

ALSO PRESENT:

CHRISTOPHER SOUSA, OAG

INVESTIGATOR MARK BRASHEARS, ABRA

CAVIT OZTURK, Licensee

T-A-B-L-E O-F C-O-N-T-E-N-T-S

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

2:59 p.m.

CHAIRPERSON ANDERSON: All right. We are back on the record. Our next case is a Show Cause Hearing, Case No. 18-CMP-00204, Café Divan, License No. 60603.

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

MR. SOUSA: Christopher Sousa for the District of Columbia.

CHAIRPERSON ANDERSON: Good afternoon, Mr. Sousa. Yes, your name, sir?

MR. OZTURK: My name is Cavit Ozturk.

CHAIRPERSON ANDERSON: Your last name?

MR. OZTURK: Ozturk, O-Z-T-U-R-K.

CHAIRPERSON ANDERSON: O-Z?

MR. OZTURK: T-U-R-K.

CHAIRPERSON ANDERSON: T-U-R-K. And what's your relationship to the establishment?

MR. OZTURK: I'm the owner.

CHAIRPERSON ANDERSON: The owner. There is a sign-in sheet, sir, if you haven't

1 signed in yet, please, sign-in.

2 MR. OZTURK: Okay.

3 CHAIRPERSON ANDERSON: Are there any
4 preliminary matters in this case?

5 MR. SOUSA: Yes, there is a factual
6 stipulation in this Show Cause Hearing.

7 CHAIRPERSON ANDERSON: Okay. What is
8 that?

9 MR. SOUSA: Do I provide some context
10 for this factual stipulation?

11 CHAIRPERSON ANDERSON: Sure, please.

12 MR. SOUSA: Just basically two
13 charges: Failure to take legal steps to ensure
14 the property is free of litter and the second
15 charge is operation of a sidewalk café without
16 the endorsement necessary.

17 And the stipulation is just two facts:
18 On August 20, 2018, Café Divan did not have the
19 ABRA-issued endorsement for a sidewalk cafe. And
20 on that date, an ABRA investigator observed
21 tables and chairs for sidewalk café set up
22 outside of the establishment.

1 CHAIRPERSON ANDERSON: So on August
2 18, that there was no ABRA endorsement for the
3 sidewalk café and what else? And the chairs were
4 -- that the sidewalk was being utilized that day?

5 MR. SOUSA: Yes. The ABRA
6 investigator observed tables and chairs set up
7 for a sidewalk café outside of the establishment.

8 CHAIRPERSON ANDERSON: Okay. So we
9 have -- oh, but there are two charges.

10 MR. SOUSA: The factual stipulation is
11 only with regards to the sidewalk café.

12 MEMBER SILVERSTEIN: Pardon?

13 CHAIRPERSON ANDERSON: All right. So
14 all right. So basically, the -- you are saying
15 that the licensee is admitting to the violation.
16 Are they just going to argue penalty? Is that
17 what we are --

18 MR. SOUSA: That's my understanding.

19 CHAIRPERSON ANDERSON: What does that
20 mean to you, sir, that you have agreed to the
21 factual stipulation that on August 20, 2018, that
22 you didn't have the endorsement for a sidewalk

1 café and that the investigator did observe that
2 you had tables and chairs on the sidewalk. What
3 does that -- why did you agree to that factual
4 stipulation?

5 I'm not asking you to explain to me at
6 this juncture your case. I'm just saying you and
7 the Government told me that you have agreed to
8 those facts. Are you agreeing that the facts --
9 that's the facts and then you will just argue to
10 say what penalty should occur? Is that what you
11 are asking the Board to do?

12 MR. OZTURK: Well, I'm not sure there
13 should be any penalty for that.

14 CHAIRPERSON ANDERSON: Well, no, all
15 right. So I guess what I'm trying to get, so you
16 are going to argue then that you should not be
17 penalized for what occurred on that day?

18 MR. OZTURK: That's correct.

19 CHAIRPERSON ANDERSON: All right. So
20 therefore, so I guess what I'm saying, we don't
21 really need any testimony on that specific issue.

22 MR. SOUSA: For that specific charge.

1 CHAIRPERSON ANDERSON: For that
2 specific charge.

3 MR. SOUSA: The purpose of the
4 stipulation is to --

5 CHAIRPERSON ANDERSON: Right. So for
6 that charge, you don't need to present any
7 evidence. What you are going to do when you do
8 your presentation of the case, you can argue with
9 us to let us know what is it we should not fine
10 you for that. So you don't need to, because you
11 have already admitted that, yes, what they said
12 is true, but then you can argue later on why is
13 it that -- what type of penalty, if any, the
14 Board should impose. Okay? All right.

15 All right. So does the Government
16 then wish to make an opening statement on the
17 issue, which is the trash issue?

18 MR. SOUSA: Yes.

19 CHAIRPERSON ANDERSON: All right.

20 MR. SOUSA: You will hear from
21 Investigator Mark Brashears about his visit to
22 Café Divan on August 20, 2018. You will hear

1 about the litter and trash that he saw outside of
2 the establishment. And the other research he
3 conducted to see that some of that litter and
4 trash had been outside of the establishment
5 upwards of a year.

6 You will hear from Mark Brashears that
7 he then issued the citation and that the
8 establishment did not take reasonable steps to
9 prevent the proliferation of litter outside of
10 its premises.

11 And then we will rely on the
12 stipulation as to the other charge, which is the
13 operation of the sidewalk cafe without
14 endorsement. Thank you.

15 CHAIRPERSON ANDERSON: All right. Do
16 you want to make an opening statement, sir, or --

17 MR. OZTURK: No.

18 CHAIRPERSON ANDERSON: -- you just
19 wait until they present their case?

20 MR. OZTURK: No, I'll wait.

21 CHAIRPERSON ANDERSON: All right.
22 Does the Government have a witness they wish to

1 call?

2 MR. SOUSA: Yes, Investigator Mark
3 Brashears.

4 CHAIRPERSON ANDERSON: Can you raise
5 your right hand, please, sir?

6 Whereupon,

7 INVESTIGATOR MARK BRASHEARS
8 was called as a witness by Counsel for the
9 Government, and having been first duly sworn,
10 assumed the witness stand and was examined and
11 testified as follows:

12 INVESTIGATOR BRASHEARS: I do.

13 CHAIRPERSON ANDERSON: All right.
14 Thank you. Have a seat. Your witness, sir.

15 MR. SOUSA: Okay.

16 DIRECT EXAMINATION

17 BY MR. SOUSA:

18 Q Mr. Brashears, where do you work?

19 A I work for the Alcoholic Beverage
20 Regulation Administration.

21 Q And what is your title?

22 A Supervisory Investigator.

1 Q And how long have you been with the
2 Alcoholic Beverage Regulation Administration?

3 A Five and a half years.

4 Q Okay. If I hand you what is -- I'll
5 ask to be marked as Exhibit 1, this is the case
6 report.

7 MR. SOUSA: I trust that the Board
8 already has copies of this, although I have
9 copies myself.

10 CHAIRPERSON ANDERSON: The Board has
11 copies.

12 (Whereupon, the above-
13 referred to document was
14 marked as Government Exhibit
15 No. 1 for identification.)

16 BY MR. SOUSA:

17 Q Are you familiar with what I'll ask --
18 I'll have actually marked as Exhibit 1, Mr.
19 Brashears?

20 A I am.

21 Q Okay. What is it?

22 A This is an investigative report that

1 I authored relevant to Café Divan for a violation
2 that was observed on August 20, 2018.

3 Q Okay. And are the -- is this kind of
4 report prepared in the ordinary scope of your
5 business?

6 A It is.

7 Q Okay. And is it a regular part of
8 your business to keep and maintain these records?

9 A It is.

10 Q And is this a true and accurate copy
11 of the report you created on or shortly after
12 August 20, 2018?

13 A Yes, sir.

14 Q All right. Were you on duty the
15 morning of August 20, 2018?

16 A I was.

17 Q To what task were you assigned that
18 day?

19 A To visit Café Divan.

20 Q Um-hum. And why were you assigned
21 with that task?

22 A We had received a complaint

1 referencing trash around the confines of the
2 establishment.

3 Q And what happened when you visited the
4 cafe?

5 A I noted trash, weeds and overall
6 disheveled appearance on the outside confines of
7 the establishment.

8 Q And did you take pictures of those
9 circumstances?

10 A Yes, sir, I did.

11 Q And were all those pictures attached
12 to the case report that is going to be marked as
13 Exhibit 1?

14 A They are.

15 Q Okay.

16 MR. SOUSA: And I'll ask the Board and
17 the licensee to turn to what is marked as Exhibit
18 1 to this document.

19 BY MR. SOUSA:

20 Q Do you see that?

21 A I do, sir.

22 Q Is this a picture you took?

1 A It is.

2 Q What do you see?

3 A I see overgrown grass. I see what
4 appears to be a fenced gate, cardboard boxes and
5 on the other end a piece of what appears to be
6 like lattice.

7 Q Mm-hmm. And do you see anything else
8 in Exhibit 1?

9 A There is a chair. It appears to be
10 broken and it is on top of some of the mechanical
11 equipment for the establishment.

12 Q Um-hum. And so I'll ask you to turn
13 to what is marked as Exhibit 2 to this document.
14 Do you see that?

15 A Yes, sir.

16 Q Okay. And is this another picture you
17 took while you were at Café Divan on that date?

18 A Yes, sir.

19 Q And all the pictures attached here are
20 pictures that you took?

21 A That --

22 Q So I won't have to ask that question

1 each time.

2 A -- is correct.

3 Q What do you see in Exhibit 2?

4 A It's like, as I said, it appears to be
5 a broken chair, just kind of stacked with the
6 equipment on the side of the building.

7 Q Okay. Do you see anything else in
8 Exhibit 2?

9 A I see the outer edge of the sidewalk
10 cafe.

11 Q Okay. I'll ask you to turn to the
12 third attachment. What do you see?

13 A In Exhibit 3, I have indicated the
14 chairs presence by circling it. You can see the
15 sidewalk cafe in the background. In the
16 foreground you can see a large piece of lattice.

17 Q And this is the same lattice work that
18 you said you saw in the first attachment,
19 correct?

20 A Yes, sir.

21 Q Okay. I'll try to be as brief as
22 possible. If you can turn to the fourth

1 attachment, what do you see in that attachment?

2 A That appears to be some type of --
3 possibly an air conditioner filter or some type
4 of filter for some of the mechanical equipment
5 for the establishment.

6 Q And is it serving an operating
7 function by being right there where it's at?

8 A No, sir. It appeared to either be
9 stored or just discarded there.

10 Q Okay. I'll ask you to skip Attachment
11 5, because it just repeats what we have already
12 seen.

13 Do you see anything new in Attachment
14 No. 6?

15 A Attachment No. 6, other than the trash
16 cans being slightly ajar, there is what appears
17 to be some type of fence gate with some type of
18 material woven through it.

19 Q Does it appear to be in any sort
20 operating function?

21 A No, sir. It appears to be discarded
22 as well.

1 Q Okay. Can I ask you to turn to
2 Attachment 7 and 8 and ask you what you see in
3 those pictures?

4 A It appears to be either just trash or
5 some type of recycling set outside of the
6 establishment.

7 Q I'll skip over Attachments 9 and 10 to
8 your report and also Attachment No. 11.
9 Attachment 12 just depicts the sidewalk, that you
10 have already heard about today, correct?

11 A Yes, sir. Just from the other end.

12 Q Okay. And the last thing I'll ask you
13 about is what is marked as Attachment No. 22 to
14 the case report? The second to last page of the
15 packet that I handed you. Do you see that?

16 A Yes, sir, I do.

17 Q This is not a picture that you took on
18 that -- on August 20, 2018, correct?

19 A No, sir, it's not.

20 Q What is it?

21 A This is a picture I downloaded from
22 Google Earth.

1 Q And what does -- does it depict the
2 licensed establishment?

3 A Yes, sir, it does.

4 Q On what date or on or about what date?

5 A June 2017, according to what was
6 listed on the Google Earth webpage.

7 Q Okay. And what do you see that is
8 important in this picture from June 2017?

9 A Well, the piece of lattice work seems
10 to be in the same place, almost a year later when
11 I visited.

12 (Whereupon, the above-
13 referred to documents were
14 marked as Government Exhibit
15 No. 1.1 through 1.8, 1.12,
16 1.22 for identification.)

17 BY MR. SOUSA:

18 Q And how many cases have you worked on
19 with regards to failure to take reasonable steps
20 to manage litter outside of a premises?

21 A It would be hard to say, sir. Quite
22 a few.

1 Q Quite a few?

2 A Yes, sir.

3 Q More than 20?

4 A Probably.

5 Q And is this -- is the litter that you
6 saw on August 20, 2018 in line with what you
7 understand to be reasonable steps that an
8 establishment could take to manage the outside of
9 their premises?

10 A Yes.

11 Q Okay. It falls in line with what is
12 reasonable or doesn't fall in line with what is
13 reasonable?

14 A No, sir, it does not fall in line with
15 what I would consider to be reasonable. At a
16 distance it appeared that, you know, with the
17 grass and things piled up, that the establishment
18 could -- from that angle could be basically non-
19 operated.

20 MR. SOUSA: I have no more questions
21 for the witness.

22 CHAIRPERSON ANDERSON: Do you have any

1 questions you want to ask him, sir, based on his
2 testimony?

3 MR. OZTURK: I just have explanation.

4 CHAIRPERSON ANDERSON: No. All right.
5 At this juncture, you can ask him questions.

6 MR. OZTURK: No.

7 CHAIRPERSON ANDERSON: You have no
8 questions to ask him about his testimony or any
9 of the pictures here?

10 MR. OZTURK: Not to question, but I
11 can explain the situation.

12 CHAIRPERSON ANDERSON: I'm trying to
13 figure out if in giving your explanation if you
14 can do that in the form of a question to him.
15 But I mean, I'll give you an opportunity, but I'm
16 just trying to see if, at this juncture, you --

17 MR. OZTURK: The question? I don't
18 have any questions to him.

19 CHAIRPERSON ANDERSON: All right. Any
20 questions of the investigator by the Board? Yes,
21 Mr. Short.

22 MEMBER SHORT: Good afternoon,

1 Investigator Brashears. An excellent report and
2 the pictures detail the story.

3 How long has this existed to your
4 knowledge? I see the date on your report, but
5 how long has this existed?

6 THE WITNESS: Well, as I testified,
7 sir, I visually observed it in August 2018, but
8 in doing research and looking at social media and
9 of course Google Earth, it appeared to have been
10 in the same condition since the previous year.

11 MEMBER SHORT: Okay. And this
12 question is did you get a chance to talk with the
13 licensee before you wrote the violations or did
14 you give him a chance to maybe correct this?

15 THE WITNESS: Yes, sir.

16 MEMBER SHORT: What date approximately
17 was that?

18 THE WITNESS: Well, I mean, we spoke
19 of pretty much everything that I documented in
20 the report during my visit on the 20th of August
21 2018.

22 MEMBER SHORT: So I would take it by

1 the pictures in your report, your conversation
2 fell on deaf ears or was -- there was no
3 cooperation?

4 THE WITNESS: Well, I took the photos,
5 documented everything from the outside. I went
6 inside and got the owner and brought him outside
7 and pointed out the various things.

8 MEMBER SHORT: Okay. Did he
9 understand that he needed a permit to use public
10 space to put those tables and chairs out in front
11 of his establishment?

12 THE WITNESS: Yes, sir, he did.

13 MEMBER SHORT: That he had to pay a
14 fee to do that and get it approved by the city?

15 THE WITNESS: Well, he obtained a DDOT
16 permit for the sidewalk cafe.

17 MEMBER SHORT: Mm-hmm.

18 THE WITNESS: And as such, it was my
19 understanding when I spoke with him that he
20 believed that to be sufficient. And I had
21 pointed out that he also needed the endorsement
22 and basically needed to apply for the sidewalk

1 café with ABRA.

2 MEMBER SHORT: When was the first time
3 you advised him he needed to have that on his
4 license?

5 THE WITNESS: On the 20th of August
6 when I visited the establishment, sir, of 2018.

7 MEMBER SHORT: Okay. And so even
8 after you advised him of that, he still did not
9 comply?

10 THE WITNESS: I couldn't say, sir.

11 MEMBER SHORT: Are the table and
12 chairs still out there now, to your knowledge, or
13 are they removed?

14 THE WITNESS: I'm not sure if they are
15 out there at the current time, sir.

16 MEMBER SHORT: Okay. Thank you very
17 much for an excellent report, Mr. Investigator.

18 THE WITNESS: Yes, sir.

19 MEMBER SHORT: Thank you, Mr. Chair.
20 That's all I have.

21 CHAIRPERSON ANDERSON: Any other
22 questions by any other Board Members? Mr.

1 Alberti?

2 MEMBER ALBERTI: So in Exhibit No. 7--

3 THE WITNESS: Yes, sir.

4 MEMBER ALBERTI: -- to your report,
5 there is a bunch of boxes sitting out there.

6 THE WITNESS: Yes, sir.

7 MEMBER ALBERTI: Is that correct?

8 THE WITNESS: That's correct, sir.

9 MEMBER ALBERTI: Can you tell whether
10 he actually -- if he had a receptacle for
11 recycling?

12 THE WITNESS: If you look in Exhibit
13 8 further along the wall --

14 MEMBER ALBERTI: Yeah.

15 THE WITNESS: -- I believe those were
16 recycling.

17 MEMBER ALBERTI: Exhibit 9 you mean?

18 THE WITNESS: Well, you can see them
19 all the way down in Exhibit 8, but then Exhibit 9
20 are trash cans, sir.

21 MEMBER ALBERTI: Okay, yes. All
22 right. So one of them was -- one of them says

1 trash only, if I look at Exhibit 10.

2 (Whereupon, the above-
3 referred to documents were
4 marked as Government Exhibit
5 No. 1.9 and 1.10 for
6 identification.)

7 THE WITNESS: Yes, sir.

8 MEMBER ALBERTI: And they are both
9 blue. Either one of them for recycling, do you
10 know? In any event, he just has this recycling
11 sitting out on this little stoop unsecured. Is
12 that correct?

13 THE WITNESS: Yes, sir.

14 MEMBER ALBERTI: And this walkway, is
15 this public area? Is this a public walkway right
16 there?

17 THE WITNESS: Yes, sir, it is.

18 MEMBER ALBERTI: Okay. Is this --
19 where does this walkway run? What street is this
20 along?

21 THE WITNESS: Well, let me look at
22 that. So essentially, the establishment on the

1 end with the sidewalk café it basically comes to
2 where two streets merge and the establishment is
3 almost wedge-shaped. So as such, the
4 establishment doesn't really have what we would
5 consider an alley running behind it.

6 It's basically public streets coming
7 off both sides. So that's where the trash, the
8 recycling and all that are placed.

9 MEMBER ALBERTI: What side is this?

10 THE WITNESS: This is the back side,
11 sir.

12 MEMBER ALBERTI: Which would be 34th
13 Street? Is that correct?

14 THE WITNESS: I believe so. Yes, sir.

15 MEMBER ALBERTI: Okay. But it's still
16 -- nonetheless my observation is that he has got
17 unsecured recycling sitting adjacent to the
18 public walkway.

19 THE WITNESS: Yes, sir.

20 MEMBER ALBERTI: Public there. Thank
21 you. I have no further questions. Thank you.

22 THE WITNESS: Yes, sir.

1 MEMBER SHORT: I have one follow-up.

2 CHAIRPERSON ANDERSON: Yes, Mr. Short?

3 MEMBER SHORT: Investigator Brashears,
4 look at Exhibit, I think it is, 22 again. It is
5 22.

6 THE WITNESS: Yes, sir.

7 MEMBER SHORT: It seems that there are
8 -- and I would be remiss if I didn't point this
9 out to this hearing, there is a fire escape going
10 from the third -- second floor -- the third
11 floor, second floor to the area coming down, I
12 guess, that we are on 34th Street. Is that
13 correct?

14 THE WITNESS: Yes, sir.

15 MEMBER SHORT: Now, I guess that would
16 be Exhibit 8 or Exhibit 3, please, forgive me.
17 At the bottom of the fire escape, the piece that
18 is shoring at the very top and where the chair is
19 resting on something, so if someone wanted to use
20 that fire escape, they would have a hard time
21 getting to it or getting out of there, wouldn't
22 they, when they have this debris stored under it?

1 THE WITNESS: Correct, sir. The fire
2 escape does appear to be designed to come down
3 and sit on that platform where the chair is
4 placed.

5 MEMBER SHORT: Well, if I could, I
6 would like to ask you to, please, pass this on to
7 the fire inspectors, please?

8 THE WITNESS: Yes, sir.

9 MEMBER SHORT: Thank you very much.
10 That's all I have, Mr. Chair.

11 CHAIRPERSON ANDERSON: Thank you. Any
12 other questions by any other Board Members?

13 Do you have any questions of the
14 investigator, based on the questions that were
15 asked by the Board?

16 MR. OZTURK: No.

17 CHAIRPERSON ANDERSON: Mr. Sousa? All
18 right. Thank you, Mr. Brashears, for your
19 testimony. You can step down.

20 THE WITNESS: Thank you, sir.

21 (Whereupon, the witness was excused.)

22 CHAIRPERSON ANDERSON: Does the

1 Government have any other witnesses?

2 MR. SOUSA: Nope.

3 CHAIRPERSON ANDERSON: Does the
4 Government rest?

5 MR. SOUSA: Yes.

6 CHAIRPERSON ANDERSON: All right. All
7 right. Thank you.

8 Mr. Ozturk, all right, you are
9 basically -- you don't have any witnesses. You
10 are the only one who is going to testify?

11 MR. OZTURK: Yes, sir.

12 CHAIRPERSON ANDERSON: Can you raise
13 your right hand, please?

14 Whereupon,

15 CAVIT OZTURK
16 was called as a witness for the Licensee, and
17 having been first duly sworn, assumed the witness
18 stand and was examined and testified as follows:

19 MR. OZTURK: I do.

20 CHAIRPERSON ANDERSON: Have a seat.
21 You can explain. So you can explain both issues
22 and then -- well, you can explain both issues.

1 And after you are done explaining both issues,
2 then the Government will close, will issue a
3 closing statement and ask us what fine we should
4 impose.

5 And then I'll give you an opportunity
6 to issue a closing statement to say whether or
7 not you should be fined for both violations. So
8 but this time you don't have to ask us that. You
9 can give your explanation. All right. Go ahead.

10 DIRECT EXAMINATION

11 THE WITNESS: Okay. The first picture
12 is the Exhibit 1.

13 CHAIRPERSON ANDERSON: Exhibit 1,
14 okay. What about Exhibit 1?

15 THE WITNESS: Next to our building is
16 the construction while it is going on next to our
17 building. All this fence there belong to the
18 construction, not belong to us. And it is, as
19 you can see, all this grasses belong to the
20 construction area, not to the -- our restaurant
21 building. I just want to make clear on that, it
22 wasn't from the restaurant.

1 You can look at it on the left side,
2 all the roses and the flowers planted, I did it.
3 And just --

4 CHAIRPERSON ANDERSON: What exhibit
5 are you? What exhibit?

6 THE WITNESS: That's Exhibit 1.

7 CHAIRPERSON ANDERSON: I don't see
8 any --

9 MEMBER SHORT: Flowers here.

10 CHAIRPERSON ANDERSON: Are you talking
11 about the flowers that is to the left?

12 THE WITNESS: Yes, sir.

13 CHAIRPERSON ANDERSON: Okay. All
14 right. I was looking at the right. So that's
15 why I was confused.

16 THE WITNESS: Yes.

17 CHAIRPERSON ANDERSON: Okay. Go
18 ahead.

19 THE WITNESS: And I mean, all this
20 grasses is nothing to do with me.

21 CHAIRPERSON ANDERSON: Okay.

22 THE WITNESS: It's nothing to do with

1 the restaurant.

2 The boxes there you see --

3 CHAIRPERSON ANDERSON: What exhibit
4 are you now, sir?

5 THE WITNESS: -- I'm still Exhibit 1.

6 CHAIRPERSON ANDERSON: All right.

7 THE WITNESS: And the boxes you can
8 see on the right hand side next to the trash can.
9 Our -- we have a trash service six times a week.

10 MEMBER SHORT: What are they?

11 THE WITNESS: They come around 10:00,
12 10:30 in that time of the day every day.

13 CHAIRPERSON ANDERSON: Hold on. He
14 said he has a trash service six times a week.

15 THE WITNESS: That's correct.

16 CHAIRPERSON ANDERSON: Go ahead.

17 THE WITNESS: And these boxes, I
18 brought to -- that's before the inspection came,
19 maybe picture is before, but at the same time,
20 the inspector came also. So I put it there. I
21 was going to mix up and put it in the box, but
22 then the inspector come, I left it there.

1 So normally, you don't see any boxes
2 in our trash area like that. It was a
3 coincidence. It happened at that moment. So
4 that's not our regular working situation. So I
5 just wanted clear on that part.

6 And Exhibit 2nd is the chair.
7 Unfortunately, it was there. It's a mistake. I
8 didn't put it myself. I guess one of the
9 employees did it. But I should have moved it. I
10 didn't give enough attention. I'm sorry for
11 that.

12 The lattice, which is Exhibit 3, I did
13 that purposefully. I bought that just to cover
14 up the compressor for the refrigerator, which is
15 on the right side. So when the people sit there
16 outside, so they don't see the compressor there,
17 I just make it look more pleasant for them to
18 sitting there.

19 The truth is I didn't think about it
20 I need a permit to doing that. I thought if it
21 looks better, it would be more comfortable for
22 the guests. That was only purpose for it.

1 CHAIRPERSON ANDERSON: You're talking
2 about the white thing?

3 THE WITNESS: Yes.

4 CHAIRPERSON ANDERSON: On Exhibit 3?

5 THE WITNESS: Yes, sir.

6 CHAIRPERSON ANDERSON: Okay.

7 THE WITNESS: And then Exhibit 4,
8 there is a filter also this come from the
9 construction next door. Somebody put it there.
10 Again, I didn't even notice it until inspector
11 pointed at it. So it has already been removed.
12 There is nothing there.

13 And basically, that's all about the
14 pictures.

15 And the sidewalk café, we have a
16 permit for the sidewalk café. And I do pay lease
17 for it. Every year we pay for it. It's approved
18 by the ANC and the by the D.C. Government.

19 And when I look at my license, it says
20 it cover up to 99 people. Our restaurant occupy
21 70 people hardly. I thought it will cover
22 another 10 people, because the sidewalk café we

1 have only 10 chairs. That's the purpose. I
2 never thought I need extra extended license to
3 cover the outside, because it says on the permit
4 it's covered up to 99 people until inspector
5 come.

6 Before him, we had at least 30
7 different inspector over the years, no one didn't
8 mention it to me all these years. And I never
9 think I was doing anything wrong with it. And he
10 pointed at me, he said you need to cover this
11 area, you have a sidewalk café and I did. I did
12 come and I extended our license.

13 And all these pictures, by the way,
14 inspector send us maybe about a month later. We
15 got from mail and we were aware of when he send
16 it to us. Before that, he didn't even mention to
17 me, show me oh, you need to remove these boxes.
18 You need to put this chair away. He never
19 mentioned. He did, he said he took some
20 pictures, I said that's fine, but I didn't know
21 exactly what was going on, what was wrong with
22 it.

1 I thought there was nothing wrong
2 besides the chair. That was the other part of
3 it. And I have the picture for you, I took it
4 this morning. If I may?

5 CHAIRPERSON ANDERSON: Show it to Mr.
6 Sousa first.

7 MR. SOUSA: No problem.

8 THE WITNESS: What does it look like,
9 the area. And it has been like that so many
10 months.

11 CHAIRPERSON ANDERSON: What is the
12 picture supposed to be? What is the picture?
13 What are -- hold on. What are the pictures
14 supposed to represent?

15 THE WITNESS: Picture of the same
16 location and how it looks today.

17 CHAIRPERSON ANDERSON: And when were
18 these pictures taken?

19 THE WITNESS: This morning.

20 CHAIRPERSON ANDERSON: Any other
21 representation you want to make, at this
22 juncture?

1 THE WITNESS: No.

2 CHAIRPERSON ANDERSON: Mr. Sousa?

3 MR. SOUSA: Just some questions.

4 CROSS-EXAMINATION

5 BY MR. SOUSA:

6 Q First, I'm interested who is doing the
7 construction behind your establishment? I don't
8 know and I'm just wondering.

9 A There is a builder, he was doing the
10 work.

11 Q On behalf of the building owner?

12 A That's correct.

13 Q Okay.

14 A I own the building. I do.

15 Q Oh, you own the building?

16 A But I did, yeah. And I give it to the
17 contractor and he was doing this job.

18 Q Okay. So you own the building and you
19 contracted to do the construction behind your
20 establishment?

21 A That's correct.

22 Q So when you said that the construction

1 work had nothing to do with you, that was a
2 little bit wrong?

3 A But not except -- I mean, the -- what
4 he was doing there, that was his responsibility.

5 Q And you testified that you put the
6 cardboard boxes outside the establishment about
7 15 to 20 minutes before the inspector showed up?

8 A That's correct.

9 Q Okay. But then you also said that you
10 were going to put the -- break the boxes down and
11 put them in a container, but the inspector showed
12 up before you can, right?

13 A That's correct.

14 Q So you put it out there for 15, 20
15 minutes and then the inspector showed up?

16 A That's right.

17 Q But you still contend that you would
18 have done it if the inspector didn't show up?

19 A I was. I was going to break it up and
20 then the inspector come and I walk inside. They
21 called me inside, there is an inspector here.

22 Q But when did the inspector come, 15,

1 20 minutes after you put the boxes out? That's
2 what you testified to.

3 A I'm sorry. When I took the boxes out
4 and I was doing that and they called me there is
5 the inspector inside, then I left it, the box
6 there, maybe 20 minutes. And when he left and we
7 broke it and we put it in the boxes.

8 Q Okay. Just to clarify that. Thank
9 you.

10 A Yes.

11 Q And you bought that lattice, that
12 white lattice on purpose and leaned it against it
13 railing on purpose?

14 A That's correct.

15 Q And you said you have -- you said you
16 leased the space of the sidewalk cafe?

17 A That's correct, that's correct.

18 Q You are referring to the permit you
19 received from DDOT?

20 A That's correct.

21 Q Okay. What did you do to educate
22 yourself about the requirements of the DC

1 Alcoholic Beverages Code?

2 A Just reading the books.

3 Q What books?

4 A When I applied for a license, it was
5 almost 18 years ago, there was from the -- my son
6 brought the -- about the Alcohol Beverage
7 License, how you can get/apply for it and there
8 was a book, that's what I --

9 Q Have you done anything since to
10 educate yourself about the requirements for the
11 DC Code?

12 A No.

13 Q Okay. I mean, have you attended any
14 training about the requirements of the DC Code?

15 A About the alcohol, no.

16 Q No?

17 A No.

18 Q Okay.

19 MR. SOUSA: That's all the questions
20 I have.

21 CHAIRPERSON ANDERSON: Go ahead, Mr.
22 Short.

1 MEMBER SHORT: Yes. Mr. Ozturk?

2 THE WITNESS: Ozturk, yes, sir.

3 MEMBER SHORT: Mr. Ozturk, okay.

4 Well, there are several things I want to go over
5 with you. Do you realize that there is a
6 Cardboard Box Regulation in the city about how to
7 dispose of cardboard boxes?

8 THE WITNESS: Well, we have a
9 recycling container there.

10 MEMBER SHORT: I didn't ask you that.
11 Are you aware there is a regulation, Fire
12 Regulation and DPW Regulation that you can't put
13 cardboard boxes. You have to fold them up and
14 you have to tie them up when you put them
15 outside. You can't leave them out there like
16 that. Like were you aware of that?

17 THE WITNESS: That's what we do now,
18 Mr. Short.

19 MEMBER SHORT: Okay. You do that now.
20 Thank you.

21 THE WITNESS: Okay.

22 MEMBER SHORT: All right. Secondly,

1 I wanted to ask you about the lattice that you
2 laid against the wall to -- was it secured to
3 anything?

4 THE WITNESS: It was with wire I
5 secured it, because otherwise wind would blow it
6 away.

7 MEMBER SHORT: And become a tripping
8 hazard.

9 THE WITNESS: Exactly.

10 MEMBER SHORT: Okay. And third, look
11 at -- I want you to look at Exhibit No. 3.

12 THE WITNESS: Yes, sir.

13 MEMBER SHORT: Do people live upstairs
14 over top of your business?

15 THE WITNESS: Yes, sir.

16 MEMBER SHORT: And so if they have to
17 get out in an emergency and the front door is
18 blocked, how do they get out of the building?

19 THE WITNESS: There is two different
20 fire escape area.

21 MEMBER SHORT: Okay. Now, good, I'm
22 glad you mentioned fire escape.

1 THE WITNESS: Yeah.

2 MEMBER SHORT: What is underneath the
3 fire escape in Exhibit No. 3?

4 THE WITNESS: Yes.

5 MEMBER SHORT: What's under that fire
6 escape? Look at Exhibit No. 3. What is under
7 the fire escape? The one closest to us.

8 THE WITNESS: There is potting under
9 the fire escape. There is metal bars which is
10 the stairway landing on it. And basically,
11 that's what it is.

12 MEMBER SHORT: So that chair wouldn't
13 have anything to do with the fire escape?

14 THE WITNESS: Oh, it was. Chair was.
15 It fell, yes, sir.

16 MEMBER SHORT: Yeah, so luckily for
17 you there was no incidents where somebody had to
18 use that in the middle of the night or firemen
19 had to use it during the day. They sometimes
20 have to go to rescue people.

21 THE WITNESS: Absolutely.

22 MEMBER SHORT: And so somebody could

1 have sued you and you would have lost everything,
2 correct?

3 THE WITNESS: That's true.

4 MEMBER SHORT: So you had to think
5 about when the investigators come by and the
6 inspectors come by and tell you different things,
7 it might sound like a hassle to you, but --

8 THE WITNESS: No, no.

9 MEMBER SHORT: -- all these
10 regulations on the city laws and books are for a
11 reason.

12 THE WITNESS: Absolutely.

13 MEMBER SHORT: And deaths happen and
14 people say I'm sorry, I didn't know, but it's too
15 late then. And then you get sued and you lose
16 everything. So would you, please, keep that area
17 around those fire escapes clear of anything of
18 yours?

19 THE WITNESS: I do, sir.

20 MEMBER SHORT: Because if the Fire
21 inspectors come, they are not going to give you a
22 warning. They are going to give you a ticket

1 right away. Believe me, I know a little bit
2 about public safety to tell you, please, clear
3 them away as soon as you can. Okay?

4 THE WITNESS: We already did, sir,
5 months ago.

6 MEMBER SHORT: Okay.

7 THE WITNESS: It's nice and clear.

8 MEMBER SHORT: Okay. All right. I
9 hope so.

10 THE WITNESS: And I showed the
11 pictures to you.

12 MEMBER SHORT: Okay. All right.

13 THE WITNESS: You can see it on the
14 pictures.

15 MEMBER SHORT: All right. Now, you
16 know we have thousands of sidewalk cafes
17 throughout the city. Everywhere you look now,
18 everybody is getting endorsements. Endorsements
19 on their ABRA Licenses to serve alcohol outside,
20 because DDOT can't give you permission to serve
21 alcohol or food or anything outside. They only
22 give you permission to use the space.

1 Therefore, this Agency and this Board
2 says and the law says you have to have an
3 endorsement. You have to come here to this
4 office. You have to say I have got my permit
5 from DDOT, now, I would like to have a sidewalk
6 cafe to serve alcohol outside. And so can I have
7 it put on my license, so I don't get tickets and
8 I don't cause a problem?

9 Did you have any idea that that law
10 was on the books?

11 THE WITNESS: The truth is I didn't.
12 I thought when we get the permission from them,
13 that was it, that's what I thought. And I --
14 about the alcohol situation, and I look at the
15 license it says 99 people I am up to you can
16 serve.

17 MEMBER SHORT: Let me ask you another
18 question. You seem like a very reasonable
19 person.

20 THE WITNESS: I am, I am.

21 MEMBER SHORT: Okay. Now, I'm a
22 police officer and you run through a stop sign

1 that's on your block and you live in that block,
2 how many years have you had your business?

3 THE WITNESS: 18 years.

4 MEMBER SHORT: So you run through that
5 stop sign every day, but one day the cop stops
6 you and says I'm giving you a ticket for running
7 through that stop sign. And you say to me I do
8 this all the time. I have been here all these
9 years. Is that an excuse not to get a fine?

10 THE WITNESS: No, sir, definitely not.

11 MEMBER SHORT: Okay. So if you don't
12 have your endorsement, as everybody else in the
13 city is required to do, if you don't have your
14 endorsement to have an outside café, what do you
15 think the investigator is going to do?

16 THE WITNESS: Ticket you.

17 MEMBER SHORT: Okay. So your argument
18 then is kind of moot, isn't it?

19 THE WITNESS: Yes, sir.

20 MEMBER SHORT: Okay. Thank you.

21 Thank you, Mr. Chair, that's all I have. Thank
22 you very much for being honest, sir.

1 CHAIRPERSON ANDERSON: Mr. Alberti?

2 MEMBER ALBERTI: Mr. Ozturk, I'm just
3 curious, what's the purpose of the construction?

4 THE WITNESS: We are putting a market
5 there, a Turkish grocery market.

6 MEMBER ALBERTI: Okay. Separate from
7 your restaurant?

8 THE WITNESS: Yes, sir.

9 MEMBER ALBERTI: Okay. Are you going
10 to sell alcohol there?

11 THE WITNESS: No.

12 MEMBER ALBERTI: Okay. You have owned
13 this for 18 years. Is that correct?

14 THE WITNESS: That's correct, sir.

15 MEMBER ALBERTI: And I'm just going to
16 refresh your memory. Back in June of 2017, do
17 you remember discussing with this Agency your
18 sidewalk café?

19 THE WITNESS: (No audible answer.)

20 MEMBER ALBERTI: Our records show that
21 you were issued a warning back on June 28th of 20
22 -- well, I don't know when the warning came out.

1 But the date when the sidewalk café was observed
2 was June 28, 2017.

3 So this isn't the first time. You may
4 not remember, but in fact this is not the first
5 time that someone has addressed the sidewalk café
6 with you.

7 Would you like to respond to that?

8 THE WITNESS: Truth is I don't
9 remember, sir.

10 MEMBER ALBERTI: But you didn't -- do
11 you remember taking care of anything back then?

12 THE WITNESS: No.

13 MEMBER ALBERTI: How long has your
14 sidewalk café been there?

15 THE WITNESS: I don't know the exact
16 date, but probably six years maybe.

17 MEMBER ALBERTI: Six years. Okay.

18 THE WITNESS: Or something like that.

19 MEMBER ALBERTI: Okay. Thank you. I
20 have no further questions.

21 CHAIRPERSON ANDERSON: Any other
22 questions by any Board Members? Mr. Sousa, any

1 questions of him based on the questions that were
2 asked by the Board?

3 MR. SOUSA: Mr. Alberti asked it for
4 me, so no questions.

5 CHAIRPERSON ANDERSON: Okay. You want
6 to provide any clarification to the answers you
7 just gave, sir? Do you want -- I'll give you an
8 opportunity if you want to explain. I know that
9 you were asked questions and you answered. Do
10 you want to give an explanation to any of the
11 answers that you just gave?

12 THE WITNESS: Well --

13 CHAIRPERSON ANDERSON: This is not the
14 time that you are going to tell us -- ask us what
15 you want us -- to occur. I'm just saying that --

16 THE WITNESS: I understand.

17 CHAIRPERSON ANDERSON: -- someone
18 asked you a question and you have been cross-
19 examined and you just answered, but maybe you
20 didn't get a chance to fully explain your answer.
21 So I'm giving you that opportunity, if you want
22 to.

REDIRECT EXAMINATION

1
2 THE WITNESS: Sir, I have been -- I am
3 a hardworking person. This is a small family
4 restaurant. And I'm working seven days at least
5 I average 14 hours a day. I don't -- normally, I
6 don't like to do anything trick you. I just
7 state for what purpose, that's how I work and
8 that's how I been living. And that's what I've
9 been teaching my kids and my grandkids.

10 And unfortunately, it was a mistake.
11 I guess I didn't come to ABRA to extend our
12 license. I thought our license was good enough
13 to cover the 10 chairs. Okay. I was wrong. And
14 I should have come maybe here and stop this.

15 CHAIRPERSON ANDERSON: All right.

16 THE WITNESS: Decide that there is not
17 much to do.

18 CHAIRPERSON ANDERSON: All right. All
19 right. So that's the -- I'm still going to give
20 you an opportunity to tell me what you want us to
21 do. But do you have anything else to say prior
22 to giving you that opportunity?

1 THE WITNESS: No. I mean, if it is
2 possible just disregard this penalty and --

3 CHAIRPERSON ANDERSON: No, I'm saying
4 I'm going to -- we are not there yet.

5 THE WITNESS: Oh, I'm sorry.

6 CHAIRPERSON ANDERSON: I'm still going
7 to give you an opportunity to say that. But you
8 are still presenting your case. So I'm just
9 saying do you have anything else you need to say
10 or want to say?

11 THE WITNESS: No, sir.

12 CHAIRPERSON ANDERSON: All right.

13 (Whereupon, the witness was excused.)

14 CHAIRPERSON ANDERSON: All right. Mr.
15 Sousa, do you wish to make a closing statement?

16 MR. SOUSA: Yes, briefly for the
17 record. With regards to the charge on the
18 sidewalk café, which is a violation of DC Code
19 25-762(b)(2), what matters for the Board is what
20 happened on August 20, 2018. The licensee has
21 admitted to the facts that constitute a violation
22 of operation of a sidewalk café without an

1 endorsement.

2 As to his protestations that he didn't
3 know any better, we have discussed, you have
4 heard from him, that -- and you have heard from
5 the Board that his investigative history shows
6 that there was a warning issued to the licensee
7 for this very same issue back in 2017.

8 So with that in the equation, the
9 District will ask for a penalty of \$1,500, which
10 is, obviously, within the statutory range and in
11 line with the penalty discussed for the
12 violations.

13 As to the charge regarding the
14 reasonable steps to take care of just the litter
15 outside the establishment, again, the District
16 thanks the licensee for cleaning up outside the
17 establishment and appreciates that. But what the
18 Board is presented with is what happened on
19 August 20th or what existed on August 20, 2018,
20 the date that Investigator Brashears visited the
21 establishment.

22 And on that date, as you saw in the

1 picture, there was litter littered outside of the
2 establishment. A piece of lattice work was
3 leaning against the railing for over a year.
4 It's not as you saw in the exhibits in the case
5 report. While it may be fastened to the railing
6 by wire, it's leaning up against the railing and
7 it's just sitting there. It doesn't even cover
8 the entire thing that the licensee says it
9 intends to cover. So that's one thing that is
10 there.

11 Mr. Short and the licensee had a long
12 conversation about the piece of trash that was
13 just sitting on the fire escape, which posed as a
14 public safety concern. And which the licensee
15 admits should not have been there. The licensee
16 admits that, I believe it was, an air filter was
17 just stashed behind an air conditioner. The
18 licensee admits that that should not have been
19 there.

20 The cardboard boxes, I understand the
21 licensee contends that either 15 or 20 minutes or
22 right before the investigator showed up, he was

1 going to break up the boxes, but the fact of the
2 matter is that when the inspector showed up, this
3 was all right alongside of public right away.
4 The sidewalk on 34th Street, NW. And the
5 licensee has a responsibility to make sure that
6 the environs, the immediate environs of his
7 establishment is free from litter.

8 He doesn't have to take extraordinary
9 steps to do that, but he has to take reasonable
10 steps. And you heard from Investigator Brashears
11 that, in his experience, his long experience with
12 ABRA, the license just did not take the steps
13 that were reasonable to ensure that litter was
14 not outside his establishment.

15 So just based on the pictures and the
16 testimony you heard, the District in consultation
17 with the required statutory range and looking
18 where the fines have been assessed in the past,
19 asks for \$650 on that charge. Pretty
20 straightforward.

21 Just if the District is going to have
22 rules regulating the actions of licensed beverage

1 retailers and cafes, then these rules need to be
2 enforced. And we believe that this is a
3 sufficient penalty to enforce that. Nothing
4 further.

5 CHAIRPERSON ANDERSON: Thank you, Mr.
6 Sousa. All right. This is your opportunity to
7 make a closing statement and tell us what it is
8 you -- what is it you want us to do.

9 MR. OZTURK: Thank you, Your Honor.
10 Yes, nothing -- it wasn't everything was perfect
11 that day unfortunately. And the inspector come,
12 but we are trying to be perfect operation in that
13 location.

14 And this is our first time in this
15 kind of situation I am in. It is -- most of the
16 time it's nice and clear outside or inside of the
17 restaurant, the building.

18 As I said before, some of the things
19 unfortunately shouldn't be there, but it was
20 there. And the lattice which is -- I did, I put
21 it myself that purpose just to cover the
22 compressor area, so people cannot see it when

1 they sitting in the sidewalk café. And I didn't
2 know that was wrong, unfortunately, I understand
3 today it was wrong.

4 This is -- and the rest of it is nice
5 and clear right now. And we will keep it that
6 way. And that's will be our/my promise.

7 And the license, we ordered the
8 extended three months ago and that has already
9 been taken care of.

10 CHAIRPERSON ANDERSON: So what do you
11 want us to do?

12 MR. OZTURK: If it is possible just
13 waive the -- all this penalty. And then that's
14 what I want you to do, sir.

15 CHAIRPERSON ANDERSON: All right.
16 That's it?

17 MR. OZTURK: Because I think I don't
18 deserve it to take license right away, at least
19 without warning from the inspectors. I will take
20 this as a warning and next time I will be more
21 careful.

22 CHAIRPERSON ANDERSON: All right. Do

1 the parties wish to file proposed findings of
2 fact and conclusions of law or waive their right
3 to do so?

4 MR. SOUSA: No.

5 CHAIRPERSON ANDERSON: What this means
6 is that do you want to write a legal brief or
7 just do you want us to make a decision on what is
8 presented today?

9 MR. OZTURK: Make the decision.

10 CHAIRPERSON ANDERSON: Okay. All
11 right.

12 As Chairperson of the Alcoholic
13 Beverage Control Board for the District of
14 Columbia and in accordance with DC Official Code
15 Section 2-574(b) of the Open Meetings Act, I move
16 that the ABC Board hold a closed meeting for the
17 purpose of seeking legal advice from our counsel
18 on Case No. 18-CMP-00204, Café Divan, pursuant to
19 DC Official Code Section 2-574(b)(4) of the Open
20 Meetings Act and deliberating upon Case No. 18-
21 CMP-00204, Café Divan, for the reasons cited in
22 DC Official Code Section 2-574(b)(13) of the Open

1 Meetings Act.

2 Is there a second?

3 MEMBER SILVERSTEIN: Second.

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

6 I will now take a roll call vote on
7 the motion before us now that it has been
8 seconded.

9 Ms. Wahabzadah?

10 MEMBER WAHABZADAH: I agree.

11 CHAIRPERSON ANDERSON: Mr. Silverstein?

12 MEMBER SILVERSTEIN: I agree.

13 CHAIRPERSON ANDERSON: Mr. Short?

14 MEMBER SHORT: I agree.

15 CHAIRPERSON ANDERSON: Mr. Alberti?

16 MEMBER ALBERTI: I agree.

17 CHAIRPERSON ANDERSON: Mr. Cato?

18 MEMBER CATO: I agree.

19 CHAIRPERSON ANDERSON: Mr. Anderson?

20 I agree.

21 As it appears that the motion has
22 passed, I hereby give notice that the ABC Board

1 will recess these proceedings to hold a closed
2 meeting in the ABC Board conference room pursuant
3 to Section 2-574(b) of the Open Meetings Act.

4 We will issue a decision within 90
5 days. Thank you very much for your presentation
6 today, sir. All right. Thank you.

7 MR. OZTURK: Thank you.

8 MR. SOUSA: Thank you.

9 CHAIRPERSON ANDERSON: All right.

10 As Chairperson of the Alcoholic
11 Beverage Control Board for the District of
12 Columbia and in accordance with DC Official Code
13 Section 2-574(b) of the Open Meetings Act, I move
14 that the ABC Board hold a closed meeting on March
15 20, 2019 for the purpose of seeking legal advice
16 from our counsel on the matters identified on the
17 Board's Investigative, Legal and Licensing Agenda
18 for March 20, 2019 as will be published in the DC
19 Register on March 15, 2019.

20 Is there a second?

21 MEMBER SHORT: Second.

22 MEMBER SILVERSTEIN: Second.

1 CHAIRPERSON ANDERSON: Mr. Short and
2 Mr. Silverstein have seconded the motion.

3 I will now take a roll call vote on
4 the motion before us now that it has been
5 seconded.

6 Ms. Wahabzadah?

7 MEMBER WAHABZADAH: I agree.

8 CHAIRPERSON ANDERSON: Mr.
9 Silverstein?

10 MEMBER SILVERSTEIN: I agree.

11 CHAIRPERSON ANDERSON: Mr. Short?

12 MEMBER SHORT: I agree.

13 CHAIRPERSON ANDERSON: Mr. Alberti?

14 MEMBER ALBERTI: I agree.

15 CHAIRPERSON ANDERSON: Mr. Cato?

16 MEMBER CATO: I agree.

17 CHAIRPERSON ANDERSON: Mr. Anderson?
18 I agree.

19 As it appears that the motion has
20 passed, I hereby I hereby give notice that the
21 ABC Board will hold this closed meeting pursuant
22 to the Open Meetings Act. Notice will also be

1 posted on the ABC Board hearing room bulletin
2 board, placed on the electronic calendar on
3 ABRA's website and published in the DC Register
4 in as timely a manner as practicable.

5 It is now 3:50 p.m. and we are
6 adjourned for the day. Thank you.

7 (Whereupon, the Show Cause Hearing was
8 concluded at 3:50 p.m.)

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In the matter of: Cavit Ozturk, t/a Café Divan

Before: DC ABRA

Date: 03-13-19

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