



**ALSO PRESENT:**

**AMY SCHMIDT, DC OAG**

**ANAS SHALLAL, Licensee**

**STEPHEN O'BRIEN, Licensee's Counsel**

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

2 1:37 p.m.

3 CHAIRPERSON ANDERSON: All right.

4 Good afternoon. We are back on the record. Our  
5 first case is Case No. 18-CC-00027, Busboys and  
6 Poets, License No. 71220. We also have a  
7 companion case, which is a separate case, but  
8 since it's the same parties, I'm also calling  
9 that case also. So it's Case No. 18-CC-00071,  
10 Busboys and Poets, License No. 71220.

11 So we are going to treat each case  
12 separately, but since it's the same parties, I'm  
13 calling them.

14 So for the first one, Case No. 18-CC-  
15 00 -- and I'm going to address them based on the  
16 way they are on our calendar.

17 MS. SCHMIDT: Oh, if we may, could we  
18 address them out of order, because we have an OIC  
19 for the second one and the first one we would  
20 like to argue, so we would like to take care of  
21 it first.

22 CHAIRPERSON ANDERSON: Okay. So which

1 case? So you have an OIC for which case?

2 MS. SCHMIDT: 00 -- let me make sure  
3 I've got the right one.

4 MR. O'BRIEN: The higher number.

5 MS. SCHMIDT: Not necessarily, that's  
6 why I want to make sure.

7 CHAIRPERSON ANDERSON: Okay. So all  
8 right.

9 MS. SCHMIDT: No, it's not the higher  
10 number. It's 18-CC-00071.

11 CHAIRPERSON ANDERSON: That's the  
12 higher number.

13 MS. SCHMIDT: I thought it was 127.

14 CHAIRPERSON ANDERSON: That 721 is --

15 MS. SCHMIDT: I thought it was --

16 CHAIRPERSON ANDERSON: -- the second  
17 one is higher than --

18 MS. SCHMIDT: So it's 127. I'm sorry.

19 CHAIRPERSON ANDERSON: -- 27.

20 MR. O'BRIEN: Do you want  
21 introductions, Mr. Chair?

22 CHAIRPERSON ANDERSON: Yeah, I --

1       yeah, we are going to -- yeah.

2                   MR. O'BRIEN:   Okay.

3                   MEMBER ALBERTI:  We're all improving  
4       our math skills here.

5                   CHAIRPERSON ANDERSON:  Yeah, we are  
6       going to do introductions, but I was just calling  
7       the case.

8                   MR. O'BRIEN:   Okay.

9                   CHAIRPERSON ANDERSON:  All right.  So  
10       let me call the first case then, Case No. 18-CC-  
11       00071, Busboys and Poets, License No. 71220.

12                   Will the parties, please, approach and  
13       identify themselves for the record, please?

14                   MS. SCHMIDT:  Good afternoon.  Amy  
15       Schmidt, Assistant Attorney General on behalf of  
16       the District of Columbia.

17                   CHAIRPERSON ANDERSON:  Good afternoon,  
18       Ms. Schmidt.

19                   MR. O'BRIEN:  Stephen O'Brien for the  
20       licensee and I'm accompanied by Andy Shallal, S-  
21       H-A-L-L-A-L, who is the president of the  
22       corporate licensee.

1 CHAIRPERSON ANDERSON: Good afternoon,  
2 Mr. O'Brien. Good afternoon, Mr. Shallal.

3 MR. SHALLAL: Good afternoon.

4 CHAIRPERSON ANDERSON: All right. Are  
5 there any preliminary matters in this case?

6 MR. O'BRIEN: Mr. Chair, as counsel  
7 indicated, we think we are in agreement that it  
8 would be much more expeditious if we were to take  
9 the second case first.

10 CHAIRPERSON ANDERSON: That's the case  
11 I called.

12 MR. O'BRIEN: Okay.

13 CHAIRPERSON ANDERSON: That's the  
14 case --

15 MS. SCHMIDT: I'm having math issues,  
16 sorry.

17 CHAIRPERSON ANDERSON: All right. Mr.  
18 O'Brien, I'm already confused. Okay. Don't  
19 further confuse me.

20 MR. O'BRIEN: Okay. I'll cut it out.

21 CHAIRPERSON ANDERSON: No, I -- yeah,  
22 no. Based on the representation that was made by

1 you, I did call the second case first, so that's  
2 why, so we are -- the case that we are -- that is  
3 being addressed now is 18-CC-00071.

4 MR. O'BRIEN: Are you sure?

5 CHAIRPERSON ANDERSON: As I said  
6 before, Mr. O'Brien, I'm already confused, so,  
7 please, do not further confuse me.

8 MR. O'BRIEN: Okay.

9 MS. SCHMIDT: All right. I apologize.

10 MEMBER SILVERSTEIN: Mr. Chair?

11 CHAIRPERSON ANDERSON: Yes, Mr.

12 Silverstein?

13 MEMBER SILVERSTEIN: The World Series  
14 ended Friday. I think we are a little late to  
15 play who is on first.

16 CHAIRPERSON ANDERSON: All right.

17 Thank you, Mr. Silverstein.

18 MR. O'BRIEN: I think it's wrong.

19 CHAIRPERSON ANDERSON: Huh?

20 MS. SCHMIDT: I think it's wrong also.

21 At least I think it is --

22 CHAIRPERSON ANDERSON: All right.

1 MS. SCHMIDT: I apologize for one  
2 second. I just want to make sure because --

3 CHAIRPERSON ANDERSON: You guys --

4 MS. SCHMIDT: -- it affects --

5 CHAIRPERSON ANDERSON: Yeah, we will  
6 stand in recess for a minute.

7 MS. SCHMIDT: Oh, no, no, no.

8 CHAIRPERSON ANDERSON: Look at the  
9 numbers and you tell me which case should I call.  
10 Look at those numbers, please, and let me know.

11 MS. SCHMIDT: No, but it is a  
12 confusing subject matter. Okay. 071, we are  
13 correct.

14 MR. O'BRIEN: We are correct, it is  
15 71.

16 MS. SCHMIDT: And something was sent  
17 by ABRA that had the wrong number.

18 MR. O'BRIEN: 71 is the --

19 MS. SCHMIDT: July 5th incident.

20 MR. O'BRIEN: -- July 5th incident.

21 CHAIRPERSON ANDERSON: All right. So  
22 to clarify the record again, the case that is now



1 being addressed is 18-CC-00071, Busboys and  
2 Poets.

3 In this particular case, are there any  
4 preliminary matters in this case?

5 MS. SCHMIDT: Yes, there is. There is  
6 an Offer in Compromise, which -- well, first of  
7 all, as a preliminary matter, the Government has  
8 dropped -- is dropping Charge 3.

9 MR. O'BRIEN: Charge?

10 MS. SCHMIDT: 3, which is no ABC  
11 Manager. And that is independent of any OIC.  
12 It's just being dropped --

13 CHAIRPERSON ANDERSON: All right.

14 MS. SCHMIDT: -- as -- because  
15 evidence was produced to show that that man --  
16 that that charge was previously brought.

17 CHAIRPERSON ANDERSON: Hold on. No,  
18 there is only one charge in this case.

19 MR. O'BRIEN: Yeah, that's right.

20 CHAIRPERSON ANDERSON: There is only  
21 one charge in this case on this. Maybe that is  
22 in the other case, but in this particular case

1 certainly the information that I have in -- for  
2 Case 71, there is at least -- unless -- maybe --

3 MEMBER ALBERTI: We are going to get  
4 some materials.

5 CHAIRPERSON ANDERSON: Okay.

6 MR. O'BRIEN: All right. Here is --  
7 this may be part of the problem. If you look at  
8 the notice we have. All right. Mr. Chair, if I  
9 may just speak with counsel?

10 MS. SCHMIDT: Yes, that's why I was  
11 getting confused, yeah.

12 MR. O'BRIEN: The charging date, in  
13 71, is --

14 MS. SCHMIDT: The one I sent over --

15 CHAIRPERSON ANDERSON: Who signed  
16 this? I didn't sign this.

17 MR. SHALLAL: It has the wrong date.

18 MR. O'BRIEN: It has the wrong date.  
19 It says July 25, which is not correct. It should  
20 be July 5.

21 CHAIRPERSON ANDERSON: And I'll say  
22 this, part of the confusion in this case, I see

1 the Notice of Status Hearing and Show Cause  
2 Hearing, I didn't sign this. So somebody signed  
3 my name and so, therefore, that's probably the  
4 confusion. And if I sign stuff myself, I know  
5 what I am signing.

6 I am looking at this document and I  
7 see that this is not my signature, so maybe --  
8 and the notice which is -- it's not illegal. I'm  
9 just wanted to clarify that. But I'm just saying  
10 but the Notice of Status and Show Cause Hearing,  
11 there is only one charge on the charging document  
12 and it is -- which is a sale to minor.

13 So are we all on the same page what  
14 this case is about? Because there is no Charge 3  
15 to be dropped.

16 MS. SCHMIDT: That's -- no, but see,  
17 I think the mistake is actually in 00 -- I think  
18 this should have been 0027, because 0027 occurred  
19 on March 9th. If you look at the reports  
20 themselves, 0027 occurred on March 9th and that  
21 was the date of the offense.

22 CHAIRPERSON ANDERSON: Right. This

1 one is March 9th. I don't know which --

2 MS. SCHMIDT: Oh, that's 0071, but  
3 that should have been -- that's a mistake. It  
4 should have been 0027. 0027 only has one charge.  
5 If you look at -- and there is two 00 and the  
6 other -- there are two different ones.

7 And the other one is -- the date there  
8 is July 5th, that's the one with the --

9 MR. O'BRIEN: All right. Here is part  
10 of the problem and this is -- I rail in my office  
11 about the use of templates. Both notices, both  
12 the notice for 27 and the notice for 71 recite a  
13 date of -- an incident date of July 25, which is  
14 wrong for two reasons.

15 One is nothing happened on July 25.  
16 And number two, clearly, two things didn't happen  
17 on July 25.

18 CHAIRPERSON ANDERSON: So where are  
19 we? What case? You said July 25 or July 5th?  
20 Which date?

21 MS. SCHMIDT: I don't even see July  
22 25th.

1 MR. O'BRIEN: The two --

2 MEMBER ALBERTI: Well, they both list,  
3 am I correct, Ms. Schmidt, two dates  
4 consecutively, March 9th and then Tuesday, the  
5 25th. And then --

6 MR. O'BRIEN: Are you looking --

7 MEMBER ALBERTI: -- the same --

8 MR. O'BRIEN: No. Are you looking at  
9 the Notice to Show Cause or at the incident  
10 reports?

11 MEMBER ALBERTI: The Notice to Show  
12 Cause.

13 MS. SCHMIDT: Show Cause, yes.

14 MR. O'BRIEN: Okay. I have got a  
15 Notice to Show Cause in No. 71.

16 MEMBER ALBERTI: Yes.

17 MR. O'BRIEN: And recites one charge.

18 MEMBER ALBERTI: And it says, the  
19 paragraph begins "On Friday, March 9, 2018,  
20 Tuesday, July 25, 2017."

21 MR. O'BRIEN: Okay.

22 MEMBER ALBERTI: Am I correct?

1 MS. SCHMIDT: Yeah.

2 MR. O'BRIEN: Clearly, that is wrong.

3 MEMBER ALBERTI: Right. That's  
4 clearly wrong. And on -- I just want to make  
5 sure we are all on the same page. And on 0027,  
6 we had the same statement in the paragraph for  
7 Charge 1.

8 CHAIRPERSON ANDERSON: Can I -- all  
9 right. Hold on.

10 MEMBER ALBERTI: Is that correct?

11 CHAIRPERSON ANDERSON: Hold on.

12 MR. O'BRIEN: Yes.

13 CHAIRPERSON ANDERSON: Hold on one  
14 minute.

15 MEMBER ALBERTI: Thank you.

16 CHAIRPERSON ANDERSON: Hold on one  
17 minute, Mr. Alberti, because I'm running this  
18 hearing and I don't have. So can I have the  
19 other case?

20 MEMBER ALBERTI: You have the charging  
21 document?

22 CHAIRPERSON ANDERSON: No. I have the

1 charging document for one case.

2 MS. SCHMIDT: I just --

3 CHAIRPERSON ANDERSON: So where is the  
4 charging document for the other case? All right.

5 MEMBER ALBERTI: December 26th.

6 CHAIRPERSON ANDERSON: All right.

7 Hold on. All right. Which incident occurred  
8 first? All right. So the case that -- the first  
9 incident is Case No. 18-CC-00027, that's the  
10 first case.

11 MS. SCHMIDT: Yes.

12 CHAIRPERSON ANDERSON: Okay. 27 is  
13 the first case, because I am looking at the  
14 Notice of Show Cause and Status Hearing, I signed  
15 off on that document and that case has two  
16 charges. And I signed off on that document on  
17 July 27, 2018. That's when -- the other  
18 document, which is Case No. 18-CC-00071, the  
19 Notice of Status Hearing and Show Cause that  
20 document has a date of September 6, 2018.

21 So therefore, the first case should be  
22 the 18-CC-00027, because that was the first

1 notice that was issued. And the 71, that notice  
2 was issued two months later, so maybe you guys  
3 can let me know, because I'm looking at the  
4 documents which my signature is on -- is in July  
5 and the other document, there is a signature in  
6 September.

7 So 71 -- you got notice of 71 in  
8 September. You got notice of 27 in July. So  
9 does that make a difference?

10 MS. SCHMIDT: Okay.

11 CHAIRPERSON ANDERSON: This is what  
12 I'm going to do. I'm going to take -- we are  
13 going to be in recess and you guys can look at  
14 both of the cases. And you guys can figure out  
15 which one is first, which one was first. But as  
16 I said, I'm looking at the charging document and  
17 at least looking at the signatures, based on the  
18 signatures when the documents were issued, the  
19 first case should have been 18-CC-00027, because  
20 that's -- that charging document was submitted --  
21 was sent on July 27, 2018.

22 For Case No. 18-CC-00071, that



1 charging document was submitted on September 6,  
2 2018. So you guys -- when you are ready, let us  
3 know how you want to proceed and which case is  
4 first and which case there is an OIC on. Okay?

5 MR. O'BRIEN: Very well.

6 CHAIRPERSON ANDERSON: All right.

7 Thank you. So we are in recess.

8 (Whereupon, the above-entitled matter  
9 went off the record at 1:49 p.m. and resumed at  
10 1:55 p.m.)

11 CHAIRPERSON ANDERSON: All right. We  
12 are back on the record and I'm going to make a  
13 motion to this Board, because I'm looking at  
14 these documents and I mean, in my view, the way a  
15 matter is supposed to occur, how proceedings -- I  
16 don't know how the parties did not recognize the  
17 fact that the charging documents were incorrect.

18 I'm not looking at the case report and  
19 the case report is incorrect. So well, I don't  
20 know what is wrong, whether or not it's the case  
21 report, but the case report does not go -- it's  
22 not on the same plane with the charging

1 documents, because for Case No. 18-CC-00027, the  
2 charge -- it says that "On Friday, March 9, 2018,  
3 Tuesday, July 25, 2017, at approximately 7:10,  
4 the Investigator went to the establishment."

5 The case report for Case No. 18-CC-  
6 00027, the case report says that on Friday, March  
7 9, 2018, that's when that case occurred.

8 Now, by -- on -- looking at Case No.  
9 18-CC-00071, the charging document says "On  
10 Friday, March 9, 2018, and Tuesday, July 25,  
11 2017, at 7:10."

12 The case report for 18-CC-00071 it --  
13 the factual allegation said that "On Tuesday,  
14 July 5, 2018." So when was it? Did it happen in  
15 2017? Did it happen in 2018?

16 And my position is that all of this  
17 should have been caught at a minimum at a Show  
18 Cause Hearing. I don't have a problem if someone  
19 had brought it to our attention that at the Show  
20 Cause Hearing that there was an error between the  
21 charging document and the case report, because it  
22 could be someone -- well, there are two things.

1           Both documents have two dates in it  
2           that are not correct. I don't know who wrote it,  
3           but clearly it was improperly written. It  
4           appears to be cut and paste and I can't preside  
5           over something that I don't believe that is  
6           appropriate in this matter.

7           So the recommendation I'm making to  
8           the Board is that we dismiss Case No. 18-CC-00071  
9           and Case No. 18-CC-00027, because I think it is  
10          unfair to the licensee because of the  
11          discrepancies in the documents.

12          I believe that since the charging  
13          document stated that one of the allegations  
14          occurred on July 25, 2017 and the -- looking at  
15          the case report, the incident occurred July 5,  
16          2018 and looking at Case 18-CC-0027, it says that  
17          the incident occurred on March 9, 2018.

18          I just think that that's the  
19          appropriate way and that's one of the reasons why  
20          I believe, as Chair of the Board, that I'm making  
21          this motion to the other Board Members that we  
22          should dismiss both cases.

1                   Do we have any -- any Board Member  
2 wants to speak on that before I ask for a second  
3 and a vote?

4                   MEMBER ALBERTI: Well --

5                   CHAIRPERSON ANDERSON: Yes, Mr.

6 Alberti?

7                   MEMBER ALBERTI: -- I will not support  
8 the motion. I think that the OAG should be given  
9 the opportunity to reissue the Notice to Show  
10 Cause. I am not comfortable with this mistake.  
11 I don't think we should go forward with this  
12 hearing, but I think if this is dismissed, it  
13 should be dismissed without prejudice to the  
14 Government and the Government should be allowed  
15 to reissue the Notice to Show Cause with the  
16 correct information.

17                   I'm disappointed that we are sitting  
18 here, I'll just say I'm very disappointed, with  
19 these kinds of mistakes. It's really not  
20 acceptable.

21                   CHAIRPERSON ANDERSON: Any other  
22 comments by any other Board Members? Is there

1 another Board --

2 MEMBER SILVERSTEIN: Could I?

3 CHAIRPERSON ANDERSON: I'm sorry, go  
4 ahead, Mr. Silverstein.

5 MEMBER SILVERSTEIN: I agree with the  
6 Chair.

7 CHAIRPERSON ANDERSON: All right.  
8 With that, is there a second to the motion?

9 MEMBER SILVERSTEIN: Second.

10 CHAIRPERSON ANDERSON: Mr. --

11 MS. SCHMIDT: If I may?

12 CHAIRPERSON ANDERSON: Yes, Ms.  
13 Schmidt?

14 MS. SCHMIDT: With or without  
15 prejudice is the motion with or without  
16 prejudice?

17 CHAIRPERSON ANDERSON: We are at a  
18 Show Cause Hearing. I mean, we -- and once this  
19 case is over, I have something I need to say to  
20 the licensee. We are at a Show Cause Hearing. I  
21 mean, we have -- this -- we had on both cases,  
22 both notices are wrong. Both notices are wrong,

1 because both notices have the same exact dates.

2 And one of the dates that is in -- the  
3 infraction allegedly occurred on July 25, 2018.  
4 Both notices said that the infraction occurred on  
5 July 5, 2017. Both notices.

6 MS. SCHMIDT: I understand. However,  
7 there was no -- however, it is not as if the  
8 licensee did not have proper notice of this  
9 hearing. In other words, we are just -- the  
10 Government is requesting -- the Government  
11 understands dismissing, at this point.

12 However, without prejudice, because  
13 it's not as if the licensee was not aware of  
14 these incidents. It's not as if they were made  
15 out of whole cloth. The licensee was here --  
16 came in today ready to accept OICs and make  
17 arguments based on the dates of the incidents,  
18 based on the reports.

19 And therefore, I think it would be --  
20 it's not -- case law usually shows that this is  
21 not a fatal error. Dates, it's a typographical.  
22 It's not a fatal error. It's not as if they are

1 being accused of doing something they haven't  
2 done. It's just a date.

3 CHAIRPERSON ANDERSON: But I think Ms.  
4 Schmidt, for the Government, when did the  
5 infraction occur? Both notices says that the  
6 infraction occurred on -- in both cases --

7 MS. SCHMIDT: However --

8 CHAIRPERSON ANDERSON: -- the notice  
9 stated that the infraction occurred on March 9,  
10 2018 and on July 25, 2017. That's what both  
11 notices state. This is not -- if this was a case  
12 where it said that the infraction -- if one of  
13 the cases said that the infraction occurred on  
14 July 25th, wait a minute, wait a minute. It's  
15 even worse.

16 The case report said that the  
17 infraction occurred on July 5, 2018. The case --  
18 the notice stated that the infraction occurred on  
19 July 25, 2017. Now, that is more than just --  
20 that's just more than an error.

21 First and foremost, you have the wrong  
22 date. I would understand if it said July 5, 2018

1 -- 2017, because I could state that that was a  
2 typo error. But you have both the dates and the  
3 year wrong and on both notices. And I don't know  
4 if these are -- both you and counsel are both  
5 learned counsel who should have caught this error  
6 a long time ago and correct it.

7 But I'm sitting here today, we are  
8 asked to -- and I'll say this to you, we are  
9 sitting here today and there was an OIC and part  
10 of the -- one of the things that was provided to  
11 me, we can't figure out which case there is an  
12 OIC on.

13 We were told that we were going to  
14 dismiss a charge, Charge 3. Both cases, there is  
15 no Charge 3. So what is it that we are  
16 litigating today? I mean, remember, I decided  
17 that let's take a recess until you two can figure  
18 out which case there is an OIC. What are the  
19 facts and issues in the case with the OIC?

20 It's not here. And so if you can't  
21 tell me what I'm litigating, if you can't tell me  
22 what I'm supposed to -- what this Board is



1 supposed to go and make a decision on, I don't  
2 see -- so the motion is that it's just with  
3 prejudice. Because this is an error. I mean,  
4 this is even beyond cut and paste.

5 Okay. I said before there is a Notice  
6 of Show Cause issued, that was issued on, July  
7 27, 2018 and there is another Notice of Show  
8 Cause issued on September 6, 2018. And these  
9 documents are carbon copied. And how could --  
10 and there are some major errors in these  
11 documents and I don't understand where in October  
12 that no one caught any of these during the Status  
13 Hearing. And we are here at a Show Cause Hearing  
14 and no one.

15 And so that's -- the motion is with  
16 prejudice. And so --

17 MS. SCHMIDT: One last thing.

18 CHAIRPERSON ANDERSON: Yes, ma'am.

19 MS. SCHMIDT: However, the purpose of  
20 a notice is to give notice of the dates. The --  
21 at the date of -- the date of the offense, the  
22 licensee was given two -- was given citations

1 with the dates. He knew the offenses.

2 Also the report is part of the record.  
3 The licensee was provided with the report. The  
4 report does have the dates. And I think -- and  
5 the Government contends yes, it did make some  
6 typographical errors with the dates and typed in  
7 the wrong dates.

8 However, everything else is true to  
9 what happened on those occasions.

10 CHAIRPERSON ANDERSON: I don't know  
11 what had happened, because, as I said to you, I  
12 called the case. We had confusion over even what  
13 case I'm calling. We had confusion about which  
14 case should go first. Okay? I took -- I said  
15 let's be in -- I'm going to recess this matter  
16 for you to decide, for the parties to tell me  
17 what case are they arguing. What case have they  
18 come to an agreement on.

19 And so -- and you are unable to do  
20 that. And looking at the documents, it's  
21 confusing. And I think it is a fatal error. I  
22 believe so in my view, so that's the motion I'm

1 making.

2 That's the motion I'm making, because  
3 I think that in order for us to move forward, we  
4 need to have a clean record. And this is not  
5 something that I think can -- if it's without  
6 prejudice that we can come back, that the  
7 Government can come back and clean up, because  
8 this is not that the infraction occurred on July  
9 5, 2018 and the person made, whoever typed it, an  
10 error.

11 There are two fatal errors in both  
12 documents. The dates and one of the documents --  
13 both documents have incorrect dates and incorrect  
14 years, both documents. Both documents have  
15 incorrect dates and incorrect year, both  
16 documents.

17 MS. SCHMIDT: There are underlying  
18 facts.

19 CHAIRPERSON ANDERSON: I'm sorry?

20 MS. SCHMIDT: There are underlying  
21 facts, so it's the underlying facts of I  
22 corrected both documents plus the reports are

1 part of the -- the reports and citation gave  
2 notice. And the purpose of the charging document  
3 is to give notice. And that was -- yes, there  
4 were typographical errors.

5 And all the Government was asking was  
6 just a chance to correct those, to come back and  
7 correct those and refile the notices to allow two  
8 sale to minors to go unpunished because of a  
9 typographical error, I think is a little extreme  
10 in this matter.

11 Yes, the Government will take note.  
12 The Government will be more careful. However, to  
13 allow two violations, which would be a second --  
14 well, would be a second violation, so if this  
15 happened again, we -- there would not be the --  
16 there would not be enhanced penalties. There are  
17 other consequences that flow.

18 CHAIRPERSON ANDERSON: I am not  
19 convinced, so my motion stands. It has been  
20 seconded.

21 All those in favor say aye.

22 MEMBER SILVERSTEIN: Aye.

1 CHAIRPERSON ANDERSON: Aye.

2 MEMBER WAHABZADAH: Aye.

3 MEMBER CATO: Aye.

4 MEMBER ISAAC: Aye.

5 MEMBER SHORT: Aye.

6 CHAIRPERSON ANDERSON: Those opposed?

7 MEMBER ALBERTI: Opposed.

8 CHAIRPERSON ANDERSON: The matter

9 passes 6-1-0 with Mr. Alberti in opposition.

10 That's the end of that.

11 MEMBER ALBERTI: Are we going to write  
12 an order on this?

13 CHAIRPERSON ANDERSON: We can have the  
14 Board write an order on that.

15 And, Mr. Shallal, you are the licensee  
16 in this matter. And you -- based on the errors  
17 that were made by the Government in doing this  
18 document, I've dismissed these matters.

19 I am, however, not dismissing you from  
20 sale to minor, sir. This is -- we sent someone  
21 into your establishment who clearly is a minor,  
22 who has the correct license, they look like a

1 minor, they look like they are not 21 and you,  
2 sir, are personally responsible because you are  
3 the owner that you allowed this to happen in your  
4 establishment.

5 I don't know what happens when we are  
6 not there. So you can send -- you -- and I'm  
7 going to say you, because as the owner you are  
8 personally responsible for everything that  
9 happens in your establishment, sir, but you have  
10 allowed your employees to sell alcohol to minors  
11 and that is something that I have a problem with,  
12 sir.

13 I do hope that I don't see you here  
14 again on this matter, sir. I have told everyone  
15 I'm not here supporting Costco, but if I go to  
16 Costco, I have to provide an ID to be served. I  
17 go to other establishments, and I'm putting on  
18 the record I'm 54 years-old and I have a grey  
19 beard, and I go to other establishments to buy a  
20 drink and nobody knows who I am, but they ask me  
21 for identification, sir.

22 So what I'm saying is that if this

1 happens again, sir, you are responsible and I do  
2 hope that this does not happen again. Okay.

3 This matter is dismissed. Thank you.

4 MR. O'BRIEN: Thank you very much, Mr.  
5 Chairman.

6 (Whereupon, the Show Cause Hearing was  
7 concluded at 2:09 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Busboys and Poets

Before: DCABRA

Date: 10-31-18

Place: Washington, DC

was duly recorded and accurately transcribed under  
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Court Reporter

**NEAL R. GROSS**

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