, are
9 there -- was the Government still moving forward
10 with their -- there are some other cases that the
11 Government had discussed. And so was the
12 Government still moving forward with those cases
13 so at least I can call this case and identify
14 them for the record -- on the record?

15 MR. LUI: There is only one case this
16 afternoon. The Government does not have an offer
17 in compromise, a global offer in compromise to
18 present at this time.

19 CHAIRPERSON ANDERSON: Okay. So this
20 is the only case that's being litigated today; is
21 that correct?

22 MR. LUI: Yes, Mr. Chairperson, yes.

23 CHAIRPERSON ANDERSON: Okay, good.
24 Okay, fine. All right. So regarding this case,
25 are there any preliminary matters before, because

1 this is scheduled for a show cause hearing?

2 MR. LUI: No, Mr. Chairperson.

3 CHAIRPERSON ANDERSON: Give me one
4 minute, please.

5 MR. LUI: Mr. Chairperson, I can
6 clarify. The parties submitted a stipulation of
7 facts, and in my opening statement, I will
8 address that point.

9 CHAIRPERSON ANDERSON: All right. So
10 -- but I -- and I guess the way I'm thinking
11 about it, so there are preliminary issues. So if
12 you're saying that you -- if you're -- so what
13 the -- you're basically saying that we're not
14 going to have a full-blown hearing because there
15 is some stipulation of facts. So that's why I'm
16 saying if there is some -- are there preliminary
17 matters, and then you can say yes, there is. And
18 then you can say to me what they are.

19 I -- you know, Mr. Lui, as an
20 attorney, I don't like -- attorneys do not like
21 surprises. Attorneys, at least me, as an
22 attorney, I don't like surprises. I want to know
23 where we're going and how we're going, so I --
24 anyway, so let me start at the beginning.

25 Are there -- this is a show cause

1 hearing and for all show cause hearings, I start
2 off by saying are there any preliminary matters.

3 MR. LUI: Yes. There is a preliminary
4 matter.

5 CHAIRPERSON ANDERSON: And what is the
6 preliminary matter, sir?

7 MR. LUI: Prior to today's show cause
8 hearing, the parties submitted a stipulation of
9 facts to which the parties agreed.

10 CHAIRPERSON ANDERSON: And so what is
11 -- with the stipulation of facts, what is it that
12 they -- so are we saying then that these are the
13 factual allegations that are agreed to and then
14 they -- are we going to have arguments or just
15 let me know the posture of the case.

16 MR. LUI: Given that there are 11
17 facts as a part of the stipulation, the
18 Government has, therefore, proven the charges in
19 the notice, the two charges, the underlying
20 charges and that we can skip to the next --
21 proceed to the next phase, the penalty phase.

22 CHAIRPERSON ANDERSON: All right. So,
23 therefore, the Government will not be calling any
24 witnesses today, is that correct?

25 MR. LUI: That is correct, Mr.

1 Chairperson.

2 CHAIRPERSON ANDERSON: All right. So
3 I see that -- Mr. Brashears, you can just -- can
4 you identify yourself for the record since you
5 are -- I see that you're online?

6 MR. BRASHEARS: Yes, Mr. Chairperson.
7 Investigator Mark Brashears, M-A-R-K, B-R-A-S-H-
8 E-A-R-S.

9 CHAIRPERSON ANDERSON: Okay. Thank
10 you, Brashears. And Mr. Lui, do you wish to
11 excuse this witness?

12 MR. LUI: Yes.

13 CHAIRPERSON ANDERSON: So thank you
14 very much, Mr. Brashears. You're excused. You
15 don't need to testify today. Thank you. Okay.
16 So what can -- so can you provide the Board with
17 the stipulations, sir?

18 MR. LUI: Certainly. I can give a
19 opening statement that will address both the
20 notice and the charges within the notice and also
21 the stipulation to which the parties agree.

22 CHAIRPERSON ANDERSON: All right.
23 Thank you. Go ahead --

24 MR. LUI: Then I can lay -- yes. Then
25 I can lay that out in the record.

1 CHAIRPERSON ANDERSON: All right.
2 Thank you. Go ahead, sir.

3 MR. LUI: Okay. Good afternoon, Board
4 Members. We are here today at the show cause
5 matter of MST Enterprises, Inc., trading as
6 Churreria Madrid Restaurant, located at 2505
7 Champlain Street. NW. The show cause notice
8 issued in this matter concerns the charges that
9 the licensee, one, allowed the establishment to
10 be used for an unlawful purpose in violation of
11 DC Code Section 25-823(a)(2), and the second
12 charge is that the licensee failed to follow the
13 terms of its Board-approved license by operating
14 on a Monday in violation of DC Code Section 25-
15 823(a)(7).

16 The District of Columbia submitted a
17 stipulation of facts to which the parties agreed.
18 The stipulation provides 11 facts.

19 Number 1, on Monday, November 2, 2020,
20 at approximately 5:00 p.m., Alcoholic Beverage
21 Regulation Administration Supervisory
22 Investigator Mark Brashears arrived at the
23 establishment to investigate a report of a
24 marijuana popup party.

25 Number 2, SI Brashears met with

1 Metropolitan Police Department at the
2 establishment.

3 Number 3, standing outside, SI
4 Brashears observed several people on the first
5 floor.

6 Number 4, SI Brashears had difficulty
7 entering the establishment because the front door
8 was locked.

9 And number 5, ABC Manager Edgar Amaya
10 told SI Brashears that the establishment was
11 closed for a private event.

12 Number 6, SI Brashears advised ABC
13 Manager Edgar Amaya that he could still inspect
14 the establishment.

15 Number 7, when SI Brashears and the
16 MPD officers entered the establishment, they
17 observed a marijuana-related event taking place.

18 Number 8, SI Brashears and MPD
19 officers observed people on the first and second
20 floors of the establishment.

21 Number 9, on the second floor, SI
22 Brashears observed jars containing marijuana
23 buds, rolled marijuana cigarettes, and marijuana
24 edibles containing THC along with marijuana
25 paraphernalia. These items were displayed on

1 tables or bagged.

2 Number 10, SI Brashears also observed
3 a firearm on a chair on the second floor.

4 And number 11, the establishment's
5 license does not allow operations on Mondays.

6 The District has, therefore, proven
7 the charges in the notice. Thank you.

8 CHAIRPERSON ANDERSON: I'm sorry, Mr.
9 Lui. Did you state what the notice -- I
10 apologize if you had done that before -- did you
11 state what the notice stated, what were the
12 charges in the notice?

13 MR. LUI: I did.

14 CHAIRPERSON ANDERSON: Okay. I
15 apologize. All right. Are there any -- is there
16 anything else you want to make as far as the
17 factual stipulations, any other statements you
18 want to make?

19 MR. LUI: Not from the Government, Mr.
20 Chairperson.

21 CHAIRPERSON ANDERSON: All right. Any
22 questions of the Government based on the
23 presentation that was made, the factual
24 stipulation that's already -- that's now in the
25 record. Any questions by any Board Members?

1 MEMBER GRANDIS: Mr. Chairman?

2 CHAIRPERSON ANDERSON: Yes, Mr.

3 Grandis?

4 MEMBER GRANDIS: I would like to ask
5 a couple questions related to the stipulation.

6 CHAIRPERSON ANDERSON: You can go
7 ahead and ask. Yes, go ahead, sir.

8 MEMBER GRANDIS: Mr. Lui, it's a
9 pleasure to see you again.

10 MR. LUI: Thank you.

11 MEMBER GRANDIS: Looking at the
12 stipulations, and I believe I understand the
13 narrowness possibly of what's in that document.
14 But am I correct to say that the stipulations
15 came out of that inspector's report that is dated
16 November 2, 2020?

17 MR. LUI: Yes.

18 MEMBER GRANDIS: Okay. And may I then
19 ask you do you have a copy of that inspection
20 report with you, sir?

21 MR. LUI: Yes. I can pull it up.

22 MEMBER GRANDIS: Thank you.

23 MR. LUI: Board's indulgence.

24 MS. ANDREWS: Stand by.

25 CHAIRPERSON ANDERSON: Now I'm not

1 sure if the question has been asked for you to
2 share your screen. I think he was just asking if
3 you have a copy of it. So you don't necessarily
4 -- we're not asking you to share your screen,
5 sir, just do you have -- I believe that he might
6 be asking you some specific questions about it,
7 so you don't have to share your screen.

8 MEMBER GRANDIS: Thank you, Mr.
9 Chairperson. Yes. I have the inspection report
10 in front of me. Mr. Lui, can you turn to page, I
11 think, three? Are you able to get to that page?
12 I think it starts off Monday, November 2, 2020,
13 at approximately 7:00 p.m.

14 MR. LUI: Yes, Board Member. I see
15 it, Board Member Grandis.

16 MEMBER GRANDIS: When you scroll down,
17 it seems to lay out allegations of what was
18 noticed by the inspector. Could you read that
19 list to us?

20 MR. LUI: Certainly, if the Board
21 wishes.

22 MEMBER GRANDIS: I wish. Thank you.

23 MR. LUI: Sure. Handgun, unknown or
24 unlisted; handgun, Smith & Wesson; handgun, Glock
25 21, 45-ECP; iPhone; 9 millimeter ammunition; .380

1 ammunition; .45 ammunition; edible candy THC; 8
2 zip bags and 6 clear sandwich bags of green leafy
3 substance; marijuana cigarettes; vape cartridges;
4 THC wax jars; bottled THC liquid; jar of
5 marijuana; clear sandwich bags; zips of
6 marijuana; marijuana cigarettes; edible THC; vape
7 cartridges; jar of marijuana; zips marijuana;
8 grinder; bottled THC; zips containing green leafy
9 substance; clear bags containing green leafy
10 substance; jars, cans, liquid THC bottle; boxed
11 THC cartridge; edible THC candy; THC kief tubes;
12 THC wax containers; jars of marijuana; large bags
13 of marijuana; can of marijuana; rolled marijuana
14 cigarettes; marijuana pills in a jar; marijuana
15 zipped bags; and oxycodone pills. That's on the
16 next page, on page four.

17 MEMBER GRANDIS: Thank you. Is this
18 establishment licensed as a dispensary?

19 MR. LUI: It is not. It is licensed
20 as a C bar, which is a restaurant.

21 MEMBER GRANDIS: Thank you, sir. Can
22 I ask you now to go to page one? I'm sorry, page
23 two.

24 MR. LUI: Yes, Chair Member, I am
25 there -- Board Member.

1 MEMBER GRANDIS: I'm sorry, page one.
2 I apologize for my confusion. In that opening
3 paragraph called summary --

4 MR. LUI: Yes.

5 MEMBER GRANDIS: -- a few sentences
6 down, the sentence begins additionally. Would
7 you read that in for the record, please?

8 MR. LUI: Additionally, the
9 Metropolitan Police Department made five arrests
10 of individuals inside the establishment and
11 seized illegal narcotics and weapons. Lastly,
12 the establishment failed to adhere to the Mayor's
13 Emergency Order by failing to prohibit events
14 that would require patrons to be standing in
15 close contact with each other, failed to require
16 patrons to wear masks, and failed to require
17 employees to wear masks. These violations
18 occurred on a day the establishment was not
19 licensed to operate while requiring a cover
20 charge to enter the establishment without the
21 proper endorsement. These determinations were
22 based on observations made by SI Brashears while
23 at the establishment, a review of MPD's PD 251
24 report generated due to this incident, and
25 statements made by customers.

1 MEMBER GRANDIS: Thank you. I have
2 one last question. It may have already been
3 stated in the record but just for my
4 clarification, was the owner of the ABC license
5 at the establishment when the inspector or MPD
6 was in that establishment?

7 MR. LUI: No, he wasn't.

8 MEMBER GRANDIS: The owner was not
9 there?

10 MR. LUI: No, not according to this
11 report, not according to my understanding of the
12 facts, no.

13 MEMBER GRANDIS: And was there a
14 licensed manager on the premises?

15 MR. LUI: Yes. ABC Manager Edgar
16 Amaya was there.

17 MEMBER GRANDIS: Thank you very much,
18 sir.

19 MR. LUI: And Mr. Grandis -- Board
20 Member Grandis, I just wanted to note that this
21 report is a part of the Board's record as well,
22 the investigative report is.

23 CHAIRPERSON ANDERSON: Thank you, Mr.
24 Lui, and I just want the record to reflect that
25 the Board will take administrative notice of the

1 investigative report that was done by
2 Investigator Brashears. Thank you.

3 Are there any other questions for any
4 other Board Members for Mr. Lui?

5 All right. Hearing none, Mr. Giron,
6 it's my understanding that there is a
7 stipulation, there are 11 -- I believe, 11
8 stipulations. I've seen 11 stipulated facts in
9 the record, and since there is stipulation, I
10 just wanted your view -- you're in agreement with
11 the stipulation; is that correct, sir?

12 MR. GIRON: That is correct.

13 CHAIRPERSON ANDERSON: Is there any
14 questions -- is there anything -- let me -- I
15 guess let me -- can you raise your right hand,
16 please? You're not testifying. I just want to
17 just for -- you're not testifying, but do you
18 swear or affirm to tell the truth and nothing but
19 the truth?

20 MR. GIRON: Yes, I do.

21 CHAIRPERSON ANDERSON: All right,
22 fine. Thanks. Are there any comments or
23 anything you want to say, sir, as regarding the
24 stipulated facts, sir, yeah.

25 MR. GIRON: No.

1 CHAIRPERSON ANDERSON: No. All right.
2 Any questions of the licensee by any Board
3 Members?

4 MEMBER SHORT: Yes, Mr. Chair. I'd
5 like to ask him one question.

6 CHAIRPERSON ANDERSON: Go ahead, Mr.
7 Short.

8 MEMBER SHORT: Yes. This is to the
9 owner-licensee. Sir, were you aware that your
10 business would open on that Monday?

11 MR. GIRON: Yes.

12 MEMBER SHORT: No further questions,
13 Mr. Chair.

14 CHAIRPERSON ANDERSON: All right.
15 Thank you. Any other questions by any other
16 Board Members?

17 Mr. Liu, any closing statements?

18 MR. LUI: No closing statements, Mr.
19 Chairperson.

20 CHAIRPERSON ANDERSON: Mr. Giron,
21 we're at the juncture where the Board's going to
22 -- they have submitted the facts and the Board
23 has to -- will take the facts under
24 consideration, and the Board will make a
25 determination what, if any, penalty the Board

1 will issue regarding the agreement here. Is
2 there any -- what do you want to put on the
3 record as far as your perspective, what it is
4 that you want the Board to consider?

5 MR. GIRON: Well, there was a reason
6 behind why this event happened. I'm not sure if
7 you can hear me well.

8 CHAIRPERSON ANDERSON: Yeah, you're --

9 MR. GIRON: I think --

10 CHAIRPERSON ANDERSON: -- I think
11 you're breaking up --

12 MR. GIRON: -- the screen -- this --

13 CHAIRPERSON ANDERSON: -- you're --
14 yes -- yeah. You want to start back over? Okay.
15 Go ahead.

16 MR. GIRON: Okay. The reason why this
17 event happened was our business had been
18 vandalized during the pandemic a couple of times
19 and we've lost almost over \$5,000.00 in our doors
20 being damaged, our windows, property stolen from
21 the business. And we -- it was money that we
22 barely had and I was approached by a young
23 entrepreneur who wanted to rent and lease space
24 in the restaurant. He told me about the event
25 and I agreed to it, because we were really in

1 desperate need.

2 We never received any financing help
3 from the City. We've been going at it truly
4 alone, and I really needed the cash. That's
5 pretty much the reason why it happened. And
6 after that, our business has been vandalized two
7 more times over the last -- the police were
8 called on -- about two weeks and a half ago where
9 the guy showed up because he kept being released
10 by court because of COVID, cannot hold him. And
11 he'd come back because the first time he got
12 arrested and now has a really big grudge on me
13 and the business, because we sent him for, I
14 think it was, two months.

15 CHAIRPERSON ANDERSON: Mr. Giron, hold
16 on.

17 MR. GIRON: And then after that, he
18 would --

19 CHAIRPERSON ANDERSON: Mr. Giron, hold
20 on, please. Your -- it's very important that the
21 record reflect what it is that you have to say.
22 Why don't you -- you're having some connection
23 issues. Why don't you log off and log back in.
24 Maybe things -- because you're -- I'm not hearing
25 clearly, and I want to make sure that everything

1 that you say, the record properly captures it.
2 So why don't you log off and probably log back in
3 and maybe you'll get a better connection. Okay.

4 MR. GIRON: Okay. Give me one second.

5 CHAIRPERSON ANDERSON: Okay.

6 (Pause.)

7 MR. GIRON: Can you hear me?

8 CHAIRPERSON ANDERSON: I can hear you
9 but -- I can hear you, but -- Go ahead, sir.

10 MR. GIRON: Okay. So yes, our
11 business being vandalized before the event
12 happened a couple of times, and that has cost us
13 a lot of money that we really need in the
14 pandemic with, you know, keeping our doors
15 closed. And that's why we agreed to the -- to
16 this event to happen.

17 Like I said, the last police report
18 about the -- this person showing up at our place
19 in closing hours, throwing rocks, bricks at our
20 doors, windows happened just a little over two
21 weeks ago. And the police, they've -- they
22 arrest him and the courts just let him go. And
23 we're -- like I said, you know, we didn't receive
24 any help at all from the City. Right now we
25 can't -- we can't even -- we don't have any help

1 from the courts. They're just saying that
2 they're going to try to hold him in June, but I'm
3 not -- I don't know.

4 And we're really desperate. You know,
5 we're facing something that we've never faced
6 before. We made it through the recession in '09
7 and barely made it then and now this because --
8 it makes you do desperate stuff and take
9 desperate decisions.

10 And I know what the regulations are,
11 some of them, but also regulations do not take
12 into account the human element behind the
13 licensee, how things can really affect someone
14 and their decisions. And that's pretty much it.
15 I don't -- you know, I'm not trying to play the
16 victim of the circumstances. It's just that the
17 circumstances that we're living in are ones that
18 made me take the decision that I did. That's it.

19 CHAIRPERSON ANDERSON: Look, I'm still
20 having some problems, and I appreciate the facts
21 that you expressed, and I appreciate also seeing
22 you while you're speaking. But I was told that
23 you need to call in. Why don't you -- it's my
24 information that you were also given a call in
25 number, so I believe that -- I mean I've seen --

1 and I've seen your expression, and I've seen the
2 pain, but I think in order to make sure that we
3 get a better record, I would suggest that you
4 call in, that you call in so we can hear you, but
5 that's -- I heard what you said, but I'm not sure
6 if the court reporter heard everything, that you
7 said, that everything is transcribed. But I --
8 normally, I'll say to people that I want to see
9 folks when they're testifying, but it's important
10 that everything that you say is clearly reflected
11 in the recorded. So I would suggest that you use
12 the call-in number and call in so, therefore,
13 we'll have -- since you're having some connection
14 issues.

15 MR. GIRON: All right.

16 CHAIRPERSON ANDERSON: All right.

17 MS. ANDREWS: Mr. Giron, the call-in
18 information was sent to you via chat, okay?

19 MR. GIRON: Okay.

20 (Pause.)

21 MS. ANDREWS: Mr. Giron, can you hear
22 us on your phone?

23 MR. GIRON: Yes, I can.

24 CHAIRPERSON ANDERSON: Okay. That's
25 much better. All right. One thing that I did

1 not quite understand, you said prior to the
2 event, there was a break-in. I don't understand.
3 I didn't -- so that's where your -- but I wasn't
4 -- I didn't get the context, so maybe you can
5 explain that, sir?

6 MR. GIRON: Yes. Before the event,
7 weeks before, one day we showed up to open the
8 place, and the door was -- had a big crack on the
9 glass. So it looked really bad and I had it
10 replaced. Then two days later, the door was
11 completely broken. Somebody threw a rock through
12 it. No one went it in. It was just a rock
13 there. So I set up some security cameras in the
14 front. And then three days later, this guy threw
15 two rocks, and the camera caught everything on
16 tape, him going inside, stealing liquor, him and
17 another partner of his did.

18 Between the broken doors, stolen
19 property, the liquor, we -- we've lost over 5,000
20 bucks -- I'm sorry -- dollars. And then he done
21 it two more times after that. The courts -- he's
22 been arrested once -- actually, twice and the
23 courts keep releasing him. Because of COVID
24 restrictions, they cannot -- they say that they
25 cannot hold an individual doing that kind of

1 crime, because there is no human victim involved.
2 It's just property damage. And he just keeps
3 coming back.

4 So because of that, I -- when I was
5 approached to lease space for an event, I was in
6 a really, really bad moment. I was pretty
7 desperate, but like I said before, we didn't
8 receive any help from the City during the
9 pandemic even until now. We -- we've going at it
10 pretty much with my wife and myself and two
11 employees. That's about it. And when there was
12 a chance to make some extra money to cover all
13 this -- this loss, I took it. I felt like I had
14 no option, like no one was out there to help me.

15 And it's -- you know, it's -- like I
16 said, you know, I'm not trying to be a victim
17 here. It's just bad luck, I guess.

18 One more thing that I wanted to say is
19 that the things that Mr. Grandis wanted to point
20 out that was recovered from the event, it wasn't
21 in the possession of anybody that has anything to
22 do with my business. It was the attendees of the
23 event that had them, you know, on their property
24 or next to them. Nobody from -- that works with
25 or for me was arrested in this matter. We were

1 just leasing space. That was it. We didn't
2 organize anything. We -- that was just there --
3 and that's it.

4 CHAIRPERSON ANDERSON: Thank you, sir.
5 I mean it's -- I asked you the question. One of
6 the reasons why I asked you to go on the phone
7 because it's important for the record to clearly
8 reflect what your position is, and I want that to
9 be clear. So I thank you for putting on the
10 record your position.

11 All right. Any questions? I guess I
12 just want to ask you a question, sir. Were --
13 during that period, this -- the Monday event that
14 the establishment was supposed to have been
15 closed, did -- was any alcohol served on that
16 day, sold or served --

17 MR. GIRON: No -- no.

18 CHAIRPERSON ANDERSON: -- on that day?

19 MR. GIRON: No.

20 CHAIRPERSON ANDERSON: So you're
21 saying that it was a lease just for -- was it a
22 lease just for space but not to serve alcohol; is
23 that what you're trying to tell me?

24 MR. GIRON: That's correct. They just
25 wanted to lease the space for the day because --

1 CHAIRPERSON ANDERSON: I --

2 MR. GIRON: -- because -- yeah, they
3 -- we weren't, you know, open for business as we
4 regularly do. They just wanted, you know, the
5 second floor and receive the attendees. That was
6 it.

7 CHAIRPERSON ANDERSON: So, what's on
8 the second floor of your business? I don't know
9 your establishment, so --

10 MR. GIRON: Okay. Yes. The first
11 floor has the bar and some seating, limited
12 seating. And the second floor was pretty much
13 used as our dining room. It's a bigger space and
14 it has a small bar, but we don't really -- at the
15 time, we weren't using it cause -- so we -- we
16 didn't have anything there, exactly.

17 CHAIRPERSON ANDERSON: Just --

18 MR. GIRON: Pretty much the second
19 floor was empty at the time.

20 CHAIRPERSON ANDERSON: So you're
21 stating that no alcohol was stolen or served
22 during that day?

23 MR. GIRON: I'm sorry --

24 CHAIRPERSON ANDERSON: Is that your
25 testimony? All right. Okay. Thank you. Any

1 other questions by any Board Members?

2 All right. Any closing statements by
3 either side before I close the record? Mr. Lui?

4 MR. LUI: Not from the Government.

5 CHAIRPERSON ANDERSON: Mr. Giron, any
6 closing statements you want to do before I close
7 the record?

8 MR. GIRON: No, that was it. I pretty
9 much said everything.

10 CHAIRPERSON ANDERSON: Okay. All
11 right. Thank you, sir. All right. I'm sorry
12 for rustling all these papers. I apologize. All
13 right. As Chairperson of the Alcoholic Beverage
14 Control Board for the District of Columbia, in
15 accordance with DC Official Code Section 2574(b)
16 of the Open Meetings Act, I move that the ABC
17 Board hold a closed meeting for the purpose of
18 seeking legal advice from our counsel on Case No.
19 20-251-00036, Churreria Madrid Restaurant,
20 License No. 060806, pursuant to DC Official Code
21 Section 2574(b)(4) of the Open Meetings Act and
22 deliberating upon Case No. 20-251-00036,
23 Churreria Madrid Restaurant, License No. 060806
24 for the reasons cited in DC Official Code Section
25 2574(b)(13) of the Open Meetings Act. Is there a

1 second?

2 MEMBER CROCKETT: Ms. Crockett

3 seconds.

4 CHAIRPERSON ANDERSON: Ms. Crockett

5 has seconded the motion. I will now take a roll

6 call vote on the motion that's been properly

7 seconded by Ms. Crockett. Mr. Short?

8 MEMBER SHORT: Mr. Short, I agree.

9 CHAIRPERSON ANDERSON: Mr. Cato?

10 MEMBER CATO: Bobby Cato, I agree.

11 CHAIRPERSON ANDERSON: Ms. Crockett?

12 MEMBER CROCKETT: Rafi Crockett, I

13 agree.

14 CHAIRPERSON ANDERSON: Ms. Hansen?

15 MEMBER HANSEN: Jeni Hansen, I agree.

16 CHAIRPERSON ANDERSON: Mr. Grandis?

17 MEMBER GRANDIS: Edward Grandis, I

18 agree.

19 CHAIRPERSON ANDERSON: Mr. Anderson,

20 I agree. As it appears that the motion has

21 passed, I hereby give notice that the ABC Board

22 will recess this proceeding to hold a closed

23 meeting in an ABC Board Conference Room pursuant

24 to Section 2574(b) of the Open Meetings Act.

25 Thank you very much for your presentation today.

1 The Board will take this matter under advisement,
2 and we will issue a decision accordingly. Thank
3 you very much. All right. Thank you.

4 MR. LUI: Thank you. Take care,
5 everyone.

6 MR. GIRON: All right. Bye-bye.

7 CHAIRPERSON ANDERSON: All right.
8 That is the end of the Board's calendar for the
9 day, whereby we have addressed all the issues on
10 our calendar. And so now I need to official
11 close the record.

12 As Chairperson of the Alcoholic
13 Beverage Control Board for the District of
14 Columbia, and in accordance with Chapter 3 -- I'm
15 sorry -- Title 3, Chapter 405, Office of Open
16 Government, I move that the ABC Board hold a
17 closed meeting on May 12, 2021 for the purpose of
18 discussing and hearing reports concerning ongoing
19 or planned investigations of alleged criminal or
20 civil misconduct, or violations of law, or
21 regulations, and seek illegal advice from our
22 legal counsel on the Board's investigative
23 agenda, legal agenda, and licensing agenda for
24 May 12, 2021 as published in the DC Register on
25 May 5, 2021. Is there a second?

1 MEMBER SHORT: Mr. Short, I second.

2 CHAIRPERSON ANDERSON: Mr. Short has
3 seconded the motion. I will now take a roll call
4 vote on the motion before us now that's been
5 seconded. Mr. Short?

6 MEMBER SHORT: Mr. Short, I agree.

7 CHAIRPERSON ANDERSON: Mr. Cato?

8 MEMBER CATO: Bobby Cato, I agree.

9 CHAIRPERSON ANDERSON: Ms. Crockett?

10 MEMBER CROCKETT: Rafi Crockett, I
11 agree.

12 CHAIRPERSON ANDERSON: Ms. Hansen?

13 MEMBER HANSEN: Jeni Hansen, I agree.

14 CHAIRPERSON ANDERSON: Mr. Grandis?

15 MEMBER GRANDIS: Edward Grandis, I
16 agree.

17 CHAIRPERSON ANDERSON: And Mr.
18 Anderson, I agree. As it appears that the motion
19 has passed, I hereby give notice that the ABC
20 Board will hold this aforementioned closed
21 meeting. Pursuant to the Open Meetings Act,
22 notice will also be posted on the ABC Board
23 Hearing Room bulletin board, placed on the
24 electronic calendar at ABRA's website, and
25 published in the DC Register in as timely a

1 manner as practical. We have -- we're now
2 adjourned for the day. I want to thank the Board
3 and the public for their participation today, and
4 I will now ask the Board to return to executive
5 session for further developments. Thank you very
6 much and have a great day. Thank you.

7 (Whereupon, the above-entitled matter
8 went off the record at 2:26 p.m.)

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This is to certify that the foregoing transcript

In the matter of: Churreria Madrid

Before: DCABRA

Date: 05-05-21

Place: teleconference

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Court Reporter

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