



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

2 2:25 p.m.

3 CHAIRPERSON ANDERSON: All right. We  
4 are back on the record. Our next case is a Fact-  
5 Finding Hearing regarding Ababa Ethiopian  
6 Restaurant, License No. 103289.

7 Will the parties, please, approach and  
8 identify themselves for the record, please?

9 MR. TEMPLE: Good afternoon. I'm  
10 Donald Temple and I'm going to be representing  
11 Ababa and he is present here.

12 CHAIRPERSON ANDERSON: All right.  
13 Just identify yourself, please, for the record  
14 for us.

15 MR. KASSAYE: I'm Alem Kassaye. I'm  
16 the owner.

17 CHAIRPERSON ANDERSON: Good afternoon.  
18 Just have a seat, please. And let's sign your  
19 name in.

20 I want the record to reflect that I do  
21 know Mr. Temple and Mr. Temple is an attorney, so  
22 what we will do, Mr. Temple, because I do know

1 that you are an attorney, I need you to fill out  
2 a designation letter to let the Agency know that  
3 you are the -- you are actually representing the  
4 client and we will provide that to you  
5 momentarily while you are sitting there.

6 But I do know that Mr. Temple is a  
7 member of the Bar. I have known him for a number  
8 of years, but I will also state for the record  
9 that I know him in a professional manner and I  
10 don't think that anything that will be said or  
11 done today will influence my decision one way or  
12 the other. But so all right.

13 MEMBER SHORT: Mr. Chair, I would also  
14 like to say I know Mr. Temple.

15 CHAIRPERSON ANDERSON: Yes, Mr. Short?

16 MEMBER SHORT: He has represented  
17 Public Safety officials that are known in the  
18 city over the years and I recognize him as an  
19 attorney from that understanding.

20 CHAIRPERSON ANDERSON: All right. All  
21 right. So we will have you do that form, Mr.  
22 Temple.

1 All right. We are here today at the  
2 request of -- and I'm going to butcher your name,  
3 sir, Mr. Alem SQ Kassaye. And I apologize, Mr.  
4 Kassaye, but I am butchering your name. He is a  
5 managing member of Ababa Ethiopian Grill, who  
6 desires to challenge the Board's Cease & Desist  
7 Order issued on May 23, 2018, Board Order No.  
8 2018-360.

9 Let us review the series of events  
10 that got us to where we are today on this matter.  
11 Mr. Kassaye placed his Retailer Class CR License  
12 in safekeeping with ABRA on February 7, 2018.  
13 The placement of the license in safekeeping  
14 followed an event on ABRA's premises where large  
15 amounts of marijuana products were displayed and  
16 made available to members of the public.

17 When Mr. Kassaye placed his license in  
18 safekeeping on February 7, 2018, it rendered the  
19 license inactive. Yet, on March 3, 2018 and  
20 again on March 7, 2018, ABRA Investigators  
21 observed an event at Ababa where the patrons were  
22 drinking alcoholic beverages.

1                   The Board subsequently held a Fact-  
2 Finding Hearing on March -- on May 23, 2018 after  
3 testimony from ABRA Investigators, members of the  
4 Metropolitan Police Department and admission by  
5 Mr. Kassaye himself, the Board determined that  
6 the license was causing immediate harm to the  
7 public by repeatedly and illegally permitting the  
8 consumption of alcohol on the premise under an  
9 inactive license.

10                   Mr. Kassaye then requested a hearing  
11 on the Cease & Desist Order, which was originally  
12 scheduled for June 27, 2018. On the day of the  
13 hearing, he requested a continuance which brings  
14 us to today's hearing.

15                   Mr. Kassaye, please, tell the Board on  
16 what grounds you are challenging the Cease &  
17 Desist Order. In other words, why should the  
18 Cease & Desist Order be lifted? Please be  
19 reminded that we are not here today to hear  
20 arguments that are repetitive from the May 23,  
21 2018 hearing.

22                   And so Mr. Temple, on behalf of your

1 client, what representations are you making  
2 regarding this matter? And I'll simply just  
3 bring you up to -- I'm not sure if you saw the  
4 Board Order that was issued for the Fact-Finding  
5 Hearing that we had, a substantial hearing, and  
6 part of the issue was that once -- if a license  
7 in safekeeping, it means that you cannot  
8 facilitate any type of alcoholic beverages on  
9 your premises.

10 You cannot -- you can't facilitate  
11 people BYOB. So you can't put your license in  
12 safekeeping and allow people to bring alcohol in  
13 the facility. And from what, at least, was  
14 represented at the matter is that folks were  
15 allowed to bring alcoholic beverages in the  
16 facility.

17 And the servants there, they were  
18 facilitating that. Meaning that they -- I think  
19 the bottles came in and they were opening the  
20 bottles and serving, using the glasses and having  
21 them drinking.

22 So if -- you can have BYOB, but your

1 license can't be in safekeeping. It has -- you  
2 have to have an active license. So although  
3 there were marijuana sales going on and that's  
4 not necessarily the issues of this hearing, it's  
5 you need to tell us what is it you want to do  
6 with your license.

7 It can't be in safekeeping and you are  
8 facilitating the serving of alcohol. And I think  
9 that's what it is and I believe that there are  
10 some -- there is another proceeding that we  
11 probably -- we will have a Show Cause Hearing on  
12 the marijuana possessions that was there, but  
13 it's more so -- at least this is what is -- this  
14 hearing more so concerns the fact that they were  
15 facilitating the serving of alcohol under a  
16 license that was in safekeeping. Okay.

17 MR. TEMPLE: And before I speak, can  
18 I ask for your indulgence for two minutes,  
19 please?

20 CHAIRPERSON ANDERSON: Sure.

21 MR. TEMPLE: Thank you. First of all,  
22 good afternoon. I'm Donald Temple and I want to

1       thank you for the opportunity to present a  
2       response to the question Mr. Anderson has raised  
3       and a couple of things that I think are critical  
4       and pertinent.

5               I apologize to the extent that we may  
6       appear to be reiterating arguments, but Mr.  
7       Kassaye is not a lawyer and up until now, has  
8       proceeded without counsel in some very serious  
9       charges. And so the extent to which he may have  
10      articulated facts or arguments may not have been  
11      at the threshold level that they needed to be in  
12      order to protect his case.

13              Notwithstanding that, we honor your  
14      request and I'll try to be strict and even though  
15      I think it's somewhat -- some of the arguments  
16      are parallel to the claims.

17              First and foremost, not being a lawyer  
18      is one thing, but Mr. Kassaye is also a person  
19      with limited experience in the ownership of this  
20      particular kind of business. His business is two  
21      years old.

22              In addition to that, he -- his wife



1 operates his business significantly. He has  
2 tried to run a pretty good business. To that  
3 end, he is not someone who has come before this  
4 Board before. He has not had problems with the  
5 DC Government before.

6 In his particular business community  
7 and in his personal community he is an individual  
8 of a high reputation.

9 The underlying charges, which includes  
10 what you have indicated regarding the alcohol, is  
11 the Board and the law has a threshold. The  
12 threshold is that people have some knowledge  
13 which applies some level of intent to do --  
14 commit violations of course.

15 CHAIRPERSON ANDERSON: Hold on a  
16 minute, Mr. Temple. Have you seen the Cease &  
17 Desist Order? I mean, there are no charges, so  
18 there is no -- there are no charges. In this  
19 particular matter, we issued a Cease & Desist  
20 Order so at least this matter, we are not  
21 charging him with anything. We are just saying  
22 that your license is in safekeeping and you are

1 still facilitating the serving of alcohol.

2 So if you want to facilitate this,  
3 then you need to take your license out of  
4 safekeeping and you can facilitate having people  
5 BYOB. But you can't have people bringing in  
6 alcohol in your establishment and without having  
7 a license to do that and you are serving it.

8 MR. TEMPLE: I apologize, but I  
9 thought the charges -- I read the case report.  
10 There is a charge for violation of 25-102.

11 CHAIRPERSON ANDERSON: Not -- all  
12 right. Okay. We had a Fact-Finding Hearing and  
13 I think that is when charges were brought. And I  
14 guess I don't have the Cease & Desist Order. Can  
15 I get a copy of the Cease & Desist Order?  
16 Because, I mean, he is -- so and I want to make  
17 sure that we are not arguing that other matter,  
18 so which is -- so hold on.

19 Do you have a copy of the Cease &  
20 Desist? You can hand this. All right. So hand  
21 that. All right.

22 So and one of the reasons why Mr.

1 Temple maybe to cut you off and to protect your  
2 client, the underlying charges that I think that  
3 was in the Fact-Finding, that was already  
4 submitted to the Office of Attorney General and  
5 that is being handled by Fernando Rivero in OGC.  
6 So they can be -- they can respond to those  
7 charges.

8           What we are -- the Cease & Desist  
9 Order that we issued is to say to him your  
10 license is in safekeeping. You cannot -- it says  
11 that you cannot facilitate, you cannot permit the  
12 distribution, purchasing, selling, serving or  
13 otherwise permitting the consumption of alcoholic  
14 beverages at 2108 18th Street, N.W.

15           So the bottom line is that he can  
16 request that his license be removed from  
17 safekeeping, because he has an active license.  
18 It's 2106 18th Street.

19           So what we are saying is that while  
20 your license is in safekeeping, you cannot permit  
21 folks to facilitate any type of alcohol in your  
22 facility.

1 MR. TEMPLE: I have consulted with him  
2 even before today.

3 CHAIRPERSON ANDERSON: Um-hum.

4 MR. TEMPLE: That is not something  
5 that is taking place since this particular  
6 incident.

7 CHAIRPERSON ANDERSON: We don't know  
8 that and so, therefore, based on what -- based on  
9 the information that came when our Investigators  
10 went out and investigated and we saw what was  
11 going on, and so our position is that maybe he  
12 might have thought, and yeah, some people are  
13 ignorant of the law, that because -- since I'm  
14 not selling the alcohol, if folks can bring  
15 alcohol in, it's okay.

16 And so what we are saying to him is  
17 that as long as your license is in safekeeping,  
18 you cannot facilitate that.

19 MR. TEMPLE: We understand that --

20 CHAIRPERSON ANDERSON: Right.

21 MR. TEMPLE: -- what the parameters  
22 are.

1 CHAIRPERSON ANDERSON: Right.

2 MR. TEMPLE: But I can assure you and  
3 make a representation to this Board that that is  
4 not something that has continued since then.

5 CHAIRPERSON ANDERSON: All right.

6 MR. TEMPLE: He has had some  
7 clarification as to what those parameters are.

8 CHAIRPERSON ANDERSON: Right.

9 MR. TEMPLE: So it -- in terms of the  
10 Cease & Desist, that's not something that he  
11 agrees to keep the license in safekeeping. And  
12 he also agrees and has reported that that type of  
13 activity is not occurring.

14 CHAIRPERSON ANDERSON: Right. So I  
15 mean there was no reason per se for us to even  
16 have this hearing, so I would say that we can  
17 stop while we are ahead, because I think that you  
18 would be making arguments that are more  
19 appropriate to that you contact Mr. Rivero in OGC  
20 to get a copy of the charges that probably are  
21 coming up, that needs to be issued, that need to  
22 be discussed at a Show Cause Hearing.

1 MR. TEMPLE: I attempted to contact  
2 you guys in advance to try to get a better sense  
3 of the parameters, but there was some  
4 communication --

5 CHAIRPERSON ANDERSON: Who did you  
6 contact?

7 MR. TEMPLE: Your people called me  
8 back. The administrative people called me back,  
9 but there was some confusion on our part as to  
10 some issues here in terms of process.

11 CHAIRPERSON ANDERSON: Right.

12 MR. TEMPLE: But I wanted to clarify,  
13 and I don't know if this is the opportunity or I  
14 can talk to your lawyers here, the -- you said  
15 the charge is with the Attorney General's Office.  
16 And I read this document, all right, and there  
17 are final recommendations from this ABC Board to  
18 the Attorney General regarding the potential  
19 criminality --

20 CHAIRPERSON ANDERSON: When we have a  
21 Fact-Finding Hearing, so we -- when we have a  
22 Fact-Finding Hearing, so therefore, that matter

1 was in the sense of -- in the sense that there  
2 were the marijuana parties. And there are  
3 confusion with -- well, there should not be  
4 confusion with licensee, because the Board of  
5 Health sent a letter out to all folks with a  
6 license basically saying that this is illegal.  
7 You can't have these marijuana parties.

8 And so but some licensees are still  
9 saying that they were confused, they weren't sure  
10 and so, therefore, I don't know the reasoning for  
11 putting the license in safekeeping, but our  
12 position is that if your license is in  
13 safekeeping, you cannot facilitate alcohol in our  
14 business. And I think it was clear from what  
15 came up the last time that alcohol was being  
16 served in the establishment.

17 So there is really -- I don't think --  
18 I think by issuing the Cease & Desist Order, it's  
19 just to clarify to him to say that while your  
20 license is in safekeeping, you cannot continue  
21 facilitating alcohol service in your  
22 establishment. So you can still operate your

1 business, but you cannot serve alcohol and  
2 neither can you allow anyone to bring alcohol  
3 into your establishment and you serve it.

4 So you can't have a BYOB in your  
5 establishment while your license is in  
6 safekeeping.

7 MR. TEMPLE: May I just make one  
8 comment?

9 CHAIRPERSON ANDERSON: Sure.

10 MR. TEMPLE: To the extent that the  
11 Board, to the extent that Mr. Kassaye was not  
12 represented by counsel and you have had an  
13 extensive hearing, I read it, and you made  
14 certain recommendations, to the extent that you  
15 have not made final findings, which I think I  
16 understand that is the case --

17 CHAIRPERSON ANDERSON: Right.

18 MR. TEMPLE: -- can Mr. Kassaye have  
19 an opportunity to make a submission to you now  
20 that he has counsel that may clarify, because not  
21 only does he -- did he not have counsel, he is  
22 also not familiar with the American legal system



1 and there are a number of statements therein.

2 As you mentioned, he appeared to have  
3 made "admission," I would like to at least have  
4 an opportunity for him to have a solid response  
5 with counsel to that record, so this Board, when  
6 it considers further action in this case or even  
7 relative to recommendations with the Attorney  
8 General, there is at least a record made with  
9 some protection of his rights.

10 CHAIRPERSON ANDERSON: Hold on one  
11 moment, please. What I'll say, what I can say,  
12 Mr. Temple, is what he can do. If after reading  
13 the transcript and if you -- so review the  
14 transcript, also review the investigative report  
15 that was issued by the Board, but I think more so  
16 the transcript, so some of the statements that  
17 were made by your client, because we utilized the  
18 fact that the hearing, the Fact-Finding Hearing  
19 and also the investigative report and based on  
20 that, we decided to send that to the Attorney  
21 General for a Show Cause Hearing.

22 And so, therefore, at a Show Cause

1 Hearing, then he would have an opportunity to  
2 rebut those charges. But if you though believe  
3 that because he was not represented by counsel at  
4 the Fact-Finding Hearing, and if you just want to  
5 clarify the record to say he was unrepresented,  
6 he didn't understand, he didn't mean this, you  
7 can submit something in writing to us. Not  
8 necessarily to -- you are not responding to the  
9 charges per se. You are just -- you can just  
10 respond to some of the representations that were  
11 made if you believe that is prejudicial to him  
12 and that he was saying that he was -- and I don't  
13 recall him saying that I was guilty.

14 I just think that if I recall, a lot  
15 of the representation was that it was my wife, my  
16 wife. It wasn't me, it was my wife. I wasn't  
17 sure I left my wife to do it. And so I did have  
18 a concern that if you are saying that your wife  
19 did all of this, I mean, are you telling me that  
20 you are an absentee businessman, that you don't  
21 know what your wife is doing in your business?

22 So but -- so one, there are several

1 things that are going on here. It's -- so if you  
2 believe that you want to clarify the record,  
3 based on some of the statements that he made at  
4 the Fact-Finding Hearing, and I don't recall Mr.  
5 Kassaye stating that, yes, I'm guilty of having--  
6 bringing marijuana under -- into the property or  
7 so that's not -- I don't recall that being said.

8 I just think one of the things that I  
9 want him to know and the reason why we issued the  
10 Cease & Desist Order and there is no need for him  
11 to -- there was really no need to have this  
12 hearing, because, as I said before, his license  
13 is in safekeeping. It's just to remind him that  
14 while your license in safekeeping, you cannot  
15 facilitate alcohol service on the premises.

16 And I think that was what -- and  
17 that's why this matter was issued.

18 Now, what I would also say is that  
19 once you have reviewed the transcript, once you  
20 look at the factual information that was in the  
21 investigative report for that hearing, you can  
22 contact Mr. Rivero to see what it is that the

1 Government -- what charges the Government wants  
2 to bring.

3 And, as you know, we have what is  
4 called an OIC, so you can decide that okay, fine,  
5 I'll admit certain things. The Board will fine  
6 you and he can take his license out of  
7 safekeeping and he can operate. So I mean, those  
8 are options that you have by contacting the  
9 Government to see what the charges are and either  
10 come back, come to a hearing to challenge the  
11 charges or you can the Government can talk and  
12 figure out how best -- what's in your client's  
13 best interest, what the next step is in the sense  
14 that what the next step is.

15 But this hearing -- I'm sorry, this  
16 order was just to state that if you didn't know  
17 before, we are letting you know that you cannot  
18 facilitate. This is not, okay, this matter is  
19 not saying that okay you had -- although we are  
20 stating that they had these marijuana parties,  
21 but it's just that you cannot facilitate alcohol  
22 service.

1                   And I'm not stating why he put his  
2 license in safekeeping, that's not -- at least  
3 for me that's not important, but if your license  
4 is in safekeeping, it means that you cannot have  
5 BYOB, basically.

6                   MR. TEMPLE: Thank you.

7                   CHAIRPERSON ANDERSON: All right. So  
8 I would state that there is no need to have this  
9 hearing further, unless you want to, but if you--  
10 but you are welcome to put something in writing  
11 if you want to clarify some of the factual  
12 statements that your client made at the Fact-  
13 Finding Hearing.

14                   If you believe that he said something  
15 that was prejudicial to him and if he had an  
16 attorney, he would have remained silent and don't  
17 say nothing, yeah, then if you want to do that,  
18 that's welcome. But I think the best option is  
19 to talk to Mr. Rivero. I'm not sure if that is  
20 information -- yes, sir?

21                   MR. TEMPLE: Are there future hearings  
22 here by this Board regarding this matter?

1                   CHAIRPERSON ANDERSON: The -- I --  
2                   from what -- all I can say to you is that as a  
3                   result of the Fact-Finding Hearing, we submitted  
4                   that to the Attorney General. I'm not sure if  
5                   the Attorney General's Office has decided that  
6                   they -- because all we do, as you know, the  
7                   Agency will make recommendations to the  
8                   Government to bring certain charges.

9                   And the Government -- hold on Mr. --  
10                  can -- all right. Hold on. All right.

11                  MEMBER ALBERTI: Show Cause Notices  
12                  have been issued.

13                  CHAIRPERSON ANDERSON: Well, let me  
14                  ask a question. Has your client advised you that  
15                  he was served with notices to say that there --

16                  UNIDENTIFIED SPEAKER: No, we are  
17                  prepared to serve him right now.

18                  CHAIRPERSON ANDERSON: All right. All  
19                  right. Can I say this? All right. I don't want  
20                  anybody to say anything. Okay. I'm speaking and  
21                  folks are confusing me. I know where I'm going  
22                  and let me say what I need to say.

1 All right. As a result of the Fact-  
2 Finding Hearing, a recommendation was made by  
3 this Agency to the Office of the Attorney General  
4 to further explore that. And I can't say to you  
5 right now whether or not the Office of the  
6 Attorney General has decided to bring formal  
7 charges. Those will -- if the Office of the  
8 Attorney General has done that, they will be  
9 served on your client.

10 The attorney from the Office of the  
11 Attorney General who is handling these matters  
12 for this case would be Mr. Rivero. So then your  
13 next matter is to speak to Mr. Rivero to find out  
14 what the matter is in -- also what the next step  
15 is regarding that.

16 So that's -- so moving further, if  
17 charges are brought, it will be -- you will be  
18 contacted, either you or your client, the notice  
19 will be served on your client and the dates for  
20 the Show Cause Hearing will be -- have already  
21 been set, if they have been, and then you, and  
22 then the Board stays out of it, would negotiate

1 with Mr. -- with the attorney to figure out what  
2 the next step is.

3 And if we -- when the hearing is  
4 scheduled, if you guys decide -- if there is a  
5 hearing and if you, the parties, decide that my  
6 client is guilty, let's cut a deal to figure out,  
7 the Government comes to us with a deal and the  
8 Board will say yay or nay. We don't negotiate  
9 it. The negotiations are between the parties.

10 MR. TEMPLE: Okay. Thank you all very  
11 much for your time and for the clarification.

12 CHAIRPERSON ANDERSON: All right. So  
13 thank you, Mr. Temple, and thank you. And as I  
14 said before, I don't know what the -- I can only  
15 tell you that it's just to clarify and for you to  
16 clarify to your client that he cannot facilitate  
17 any alcohol service while his license is in  
18 safekeeping.

19 If he decides to remove his license  
20 from safekeeping, which is -- he can do that at  
21 any point, and if he wants to sell or serve  
22 alcohol, he needs to petition the Board to say I



1 want to move -- remove my license from  
2 safekeeping. I think that the Board -- if that's  
3 something that's approved, he can continue  
4 selling or serving alcohol, but he cannot  
5 facilitate BYOB while his license is in  
6 safekeeping.

7 MR. TEMPLE: Thank you. May we be  
8 excused?

9 CHAIRPERSON ANDERSON: Sure.

10 MR. TEMPLE: All right. Thank you.

11 CHAIRPERSON ANDERSON: Thank you. All  
12 right. Have a good day.

13 Okay. We are in recess until, I  
14 think, our 4:30 hearing, unless for some reason  
15 we come back on the record prior to 4:30. All  
16 right. Fine.

17 (Whereupon, the above-entitled matter  
18 went off the record at 2:53 p.m. and resumed at  
19 3:04 p.m.)

20 CHAIRPERSON ANDERSON: We are back on  
21 the record regarding the Fact-Finding Hearing  
22 regarding Ababa Ethiopian Restaurant, License No.

1 103289.

2 I had ended the hearing without making  
3 a decision. And the purpose of this hearing was,  
4 basically, the licensee was asking for some  
5 determination regarding the Cease & Desist Order  
6 and it is -- so I just want to thank you for your  
7 comment.

8 Basically, the presentation that was  
9 made today, it's clear to the Board that there is  
10 really no reason the Cease & Desist Order should  
11 be lifted.

12 I just want to let the applicant know,  
13 the licensee know that your license remains in  
14 safekeeping. And as I explained to you on the  
15 record the last time during the Fact-Finding and  
16 also today is that you cannot serve, sell or  
17 consume alcoholic beverages while your license is  
18 inactive.

19 Therefore, it's the Board's position  
20 that the Cease & Desist Order shall remain in  
21 effect. So I'll make a motion that the Cease &  
22 Desist Order remain in effect. Is there a

1 second?

2 MEMBER SILVERSTEIN: Second.

3 CHAIRPERSON ANDERSON: Mr. Silverstein  
4 has seconded the motion.

5 All those in favor say aye.

6 ALL: Aye.

7 CHAIRPERSON ANDERSON: Those opposed?  
8 The matter passes 3-0-0.

9 Three is a quorum, so I just wanted to  
10 let you know that we do have a quorum.

11 Now, I just want to clarify for the  
12 record where we stand. And I will take this  
13 opportunity to remind Mr. Kassaye that there has  
14 been three Show Cause cases pending with the  
15 Office of Attorney General which are now set for  
16 hearing.

17 The first case is Case No. 18-CMP-  
18 00024. It is set for Status Hearing on July 18th  
19 at 9:30 a.m.

20 The second case is July -- is Case No.  
21 18-CMP-00067. That one is set for a Status  
22 Hearing on August 15, 2018 at 9:30.

1                   And Case No. 18-CMP-00075 and that one  
2                   is set for a Status Hearing on July -- I'm sorry,  
3                   August 15th at 9:30 a.m.

4                   We will see you back here on next  
5                   Wednesday for Case No. 18-CMP-00024.

6                   I just wanted to clarify. Thank you  
7                   very much and good afternoon. I just want to  
8                   clarify for you, Mr. Temple, since you are -- I'm  
9                   not sure when you were retained, if there is an  
10                  issue with these dates, you can contact Mr.  
11                  Rivero to change the dates if that's -- so you  
12                  can contact him if you have a problem being here  
13                  for these dates.

14                  I just wanted to let you know that the  
15                  Board -- we do go on recess on August 15th and we  
16                  will not return until after Labor Day, so we are  
17                  off for the last, about four weeks, three weeks  
18                  in August and we will return after Labor Day.

19                  So I apologize for ending -- I mean,  
20                  I hear noises coming at me and I'm not thinking,  
21                  so I apologize for what happened earlier, but  
22                  that's basically where we are. But as I said

1 before, speak to the Attorney General's Office  
2 and you -- whatever agreement is made between the  
3 Government and the licensee, the Board will  
4 either agree or disagree.

5 As I said before, if there is a date--  
6 if there is an issue with the date, as long as  
7 the Government agrees or if you can provide the  
8 Board with good cause why you are not available  
9 for that date, even if the Government does not  
10 agree to a continuance, the Board will consider  
11 it.

12 MR. TEMPLE: May I ask, to the extent  
13 that after we contact Mr. Rivero and then  
14 agreement is potentially reached between -- a  
15 proposed agreement between Mr. Rivero and the  
16 licensee, is it possible that that's an issue  
17 that might be considered before your August 15th  
18 recess?

19 CHAIRPERSON ANDERSON: The bottom line  
20 is that it's -- you can -- we meet on -- oh,  
21 you're saying that -- I'm not sure if you are  
22 able to meet at -- well, no, the bottom line is

1 that if whatever is brought to us before August  
2 15th, we will make a decision on that.

3 MR. TEMPLE: Very good.

4 CHAIRPERSON ANDERSON: So whatever is  
5 brought to us prior to and for me, as a Board  
6 Member, as the Chair of the Board, whatever  
7 decision that we make, I -- for example, if we  
8 were to have a hearing today, we make a decision  
9 that day.

10 So unless the parties ask us, so  
11 whatever is brought to us before we go on recess,  
12 we will make a decision before we go on recess.  
13 The Board -- at least maybe the written decision  
14 will not come out, but the Board will have made a  
15 decision before we leave, because I have -- I  
16 also have a short attention span, so I want to in  
17 real-time listen, make a decision in real-time  
18 and not thinking a couple of weeks back what it  
19 is that we had decided.

20 MR. TEMPLE: I formally Chair the  
21 Agency, so I used to do the hearings, so I know  
22 what you mean.

1 CHAIRPERSON ANDERSON: Thank you. All  
2 right.

3 MR. TEMPLE: I appreciate it very,  
4 very, very, very much. I thank you for your  
5 time.

6 CHAIRPERSON ANDERSON: Thank you for  
7 being here today. All right. Good luck.

8 MR. TEMPLE: Thank you.

9 CHAIRPERSON ANDERSON: All right. So  
10 we are in recess until our 4:30 hearing.

11 (Whereupon, the Fact-Finding Hearing  
12 was concluded at 3:10 p.m.)

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**A**

a.m 27:19 28:3  
**Ababa** 1:6 2:5,11 4:5,21  
 25:22  
**ABC** 14:17  
**able** 29:22  
**above-entitled** 25:17  
**ABRA** 4:12,20 5:3  
**ABRA's** 4:14  
**absentee** 18:20  
**action** 17:6  
**active** 7:2 11:17  
**activity** 13:13  
**addition** 8:22  
**administrative** 14:8  
**admission** 5:4 17:3  
**admit** 20:5  
**advance** 14:2  
**advised** 22:14  
**afternoon** 2:9,17 7:22  
 28:7  
**Agency** 3:2 22:7 23:3  
 30:21  
**agree** 29:4,10  
**agreement** 29:2,14,15  
**agrees** 13:11,12 29:7  
**ahead** 13:17  
**ALBERTI** 1:18 22:11  
**alcohol** 5:8 6:12 7:8,15  
 9:10 10:1,6 11:21  
 12:14,15 15:13,15,21  
 16:1,2 19:15 20:21  
 24:17,22 25:4  
**alcoholic** 1:2,13,14  
 4:22 6:8,15 11:13  
 26:17  
**Alem** 1:22 2:15 4:3  
**allow** 6:12 16:2  
**allowed** 6:15  
**American** 16:22  
**amounts** 4:15  
**ANC** 1:7  
**Anderson** 1:15,17 2:3  
 2:12,17 3:15,20 7:20  
 8:2 9:15 10:11 12:3,7  
 12:20 13:1,5,8,14  
 14:5,11,20 16:9,17  
 17:10 21:7 22:1,13,18  
 24:12 25:9,11,20 27:3  
 27:7 29:19 30:4 31:1  
 31:6,9  
**anybody** 22:20  
**apologize** 4:3 8:5 10:8  
 28:19,21  
**appear** 8:6  
**appeared** 17:2  
**applicant** 26:12  
**applies** 9:13

**appreciate** 31:3  
**approach** 2:7  
**appropriate** 13:19  
**approved** 25:3  
**arguing** 10:17  
**arguments** 5:20 8:6,10  
 8:15 13:18  
**articulated** 8:10  
**asking** 26:4  
**assure** 13:2  
**attempted** 14:1  
**attention** 30:16  
**attorney** 1:21 2:21 3:1  
 3:19 11:4 14:15,18  
 17:7,20 21:16 22:4,5  
 23:3,6,8,10,11 24:1  
 27:15 29:1  
**August** 27:22 28:3,15  
 28:18 29:17 30:1  
**available** 4:16 29:8  
**aye** 27:5,6

**B**

**back** 2:4 14:8,8 20:10  
 25:15,20 28:4 30:18  
**Bar** 3:7  
**based** 12:8,8 17:19  
 19:3  
**basically** 15:6 21:5 26:4  
 26:8 28:22  
**behalf** 5:22  
**believe** 7:9 18:2,11 19:2  
 21:14  
**best** 20:12,13 21:18  
**better** 14:2  
**Beverage** 1:2,13,14  
**beverages** 4:22 6:8,15  
 11:14 26:17  
**Board** 1:2,13 4:7 5:1,5  
 5:15 6:4 9:4,11 13:3  
 14:17 15:4 16:11 17:5  
 17:15 20:5 21:22  
 23:22 24:8,22 25:2  
 26:9 28:15 29:3,8,10  
 30:5,6,13,14  
**Board's** 4:6 26:19  
**bottles** 6:19,20  
**bottom** 11:15 29:19,22  
**bring** 6:3,12,15 12:14  
 16:2 20:2 22:8 23:6  
**bringing** 10:5 19:6  
**brings** 5:13  
**brought** 10:13 23:17  
 30:1,5,11  
**Building** 1:14  
**business** 8:20,20 9:1,2  
 9:6 15:14 16:1 18:21  
**businessman** 18:20

**butcher** 4:2  
**butchering** 4:4  
**BYOB** 6:11,22 10:5  
 16:4 21:5 25:5

**C**

**called** 14:7,8 20:4  
**case** 2:4 8:12 10:9  
 16:16 17:6 23:12  
 27:17,17,20,20 28:1,5  
**cases** 27:14  
**cause** 7:11 13:22 17:21  
 17:22 22:11 23:20  
 27:14 29:8  
**causing** 5:6  
**Cease** 1:9 4:6 5:11,16  
 5:18 9:16,19 10:14,15  
 10:19 11:8 13:10  
 15:18 19:10 26:5,10  
 26:20,21  
**certain** 16:14 20:5 22:8  
**Chair** 3:13 30:6,20  
**Chairperson** 1:15,17  
 2:3,12,17 3:15,20  
 7:20 9:15 10:11 12:3  
 12:7,20 13:1,5,8,14  
 14:5,11,20 16:9,17  
 17:10 21:7 22:1,13,18  
 24:12 25:9,11,20 27:3  
 27:7 29:19 30:4 31:1  
 31:6,9  
**challenge** 4:6 20:10  
**challenging** 5:16  
**change** 28:11  
**charge** 10:10 14:15  
**charges** 8:9 9:9,17,18  
 10:9,13 11:2,7 13:20  
 18:2,9 20:1,9,11 22:8  
 23:7,17  
**charging** 9:21  
**city** 3:18  
**claims** 8:16  
**clarification** 13:7 24:11  
**clarify** 14:12 15:19  
 16:20 18:5 19:2 21:11  
 24:15,16 27:11 28:6,8  
**Class** 4:11  
**clear** 15:14 26:9  
**client** 3:4 6:1 11:2  
 17:17 21:12 22:14  
 23:9,18,19 24:6,16  
**client's** 20:12  
**COLUMBIA** 1:1  
**come** 9:3 20:10,10  
 25:15 30:14  
**comes** 24:7  
**coming** 13:21 28:20  
**comment** 16:8 26:7

**commit** 9:14  
**communication** 14:4  
**community** 9:6,7  
**concern** 18:18  
**concerns** 7:14  
**concluded** 31:12  
**confused** 15:9  
**confusing** 22:21  
**confusion** 14:9 15:3,4  
**consider** 29:10  
**considered** 29:17  
**considers** 17:6  
**consulted** 12:1  
**consume** 26:17  
**consumption** 5:8 11:13  
**contact** 13:19 14:1,6  
 19:22 28:10,12 29:13  
**contacted** 23:18  
**contacting** 20:8  
**continuance** 5:13 29:10  
**continue** 15:20 25:3  
**continued** 13:4  
**Control** 1:2,13,14  
**copy** 10:15,19 13:20  
**counsel** 8:8 16:12,20  
 16:21 17:5 18:3  
**couple** 8:3 30:18  
**course** 9:14  
**CR** 1:7 4:11  
**criminality** 14:19  
**critical** 8:3  
**cut** 11:1 24:6

**D**

**D.C** 1:15  
**date** 29:6,9  
**date--** 29:5  
**dates** 23:19 28:10,11  
 28:13  
**day** 5:12 25:12 28:16,18  
 30:9  
**DC** 9:5  
**deal** 24:6,7  
**decide** 20:4 24:4,5  
**decided** 17:20 22:5  
 23:6 30:19  
**decides** 24:19  
**decision** 3:11 26:3 30:2  
 30:7,8,12,13,15,17  
**Department** 5:4  
**designation** 3:2  
**desires** 4:6  
**Desist** 1:10 4:6 5:11,17  
 5:18 9:17,19 10:14,15  
 10:20 11:8 13:10  
 15:18 19:10 26:5,10  
 26:20,22  
**determination** 26:5



**determined** 5:5  
**disagree** 29:4  
**discussed** 13:22  
**displayed** 4:15  
**distribution** 11:12  
**DISTRICT** 1:1  
**document** 14:16  
**doing** 18:21  
**Donald** 1:18,21 2:10  
 7:22  
**Donovan** 1:15,17  
**drinking** 4:22 6:21

---

**E**


---

**earlier** 28:21  
**effect** 26:21,22  
**either** 20:9 23:18 29:4  
**ended** 26:2  
**establishment** 10:6  
 15:16,22 16:3,5  
**Ethiopian** 1:6 2:5 4:5  
 25:22  
**event** 4:14,21  
**events** 4:9  
**example** 30:7  
**Excess** 1:5  
**excused** 25:8  
**experience** 8:19  
**explained** 26:14  
**explore** 23:4  
**extensive** 16:13  
**extent** 8:5,9 16:10,11  
 16:14 29:12

---

**F**


---

**facilitate** 6:8,10 10:2,4  
 11:11,21 12:18 15:13  
 19:15 20:18,21 24:16  
 25:5  
**facilitating** 6:18 7:8,15  
 10:1 15:21  
**facility** 6:13,16 11:22  
**fact** 1:7 7:14 17:18  
**Fact-** 2:4 5:1 21:12 23:1  
**Fact-Finding** 6:4 10:12  
 11:3 14:21,22 17:18  
 18:4 19:4 22:3 25:21  
 26:15 31:11  
**facts** 8:10  
**factual** 19:20 21:11  
**familiar** 16:22  
**favor** 27:5  
**February** 4:12,18  
**Fernando** 11:5  
**figure** 20:12 24:1,6  
**fill** 3:1  
**final** 14:17 16:15  
**find** 23:13

**Finding** 1:7 2:5 5:2  
 21:13 23:2  
**findings** 16:15  
**fine** 20:4,5 25:16  
**first** 7:21 8:17 27:17  
**folks** 6:14 11:21 12:14  
 15:5 22:21  
**followed** 4:14  
**foremost** 8:17  
**form** 3:21  
**formal** 23:6  
**formally** 30:20  
**four** 28:17  
**further** 17:6 21:9 23:4  
 23:16  
**future** 21:21

---

**G**


---

**General** 11:4 14:18  
 17:8,21 22:4 23:3,6,8  
 23:11 27:15  
**General's** 14:15 22:5  
 29:1  
**glasses** 6:20  
**go** 28:15 30:11,12  
**going** 2:10 4:2 7:3  
 12:11 19:1 22:21  
**good** 2:9,17 7:22 9:2  
 25:12 28:7 29:8 30:3  
 31:7  
**Government** 9:5 20:1,1  
 20:9,11 22:8,9 24:7  
 29:3,7,9  
**Grill** 4:5  
**grounds** 5:16  
**guess** 10:14  
**guilty** 18:13 19:5 24:6  
**guys** 14:2 24:4

---

**H**


---

**hand** 10:20,20  
**handled** 11:5  
**handling** 23:11  
**happened** 28:21  
**harm** 5:6  
**having--** 19:5  
**Health** 15:5  
**hear** 5:19 28:20  
**hearing** 1:7,9,14 2:5 5:2  
 5:10,13,14,21 6:5,5  
 7:4,11,14 10:12 13:16  
 13:22 14:21,22 16:13  
 17:18,18,21 18:1,4  
 19:4,12,21 20:10,15  
 21:9,13 22:3 23:2,20  
 24:3,5 25:14,21 26:2  
 26:3 27:16,18,22 28:2  
 30:8 31:10,11

**hearings** 21:21 30:21  
**held** 5:1  
**high** 9:8  
**hold** 9:15 10:18 17:10  
 22:9,10  
**honor** 8:13

---

**I**


---

**identify** 2:8,13  
**ignorant** 12:13  
**illegal** 15:6  
**illegally** 5:7  
**immediate** 5:6  
**important** 21:3  
**inactive** 4:19 5:9 26:18  
**incident** 12:6  
**includes** 9:9  
**indicated** 9:10  
**individual** 9:7  
**indulgence** 7:18  
**influence** 3:11  
**information** 12:9 19:20  
 21:20  
**intent** 9:13  
**interest** 20:13  
**investigated** 12:10  
**investigative** 17:14,19  
 19:21  
**Investigators** 4:20 5:3  
 12:9  
**ISAAC** 1:18  
**issue** 6:6 28:10 29:6,16  
**issued** 4:7 6:4 9:19  
 11:9 13:21 17:15 19:9  
 19:17 22:12  
**issues** 7:4 14:10  
**issuing** 15:18

---

**J**


---

**JAMES** 1:19  
**July** 1:12 27:18,20 28:2  
**June** 5:12

---

**K**


---

**Kassaye** 1:22 2:15,15  
 4:3,4,11,17 5:5,10,15  
 8:7,18 16:11,18 19:5  
 27:13  
**keep** 13:11  
**kind** 8:20  
**know** 2:21,22 3:2,6,9,14  
 12:7 14:13 15:10  
 18:21 19:9 20:3,16,17  
 22:6,21 24:14 26:12  
 26:13 27:10 28:14  
 30:21  
**knowledge** 9:12  
**known** 3:7,17

---

**L**


---

**Labor** 28:16,18  
**large** 4:14  
**law** 9:11 12:13  
**lawyer** 8:7,17  
**lawyers** 14:14  
**leave** 30:15  
**left** 18:17  
**legal** 16:22  
**let's** 2:18 24:6  
**letter** 3:2 15:5  
**letting** 20:17  
**level** 8:11 9:13  
**license** 1:8 2:6 4:11,13  
 4:17,19 5:6,9 6:6,11  
 7:1,2,6,16 9:22 10:3,7  
 11:10,16,17,20 12:17  
 13:11 15:6,11,12,20  
 16:5 19:12,14 20:6  
 21:2,3 24:17,19 25:1  
 25:5,22 26:13,17  
**licensee** 1:9,21,22 15:4  
 26:4,13 29:3,16  
**licensees** 15:8  
**lifted** 5:18 26:11  
**limited** 8:19  
**line** 11:15 29:19,22  
**listen** 30:17  
**LLC** 1:5  
**long** 12:17 29:6  
**look** 19:20  
**lot** 18:14  
**luck** 31:7

---

**M**


---

**making** 6:1 13:18 26:2  
**managing** 4:5  
**manner** 3:9  
**March** 4:19,20 5:2  
**marijuana** 4:15 7:3,12  
 15:2,7 19:6 20:20  
**matter** 1:4 4:10 6:2,14  
 9:19,20 10:17 14:22  
 19:17 20:18 21:22  
 23:13,14 25:17 27:8  
**matters** 23:11  
**mean** 9:17 10:16 13:15  
 18:6,19 20:7 28:19  
 30:22  
**Meaning** 6:18  
**means** 6:7 21:4  
**meet** 29:20,22  
**MEETING** 1:3  
**member** 1:18,18,19,19  
 3:7,13,16 4:5 22:11  
 27:2 30:6  
**members** 4:16 5:3  
**mentioned** 17:2

met 1:14  
**Metropolitan** 5:4  
**MIKE** 1:19  
**minute** 9:16  
**minutes** 7:18  
**moment** 17:11  
**momentarily** 3:5  
**motion** 26:21 27:4  
**move** 25:1  
**moving** 23:16

---

**N**

---

**N.W** 1:14 11:14  
**name** 2:19 4:2,4  
**nay** 24:8  
**necessarily** 7:4 18:8  
**need** 3:1 7:5 10:3 13:21  
 19:10,11 21:8 22:22  
**needed** 8:11  
**needs** 13:21 24:22  
**negotiate** 23:22 24:8  
**negotiations** 24:9  
**neither** 16:2  
**NICK** 1:18  
**noises** 28:20  
**notice** 23:18  
**notices** 22:11,15  
**Notwithstanding** 8:13  
**number** 3:7 17:1  
**NW** 1:7

---

**O**

---

**observed** 4:21  
**occurring** 13:13  
**Office** 11:4 14:15 22:5  
 23:3,5,7,10 27:15  
 29:1  
**officials** 3:17  
**OGC** 11:5 13:19  
**oh** 29:20  
**OIC** 20:4  
**okay** 7:16 10:12 12:15  
 20:4,18,19 22:20  
 24:10 25:13  
**old** 8:21  
**once** 6:6 19:19,19  
**opening** 6:19  
**operate** 15:22 20:7  
**operates** 9:1  
**opportunity** 8:1 14:13  
 16:19 17:4 18:1 27:13  
**opposed** 27:7  
**option** 21:18  
**options** 20:8  
**order** 1:10 4:7,7 5:11,17  
 5:18 6:4 8:12 9:17,20  
 10:14,15 11:9 15:18  
 19:10 20:16 26:5,10

26:20,22  
**originally** 5:11  
**owner** 2:16  
**ownership** 8:19

---

**P**

---

**P-R-O-C-E-E-D-I-N-G-S**  
 2:1  
**p.m** 2:2 25:18,19 31:12  
**parallel** 8:16  
**parameters** 12:21 13:7  
 14:3  
**part** 6:6 14:9  
**particular** 8:20 9:6,19  
 12:5  
**parties** 2:7 15:2,7 20:20  
 24:5,9 30:10  
**passes** 27:8  
**patrons** 4:21  
**pending** 27:14  
**people** 6:11,12 9:12  
 10:4,5 12:12 14:7,8  
**permit** 11:11,20  
**permitting** 5:7 11:13  
**person** 8:18  
**personal** 9:7  
**pertinent** 8:4  
**petition** 24:22  
**place** 12:5  
**placed** 4:11,17  
**placement** 4:13  
**please** 2:7,8,13,18 5:15  
 5:18 7:19 17:11  
**point** 24:21  
**Police** 5:4  
**position** 12:11 15:12  
 26:19  
**possessions** 7:12  
**possible** 29:16  
**potential** 14:18  
**potentially** 29:14  
**prejudicial** 18:11 21:15  
**premise** 5:8  
**premises** 4:14 6:9  
 19:15  
**prepared** 22:17  
**present** 1:16,20 2:11  
 8:1  
**presentation** 26:8  
**presiding** 1:15  
**pretty** 9:2  
**prior** 25:15 30:5  
**probably** 7:11 13:20  
**problem** 28:12  
**problems** 9:4  
**proceeded** 8:8  
**proceeding** 7:10  
**process** 14:10

**products** 4:15  
**professional** 3:9  
**property** 19:6  
**proposed** 29:15  
**protect** 8:12 11:1  
**protection** 17:9  
**provide** 3:4 29:7  
**public** 3:17 4:16 5:7  
**purchasing** 11:12  
**purpose** 26:3  
**put** 6:11 21:1,10  
**putting** 15:11

---

**Q**

---

**question** 8:2 22:14  
**quorum** 27:9,10

---

**R**

---

**raised** 8:2  
**reached** 29:14  
**read** 10:9 14:16 16:13  
**reading** 17:12  
**real-time** 30:17,17  
**really** 15:17 19:11  
 26:10  
**reason** 13:15 19:9  
 25:14 26:10  
**reasoning** 15:10  
**reasons** 10:22  
**rebut** 18:2  
**recall** 18:13,14 19:4,7  
**recess** 25:13 28:15  
 29:18 30:11,12 31:10  
**recognize** 3:18  
**recommendation** 23:2  
**recommendations**  
 14:17 16:14 17:7 22:7  
**record** 2:4,8,13,20 3:8  
 17:5,8 18:5 19:2  
 25:15,18,21 26:15  
 27:12  
**Reeves** 1:14  
**reflect** 2:20  
**regarding** 1:9 2:5 6:2  
 9:10 14:18 21:22  
 23:15 25:21,22 26:5  
**reiterating** 8:6  
**relative** 17:7  
**remain** 26:20,22  
**remained** 21:16  
**remains** 26:13  
**remind** 19:13 27:13  
**reminded** 5:19  
**remove** 24:19 25:1  
**removed** 11:16  
**rendered** 4:18  
**repeatedly** 5:7  
**repetitive** 5:20

**report** 10:9 17:14,19  
 19:21  
**reported** 13:12  
**representation** 13:3  
 18:15  
**representations** 6:1  
 18:10  
**represented** 3:16 6:14  
 16:12 18:3  
**representing** 2:10 3:3  
**reputation** 9:8  
**request** 4:2 8:14 11:16  
**requested** 1:9 5:10,13  
**respond** 11:6 18:10  
**responding** 18:8  
**response** 8:2 17:4  
**Restaurant** 1:6 2:6  
 25:22  
**result** 22:3 23:1  
**resumed** 25:18  
**Retailer** 1:7 4:11  
**retained** 28:9  
**return** 28:16,18  
**review** 4:9 17:13,14  
**reviewed** 19:19  
**right** 2:3,12 3:12,20,21  
 4:1 10:12,20,21 12:20  
 13:1,5,8,14 14:11,16  
 16:17 21:7 22:10,10  
 22:17,18,19,19 23:1,5  
 24:12 25:10,12,16  
 31:2,7,9  
**rights** 17:9  
**Rivero** 11:5 13:19 19:22  
 21:19 23:12,13 28:11  
 29:13,15  
**Room** 1:14  
**run** 9:2

---

**S**

---

**safekeeping** 4:12,13,18  
 6:7,12 7:1,7,16 9:22  
 10:4 11:10,17,20  
 12:17 13:11 15:11,13  
 15:20 16:6 19:13,14  
 20:7 21:2,4 24:18,20  
 25:2,6 26:14  
**Safety** 3:17  
**sales** 7:3  
**saw** 6:3 12:10  
**saying** 9:21 11:19  
 12:16 15:6,9 18:12,13  
 18:18 20:19 29:21  
**says** 11:10  
**scheduled** 5:12 24:4  
**se** 13:15 18:9  
**seat** 2:18  
**second** 27:1,2,20

**seconded** 27:4  
**see** 19:22 20:9 28:4  
**seen** 9:16  
**sell** 24:21 26:16  
**selling** 11:12 12:14 25:4  
**send** 17:20  
**sense** 14:2 15:1,1 20:13  
**sent** 15:5  
**series** 4:9  
**serious** 8:8  
**servants** 6:17  
**serve** 16:1,3 22:17 24:21 26:16  
**served** 15:16 22:15 23:9,19  
**service** 15:21 19:15 20:22 24:17  
**serving** 6:20 7:8,15 10:1,7 11:12 25:4  
**set** 23:21 27:15,18,21 28:2  
**short** 1:19 3:13,15,16 30:16  
**Show** 7:11 13:22 17:21 17:22 22:11 23:20 27:14  
**sign** 2:18  
**significantly** 9:1  
**silent** 21:16  
**Silverstein** 1:19 27:2,3  
**simply** 6:2  
**sir** 4:3 21:20  
**sitting** 3:5  
**solid** 17:4  
**somewhat** 8:15  
**sorry** 20:15 28:2  
**span** 30:16  
**speak** 7:17 23:13 29:1  
**SPEAKER** 22:16  
**speaking** 22:20  
**SQ** 4:3  
**SR** 1:18  
**stand** 27:12  
**state** 3:8 20:16 21:8  
**statements** 17:1,16 19:3 21:12  
**stating** 19:5 20:20 21:1  
**Status** 27:18,21 28:2  
**stays** 23:22  
**step** 20:13,14 23:14 24:2  
**stop** 13:17  
**Street** 1:7,14 11:14,18  
**strict** 8:14  
**submission** 16:19  
**submit** 18:7  
**submitted** 11:4 22:3

**subsequently** 5:1  
**substantial** 6:5  
**Suite** 1:15  
**sure** 6:3 7:20 10:17 15:9 16:9 18:17 21:19 22:4 25:9 28:9 29:21  
**system** 16:22

**T**

**t/a** 1:6  
**take** 10:3 20:6 27:12  
**talk** 14:14 20:11 21:19  
**Techno** 1:5  
**tell** 5:15 7:5 24:15  
**telling** 18:19  
**Temple** 1:21 2:9,10,21 2:21,22 3:6,14,22 5:22 7:17,21,22 9:16 10:8 11:1 12:1,4,19 12:21 13:2,6,9 14:1,7 14:12 16:7,10,18 17:12 21:6,21 24:10 24:13 25:7,10 28:8 29:12 30:3,20 31:3,8  
**terms** 13:9 14:10  
**testimony** 5:3  
**thank** 7:21 8:1 21:6 24:10,13,13 25:7,10 25:11 26:6 28:6 31:1 31:4,6,8  
**thing** 8:18  
**things** 8:3 19:1,8 20:5  
**think** 3:10 6:18 7:8 8:3 8:15 10:13 11:2 13:17 15:14,17,18 16:15 17:15 18:14 19:8,16 21:18 25:2,14  
**thinking** 28:20 30:18  
**thought** 10:9 12:12  
**three** 27:9,14 28:17  
**threshold** 8:11 9:11,12  
**time** 15:15 24:11 26:15 31:5  
**today** 3:11 4:1,10 5:19 12:2 26:9,16 30:8 31:7  
**today's** 5:14  
**transcript** 17:13,14,16 19:19  
**tried** 9:2  
**try** 8:14 14:2  
**two** 7:18 8:20  
**type** 6:8 11:21 13:12

**U**

**Um-hum** 12:3  
**underlying** 9:9 11:2  
**understand** 12:19

16:16 18:6  
**understanding** 3:19  
**UNIDENTIFIED** 22:16  
**unrepresented** 18:5  
**utilized** 17:17

**V**

**violation** 10:10  
**violations** 9:14

**W**

**W** 1:15,17  
**want** 2:20 7:5,22 10:2 10:16 18:4 19:2,9 21:9,11,17 22:19 25:1 26:6,12 27:11 28:7 30:16  
**wanted** 14:12 27:9 28:6 28:14  
**wants** 20:1 24:21  
**Washington** 1:15  
**wasn't** 18:16,16  
**way** 3:11  
**Wednesday** 1:12 28:5  
**weeks** 28:17,17 30:18  
**welcome** 21:10,18  
**went** 12:10 25:18  
**weren't** 15:9  
**wife** 8:22 18:15,16,16 18:17,18,21  
**words** 5:17  
**writing** 18:7 21:10  
**written** 30:13

**X**

**Y**

**yay** 24:8  
**yeah** 12:12 21:17  
**years** 3:8,18 8:21  
**you--** 21:9

**Z**

**0**

**00024** 27:18

**1**

**103289** 1:8 2:6 26:1  
**11** 1:12  
**14th** 1:14  
**15** 27:22  
**15th** 28:3,15 29:17 30:2  
**18-CMP-** 27:17  
**18-CMP-00024** 28:5  
**18-CMP-00067** 27:21  
**18-CMP-00075** 28:1  
**18th** 1:7 11:14,18 27:18

**1C** 1:7

**2**

**2:25** 2:2  
**2:53** 25:18  
**2000** 1:14  
**20009** 1:15  
**2018** 1:12 4:7,12,18,19 4:20 5:2,12,21 27:22  
**2018-360** 1:10 4:8  
**2106** 1:7 11:18  
**2108** 11:14  
**23** 4:7 5:2,20  
**25-102** 10:10  
**27** 5:12

**3**

**3** 4:19  
**3-0-0** 27:8  
**3:04** 25:19  
**3:10** 31:12

**4**

**4:30** 25:14,15 31:10  
**400S** 1:15

**5**

**6**

**7**

**7** 4:12,18,20

**8**

**9**

**9:30** 27:19,22 28:3

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Techno Excess, LLC

Before: Alcoholic Beverage Control Board

Date: 07-11-18

Place: Washington, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



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Court Reporter

**NEAL R. GROSS**

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