

Wednesday,
March 6, 2019

VERNON LEFTWICH, ABRA Investigator
AMY SCHMIDT, OAG
YOHANNES WOLDEMICHAEL, Licensee

C-O-N-T-E-N-T-S

Opening Statement by Government.	3
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WITNESS	DIRECT CROSS	
Vernon Leftwich	5	9
Yohannes Woldemichael	15	20

EXHIBITS	IDENTIFIED	RECEIVED
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GOVERNMENT		
1 - ROI		9
2 - Regulatory Inspection		9

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

2 12:41 p.m.

3 CHAIRPERSON ANDERSON: Our next case
4 is Case No. 18-CMP-00194, Capitol Fine Wine and
5 Spirits, License No. 82981.

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

8 MS. SCHMIDT: Good afternoon. Amy
9 Schmidt, Assistant Attorney General, on behalf of
10 the District of Columbia.

11 CHAIRPERSON ANDERSON: Good afternoon,
12 Ms. Schmidt.

13 MR. WOLDEMICHAEL: Hi, my name is
14 Yohannes Woldemichael.

15 CHAIRPERSON ANDERSON: Good morning,
16 Mr. -- good afternoon, Mr. Woldemichael.

17 All right. Are there any preliminary
18 matters in this case?

19 MS. SCHMIDT: No, there are not.

20 CHAIRPERSON ANDERSON: Okay. Does the
21 Government wish to make an opening statement?

22 MS. SCHMIDT: Very briefly. Today the

1 Government will show that on Monday, August 6,
2 2018, at approximately 8:30 p.m., ABRA
3 Investigator Vernon Leftwich went to Capitol Fine
4 Wine and Spirits at 415 H Street, N.E., in the
5 District of Columbia.

6 At that time when he entered, he spoke
7 -- he asked to speak to an ABC manager or owner
8 on duty and an employee told him there was no one
9 that -- they were not there. And so the employee
10 told him that the owner would be returning to the
11 establishment shortly. He waited 20 minutes and
12 after 20 minutes, Mr. Woldemichael came into the
13 establishment.

14 However, during that time, there was
15 no manager on-site.

16 CHAIRPERSON ANDERSON: All right. Do
17 you wish to make an opening statement now, sir,
18 or you can wait until the Government rests its
19 case and then when you present your case, you can
20 make an opening statement. It's your option.

21 MR. WOLDEMICHAEL: Okay. I'll wait.

22 CHAIRPERSON ANDERSON: Okay. Does the

1 Government wish to -- does the Government have a
2 witness?

3 MS. SCHMIDT: Yes, they do.

4 CHAIRPERSON ANDERSON: And who is that
5 witness?

6 MS. SCHMIDT: The witness is ABRA
7 Investigator Vernon Leftwich.

8 CHAIRPERSON ANDERSON: All right. Mr.
9 Leftwich, can you raise your right hand, please?
10 Whereupon,

11 INVESTIGATOR VERNON LEFTWICH
12 was called as a witness by Counsel for the
13 Government, and having been first duly sworn,
14 assumed the witness stand and was examined and
15 testified as follows:

16 INVESTIGATOR LEFTWICH: I do.

17 CHAIRPERSON ANDERSON: Thank you.
18 Your witness.

19 DIRECT EXAMINATION

20 BY MS. SCHMIDT:

21 Q Good afternoon, Investigator. Could
22 you, please, state your name for the record?

1 A Vernon Leftwich.

2 Q And by whom are you employed?

3 A The Alcoholic Beverage Regulation
4 Administration.

5 Q And in what capacity are you employed?

6 A I'm an Investigator.

7 Q And as an Investigator, did you have
8 cause to go to 415 H Street, N.E., to Capitol
9 Fine Wine and Spirits on Monday, August 6, 2018?

10 A Yes. On Monday, August 6th, I was
11 assigned to deliver a service form to the
12 establishment.

13 Q And what happened when you got there?

14 A When I arrived to the establishment,
15 I spoke with the cashier. I don't recall his
16 name. However, he informed me that there was no
17 ABC manager on duty at the time. So no ABC
18 manager nor owner was present at the time.

19 Q And how do you know what time you
20 arrived?

21 A I checked my cell phone.

22 Additionally, there is a change in policy. I was

1 -- previously, I did not feel comfortable leaving
2 service forms with non-ABC managers or owners, so
3 I called the supervisor to confirm that I should
4 leave the service form with the employee rather
5 than waiting for the ABC manager.

6 Q And how long -- so what happened? How
7 long did -- so when you were told he was not
8 there, what happened next?

9 A I mean, he informed me that he was not
10 there. I called my supervisor and shared that
11 information. Additionally, the employee informed
12 me that he was going to reach out to the owner
13 and I also started to do the regulatory
14 inspection, so all those things were kind of
15 happening simultaneously.

16 He retrieved the license and
17 Certificate of Occupancy for me to begin the
18 regulatory inspection. And then he contacted the
19 owner via cell phone.

20 Q And how long did it take until the
21 owner got there?

22 A It was approximately 20 minutes, the

1 time that it took for us to make the call. There
2 is a language barrier between myself and the
3 employee. His -- at least his speaking, I'm not
4 sure how well he understood me, but just
5 communicating with me, me understanding him was
6 difficult.

7 So getting through the language
8 barrier, making the phone calls and even his
9 communication with the owner while they were on
10 the phone and completing the regulatory
11 inspection.

12 Q And do you recall the hours of
13 operation on that day?

14 A I do not have -- I don't recall.

15 MS. SCHMIDT: One second. The Board's
16 indulgence. I'm now handing you what has been
17 marked -- well, what is the investigative report
18 that is part of this file.

19 BY MS. SCHMIDT:

20 Q And referring to Exhibit 2 of that
21 report, can you tell us what that is?

22 A This is the regulatory inspection that

1 I completed on August the 6th.

2 (Whereupon, the above-
3 referred to documents were
4 marked as Government Exhibit
5 No. 1 and 2 for
6 identification.)

7 BY MS. SCHMIDT:

8 Q And what were the hours of sale?

9 A 9:00 a.m. to 12:00 a.m.

10 Q Okay. Thank you.

11 MS. SCHMIDT: No further questions.

12 CHAIRPERSON ANDERSON: Mr.

13 Woldemichael?

14 MR. WOLDEMICHAEL: Yes, sir.

15 CHAIRPERSON ANDERSON: You can ask him
16 questions based on the questions the Government
17 just asked.

18 MR. WOLDEMICHAEL: Okay.

19 CROSS-EXAMINATION

20 BY MR. WOLDEMICHAEL:

21 Q My question to you is the time you say
22 you come to my place and until I come back, how

1 long was it? How do you know it was 20 minutes?

2 A Based on the time that I arrived at
3 the establishment, I documented that on my
4 regulatory inspection, which was 8:30. Then also
5 from the time that you were notified, so you may
6 not have -- and just based on -- to answer your
7 question, I documented on the regulatory
8 inspection.

9 Q Okay. And this incident happened
10 before. One time the Inspector wait me until I
11 get like try to put in some money to meter for
12 the car or grabbing a coffee and he waited. He
13 didn't issue me. What made you do -- issue me
14 that?

15 MS. SCHMIDT: Objection. He doesn't
16 have any knowledge of that.

17 MR. WOLDEMICHAE: I mean --

18 CHAIRPERSON ANDERSON: I'm going to
19 overrule the objection. I mean if he -- let him
20 answer the question if he can. I mean, I
21 wouldn't have asked that question myself --

22 BY MR. WOLDEMICHAE:

1 Q Any time I'm there and there is no
2 settlement between since so you weren't there.

3 A Quite frankly, your employee informed
4 me that you had left the establishment altogether
5 to go retrieve something that had nothing to do
6 with parking. Additionally, as my duty and
7 responsibility a part of that, that is personal
8 judgment.

9 Your history, you have an extensive
10 history of having no ABC manager cases.
11 Therefore, my personal judgment and the reality
12 of the fact that you were not present at the time
13 and I contacted my supervisor, who supported my
14 decision to issue the citation.

15 Q Yeah, but at that time, you accept my
16 ID and you took my information.

17 A I did, so that I could deliver the
18 service form.

19 Q So you did deliver it to me as the
20 owner?

21 A Yes, because you arrived after the
22 fact. So you were not present --

1 Q You were not even -- you were filling
2 -- I was there, you were filling, you were just
3 filling while I was there, right?

4 A The service form, not the regulatory
5 inspection.

6 Q The inspection, you was filling for my
7 license. That's what I was there and I had to
8 wait until you finish and then you ask me my ID.
9 That's why I don't understand why you decide to
10 give me the citation anyways.

11 CHAIRPERSON ANDERSON: There is a
12 question, Mr. Leftwich, and there is no
13 objection, so you need to answer the question.

14 THE WITNESS: I have answered the
15 question, but I issued the violation because the
16 regulation states that there was no ABC manager
17 on duty. At the time that I entered the
18 establishment, there was no ABC manager on duty.
19 At the time that I was at the establishment
20 waiting, there was no ABC manager or owner
21 present. You arrived later. Your employee
22 stated that you had left the establishment. I

1 don't know how long you had been gone prior to my
2 arrival.

3 BY MR. WOLDEMICHAEL:

4 Q I mentioned that I just left to get
5 change. I told you that I went there to put some
6 change to meter.

7 MS. SCHMIDT: Objection. This is
8 testimony.

9 THE WITNESS: That's what I was
10 saying.

11 CHAIRPERSON ANDERSON: Well, I hear
12 you. He is not an attorney. He is -- maybe his
13 questions are not proper, but he is asking a
14 question, so I'm going to overrule the objection.
15 So go ahead, sir.

16 MR. WOLDEMICHAEL: I have no other
17 question, Your Honor.

18 CHAIRPERSON ANDERSON: All right. Any
19 other questions? Any questions by any Board
20 Members?

21 And I'll ask you, Mr. -- no. All
22 right. Thank you, Mr. Leftwich for your

1 testimony. You can step down.

2 (Whereupon, the witness was excused.)

3 CHAIRPERSON ANDERSON: Does the
4 Government have any other witnesses?

5 MS. SCHMIDT: No, no.

6 CHAIRPERSON ANDERSON: Does the
7 Government rest?

8 MS. SCHMIDT: Yes, they do.

9 CHAIRPERSON ANDERSON: All right. Mr.
10 Woldemichael?

11 MR. WOLDEMICHAEAL: Yes?

12 CHAIRPERSON ANDERSON: How do you plan
13 to -- you are the only witness?

14 MR. WOLDEMICHAEAL: Yes, sir.

15 CHAIRPERSON ANDERSON: All right. So
16 can you raise your right hand, please?
17 Whereupon,

18 YOHANNES WOLDEMICHAEAL
19 was called as a witness for the Respondent, and
20 having been first duly sworn, assumed the witness
21 stand and was examined and testified as follows:

22 MR. WOLDEMICHAEAL: Yes.

1 CHAIRPERSON ANDERSON: Okay. Go
2 ahead, sir.

3 DIRECT EXAMINATION

4 BY MR. WOLDEMICHAEL: I mean, I --
5 what was your question?

6 CHAIRPERSON ANDERSON: It's your case.
7 How you plan to defend your case.

8 THE WITNESS: Oh, my plan to defend is
9 I was there all day. I was managing the place
10 and, you know, from time to time we go out and
11 check our car if we have to change it, the zoning
12 from one side to the other car, and at that time,
13 I might not have parking. I mean, it's an issue
14 sometimes, but I'm always there.

15 Even like not even 20 minutes, because
16 even when I'm there, if I go in the office
17 sitting there, I can stay more than 20 minutes
18 and the person can operate the business. I mean,
19 I'm in the same building inside office. I sit
20 there and do paperwork and the person operate
21 without me being there.

22 Plus that person who at that time who

1 didn't have the license, he has the license, you
2 know, because he had to get out the forms before
3 that date happened. So my issue is my -- always
4 my concern is in my location, you can check the
5 record, we never have no violation of anything.
6 I mean, one time like which is long time ago
7 under the age of 18 when cigarettes was under the
8 age of 18, at that time, now it's 21. It
9 happened one time and one with the beer maybe at
10 least over -- since 2009.

11 That's my main concern. All my
12 employees I ask them to do that and other stuff
13 like if you see a person intoxicated, don't sell
14 them, you know, the booze or any other alcohol we
15 selling. And that's the main purpose and if I'm
16 there all the time and most of the time me and my
17 wife are working there and sometimes this issue
18 happened and, you know, it's very hard to keep up
19 with one -- I mean, employees who always have to
20 pay for the licensing and have, you know, for the
21 training.

22 And sometimes they don't even stay two

1 or three months and they leave and then you have
2 to hire another person until we get them --
3 between that time and, you know, the ABRA
4 Investigator comes in and they -- you know,
5 that's what happened. And we did obtain a
6 violation. I'm still having one pending payment
7 that I have to make for \$2,000 and, you know,
8 it's very, really very hard for us to continue as
9 a business like this.

10 And we try to comply. Like I said, we
11 don't have any violation, like serious violation,
12 but, you know, it happen like that.

13 CHAIRPERSON ANDERSON: Do you have
14 anything else you want do say, sir?

15 THE WITNESS: That's all I want to
16 say, sir.

17 CHAIRPERSON ANDERSON: Ms. Schmidt, do
18 you have any questions you want to ask of him?
19 And the reason why is because you are the
20 witness, so she has an opportunity to ask you
21 questions.

22 MS. SCHMIDT: No questions.

1 CHAIRPERSON ANDERSON: Any questions
2 by any Board Members?

3 Mr. Woldemichael, and normally I would
4 not do this, but unfortunately because you
5 brought it up, you have been cited by this Agency
6 for having no ABC manager, so this is not the
7 first violation you have had. Isn't that
8 correct?

9 THE WITNESS: Oh, no. I meant to say
10 the other part meaning like, you know, selling to
11 minors. It's another question.

12 CHAIRPERSON ANDERSON: No, no.

13 THE WITNESS: Not the manager's
14 license.

15 CHAIRPERSON ANDERSON: No, no. I'm
16 talking about is this the first time you have
17 been cited for not having an ABC --

18 THE WITNESS: Yes.

19 CHAIRPERSON ANDERSON: -- manager?

20 THE WITNESS: No, it's not the first
21 time.

22 CHAIRPERSON ANDERSON: Not the first

1 time.

2 THE WITNESS: No. I will just
3 mentioning that I have one that I haven't paid
4 yet.

5 CHAIRPERSON ANDERSON: So how long
6 have you had this license?

7 THE WITNESS: 10 years.

8 CHAIRPERSON ANDERSON: 10 years.

9 THE WITNESS: Yes, sir.

10 CHAIRPERSON ANDERSON: And so in
11 looking at your -- on your report, you were cited
12 in April 2015 of not having an ABC manager. You
13 were also cited in August of 2016 of not having
14 an ABC license -- an ABC manager. And so at
15 least there are two other occasions on your
16 record that said that you were cited for not
17 having -- no, and then you were also cited in
18 January 2018 for not having an ABC licensed
19 manager.

20 So the Investigator testified that he
21 waited at least 20 minutes and you were not
22 there, that's what he stated. So are you saying

1 that --

2 THE WITNESS: I was --

3 CHAIRPERSON ANDERSON: -- what?

4 THE WITNESS: -- at that time, I was
5 there. Like I told you, I had to go and to put
6 coin and then when I see the zoning, I had to
7 move the car from the other side to the other on
8 H Street side. That's what took me a little
9 longer, but it's not 20 minutes. I know that it
10 was not even 10 minutes. I mean, because he was
11 just filling out the form when I was there.

12 CHAIRPERSON ANDERSON: All right. Any
13 questions, Ms. Schmidt?

14 MS. SCHMIDT: Sure.

15 CROSS-EXAMINATION

16 BY MS. SCHMIDT:

17 Q Based on the Chairman's questions, you
18 also testified that -- so do you remember being
19 cited April 8, 2015 for no ABC manager?

20 A No. That's for -- it's for almost--

21 Q June 24, 2015, do you remember being
22 cited for that?

1 A I mean, yeah, but like I said, I had
2 stepped out for a couple seconds.

3 Q And August 18, 2016?

4 A Yes.

5 Q And also on April 4, 2017?

6 A Sure.

7 Q And let's see, and on July 31, 2018,
8 you were cited for no ABC manager?

9 A Is that the one that's presenting?
10 No?

11 Q No, no, that's different.

12 A Yes, yes.

13 Q Therefore, were you --

14 MS. SCHMIDT: No further questions.

15 CHAIRPERSON ANDERSON: All right. I'm
16 going to break routine, so that's going to allow
17 -- Mr. Alberti wanted to ask a question. Go
18 ahead, Mr. Alberti.

19 MEMBER ALBERTI: Thank you, Chairman
20 Anderson, for your indulgence.

21 Mr. Woldemichael?

22 THE WITNESS: Yes, sir?

1 MEMBER ALBERTI: You admit that you
2 weren't in the store, right?

3 THE WITNESS: Yes, sir.

4 MEMBER ALBERTI: Why?

5 THE WITNESS: I was not in the store.

6 MEMBER ALBERTI: Why?

7 THE WITNESS: Oh, I have to go out and
8 put in meter, like, you know, for my car.

9 MEMBER ALBERTI: Okay.

10 THE WITNESS: So I -- it expired, so
11 I went there.

12 MEMBER ALBERTI: And where are the
13 meters on that street?

14 THE WITNESS: It was on 4th Street. I
15 mean, on 5th Street.

16 MEMBER ALBERTI: On 5th Street?

17 THE WITNESS: Yes.

18 MEMBER ALBERTI: How far down on 5th
19 Street?

20 THE WITNESS: 5th and F.

21 MEMBER ALBERTI: 5th and F?

22 THE WITNESS: I mean, I said 5th and F.

1 It's on 5th and H now.

2 MEMBER ALBERTI: So --

3 THE WITNESS: On --

4 MEMBER ALBERTI: -- the question now,
5 where are the meters in that neighborhood?

6 THE WITNESS: Where are the meters?

7 MEMBER ALBERTI: Yes. In the vicinity
8 of your store, where are meters in that
9 neighborhood?

10 THE WITNESS: Oh, many on H Street.

11 MEMBER ALBERTI: All right. There are
12 no meters on the side streets, right?

13 THE WITNESS: There are on the side of
14 the street, but I had to move it.

15 MEMBER ALBERTI: Now, wait a minute.

16 Let me ask a question. There are meters on H
17 Street. There are no -- which there are no
18 meters on the numbered streets. Is that correct?

19 THE WITNESS: No, no, there is a meter
20 on H Street.

21 MEMBER ALBERTI: On H Street. There
22 is no meter on 4th Street. There is no meter on

1 5th Street. Is that correct?

2 THE WITNESS: On 5th Street there is a
3 meter.

4 MEMBER ALBERTI: Okay.

5 THE WITNESS: Yeah. No, on daytime
6 what they do is they leave it for commercial like
7 on the corner of --

8 MEMBER ALBERTI: Yes, there is no
9 meter. There is a no parking for commercial.

10 THE WITNESS: Commercial is --

11 MEMBER ALBERTI: So where would you
12 park this day? Where were you parked at that
13 day?

14 THE WITNESS: After 6:30, I have -- my
15 car was parked on 5th Street.

16 MEMBER ALBERTI: And this happened on,
17 what time did this happen?

18 THE WITNESS: 8:30.

19 MEMBER ALBERTI: 8:30 in the evening?

20 THE WITNESS: After 6:30, you can park
21 there. Yes.

22 MEMBER ALBERTI: You can park where?

1 THE WITNESS: You can park on that
2 street.

3 MEMBER ALBERTI: On 5th Street?

4 THE WITNESS: On 5th Street where the
5 commercial --

6 MEMBER ALBERTI: In the Commercial --

7 THE WITNESS: Yes, sir.

8 MEMBER ALBERTI: -- Loading Zone?

9 THE WITNESS: Yes, sir.

10 MEMBER ALBERTI: All right. So there
11 is no meters. It's just Commercial Loading Zone.

12 THE WITNESS: No, no, it's meter, yes,
13 there is three, for three cars parking meters.

14 MEMBER ALBERTI: Okay. So 5th Street,
15 how far away from your establishment is that?

16 THE WITNESS: It's not that far from
17 there.

18 MEMBER ALBERTI: How far,
19 approximately?

20 THE WITNESS: It's like a block.

21 MEMBER ALBERTI: A block?

22 THE WITNESS: Yes.

1 MEMBER ALBERTI: And you were gone for
2 more than 20 minutes?

3 THE WITNESS: No, I didn't go more
4 than -- that's what I was saying. It was not
5 more than --

6 MEMBER ALBERTI: So his testimony is
7 20 minutes. And you are telling me that you
8 parked a block away?

9 THE WITNESS: Right.

10 MEMBER ALBERTI: Okay. Thank you.

11 CHAIRPERSON ANDERSON: Ms. Schmidt, do
12 you want to ask any questions based on Mr. --

13 MS. SCHMIDT: No, no.

14 CHAIRPERSON ANDERSON: Do you need to
15 clarify, based on the questions that were just
16 asked, sir, anything? I'll give you an
17 opportunity to clarify the record, if you need
18 to.

19 THE WITNESS: Yes, but I was saying
20 from where I -- where I was parking to come to
21 park it on -- to bring it on H Street, I have to
22 move my car. So that take a little long time,

1 but not 20 minutes. That's what I was saying.

2 But to tell you the truth, at that
3 time, I was there. I was working with the guy.
4 I was there.

5 CHAIRPERSON ANDERSON: Anything else
6 you want to say?

7 THE WITNESS: That's all I want to
8 say, sir.

9 (Whereupon, the witness was excused.)

10 CHAIRPERSON ANDERSON: Do you rest?
11 Meaning that you don't have anything else to say,
12 at this juncture.

13 MR. WOLDEMICHAEL: I mean, I want the
14 Court -- I mean, the Court to --

15 CHAIRPERSON ANDERSON: Well, I'm going
16 to ask you later on, but --

17 MR. WOLDEMICHAEL: Yes, sir.

18 CHAIRPERSON ANDERSON: -- I'm going to
19 ask you -- I'm going to have you make a final
20 statement, but at this moment, you don't have
21 anything else that you need to say?

22 MR. WOLDEMICHAEL: Yes, sir.

1 CHAIRPERSON ANDERSON: All right.

2 Does the Government wish to make a closing
3 statement?

4 MS. SCHMIDT: Yes. The evidence has
5 showed that Mr. Woldemichael was not in his store
6 and there was no manager on duty on August 6,
7 2018 between 8:30 and 8:50 p.m.

8 There are two stories here and we will
9 take a look. We have to look at there is no
10 quote system, so Investigator Leftwich has no
11 incentive to say that he wasn't there. There is
12 not -- he doesn't get an award for saying that.
13 He just merely did his job and he noticed that he
14 was not there.

15 And his employee -- and he also
16 testified there was an employee that, Mr.
17 Woldemichael's own employee, said -- he never
18 said anything about moving the car or going to
19 the parking meter.

20 Therefore, the Government is
21 requesting that a \$2,000 fine be imposed as this
22 is -- as even though this is the fifth secondary

1 tier violation within four years.

2 CHAIRPERSON ANDERSON: All right.

3 Mr. Woldemichael, what is it that you
4 want us to do, sir? You can wrap this up and
5 tell me what you want us to do.

6 MR. WOLDEMICHAEL: I want the Court to
7 see this situation in every business situation
8 happens, sir. I mean, we are a small business
9 and we try to comply as much as we can. A
10 situation happens like this. I mean, you can
11 come any time of day, I mean, there is three of
12 us working there: My wife, me, and there is
13 another employee.

14 I mean, we all have that, but in this
15 case, you know, sometimes employees doesn't stay
16 with us a long time. And between like I say the
17 time from we getting the license for them and
18 Investigator, we don't have no control of that,
19 they come any time to investigate us.

20 But that's why we try when there is no
21 -- our employees don't have manager license, we
22 are there all the time. But these things happen,

1 like I said, moving the car, go driving the car,
2 you know, for take-out or stuff like that, it can
3 happen. And, you know, during that time, but I'm
4 trying to tell you this because I don't think he
5 has proof of that he stayed there over 20 minutes
6 or for 20 minutes.

7 And I didn't stay there for 20
8 minutes. And as soon as he left, probably as
9 soon as I left, he came in and by the time he was
10 asking the questions and he was giving that
11 license, I was back, because I knew that he was
12 writing the citation while I was there and I keep
13 tell -- he said let me finish, let me finish. He
14 always kept telling me let me finish.

15 And then after he finished the one
16 form and another form and then he gave me -- and
17 he asked me my license and I gave him my license.
18 He knew I was the owner. I was -- yeah.

19 CHAIRPERSON ANDERSON: And what is it
20 that you want us to do?

21 MR. WOLDEMICHAEL: I want you to
22 consider this, at least you know, you know, to

1 see it from my side, you know, or I guess to give
2 me a break, sir. I mean, it's really very hard
3 for me to, I mean, keep up with bills and other
4 bills and the renewing license of \$3,000 is
5 coming up the end of next month. And I have
6 another \$2,000 that I have to pay and this
7 another payment and I want you to consider this.

8 I mean, at least trying to see because
9 I was there. If I was no show, that's -- I mean,
10 I wouldn't even stay here this long. If there
11 was no show. I was there. I mean, it's just a
12 matter of minutes and, you know, that's what I
13 was saying.

14 CHAIRPERSON ANDERSON: All right. Are
15 you done? That's it?

16 MR. WOLDEMICHAEL: Yes, sir.

17 CHAIRPERSON ANDERSON: The record is
18 now closed. Do the parties wish to file proposed
19 findings of fact and conclusions of law or waive
20 their right to do so?

21 What that means is that you just want
22 us to make a decision based on the presentation

1 today?

2 MS. SCHMIDT: The Government waives
3 its rights.

4 CHAIRPERSON ANDERSON: All right. All
5 right. The Board will issue a decision within 90
6 days. Hold on, please.

7 As Chairperson of the Alcoholic
8 Beverage Control Board for the District of
9 Columbia and in accordance with DC Official Code
10 Section 2-574(b) of the Open Meetings Act, I move
11 that the ABC Board hold a closed meeting for the
12 purpose of seeking legal advice from our counsel
13 on Case No. 18-CMP-00194, Capitol Fine Wine and
14 Spirits, pursuant to DC Official Code Section 2-
15 574(b)(4) of the Open Meetings Act and
16 deliberating upon Case No. 18-CMP-00194, Capitol
17 Fine Wine and Spirits, for the reasons cited in
18 DC Official Code Section 2-574(b)(13) of the Open
19 Meetings Act.

20 Is there a second?

21 MEMBER SILVERSTEIN: Second.

22 CHAIRPERSON ANDERSON: Mr. Silverstein

1 has seconded the motion.

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

5 Mr. Silverstein?

6 MEMBER SILVERSTEIN: I agree.

7 CHAIRPERSON ANDERSON: Mr. Alberti?

8 MEMBER ALBERTI: I agree.

9 CHAIRPERSON ANDERSON: Mr. Cato?

10 MEMBER CATO: I agree.

11 CHAIRPERSON ANDERSON: Mr. Anderson?

12 I agree.

13 As it appears that the motion has
14 passed, I hereby give notice that the ABC Board
15 will recess these proceedings to hold a closed
16 meeting in the ABC Board conference room pursuant
17 to Section 2-574(b) of the Open Meetings Act.

18 Thank you very much for your
19 presentation today, sir. We will issue a
20 decision within 90 days. You will get a written
21 decision of the Board's determination.

22 The Board is now in recess and we will

1 try and get back here by 1:30.

2 MR. WOLDEMICHAEL: Okay. I appreciate
3 it.

4 (Whereupon, the Show Cause Hearing was
5 concluded at 1:08 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: Capitol Fine Wine

Before: DC ABRA

Date: 03-06-19

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.



Court Reporter

NEAL R. GROSS

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