

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

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IN THE MATTER OF: :
 :
BG & AS Beverage, LLC :
t/a Mac Market & Deli :
5185 MacArthur Blvd NW :
Retailer A - ANC 3D :
License No. 125344 :
Case #24-CIT-00318 :
 :
(No ABC Manager on Duty) :
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Wednesday
October 2, 2024

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

PRESENT:

DONOVAN W. ANDERSON, Chairperson
SILAS GRANT, JR., Member
JAMES SHORT, JR., Member

ALSO PRESENT:

JOSE ORELLANA, DC ABCA Staff
MANNY SINGH, Licensee
ALYCIA HOGENMILLER, DC OAG
INVESTIGATOR FELICIA DANTZLER

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

2 2:37 p.m.

3 CHAIRPERSON ANDERSON: The only case
4 that is now left on our calendar is a show cause
5 hearing, Case Number 24-CIT-00318, Mac Market &
6 Deli, License Number 125344. Good afternoon, Mr.
7 Orellana. Can you please elevate the rights of
8 the parties in this case?

9 MR. ORELLANA: Sure thing. Alycia
10 Hogenmiller, your access has been elevated.
11 Investigator Felicia Dantzler, your access has
12 been elevated. Manny Singh, your access has been
13 elevated. That is all, Chairman.

14 CHAIRPERSON ANDERSON: Thank you.
15 Manny Singh, do you have a camera to turn on?

16 MR. SINGH: Yes, can you hear me now?

17 CHAIRPERSON ANDERSON: I can hear you,
18 sir. Do you have a camera you can turn on, sir?

19 MR. SINGH: Can you hear me? Can you
20 see the camera?

21 CHAIRPERSON ANDERSON: No, sir, I
22 cannot see the camera but I can hear you.

23 MR. SINGH: You see me now, Chair?

24 CHAIRPERSON ANDERSON: Yes, sir, I can
25 see you. All right, Ms. Hogenmiller, good

1 afternoon. Can you please spell and state your
2 name for the record?

3 MS. HOGENMILLER: Good afternoon.
4 Assistant Attorney General Alycia Hogenmiller, A-
5 L-Y-C-I-A, H-O-G-E-N-M-I-L-L-E-R, on behalf of
6 the District.

7 CHAIRPERSON ANDERSON: Good afternoon.
8 Mr. Singh, can you please identify yourself for
9 the record by spelling and stating your name and
10 your relationship to this establishment?

11 MR. SINGH: Manny Singh, M-A-N-N-Y, S-
12 I-N-G-H. I am the manager.

13 CHAIRPERSON ANDERSON: I just want to
14 put on the record that it is my understanding
15 that a representative letter was sent to the
16 agency earlier identifying you, Mr. Singh, as
17 representing the establishment.

18 MR. SINGH: Yes.

19 CHAIRPERSON ANDERSON: Ultimately, if
20 this matter goes to a hearing do you have a
21 witness you wish to call?

22 MS. HOGENMILLER: Yes, we would call
23 Lead Investigator, Felicia Dantzler.

24 CHAIRPERSON ANDERSON: Ms. Dantzler,
25 can you please identify yourself for the record

1 by spelling and stating your name?

2 MS. DANTZLER: Lead Investigator
3 Felicia Dantzler. Felicia, F-E-L-I-C-I-A,
4 Dantzler, D-A-N-T-Z-L-E-R.

5 CHAIRPERSON ANDERSON: All right.
6 Thank you. Ms. Hogenmiller, are there any
7 preliminary matters in this case?

8 MS. HOGENMILLER: None from the
9 District.

10 CHAIRPERSON ANDERSON: Any preliminary
11 matters that you want to make, Mr. Singh?

12 MR. SINGH: No.

13 CHAIRPERSON ANDERSON: All right. So
14 this is a full show cause hearing, and so there
15 is no ABC managing duty. So basically the way it
16 will go, Mr. Singh, both parties will have an
17 opportunity to make an opening statement. The
18 government has a burden, so, therefore, they will
19 go first and present their documents and
20 witnesses. They will call their first witness.
21 After the Government has questioned its witness
22 you will have an opportunity to cross examine the
23 Government's witness. After you have had an
24 opportunity to cross examine the government's
25 witness then the Board will have an opportunity

1 to ask questions of the witness. After the Board
2 asks questions of the witness then if you have
3 any questions of the witness based on the
4 questions that the Board asks then you might be
5 given an opportunity to ask questions and Ms.
6 Hogenmiller she will have an opportunity to ask
7 redirect questions to her witness. After the
8 Government has rested its case then you can
9 present your case. So I do not know if you have
10 any witnesses you wish to call, but then you will
11 have an opportunity to do that. All right, sir?
12 Any questions before we start?

13 MS. SINGH: No, thank you.

14 CHAIRPERSON ANDERSON: Ms. Hogenmiller,
15 do you wish to do an opening statement, ma'am?

16 MS. HOGENMILLER: Yes.

17 CHAIRPERSON ANDERSON: Go ahead, yes.

18 MS. HOGENMILLER: May it please the
19 Board, this case relates to the sole charge of
20 Mac Market and Deli failing to have an ABC
21 manager or owner. During the hearing you will
22 hear from ABCA Lead Investigator, Felicia
23 Dantzler, about how when she went to Mac Market
24 she asked for the ABC manager or owner. Mr.
25 Singh indicated that the owner was not there, and

1 that he was not an ABC manager. You will also
2 hear about how Felicia Dantzler observed Mr.
3 Singh sell alcoholic beverages when there was no
4 ABC manager or owner present. Based on this
5 evidence, the Government will ask that you find
6 in its favor and apply a penalty consistent with
7 the statute. Thank you.

8 CHAIRPERSON ANDERSON: Thank you. Mr.
9 Singh, do you wish to make an opening statement
10 at this juncture, or you can defer until you
11 present your case. Your option, sir?

12 MR. SINGH: I will present my case.

13 CHAIRPERSON ANDERSON: You will do an
14 opening when you are ready to present your case.

15 MR. SINGH: Yes.

16 CHAIRPERSON ANDERSON: Okay, fine.

17 MR. SINGH: Yes.

18 CHAIRPERSON ANDERSON: All right, Ms.
19 Hogenmiller, do you have a witness you wish to
20 call?

21 MS. HOGENMILLER: Yes. We would like
22 to call ABCA Lead Investigator, Felicia Dantzler.

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

1 truth?

2 MS. DANTZLER: I affirm.

3 CHAIRPERSON ANDERSON: Thank you. Your
4 witness, ma'am.

5 MS. HOGENMILLER: Good afternoon,
6 Investigator. Could you please spell and state
7 your name for the record?

8 MS. DANTZLER: Yes. Felicia Dantzler,
9 F-E-L-I-C-I-A, Dantzler, D-A-N-T-Z-L-E-R.

10 MS. HOGENMILLER: Where are you
11 currently employed?

12 MS. DANTZLER: I work with the
13 Alcoholic Beverage and Cannabis Administration.

14 MS. HOGENMILLER: Can I shorten the
15 Alcoholic Beverage and Cannabis Administration to
16 ABCA?

17 MS. DANTZLER: Yes.

18 MS. HOGENMILLER: What is your position
19 with ABCA?

20 MS. DANTZLER: I am a lead
21 investigator.

22 MS. HOGENMILLER: How long have you
23 been a lead investigator?

24 MS. DANTZLER: Approximately five
25 years.

1 MS. HOGENMILLER: What are your duties
2 and responsibilities as a lead investigator?

3 MS. DANTZLER: I enforce the alcoholic
4 regulations and conduct regulatory inspections of
5 ABC establishments.

6 MS. HOGENMILLER: Now, turning to the
7 case today, are you familiar with the
8 establishment located at 5158 MacArthur Boulevard
9 NW, Washington, DC, Mac Market and Deli?

10 MS. DANTZLER: Yes.

11 MS. HOGENMILLER: How are you familiar
12 with this establishment?

13 MS. DANTZLER: I was at the
14 establishment to conduct the regulatory action
15 whereas I had to drop off some renewal placards.

16 MS. HOGENMILLER: What day did you go
17 to the establishment?

18 MS. DANTZLER: April 8th of 2024.

19 MS. HOGENMILLER: What happened once
20 you arrived to the establishment?

21 MS. DANTZLER: When I got there the
22 store was open and operating, and shortly after I
23 came through the door I saw a customer approach
24 the cashier, who I later learned was Mr. Singh.
25 The patron approached the counter with a six pack

1 of Budweiser beer.

2 MS. HOGENMILLER: What happened with
3 the patron after they approached the counter?

4 MS. DANTZLER: I watched as the
5 customer purchased the six pack of Budweiser
6 beer.

7 MS. HOGENMILLER: At any time while you
8 were in the establishment did you speak with Mr.
9 Singh?

10 MS. DANTZLER: I did. I identified
11 myself as an ABCA investigator, and requested to
12 speak with the ABC manager or the owner.

13 MS. HOGENMILLER: What was his
14 response?

15 MS. DANTZLER: Mr. Singh advised me
16 that his mom was the owner of the establishment,
17 and she was not there.

18 MS. HOGENMILLER: Did he identify an
19 ABC manager?

20 MS. DANTZLER: No, he did not.

21 MS. HOGENMILLER: Did you ask him if he
22 was an ABC manager?

23 MS. DANTZLER: I believe I did, and I
24 want to say Mr. Singh stated his ABC manager's
25 license was expired.

1 MS. HOGENMILLER: Did you have any
2 other conversations with Mr. Singh while you were
3 there?

4 MS. DANTZLER: Yes, our interactions
5 were interrupted because another patron had
6 approached the counter with a six pack of beer, I
7 believe it was called blue moon. So I watched as
8 Mr. Singh took care of that customer by accepting
9 payment for that sale.

10 MS. HOGENMILLER: What did you do once
11 you learned that there was no ABC manager or
12 owner at the establishment?

13 MS. DANTZLER: I advised Mr. Singh of
14 the violation, that the establishment needed to
15 have an ABC manager or owner there during the
16 sale of alcoholic beverages. I also asked of Mr.
17 Singh to provide me with the receipts for the
18 purchase of the Budweiser beer, and the purchase
19 that was made with the Blue Moon beer.

20 MS. HOGENMILLER: Chairperson Anderson,
21 can I request permission to share my screen?

22
23 CHAIRPERSON ANDERSON: Sure. Mr.
24 Orellana, can you please allow Ms. Hogenmiller
25 the ability to share her screen?

1 MR. ORELLANA: Access has been granted.

2 CHAIRPERSON ANDERSON: Thank you.

3 MS. HOGENMILLER: Did you complete a
4 case report regarding the violation you observed
5 at Mac Market on April 8, 2024?

6 MS. DANTZLER: I did.

7 MS. HOGENMILLER: Would you recognize
8 a copy of that case report if I was to show it to
9 you today?

10 MS. DANTZLER: I should be able to,
11 yes.

12 MS. HOGENMILLER: Okay. I am showing
13 you what has been marked as Exhibit A for
14 identification. Let me know at any time if you
15 need me to zoom in.

16 MS. DANTZLER: Yes, could you enlarge
17 it, please? Yes, that is fine.

18 MS. HOGENMILLER: Do you recognize this
19 document?

20 MS. DANTZLER: I do.

21 MS. HOGENMILLER: What is this
22 document?

23 MS. DANTZLER: That is a copy of my
24 case report that I authored.

25 MS. HOGENMILLER: Is it part of your

1 job as an investigator to write case reports?

2 MS. DANTZLER: It is.

3 MS. HOGENMILLER: Mr. Chairperson, the
4 District would like to note for the record that
5 Exhibit A, the April 8, 2024 case report from Mac
6 Market is already in evidence pursuant to 23DCMR,
7 Section 1713.10.

8 CHAIRPERSON ANDERSON: Yes, it is part
9 of the Board's record and it is already in
10 evidence.

11 MS. HOGENMILLER: Thank you. Now, Ms.
12 Dantzler, turn to Exhibit 1 within this case
13 report. What is Exhibit 1?

14 MS. DANTZLER: Exhibit 1 is the receipt
15 that Mr. Singh provided me as it relates to the
16 purchase of the Budweiser beer.

17 MS. HOGENMILLER: Is this one of the
18 purchases that you observed while you were at the
19 establishment?

20 MS. DANTZLER: In partial it is.

21 MS. HOGENMILLER: Can you explain why
22 partially it is?

23 MS. DANTZLER: I saw the customer bring
24 to the counter just the six pack of Budweiser
25 beer, so when I asked for a copy of the receipt I

1 was unaware that the patron also had purchased
2 vodka.

3 MS. HOGENMILLER: Thank you. Now we
4 are going to turn to Exhibit 2. What is pictured
5 here in Exhibit 2?

6 MS. DANTZLER: That is the sales
7 receipt for the second purchase that I observed,
8 which was the six pack of Blue Moon beer.

9 MS. HOGENMILLER: Lastly, I am going to
10 turn your attention to Exhibit 3. What is
11 pictured here in Exhibit 3?

12 MS. DANTZLER: That is a copy of the
13 citation that I issued when I returned to the
14 establishment on April 11th to write the
15 violation for the April 8th observations.

16 MS. HOGENMILLER: Did someone sign the
17 citation?

18 MS. DANTZLER: Yes.

19 MS. HOGENMILLER: Who was it?

20 MS. DANTZLER: Mr. Singh.

21 MS. HOGENMILLER: Now scroll down.

22 When you delivered the citation did you have any
23 other conversation with Mr. Singh?

24 MS. DANTZLER: Yes, Mr. Singh did share
25 with me that he was able to obtain a temporary

1 ABC manager's license.

2 MS. HOGENMILLER: Thank you. I have no
3 further questions.

4 (Pause)

5 MS. HOGENMILLER: Chairperson Anderson,
6 you are on mute.

7 CHAIRPERSON ANDERSON: That is why I do
8 not mute myself because this always happens. Mr.
9 Singh, do you have any questions of the
10 investigator?

11 (No audible response)

12 CHAIRPERSON ANDERSON: Does any Board
13 members have any questions of the investigator?

14 MEMBER GRANT: I do, Mr. Chair.

15 CHAIRPERSON ANDERSON: Go ahead, Mr.
16 Grant.

17 MEMBER GRANT: Investigator Dantzler,
18 thank you for being with us, and thank you for
19 your report. Just a quick question about the
20 interaction between you and Mr. Singh when you
21 all discussed specifically his status as an ABC
22 manager. Did he indicate that there was anyone
23 else that could have been the manager, or did he
24 just state specifically and exclusively that he
25 was and that it was an outdated license that he

1 had to be the manager?

2 MS. DANTZLER: My independent
3 recollection was that he stated he had a license,
4 and I want to say he believed it to be valid, and
5 I may have checked our database there at the
6 establishment and saw that it had expired.

7 MEMBER GRANT: Okay. That is the only
8 question that I have, Mr. Chairman.

9 CHAIRPERSON ANDERSON: Okay. Go ahead,
10 Mr. Short.

11 MEMBER SHORT: Thank you, Mr. Chairman.
12 Good afternoon, Investigator -- Chief
13 Investigator Dantzler. Thank you for an
14 excellent report. When you checked the database
15 can you remember what date this person's ABC
16 manager's license had expired?

17 MS. DANTZLER: No, I cannot recall the
18 year or month.

19 MEMBER SHORT: Would it have been
20 current or was it you think six months, a year,
21 any idea how long it had been expired?

22 MS. DANTZLER: No, I have no
23 independent recollection of that.

24 MEMBER SHORT: Okay. Again, thank you
25 for an excellent report. That is all I have Mr.

1 Chair.

2 MS. DANTZLER: My pleasure.

3 CHAIRPERSON ANDERSON: All right.

4 Thank you. Mr. Singh, are you there?

5 MR. SINGH: Yes.

6 CHAIRPERSON ANDERSON: You are off my
7 screen, I do not see you, that is why I asked if
8 you were there, sir, I cannot see you. Do you
9 have any questions of Ms. Dantzler based on the
10 questions that the Board members just asked, sir?

11 MR. SINGH: No. I mean, as soon Ms.
12 Dantzler told me --

13 CHAIRPERSON ANDERSON: Hold on, Mr.
14 Singh. You are the --

15 MR. SINGH: Yes. Can you hear me?

16 CHAIRPERSON ANDERSON: Yes, I can hear
17 you, sir. I cannot see you, but I can hear you.
18 At this juncture I am just saying if you have any
19 questions fine. If you do not have any questions
20 then fine. So you have no questions, correct?

21 MR. SINGH: No questions.

22 CHAIRPERSON ANDERSON: Ms. Hogenmiller,
23 do you have any redirect questions to Ms.
24 Dantzler?

25 (No audible response)

1 CHAIRPERSON ANDERSON: All right. Ms.
2 Dantzler, thank you very much for your testimony
3 today. Have a great day.

4 MS. DANTZIER: My pleasure. You guys
5 do the same.

6 CHAIRPERSON ANDERSON: Thank you. Ms.
7 Hogenmiller, do you have another witness or do
8 you rest?

9 MS. HOGENMILLER: No other witnesses at
10 this time. The Government rest its case.

11 CHAIRPERSON ANDERSON: Thank you. Mr.
12 Singh, I cannot see you, sir. Can you turn your
13 camera on so you can present your case now?

14 MR. SINGH: Oh, can you hear me now?

15 CHAIRPERSON ANDERSON: I cannot see
16 you, sir. Okay. All right, do -- okay, I saw
17 you half a second and then you disappear.

18 MR. SINGH: Now?

19 CHAIRPERSON ANDERSON: No.

20 MR. SINGH: Now?

21 CHAIRPERSON ANDERSON: No. Yes.

22 MR. SINGH: You see me now, right?

23 CHAIRPERSON ANDERSON: Yes, sir. Are
24 you the only witness, sir?

25 MR. SINGH: Yes.

1 CHAIRPERSON ANDERSON: Can you raise
2 your right hand, please, sir? Do you swear or
3 affirm to tell the truth and nothing but the
4 truth?

5 MR. SINGH: Swear, yes, sure.

6 CHAIRPERSON ANDERSON: Go ahead, sir.

7 MS. HOGENMILLER: Chairperson Anderson,
8 the District would object to Mr. Singh testifying
9 at this time because he did not list himself as a
10 witness on an exhibit or witness list, and he is
11 not the owner of the establishment.

12 CHAIRPERSON ANDERSON: Was a PIP
13 provided?

14 MS. HOGENMILLER: The District did not
15 receive an exhibit or witness list from the
16 establishment.

17 CHAIRPERSON ANDERSON: But you knew
18 that at a minimum the owner would testify today,
19 is that correct? Even if a witness list was not
20 sent that a witness would be present today, is
21 that correct?

22 MS. HOGENMILLER: I am not sure --

23 (Simultaneous speaking)

24 CHAIRPERSON ANDERSON: No, I am asking
25 a different question, ma'am. I am saying even if

1 the owner did not send a PIP you were on notice
2 that a witness will testify, is that correct? At
3 least the owner would testify, because that would
4 not be a surprise to you, okay? Is that correct?

5 MS. HOGENMILLER: If an owner
6 testified, no.

7 CHAIRPERSON ANDERSON: All right. Now
8 tell me how is it that you believe that your
9 prejudiced. Mr. Singh is the representative of
10 the establishment, and Mr. Singh is the person in
11 question that Ms. Dantzler had an interaction
12 with, and so all the gist of her testimony was
13 that she spoke to Mr. Singh, this is what Mr.
14 Singh did, and this is what Mr. Singh did, and so
15 how is it that the Government would feel it is
16 prejudice if I allow Mr. Singh to testify today?

17 MS. HOGENMILLER: The Government was
18 not put on notice seven days before the hearing
19 that Mr. Singh would testify as required by the
20 Agency's rules.

21 CHAIRPERSON ANDERSON: I am aware of
22 that, ma'am, but I am just saying how are you
23 prejudiced, because since Mr. Singh from what I -
24 - his name is mentioned all over the report.
25 When Ms. Dantzler testify today she talked about

1 her interaction with Mr. Singh. Now, if the
2 owner was present today, and if the owner called
3 Mr. Singh as a witness then maybe I would --
4 since the disclosure was not done then that is a
5 different situation, but I guess I am just asking
6 you to tell us how is it that you have been
7 prejudiced. I know that they did not comply with
8 the disclosure rule. How are you prejudiced
9 since Mr. Singh is the nature of this action?

10 MS. HOGENMILLER: Because the
11 establishment did not put the District on notice
12 of Mr. Singh being called as a witness in a
13 timely manner.

14 CHAIRPERSON ANDERSON: So, Mr. Singh,
15 why is it that -- when did you know that you
16 would be representing the establishment at this
17 hearing today, sir.

18 MR. SINGH: Sir, I have been, even the
19 last time when we had the show cause, my mother
20 emailed the ABCA Manny Singh represent Mac Market
21 Deli. So when that happened I was not aware of
22 it and she was not aware of it that there is a
23 seven-day window to let the District Government
24 know that I am going to be the witness. This
25 morning I got a call with ABCA legal department

1 with Ms. Deedee, and she said she is going to
2 talk to I guess the, I forgot the name of the
3 lawyer representing DC, to her and I had a call
4 with her this morning two times, here this is
5 what the issue is, what can I do, and we had a
6 call twice and it was not mentioned either that I
7 cannot be a witness because I am not the owner.

8 CHAIRPERSON ANDERSON: It is a
9 different -- I hear what you are saying, Mr.
10 Singh, it is something different. Were you at
11 the show cause hearing status?

12 MR. SINGH: Yes, I was.

13 CHAIRPERSON ANDERSON: Did you not hear
14 me say to you, sir, at the show cause hearing
15 status that seven days before the hearing you are
16 supposed to exchange documents and witnesses, and
17 failure by either party to disclose documents and
18 witnesses seven days before the hearing unless
19 good cause is shown then the Board is empowered
20 to prevent that person from testifying, sir? Did
21 you not hear that?

22 MR. SINGH: I heard that, but I was not
23 sure that I have to do myself because I am the
24 witness I was not sure about that, the legality
25 of that issue. I got the ticket, I had a

1 discussion with the ABCA almost two or three
2 times regarding this issue, I had one of the
3 inspectors she drop me the paperwork. She said
4 this is your call, and then I called and asked
5 retesting because of the change of date. That
6 was October 2nd. I was not aware of it that to
7 myself I would declare myself as a witness.

8 CHAIRPERSON ANDERSON: So when did you
9 advise the Agency and the Government that you
10 would be representing your -- I'm sorry, what is
11 the relationship between you and the owner of the
12 establishment, sir?

13 MR. SINGH: She is my mother.

14 CHAIRPERSON ANDERSON: She is your
15 mother. All right, so when did you first advise
16 the Agency that you would be representing your
17 mother at the show cause hearing status, and also
18 at this hearing? When did you first notify the
19 parties?

20 MR. SINGH: Day before show cause
21 hearing.

22 CHAIRPERSON ANDERSON: No, I am talking
23 about the first hearing. When did you -- you
24 stated that you represented your mom at that
25 hearing. When was that hearing scheduled for?

1 Do you remember when that was?

2 MR. SINGH: That was at least September
3 -- August. I think August 18, or something.
4 Sometime in August.

5 CHAIRPERSON ANDERSON: You are saying
6 that you were not aware that although you are
7 representing your mom, that you did not know that
8 you needed to --

9 (Simultaneous speaking)

10 CHAIRPERSON ANDERSON: I cannot see
11 you, sir. You are gone from my screen. One of
12 the reasons why I always ask folks to be on
13 camera because I want to make sure that they are
14 actually there, so I cannot tell if you are
15 actually there if I cannot see you.

16 MR. SINGH: Can you see me?

17 CHAIRPERSON ANDERSON: Yes, sir, I can.

18 MR. SINGH: Okay. I thought once my
19 mother sent the email in on show cause we are not
20 supposed to do anything, like, send another
21 paperwork emailing the Government this is the
22 witness. I was not aware of it, because she
23 emailed once, and that is why we thought
24 everything should be good to go.

25 CHAIRPERSON ANDERSON: But I told you,

1 sir. You said you were at the last hearing, and
2 I told you that seven days before the hearing you
3 are supposed to disclose documents and witnesses
4 that you will be relying upon at the hearing.

5 MR. SINGH: I must be confused. I am
6 the witness, because my mom owns it I am there
7 almost seven days a week, six days a week, the
8 citation was given to me, so I was not clear on
9 that. May be a language barrier or whatever it
10 could be, but I was not aware --

11 CHAIRPERSON ANDERSON: I am smiling --
12 I'm sorry, Mr. Singh. I am smiling when I say
13 the language barrier, because --

14 MR. SINGH: Yes, because --

15 CHAIRPERSON ANDERSON: No, hold on,
16 sir. Hold on, sir. Because you were at the
17 hearing, and I make sure -- that is why I ask the
18 question. You said you were at the hearing, and
19 so I asked questions. I said if you have any
20 questions please let me know. Now, if you told
21 me that you were not at the hearing, your mom was
22 at the hearing and you did not realize then that
23 is a different story, but you yourself were at
24 the hearing, and so therefore if you told me
25 because one of the things that I try to do,

1 especially when I have someone who is not an
2 attorney, one of the things I try to do is to
3 make sure that they understand. Like I always
4 state, and I do not have the transcript in front
5 of me, I always state if you do not you can
6 always contact our legal office for them to
7 provide guidance. So I am not going to buy the
8 language barrier here today, sir, for the
9 specific reason because when we communicated the
10 last time and I asked the question you never said
11 to me, Mr. Chair, I do not understand, okay?
12 That is all I am saying, okay? All right.

13 MR. SINGH: I agree. What I am saying
14 is I was not sure. Again, it is two mistakes
15 that is done on our part, but I have to make sure
16 that-- I have to call the -- do not matter, I am
17 the witness because I am representing myself I
18 was -- I am just confused, and that is all I can
19 say.

20 CHAIRPERSON ANDERSON: All right. Ms.
21 Hogenmiller, I share what the government is
22 saying and you are correct that he did not
23 provide the disclosure the seven days before the
24 hearing, but I do not think that the Government
25 is harmed if Mr. Singh testifies today, because

1 you just called your witness and your witness --
2 the nature of the witness -- I'm sorry, the
3 nature of your witness's testimony and the case
4 report it talked about Mr. Singh, and the
5 involvement of the investigator with Mr. Singh,
6 and I believe that -- I do not believe that the
7 Government would be prejudiced by allowing Mr.
8 Singh to testify in this particular hearing. I
9 believe if it was another witness then I would
10 fully agree with their position, but since Mr.
11 Singh is not an attorney, he has been
12 representing his mom at these hearings, and he
13 himself is the subject of this action. So,
14 therefore, I will note your objection for the
15 record, but I will allow Mr. Singh to testify,
16 okay?

17 MS. HOGENMILLER: Thank you. All
18 right, Mr. Singh, I have sworn you in and so,
19 therefore, how is it that you intend to defend
20 this action, sir?

21 MR. SINGH: All I want to say is as
22 soon as the Lead Investigator walked in we had a
23 very good conversation. I think it was almost
24 five months in, because we bought the liquor
25 store back in August of 2021 or 2023. Based upon

1 that it is maybe just us who was not told about
2 the lawyer, or the previous owner. I am not
3 going to blame anybody, but when the lead
4 investigator walked in we talked to each other,
5 and as soon as she mentioned, hey, you cannot
6 sell this I was -- after the couple of customers
7 that I already took I was not aware that we
8 cannot sell liquor if there is no manager there,
9 so I said okay, make sense. I always had a
10 solicitor's permit for almost ten years in DC,
11 and I thought that was same as the manager's
12 permit. So that expired sometime last year I
13 think, which I am not sure about the date, and as
14 soon as that happened I went into the liquor
15 board. I got, both me and my brother, had the
16 manager license. As of now it is five of us,
17 because we take rules and regulations very
18 serious, and as soon as we found out all my
19 cashier, even the stock got his liquor license --
20 has a manager license, because we do not want to
21 be in this situation again. All I ask was -- it
22 was a genuine mistake. I was not aware of it.
23 Could we got a warning sort of and sort of fine?
24 So that is what my ask is, because as soon as we
25 found out five of us got manager's license,

1 because we want to comply with the rules and
2 regulations of ABCA.

3 CHAIRPERSON ANDERSON: All right.
4 Anything else you want to say, sir?

5 MR. SINGH: That is all, sir. Thank
6 you.

7 CHAIRPERSON ANDERSON: Ms. Hogenmiller,
8 do you have any questions of Mr. Singh?

9 MS. HOGENMILLER: Before Investigator
10 Dantzler came to your establishment you did not
11 have an active ABC manager's license, correct?

12 MR. SINGH: Not -- not -- I had a
13 solicitor's permit, not the ABC manager license.

14 MS. HOGENMILLER: No further cross
15 examination.

16 CHAIRPERSON ANDERSON: Any questions by
17 any Board members?

18 (No audible response)

19 CHAIRPERSON ANDERSON: Mr. Singh, so --

20 MR. SINGH: Yes, sir.

21 CHAIRPERSON ANDERSON: So how long
22 after your interaction with Ms. Dantzler did you
23 apply and got a manager's license? When did you
24 -- so --

25 MR. SINGH: Mr. --

1 CHAIRPERSON ANDERSON: Hold on. This
2 incident occurred on April 8, 2024. When did you
3 apply and receive your manager's license?

4 MR. SINGH: Next morning.

5 CHAIRPERSON ANDERSON: What date was
6 that, sir?

7 MR. SINGH: It was the 10th after
8 citation. On the 9th I got the license on the
9 8th of April.

10 CHAIRPERSON ANDERSON: So on the 8th
11 you got the citation. You are saying on April
12 9th you went and got --

13 MR. SINGH: When was the citation?

14 CHAIRPERSON ANDERSON: It appears that
15 it was, at least the records I wrote, it says
16 April 8th of 2024, so when is it that you believe
17 you got your license?

18 MR. SINGH: Next morning, because Ms.
19 Dantzler came 8:30, before we closed at 9:00 so
20 as soon as she mentioned I said I was not aware
21 of it, and next morning I was at ABCA at 8:15 or
22 8:30 and I got my license.

23 CHAIRPERSON ANDERSON: Okay. Any other
24 questions by any Board members. Go ahead, Mr.
25 Grant.

1 MEMBER GRANT: Mr. Singh, thank you for
2 being with us this afternoon. Chief Investigator
3 Dantzler, I believe she stated that when she
4 interacted with you you stated that the license
5 had expired.

6 (Inaudible.)

7 MEMBER GRANT: Say that again for me.

8 MR. SINGH: Because I used to work for
9 Breakthru Beverage --

10 MEMBER GRANT: Mr. Singh, could you
11 start over? I did not hear the first part.

12 MR. SINGH: So I worked for this
13 supplier for almost ten years, supplier and
14 distributor in Washington, DC, which is Breakthru
15 and Southern, so I carry a solicitor's permit
16 when I worked for those establishments in DC and
17 I have same as the manager's license that why I
18 was confused.

19 MEMBER GRANT: Okay. So you never had
20 a manager's license.

21 MR. SINGH: I had a solicitor's permit
22 which you need when you work for supplier or
23 distributor in DC.

24 MEMBER GRANT: Okay. That is my only
25 question. Thank you, Mr. Chair.

1 MR. SINGH: Thank you.

2 CHAIRPERSON ANDERSON: Thank you. Any
3 other questions by any other Board members? Ms.
4 Hogenmiller, any questions of Mr. Singh based on
5 the questions that were asked by the Board?

6 MS. HOGENMILLER: No.

7 CHAIRPERSON ANDERSON: Mr. Singh, any
8 final comments you want to make, sir? I am going
9 to give you an opportunity to, but based on the
10 questions that we asked -- all right, so you do
11 not have any final comments. All right, so does
12 the Government wish to make a closing statement?

13 MS. HOGENMILLER: Yes.

14 CHAIRPERSON ANDERSON: Go ahead, ma'am.

15 MS. HOGENMILLER: May it please the
16 Board, this case is straightforward. DC Code
17 Section 25-701 requires that the establishment's
18 owner or Board approved manager shall be present
19 on the premises at all times during the
20 establishment's hours of sale, and Mac Market
21 failed to do just that. Today the government
22 presented evidence in support of its singular
23 charge, no ABC manager owner. ABCA Lead
24 Investigator, Felicia Dantzler testified that
25 when she went to Mac Market she spoke with the

1 male cashier, Mr. Singh, and asked for the ABC
2 manager or owner. Mr. Singh told her that the
3 owner was not there. He also said that he was
4 not an ABC manager. Investigator Dantzler also
5 testified that she observed Mr. Singh ring up two
6 different sales of alcoholic beverages while she
7 was there, but no ABC manager owner was there.
8 You also saw the receipts of those alcoholic
9 beverage sales. Mr. Singh admits that he did not
10 have an active ABC manager's license at the time
11 that Investigator Dantzler was at the
12 establishment, and the subsequent application for
13 an ABC manager's license does not erase the
14 violation that happened on April 8, 2024. Thus,
15 the Government asks that you find in its favor
16 and apply a fine consistent under the statute.
17 Thank you.

18 CHAIRPERSON ANDERSON: All right.
19 Thank you. All right, Mr. Singh, on last time,
20 what is it that you want the Board -- bring
21 closure tell us what it is that you want the
22 Board to do today, sir.

23 MR. SINGH: So I hope spending time
24 with all of your judges and the Board is it was
25 the first citation and the last citation, and if

1 we were aware of this the day we took over the
2 license this issue would have never presented.
3 So all I was asking is if we would have gotten
4 the warning instead of citation, because I took
5 action within 12 hours -- within 10 hours and got
6 my manager's license, and as of today we are more
7 of a deli style business. We have five manager's
8 license in this establishment. We take law very
9 seriously and it is not like we did not want the
10 manager's license, we were just aware of it. So
11 all I am saying is because once we do this we
12 were asking for a warning versus a actual
13 citation.

14 CHAIRPERSON ANDERSON: All right, sir.
15 Thank you for the presentation. Thank you
16 everyone. The record is closed. Our record is
17 not closed, so let me close this hearing. The
18 Board will issue its decision in 90 days, so let
19 me formally close this hearing. As Chairperson
20 of the Alcoholic Beverage and Cannabis Board for
21 the District of Columbia in accordance with DC
22 Official Code, Section 2575 of the Open Meetings
23 Act, I move that ABC Board hold a closed meeting
24 for the purpose of seeking legal advice from our
25 counsel on Case Number 24CIT00318, Mac Market and

1 Deli pursuant to DC Official Code, Section
2 2575(b) (4) (a) of the Open Meetings Act and
3 deliver it upon Case Number 24-CIT-00318, Mac
4 Market and Deli for the reasons cited in DC
5 Official Code Section 2575B13 of the Open
6 Meetings Act. Is there a second? Mr. Short has
7 seconded the motion. I will now take a roll call
8 vote on the motion before us now that it has been
9 properly seconded. Mr. Short?

10 MEMBER SHORT: Mr. Short, I agree.

11 CHAIRPERSON ANDERSON: Mr. Grant?

12 MEMBER GRANT: Mr. Grant, I agree.

13 CHAIRPERSON ANDERSON: Mr. Anderson, I
14 agree. The matter pass three, zero. As it
15 appears that the motion has passed I hereby give
16 notice that the ABC Board will recess this
17 proceeding to hold a closed meeting pursuant to
18 Section 2575 of the Open Meetings Act. Thank you
19 very much, Ms. Hogenmiller for your appearance
20 today. Mr. Singh, thank you for your appearance.
21 Have a great day, and the Board will issue a
22 decision within 90 days. Thank you. Have a
23 great day.

24 MS. HOGENMILLER: Thank you.

25 MR. SINGH: Thank you so much.

1 CHAIRPERSON ANDERSON: All right. Bye,
2 bye. The Board is now at the end of its calendar
3 for the afternoon, and so therefore if there is
4 no further business I will now close the record.
5 As chairperson of the Alcoholic Beverage and
6 Cannabis Board for the District of Columbia in
7 accordance with Title 3, Chapter 45, Office of
8 Open Government, I move that ABC Board hold a
9 closed meeting on October 4th for the purpose of
10 discussing and hearing reports concerning ongoing
11 or planned investigation of alleged criminal or
12 civil misconduct, or violations of law, or
13 regulations and seeking legal advice from our
14 legal counsel on the Board's Investigative
15 Agenda, Legal Agenda, and Licensing Agenda for
16 October 4th as published in the DC Register on
17 August 27th. Is there a second?

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

20 CHAIRPERSON ANDERSON: Mr. Grant has
21 seconded the motion. I will now take a roll call
22 vote on the motion before us now that it has been
23 seconded. Mr. Short?

24 MEMBER SHORT: Mr. Short, I agree.

25 CHAIRPERSON ANDERSON: Mr. Grant.

1 MEMBER GRANT: Mr. Grant, I agree.

2 CHAIRPERSON ANDERSON: Mr. Anderson, I
3 agree. As it appears that the motion has passed
4 I hereby give notice that the ABC Board will hold
5 this closed meeting pursuant to the Open Meetings
6 Act. Notice will also be posted on the ABC Board
7 hearing room bulletin Board, placed on electronic
8 calendar on ABCA's website, and published in DC
9 Register in as timely a manner as practical. The
10 Board is adjourned for the day. I would like to
11 thank the members of the public who participated
12 in our hearing today, and also I would like to
13 thank our Board members who have also
14 participated in our hearings today. We are now
15 adjourned for the day, and I will ask all Board
16 members to return to executive committee for
17 further developments. Thank you.

18 (Whereupon, the above-entitled matter
19 went off the record at 3:19 p.m.)
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A

A-3:4
ABC 1:9 4:15 5:20,24
 6:1,4 8:5 9:12,19,22
 9:24 10:11,15 14:1,21
 15:15 28:11,13 31:23
 32:1,4,7,10,13 33:23
 34:16 35:8 36:4,6
ABCA 1:19 5:22 6:22
 7:16,19 9:11 20:20,25
 22:1 28:2 29:21 31:23
ABCA's 36:8
ability 10:25
able 11:10 13:25
above-entitled 36:18
accepting 10:8
access 2:10,11,12 11:1
Act 33:23 34:2,6,18
 36:6
action 8:14 20:9 26:13
 26:20 33:5
active 28:11 32:10
actual 33:12
adjourned 36:10,15
Administration 7:13,15
admits 32:9
advice 33:24 35:13
advise 22:9,15
advised 9:15 10:13
affirm 6:25 7:2 18:3
afternoon 2:6 3:1,3,7
 7:5 15:12 30:2 35:3
agency 3:16 22:9,16
Agency's 19:20
Agenda 35:15,15,15
agree 25:13 26:10
 34:10,12,14 35:24
 36:1,3
ahead 5:17 14:15 15:9
 18:6 29:24 31:14
alcoholic 1:2,13 6:3
 7:13,15 8:3 10:16
 32:6,8 33:20 35:5
alleged 35:11
allow 10:24 19:16 26:15
allowing 26:7
Alycia 1:20 2:9 3:4
ANC 1:7
Anderson 1:14,16 2:3
 2:14,17,21,24 3:7,13
 3:19,24 4:5,10,13
 5:14,17 6:8,13,16,18
 6:23 7:3 10:20,23
 11:2 12:8 14:5,7,12
 14:15 15:9 16:3,6,13
 16:16,22 17:1,6,11,15
 17:19,21,23 18:1,6,7
 18:12,17,24 19:7,21

B

20:14 21:8,13 22:8,14
 22:22 23:5,10,17,25
 24:11,15 25:20 28:3,7
 28:16,19,21 29:1,5,10
 29:14,23 31:2,7,14
 32:18 33:14 34:11,13
 34:13 35:1,20,25 36:2
 36:2
anybody 27:3
appearance 34:19,20
appears 29:14 34:15
 36:3
application 32:12
apply 6:6 28:23 29:3
 32:16
approach 8:23
approached 8:25 9:3
 10:6
approved 31:18
Approximately 7:24
April 8:18 11:5 12:5
 13:14,15 29:2,9,11,16
 32:14
arrived 8:20
asked 5:24 10:16 12:25
 16:7,10 22:4 24:19
 25:10 31:5,10 32:1
asking 18:24 20:5 33:3
 33:12
asks 5:2,4 32:15
Assistant 3:4
attention 13:10
attorney 3:4 25:2 26:11
audible 14:11 16:25
 28:18
August 23:3,3,4 26:25
 35:17
authored 11:24
aware 19:21 20:21,22
 22:6 23:6,22 24:10
 27:7,22 29:20 33:1,10

32:6
BG 1:6
blame 27:3
blue 10:7,19 13:8
Blvd 1:7
board 1:2,13 4:25 5:1,4
 5:19 14:12 16:10
 21:19 27:15 28:17
 29:24 31:3,5,16,18
 32:20,22,24 33:18,20
 33:23 34:16,21 35:2,6
 35:8 36:4,6,7,10,13
 36:15
Board's 12:9 35:14
bought 26:24
Boulevard 8:8
Breakthru 30:9,14
bring 12:23 32:20
brother 27:15
Budweiser 9:1,5 10:18
 12:16,24
bulletin 36:7
burden 4:18
business 33:7 35:4
buy 25:7
bye 35:1,2

C

calendar 2:4 35:2 36:8
call 3:21,22 4:20 5:10
 6:20,22 20:25 21:3,6
 22:4 25:16 34:7 35:21
called 10:7 20:2,12 22:4
 26:1
camera 2:15,18,20,22
 17:13 23:13
Cannabis 1:2,13 7:13
 7:15 33:20 35:6
care 10:8
carry 30:15
case 1:8 2:3,5,8 4:7 5:8
 5:9,19 6:11,12,14 8:7
 11:4,8,24 12:1,5,12
 17:10,13 26:3 31:16
 33:25 34:3
cashier 8:24 27:19 32:1
cause 1:7 2:4 4:14
 20:19 21:11,14,19
 22:17,20 23:19
Chair 2:23 14:14 16:1
 25:11 30:25
Chairman 2:13 15:8,11
chairperson 1:13,16
 2:3,14,17,21,24 3:7
 3:13,19,24 4:5,10,13
 5:14,17 6:8,13,16,18
 6:23 7:3 10:20,23
 11:2 12:3,8 14:5,7,12
 14:15 15:9 16:3,6,13
 16:16,22 17:1,6,11,15
 17:19,21,23 18:1,6,7
 18:12,17,24 19:7,21
 20:14 21:8,13 22:8,14
 22:22 23:5,10,17,25
 24:11,15 25:20 28:3,7
 28:16,19,21 29:1,5,10
 29:14,23 31:2,7,14
 32:18 33:14,19 34:11
 34:13 35:1,5,20,25
 36:2
change 22:5
Chapter 35:7
charge 5:19 31:23
checked 15:5,14
Chief 15:12 30:2
citation 13:13,17,22
 24:8 29:8,11,13 32:25
 32:25 33:4,13
cited 34:4
civil 35:12
clear 24:8
close 33:17,19 35:4
closed 29:19 33:16,17
 33:23 34:17 35:9 36:5
closing 31:12
closure 32:21
Code 31:16 33:22 34:1
 34:5
Columbia 1:1 33:21
 35:6
comments 31:8,11
committee 36:16
communicated 25:9
complete 11:3
comply 20:7 28:1
concerning 35:10
conduct 8:4,14
confused 24:5 25:18
 30:18
consistent 6:6 32:16
contact 25:6
conversation 13:23
 26:23
conversations 10:2
copy 11:8,23 12:25
 13:12
correct 16:20 18:19,21
 19:2,4 25:22 28:11
counsel 33:25 35:14
counter 8:25 9:3 10:6
 12:24
couple 27:6
criminal 35:11
cross 4:22,24 28:14
current 15:20
currently 7:11

customer 8:23 9:5 10:8
12:23
customers 27:6

D

D-A-N-T-Z-L-E-R 4:4
7:9
Dantzier 16:24 17:2,4
Dantzier 1:21 2:11 3:23
3:24 4:2,3,4 5:23 6:2
6:22,23 7:2,8,8,9,12
7:17,20,24 8:3,10,13
8:18,21 9:4,10,15,20
9:23 10:4,13 11:6,10
11:16,20,23 12:2,12
12:14,20,23 13:6,12
13:18,20,24 14:17
15:2,13,17,22 16:2,9
16:12 19:11,25 28:10
28:22 29:19 30:3
31:24 32:4,11
database 15:5,14
date 15:15 22:5 27:13
29:5
day 8:16 17:3 22:20
33:1 34:21,23 36:10
36:15
days 19:18 21:15,18
24:2,7,7 25:23 33:18
34:22
DC 1:19,20 8:9 21:3
27:10 30:14,16,23
31:16 33:21 34:1,4
35:16 36:8
decision 33:18 34:22
declare 22:7
Deedee 21:1
defend 26:19
defer 6:10
deli 1:6 2:6 5:20 8:9
20:21 33:7 34:1,4
deliver 34:3
delivered 13:22
department 20:25
developments 36:17
different 18:25 20:5
21:9,10 24:23 32:6
disappear 17:17
disclose 21:17 24:3
disclosure 20:4,8 25:23
discussed 14:21
discussing 35:10
discussion 22:1
distributor 30:14,23
District 1:1 3:6 4:9 12:4
18:8,14 20:11,23
33:21 35:6
document 11:19,22

documents 4:19 21:16
21:17 24:3
Donovan 1:14,16
door 8:23
drop 8:15 22:3
duties 8:1
duty 1:9 4:15

E

earlier 3:16
either 21:6,17
electronic 36:7
elevate 2:7
elevated 2:10,12,13
email 23:19
emailed 20:20 23:23
emailing 23:21
employed 7:11
empowered 21:19
enforce 8:3
enlarge 11:16
erase 32:13
especially 25:1
establishment 3:10,17
8:8,12,14,17,20 9:8
9:16 10:12,14 12:19
13:14 15:6 18:11,16
19:10 20:11,16 22:12
28:10 32:12 33:8
establishment's 31:17
31:20
establishments 8:5
30:16
evidence 6:5 12:6,10
31:22
examination 28:15
examine 4:22,24
excellent 15:14,25
exchange 21:16
exclusively 14:24
executive 36:16
exhibit 11:13 12:5,12
12:13,14 13:4,5,10,11
18:10,15
expired 9:25 15:6,16,21
27:12 30:5
explain 12:21

F

F-E-L-I-C-I-A 4:3 7:9
failed 31:21
failing 5:20
failure 21:17
familiar 8:7,11
favor 6:6 32:15
feel 19:15
Felicia 1:21 2:11 3:23
4:3,3 5:22 6:2,22 7:8

31:24
final 31:8,11
find 6:5 32:15
fine 6:16 11:17 16:19
16:20 27:23 32:16
first 4:19,20 22:15,18
22:23 30:11 32:25
five 7:24 26:24 27:16,25
33:7
folks 23:12
forgot 21:2
formally 33:19
found 27:18,25
front 25:4
full 4:14
fully 26:10
further 14:3 28:14 35:4
36:17

G

General 3:4
genuine 27:22
gist 19:12
give 31:9 34:15 36:4
given 5:5 24:8
go 4:16,19 5:17 8:16
14:15 15:9 18:6 23:24
29:24 31:14
goes 3:20
going 13:4,9 20:24 21:1
25:7 27:3 31:8
good 2:6,25 3:3,7 7:5
15:12 21:19 23:24
26:23
gotten 33:3
government 4:18,21
5:8 6:5 17:10 19:15
19:17 20:23 22:9
23:21 25:21,24 26:7
31:12,21 32:15 35:8
government's 4:23,24
Grant 1:17 14:14,16,17
15:7 29:25 30:1,7,10
30:19,24 34:11,12,12
35:18,18,20,25 36:1,1
granted 11:1
great 17:3 34:21,23
guess 20:5 21:2
guidance 25:7
guys 17:4

H

H-O-G-E-N-M-I-L-L-E-R
3:5
half 17:17
hand 6:24 18:2
happened 8:19 9:2
20:21 27:14 32:14

happens 14:8
harmed 25:25
hear 2:16,17,19,22 5:22
6:2 16:15,16,17 17:14
21:9,13,21 30:11
heard 21:22
hearing 1:7 2:5 3:20
4:14 5:21 19:18 20:17
21:11,14,15,18 22:17
22:18,21,23,25,25
24:1,2,4,17,18,21,22
24:24 25:24 26:8
33:17,19 35:10 36:7
36:12
hearings 26:12 36:14
hey 27:5
Hogenmiller 1:20 2:10
2:25 3:3,4,22 4:6,8
5:6,14,16,18 6:19,21
7:5,10,14,18,22 8:1,6
8:11,16,19 9:2,7,13
9:18,21 10:1,10,20,24
11:3,7,12,18,21,25
12:3,11,17,21 13:3,9
13:16,19,21 14:2,5
16:22 17:7,9 18:7,14
18:22 19:5,17 20:10
25:21 26:17 27:8,9,14
31:4,6,13,15 34:19,24
hold 16:13 24:15,16
29:1 33:23 34:17 35:8
36:4
hope 32:23
hours 31:20 33:5,5

I

I-N-G-H 3:12
idea 15:21
identification 11:14
identified 9:10
identify 3:8,25 9:18
identifying 3:16
Inaudible 30:6
incident 29:2
independent 15:2,23
indicate 14:22
indicated 5:25
inspections 8:4
inspectors 22:3
intend 26:19
interacted 30:4
interaction 14:20 19:11
20:1 28:22
interactions 10:4
interrupted 10:5
investigation 35:11
Investigative 35:14
investigator 1:21 2:11

3:23 4:2 5:22 6:22 7:6
7:21,23 8:2 9:11 12:1
14:10,13,17 15:12,13
26:5,22 27:4 28:9
30:2 31:24 32:4,11
involvement 26:5
issue 21:5,25 22:2 33:2
33:18 34:21
issued 13:13

J

JAMES 1:17
job 12:1
JOSE 1:19
JR 1:17,17
judges 32:24
juncture 6:10 16:18

K

knew 18:17
know 5:9 11:14 20:7,15
20:24 23:7 24:20

L

L-Y-C-I-A 3:5
language 24:9,13 25:8
Lastly 13:9
law 33:8 35:12
lawyer 21:3 27:2
lead 3:23 4:2 5:22 6:22
7:20,23 8:2 26:22
27:3 31:23
learned 8:24 10:11
left 2:4
legal 20:25 25:6 33:24
35:13,14,15
legality 21:24
letter 3:15
license 1:8 2:6 9:25
14:1,25 15:3,16 27:16
27:19,20,25 28:11,13
28:23 29:3,8,17,22
30:4,17,20 32:10,13
33:2,6,8,10
Licensee 1:20
Licensing 35:15
liquor 26:24 27:8,14,19
list 18:9,10,15,19
LLC 1:6
located 8:8
long 7:22 15:21 28:21

M

M-A-N-N-Y 3:11
ma'am 5:15 7:4 18:25
19:22 31:14
Mac 1:6 2:5 5:20,23 8:9
11:5 12:5 20:20 31:20

31:25 33:25 34:3
MacArthur 1:7 8:8
male 32:1
manager 1:9 3:12 5:21
5:24 6:1,4 9:12,19,22
10:11,15 14:22,23
15:1 27:8,16,20 28:13
31:18,23 32:2,4,7
manager's 9:24 14:1
15:16 27:11,25 28:11
28:23 29:3 30:17,20
32:10,13 33:6,7,10

managing 4:15
manner 20:13 36:9
Manny 1:20 2:12,15
3:11 20:20
marked 11:13
Market 1:6 2:5 5:20,23
8:9 11:5 12:6 20:20
31:20,25 33:25 34:4
matter 1:5 3:20 25:16
34:14 36:18
matters 4:7,11
mean 16:11
meeting 1:3 33:23
34:17 35:9 36:5
Meetings 33:22 34:2,6
34:18 36:5
Member 1:17,17 14:14
14:17 15:7,11,19,24
30:1,7,10,19,24 34:10
34:12 35:18,24 36:1
members 14:13 16:10
28:17 29:24 31:3
36:11,13,16
mentioned 19:24 21:6
27:5 29:20
met 1:13
minimum 18:18
misconduct 35:12
mistake 27:22
mistakes 25:14
mom 9:16 22:24 23:7
24:6,21 26:12
month 15:18
months 15:20 26:24
moon 10:7,19 13:8
morning 20:25 21:4
29:4,18,21
mother 20:19 22:13,15
22:17 23:19
motion 34:7,8,15 35:19
35:21,22 36:3
move 33:23 35:8
mute 14:6,8

N

name 3:2,9 4:1 7:7

19:24 21:2
nature 20:9 26:2,3
need 11:15 30:22
needed 10:14 23:8
never 25:10 30:19 33:2
note 12:4 26:14
notice 19:1,18 20:11
34:16 36:4,6
notify 22:18
Number 2:5,6 33:25
34:3
NW 1:7 8:9

O

OAG 1:20
object 18:8
objection 26:14
observations 13:15
observed 6:2 11:4
12:18 13:7 32:5
obtain 13:25
occurred 29:2
October 1:11 22:6 35:9
35:16
office 25:6 35:7
Official 33:22 34:1,5
Oh 17:14
okay 6:16 11:12 15:7,9
15:24 17:16,16 19:4
23:18 25:11,12 26:16
27:9 29:23 30:19,24
once 8:19 10:10 23:18
23:23 33:11
ongoing 35:10
open 8:22 33:22 34:2,5
34:18 35:8 36:5
opening 4:17 5:15 6:9
6:14
operating 8:22
opportunity 4:17,22,24
4:25 5:5,6,11 31:9
option 6:11
Orellana 1:19 2:7,9
10:24 11:1
outdated 14:25
owner 5:21,24,25 6:4
9:12,16 10:12,15
18:11,18 19:1,3,5
20:2,2 21:7 22:11
27:2 31:18,23 32:2,3
32:7
owns 24:6

P

P-R-O-C-E-E-D-I-N-G-S
2:1
p.m 2:2 36:19
pack 8:25 9:5 10:6

12:24 13:8
paperwork 22:3 23:21
part 11:25 12:8 25:15
30:11
partial 12:20
partially 12:22
participated 36:11,14
particular 26:8
parties 2:8 4:16 22:19
party 21:17
pass 34:14
passed 34:15 36:3
patron 8:25 9:3 10:5
13:1
Pause 14:4
payment 10:9
penalty 6:6
permission 10:21
permit 27:10,12 28:13
30:15,21
person 19:10 21:20
person's 15:15
pictured 13:4,11
PIP 18:12 19:1
placards 8:15
placed 36:7
planned 35:11
please 2:7 3:1,8,25 5:18
6:24 7:6 10:24 11:17
18:2 24:20 31:15
pleasure 16:2 17:4
position 7:18 26:10
posted 36:6
practical 36:9
prejudice 19:16
prejudiced 19:9,23 20:7
20:8 26:7
preliminary 4:7,10
premises 31:19
present 1:15,18 4:19
5:9 6:4,11,12,14
17:13 18:20 20:2
31:18
presentation 33:15
presented 31:22 33:2
presiding 1:14
prevent 21:20
previous 27:2
proceeding 34:17
properly 34:9
provide 10:17 25:7,23
provided 12:15 18:13
public 36:11
published 35:16 36:8
purchase 10:18,18
12:16 13:7
purchased 9:5 13:1
purchases 12:18

purpose 33:24 35:9
pursuant 12:6 34:1,17
 36:5
put 3:14 19:18 20:11

Q

question 14:19 15:8
 18:25 19:11 24:18
 25:10 30:25
questioned 4:21
questions 5:1,2,3,4,5,7
 5:12 14:3,9,13 16:9
 16:10,19,19,20,21,23
 24:19,20 28:8,16
 29:24 31:3,4,5,10
quick 14:19

R

raise 6:24 18:1
ready 6:14
realize 24:22
reason 25:9
reasons 23:12 34:4
recall 15:17
receipt 12:14,25 13:7
receipts 10:17 32:8
receive 18:15 29:3
recess 34:16
recognize 11:7,18
recollection 15:3,23
record 3:2,9,14,25 7:7
 12:4,9 26:15 33:16,16
 35:4 36:19
records 29:15
redirect 5:7 16:23
regarding 11:4 22:2
Register 35:16 36:9
regulations 8:4 27:17
 28:2 35:13
regulatory 8:4,14
relates 5:19 12:15
relationship 3:10 22:11
relying 24:4
remember 15:15 23:1
renewal 8:15
report 11:4,8,24 12:5
 12:13 14:19 15:14,25
 19:24 26:4
reports 12:1 35:10
represent 20:20
representative 3:15
 19:9
represented 22:24
representing 3:17
 20:16 21:3 22:10,16
 23:7 25:17 26:12
request 10:21
requested 9:11

required 19:19
requires 31:17
response 9:14 14:11
 16:25 28:18
responsibilities 8:2
rest 17:8,10
rested 5:8
Retailer 1:7
retesting 22:5
return 36:16
returned 13:13
right 2:25 4:5,13 5:11
 6:18 16:3 17:1,16,22
 18:2 19:7 22:15 25:12
 25:20 26:18 28:3
 31:10,11 32:18,19
 33:14 35:1
rights 2:7
ring 32:5
roll 34:7 35:21
room 36:7
rule 20:8
rules 19:20 27:17 28:1

S

S- 3:11
sale 10:9,16 31:20
sales 13:6 32:6,9
saw 8:23 12:23 15:6
 17:16 32:8
saying 16:18 18:25
 19:22 21:9 23:5 25:12
 25:13,22 29:11 33:11
says 29:15
scheduled 22:25
screen 10:21,25 16:7
 23:11
scroll 13:21
second 13:7 17:17 34:6
 35:17,18
seconded 34:7,9 35:21
 35:23
Section 12:7 31:17
 33:22 34:1,5,18
see 2:20,22,23,25 16:7
 16:8,17 17:12,15,22
 23:10,15,16
seeking 33:24 35:13
sell 6:3 27:6,8
send 19:1 23:20
sense 27:9
sent 3:15 18:20 23:19
September 23:2
serious 27:18
seriously 33:9
seven 19:18 21:15,18
 24:2,7 25:23
seven-day 20:23

share 10:21,25 13:24
 25:21
Short 1:17 15:10,11,19
 15:24 34:6,9,10,10
 35:23,24,24
shorten 7:14
shortly 8:22
show 1:7 2:4 4:14 11:8
 20:19 21:11,14 22:17
 22:20 23:19
showing 11:12
shown 21:19
sign 13:16
SILAS 1:17
Simultaneous 18:23
 23:9
Singh 1:20 2:12,15,16
 2:19,23 3:8,11,11,16
 3:18 4:11,12,16 5:13
 5:25 6:3,9,12,15,17
 8:24 9:9,15,24 10:2,8
 10:13,17 12:15 13:20
 13:23,24 14:9,20 16:4
 16:5,11,14,15,21
 17:12,14,18,20,22,25
 18:5,8 19:9,10,13,14
 19:14,16,19,23 20:1,3
 20:9,12,14,18,20
 21:10,12,22 22:13,20
 23:2,16,18 24:5,12,14
 25:13,25 26:4,5,8,11
 26:15,18,21 28:5,8,12
 28:19,20,25 29:4,7,13
 29:18 30:1,8,10,12,21
 31:1,4,7 32:1,2,5,9,19
 32:23 34:20,25
singular 31:22
sir 2:18,18,21,24 5:11
 6:11 16:8,10,17 17:12
 17:16,23,24 18:2,6
 20:17,18 21:14,20
 22:12 23:11,17 24:1
 24:16,16 25:8 26:20
 28:4,5,20 29:6 31:8
 32:22 33:14
situation 20:5 27:21
six 8:25 9:5 10:6 12:24
 13:8 15:20 24:7
smiling 24:11,12
sole 5:19
solicitor's 27:10 28:13
 30:15,21
soon 16:11 26:22 27:5
 27:14,18,24 29:20
sorry 22:10 24:12 26:2
sort 27:23,23
Southern 30:15
speak 9:8,12

speaking 18:23 23:9
specific 25:9
specifically 14:21,24
spell 3:1 7:6
spelling 3:9 4:1
spending 32:23
spoke 19:13 31:25
Staff 1:19
start 5:12 30:11
state 3:1 7:6 14:24 25:4
 25:5
stated 9:24 15:3 22:24
 30:3,4
statement 4:17 5:15 6:9
 31:12
stating 3:9 4:1
status 14:21 21:11,15
 22:17
statute 6:7 32:16
stock 27:19
store 8:22 26:25
story 24:23
straightforward 31:16
style 33:7
subject 26:13
subsequent 32:12
supplier 30:13,13,22
support 31:22
supposed 21:16 23:20
 24:3
sure 2:9 10:23 18:5,22
 21:23,24 23:13 24:17
 25:3,14,15 27:13
surprise 19:4
swear 6:24 18:2,5
sworn 26:18

T

t/a 1:6
take 27:17 33:8 34:7
 35:21
talk 21:2
talked 19:25 26:4 27:4
talking 22:22
tell 6:25 18:3 19:8 20:6
 23:14 32:21
temporary 13:25
ten 27:10 30:13
testified 19:6 31:24
 32:5
testifies 25:25
testify 18:18 19:2,3,16
 19:19,25 26:8,15
testifying 18:8 21:20
testimony 17:2 19:12
 26:3
thank 2:14 4:6 5:13 6:7
 6:8 7:3 11:2 12:11

13:3 14:2,18,18 15:11
 15:13,24 16:4 17:2,6
 17:11 26:17 28:5 30:1
 30:25 31:1,2 32:17,19
 33:15,15 34:18,20,22
 34:24,25 36:11,13,17
that-- 25:16
thing 2:9
things 24:25 25:2
think 15:20 23:3 25:24
 26:23 27:13
thought 23:18,23 27:11
three 22:1 34:14
ticket 21:25
time 9:7 11:14 17:10
 18:9 20:19 25:10
 32:10,19,23
timely 20:13 36:9
times 21:4 22:2 31:19
Title 35:7
today 8:7 11:9 17:3
 18:18,20 19:16,25
 20:2,17 25:8,25 31:21
 32:22 33:6 34:20
 36:12,14
told 16:12 23:25 24:2
 24:20,24 27:1 32:2
transcript 25:4
truth 6:25 7:1 18:3,4
try 24:25 25:2
turn 2:15,18 12:12 13:4
 13:10 17:12
turning 8:6
twice 21:6
two 21:4 22:1 25:14
 32:5

U

Ultimately 3:19
unaware 13:1
understand 25:3,11
understanding 3:14

V

valid 15:4
versus 33:12
videoconference 1:13
violation 10:14 11:4
 13:15 32:14
violations 35:12
vodka 13:2
vote 34:8 35:22

W

W 1:14,16
walked 26:22 27:4
want 3:13 4:11 9:24
 15:4 23:13 26:21

27:20 28:1,4 31:8
 32:20,21 33:9
warning 27:23 33:4,12
Washington 8:9 30:14
watched 9:4 10:7
way 4:15
WebEx 1:13
website 36:8
Wednesday 1:11
week 24:7,7
went 5:23 27:14 29:12
 31:25 36:19
window 20:23
wish 3:21 5:10,15 6:9
 6:19 31:12
witness 3:21 4:20,21,23
 4:25 5:1,2,3,7 6:19
 7:4 17:7,24 18:10,10
 18:15,19,20 19:2 20:3
 20:12,24 21:7,24 22:7
 23:22 24:6 25:17 26:1
 26:1,2,9
witness's 26:3
witnesses 4:20 5:10
 17:9 21:16,18 24:3
work 7:12 30:8,22
worked 30:12,16
write 12:1 13:14
wrote 29:15

X

Y

year 15:18,20 27:12
years 7:25 27:10 30:13

Z

zero 34:14
zoom 11:15

0

1

1 12:12,13,14
10 33:5
10th 29:7
11th 13:14
12 33:5
125344 1:8 2:6
1713.10 12:7
18 23:3

2

2 1:11 13:4,5
2:37 2:2
2021 26:25
2023 26:25
2024 1:11 8:18 11:5

12:5 29:2,16 32:14
23DCMR 12:6
24-CIT-00318 1:8 2:5
 34:3
24CIT00318 33:25
25-701 31:17
2575 33:22 34:18
2575(b)(4)(a) 34:2
2575B13 34:5
27th 35:17
2nd 22:6

3

3 13:10,11 35:7
3:19 36:19
3D 1:7

4

45 35:7
4th 35:9,16

5

5158 8:8
5185 1:7

6

7

8

8 11:5 12:5 29:2 32:14
8:15 29:21
8:30 29:19,22
8th 8:18 13:15 29:9,10
 29:16

9

9:00 29:19
90 33:18 34:22
9th 29:8,12

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