

DISTRICT OF COLUMBIA  
 + + + + +  
 ALCOHOLIC BEVERAGE CONTROL BOARD  
 + + + + +  
 MEETING

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 IN THE MATTER OF: :  
 :  
 Gebtri, Inc., t/a Cedar Hill Bar :  
 & Grill/Uniontown Bar & Grill :  
 2200 Martin Luther King, Jr. Ave. SE: Show  
 Retailer CT - ANC 8A : Cause  
 License No. 91887 : Hearing  
 Case #17-251-00029, :  
 Case #17-251-00029(a) and :  
 Case #17-251-00029(b) :  
 :  
 (Failure to Comply with Board Order :  
 and Failed to Follow Security Plan, :  
 Attempted Bribery, Interfered with :  
 an Investigation-Attempted Bribery, :  
 Failure to Operate the Establishment: :  
 as the true and actual owner) :  
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Wednesday,  
 February 14, 2018

The Alcoholic Beverage Control Board  
 met in the Alcoholic Beverage Control Hearing  
 Room, Reeves Building, 2000 14th Street, N.W.,  
 Suite 400S, Washington, D.C. 20009, Chairperson  
 Donovan W. Anderson, presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson  
 NICK ALBERTI, Member  
 BOBBY CATO, JR., Member  
 MIKE SILVERSTEIN, Member  
 JAMES SHORT, Member  
 REMA WAHABZADAH, Member

ALSO PRESENT:

DAVID CHUNG, Attorney for Licensee

MELAKE GEBRE, Licensee

INVESTIGATOR JASON PERU, ABRA

AMY SCHMIDT, OAG

INVESTIGATOR SHAWN TOWNSEND, ABRA

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

## PRELIMINARY MATTERS:

Request Continuance:	
David Chung, attorney. . . . .	5
Request 3/28/17 Transcript be Admitted into Evidence and Board Take Judicial Notice Regarding Union Liquors Board Order 2018-21:	
Amy Schmidt. . . . .	.35
Requesting Continuance to March 14, 2018:	
David Chung, attorney. . . . .	.37

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WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
Shawn				
Townsend	50	90	143	140
Jason Peru	147	149		

EXHIBITS	IDENTIFIED	RECEIVED
GOVERNMENT		
3 - Tripodo Plea Agreement	83	
4 - Promissory Note	84	

APPLICANT	IDENTIFIED	RECEIVED
1 - Stock Certificate	95	
2 - Curtis/Gebtri Lease Agmt.	103	
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5 - Gebtri Resolutions	117	117
6 - ABRA Atty/Agt Designation	119	119
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1 P-R-O-C-E-E-D-I-N-G-S

2 11:03 a.m.

3 CHAIRPERSON ANDERSON: All right. The  
4 next case on our calendar is Case No. 17-251-  
5 00029, Case No. 17-251-00029(a) and Case No. 17-  
6 251-00029(b), Uniontown Bar & Grill, License No.  
7 91887.

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

10 MS. SCHMIDT: Good morning. Amy  
11 Schmidt, Assistant Attorney General on behalf of  
12 the District of Columbia.

13 CHAIRPERSON ANDERSON: Good morning,  
14 Ms. Schmidt.

15 MR. CHUNG: Good morning. David  
16 Chung, counsel for Gebtri, Inc.

17 CHAIRPERSON ANDERSON: Good morning,  
18 Mr. Chung.

19 MR. CHUNG: Hello.

20 CHAIRPERSON ANDERSON: Are there any  
21 preliminary matters in this case?

22 MS. SCHMIDT: None from the Government

1 at this point.

2 CHAIRPERSON ANDERSON: Mr. Chung?

3 MR. CHUNG: There is for us, Chairman  
4 Anderson. On February 6th a letter was sent out  
5 from ABRA stating that this hearing today would  
6 be held on April 11, 2018.

7 My client is 68 years-old. He made  
8 plans. He got the letter, I believe, on the 9th  
9 before the weekend, made plans for a doctor's  
10 appointment. I have proof by text, but I could  
11 also forward it to the Board's counsel now by  
12 email that he is there under a pre-existing  
13 medical condition that requires immediate medical  
14 attention.

15 And then on February 7th another  
16 letter was sent out from this Agency saying that  
17 the February 6th letter was a mistake, but  
18 unfortunately my client was unaware of that  
19 letter until he had already made arrangements.

20 I'm here on behalf of the client today  
21 asking the Board -- I have an affidavit from him.  
22 It's not signed. He is at the doctor's office.

1 I talked to him. He says I'll sign it. I'm  
2 happy to show this affidavit to the Board to  
3 prove his sincerity.

4 And I'm asking this Board in the  
5 interest of justice and based upon his reliance  
6 on the mistaken letter sent by the Agency, that  
7 this hearing be continued and if at all possible  
8 to stick with the April 11th date.

9 I did take a look at the statute in  
10 this case, 25-447(c), it does say that not less  
11 than 30 days at Show Cause Hearings you will give  
12 an opportunity for the party being called in to  
13 properly prepare. And I think in this case that  
14 Gebtri needs that opportunity.

15 Also I have an email from myself to  
16 the client to show the sincerity that I was  
17 asking him last week, hey, am I still  
18 representing you on behalf of Gebtri, Inc. for  
19 the Show Cause Hearing? No reply to that email  
20 was sent. He is 68 years-old. He is not  
21 checking his emails every day, given his health  
22 condition.

1 I'm happy to show the Board the  
2 affidavit. My client has signed today, but I  
3 don't have a signed copy, but we will make an  
4 oral stipulation that it will be signed and  
5 provided to the Board today and notarized. And I  
6 also have copies of the February 6th and February  
7 7th letters as well.

8 CHAIRPERSON ANDERSON: Ms. Schmidt?

9 MS. SCHMIDT: The Government strongly  
10 objects to this continuance. First of all, the  
11 reading of 25-447, this is the second  
12 continuance. He knew since November that -- I  
13 think -- I don't have the date in front of me  
14 when the first continuance was granted. However,  
15 the Board has it in the records, that this would  
16 be the date.

17 And nevertheless, I communicated with  
18 Mr. Chung. I sent him an email on Thursday,  
19 February 8th. I think the next day he responded,  
20 I'm looking for the email right now on my phone,  
21 that he will talk about this -- about a proposed  
22 OIC to his client.

1           At that time, he never told that the  
2 client may have a doctor's appointment that day.  
3 He did not inform me. And the only communication  
4 he had with me since last week was yesterday at  
5 7:09. I checked my voice messages about 9:00  
6 last night and at 7:09 I saw that Mr. Chung had  
7 called.

8           He had an ample opportunity to call  
9 all day. Yes, he did and I know that he did try  
10 to contact Investigator Townsend and Investigator  
11 Townsend sent him an email back. I think it was  
12 on Monday saying that he would be willing to  
13 speak to him as long as I was available. And I  
14 did -- and he did say that I was available that  
15 afternoon and I left my telephone number with  
16 Investigator Townsend, because I was not in the  
17 office yesterday, so we could communicate.

18           So this is not -- this is a last  
19 minute grab to get a continuance. And also this  
20 is not -- also the alleged reasons for the  
21 original continuance was to enable a sale of the  
22 licensed -- I'm sorry, the establishment's



1 license and that is not the way things are done.

2 First, this matter has to be resolved  
3 before, I presume, the Board would even consider  
4 any sort of sale of this license. And we are  
5 ready and prepared to go forward today. My  
6 witnesses are here. And since this is the first  
7 I have heard about Mr. Gebre's doctor's  
8 appointment, we ask that this matter be allowed  
9 to proceed.

10 CHAIRPERSON ANDERSON: All right. I  
11 mean, I guess I'm looking at the schedule for  
12 this case and it said that this case was  
13 originally scheduled for -- all right. The  
14 notice of -- we had a Notice of Show Cause  
15 Hearing it was actually dated October 16th. We  
16 had a Show Cause Hearing on this case on October  
17 16, 2017. And that we -- the status matter took  
18 place on November 15, 2017 at 9:30. And that the  
19 Show Cause Hearing was originally scheduled for  
20 December 13, 2017 at 11:00, but it was  
21 rescheduled for today at 10:00 a.m. and that date  
22 was scheduled in December.

1           So at least I don't have anything in  
2 front of me that is talking about a hearing in  
3 April, so --

4           MR. CHUNG: I sent the Board a copy of  
5 the letter that we received.

6           CHAIRPERSON ANDERSON: But I guess  
7 what I'm -- but I guess the concern that I'm  
8 having, Mr. Chung, is that this matter was  
9 scheduled for -- so when is it that you or your  
10 client was aware that this hearing was scheduled  
11 for today at 10:00?

12          MR. CHUNG: I believe either Sunday or  
13 Monday of this week, Chairman Anderson. And  
14 again, I was saying that after notice of the  
15 original letter from ABRA saying that the Show  
16 Cause Hearing has been scheduled for April 11th,  
17 which I have right in front of me, he went ahead  
18 and made plans with -- where he is seeking  
19 treatment today.

20          Most important is that he was aware of  
21 today's hearing. I'm not disputing that. But he  
22 is saying that his need to seek medical attention

1       outweighed today's hearing only because, and you  
2       can verify this with the doctor's office, is that  
3       unless he went to the appointment today, he would  
4       not be able to reschedule for an alternate date  
5       within the next several weeks.

6                   CHAIRPERSON ANDERSON:   So when did you  
7       provide this information to the Government?

8                   MR. CHUNG:   I tried to call Ms.  
9       Schmidt last night and told her about the  
10      situation and the emergency situation my client  
11      was having.  She replied in an email, I didn't  
12      print it out, saying talk to me at the hearing.  
13      And that's why I'm here.

14                   CHAIRPERSON ANDERSON:   Well --

15                   MR. CHUNG:   Although I -- we -- I  
16      would love to prepare my case in chief for the  
17      hearing right now.

18                   CHAIRPERSON ANDERSON:   But, Mr. -- and  
19      I'm being in all sincerity, I believe that if  
20      counsel represented today that my client had an  
21      emergency this morning and my client is unable to  
22      be here today because he had an emergency this

1 morning, and I think any reasonable attorney or  
2 any reasonable body would say an emergency, he  
3 had a medical emergency this morning, he could  
4 not be here and you are saying that I'm here.  
5 However, I can't move forward without my client  
6 because I need -- he needs to be here because he  
7 is one of the witnesses.

8 But what you are stating to us today  
9 is that your client had a pre-existing  
10 appointment which clearly it was not made  
11 yesterday. I'm not hearing that it was made  
12 yesterday. So I don't -- if the Government was  
13 in favor for granting the motion, I would more so  
14 be in favor of granting it. But you are saying  
15 to me that he had a longstanding medical  
16 appointment that cannot be rescheduled.

17 MR. CHUNG: That's incorrect. I am  
18 saying that he made the appointment after  
19 receiving a letter from ABRA saying that the Show  
20 Cause Hearing would be held on April 11th.  
21 Afterwards when he learned about this hearing  
22 from me and if you look at these two notices, by

1 the way, they look very similar. I asked him if  
2 he saw the second notice and he said yeah, it was  
3 a duplicate of the first notice. He said he had  
4 tried to change the appointment and he could no  
5 longer change it.

6 Ms. Schmidt, I agree cooperation  
7 between the Government and counsel should be  
8 reciprocal and it should be great, but,  
9 unfortunately, Ms. Schmidt replied talk to me  
10 tomorrow.

11 MS. SCHMIDT: At 7:09 last night.

12 MR. CHUNG: I wanted to call her back.

13 MS. SCHMIDT: After business.

14 MR. CHUNG: I wanted to call her back  
15 last night, she would not allow me to call her  
16 back last night.

17 MS. SCHMIDT: I said -- I also said he  
18 could email me last night. It was 9:00 at night  
19 when I read the email. I was at home and I don't  
20 think I -- and if it was that important, all he  
21 had to do was write an email saying my doctor has  
22 an emergency -- I mean, my client has an

1 emergency medical situation. He could not -- so  
2 that's the way he -- that's the way it should  
3 have been handled not -- I did not know what this  
4 was about at all and to get a call at 10:00 after  
5 business hours, I don't think there is a duty for  
6 me to respond, at that point.

7 CHAIRPERSON ANDERSON: My concern is  
8 that, Mr. Chung, when is it that you were aware  
9 that this hearing was scheduled for today?

10 MR. CHUNG: I was sent an email  
11 immediately after the second letter was sent.

12 CHAIRPERSON ANDERSON: And what date  
13 was that, sir?

14 MR. CHUNG: Either I was -- I received  
15 an email either on the 7th or the following day  
16 the 8th.

17 CHAIRPERSON ANDERSON: Okay. So you  
18 received an email on the 7th, that's over a week  
19 ago.

20 MR. CHUNG: Yes, sir.

21 CHAIRPERSON ANDERSON: And to say that  
22 we were having this hearing today. And so you

1 are saying that you did not contact the -- that  
2 between the 7th and the 13th, that the 13th was  
3 actually -- am I correct, Ms. Schmidt, the 13th?  
4 What date were you contacted by counsel regarding  
5 your client's -- his client's unavailability for  
6 the hearing?

7 MS. SCHMIDT: Well, last night. I  
8 checked my -- last night at 7:09 I see there was  
9 a missed phone call to myself.

10 CHAIRPERSON ANDERSON: At 7? At what  
11 time?

12 MS. SCHMIDT: At 7:09 p.m. last night,  
13 which was the 13 -- which is the 12th of -- no,  
14 which is the 13th of February.

15 CHAIRPERSON ANDERSON: All right. So,  
16 Mr. Chung, you were aware on the 7th or the 8th  
17 that a hearing was scheduled for today. And --

18 MR. CHUNG: The 7th, I have the email  
19 here, yes.

20 CHAIRPERSON ANDERSON: The 7th. On  
21 the 7th, which is a week ago today --

22 MR. CHUNG: Correct.

1 CHAIRPERSON ANDERSON: -- that you  
2 were aware that a hearing was scheduled for the  
3 14th.

4 MR. CHUNG: Correct.

5 CHAIRPERSON ANDERSON: And you  
6 contacted counsel on the 13th, which was last  
7 night, to say that your client has a pre-existing  
8 medical appointment and so, therefore, he is  
9 unable to reschedule and so, therefore, he will  
10 not be able to attend the meeting -- I'm sorry,  
11 this hearing on the 14th.

12 MR. CHUNG: No, I wanted to discuss  
13 that with counsel to see whether that could be  
14 continued.

15 My --

16 MEMBER SILVERSTEIN: Please, speak up  
17 a little louder.

18 MR. CHUNG: I'm sorry?

19 CHAIRPERSON ANDERSON: Mr. Silverstein  
20 is having a problem hearing you, sir.

21 MEMBER SILVERSTEIN: Please, speak a  
22 little louder, sir.



1           MR. CHUNG: All right. I received the  
2 second notice from ABRA on February 7th at 4:26  
3 p.m. At 4:35 p.m., I had sent -- forwarded the  
4 email about the second notice to my client. My  
5 client did not check that email. I never got a  
6 response to it. Several phone calls last week,  
7 no calls back.

8           Last night I spoke to my client. I  
9 told him we should be here today and he said  
10 listen, my health is more important and I'm  
11 willing to sign an affidavit. I was up until  
12 2:00 a.m. drafting this affidavit that he is --  
13 he has signed and I can provide a copy of that  
14 signed copy to the Board or Board's counsel later  
15 today. So that was the reason for the delay in  
16 the call, Chairman Anderson. Not a stall tactic.

17           He would like to proceed with his  
18 defense in this case, but he also wants to do it  
19 under conditions that are not favorable to him,  
20 but fair to him. And again, in the interest of  
21 justice, I just ask that this be continued. The  
22 reliance on the mistake by the Board, not the

1 Board, by this office be taken into  
2 consideration.

3 CHAIRPERSON ANDERSON: Ms. Schmidt?

4 MS. SCHMIDT: The Government is ready  
5 to proceed today. However, it will, of course,  
6 defer to the decision of the Board. However, the  
7 Government is prepared -- the Government notes  
8 that it should have been notified earlier and we  
9 are ready to proceed today.

10 CHAIRPERSON ANDERSON: Any questions  
11 by any Board Members?

12 MEMBER ALBERTI: Yeah, I have.

13 CHAIRPERSON ANDERSON: Mr. Alberti?

14 MEMBER ALBERTI: Mr. Chung, I'm a  
15 little confused as to the time line. So you  
16 received a notice on February 7th at 4:51 p.m.  
17 that said, I don't know whether you read it, but  
18 it says that you will find a revised Board Order,  
19 correct?

20 MR. CHUNG: 4:26, yes, correct.

21 MEMBER ALBERTI: All right. The  
22 previous letter that was -- the initial letter

1 that was sent out by this Board, when did you see  
2 that?

3 MR. CHUNG: I got that after February  
4 6th. It was never emailed to me. I got it in  
5 the mail.

6 MEMBER ALBERTI: You got it in the  
7 mail.

8 MR. CHUNG: Yeah, probably three days  
9 later.

10 MEMBER ALBERTI: Three days later.  
11 All right. So you knew that there was conflict.  
12 Did you contact this office?

13 MR. CHUNG: No.

14 MEMBER ALBERTI: Did you contact your  
15 client?

16 MR. CHUNG: Yes.

17 MEMBER ALBERTI: When did you contact  
18 your client?

19 MR. CHUNG: The same day, February  
20 7th, when I received the revised letter.

21 MEMBER ALBERTI: And what did you tell  
22 your client on the 7th?

1 MR. CHUNG: I just sent him an email.

2 MEMBER ALBERTI: And did you inform  
3 him of the date of this hearing?

4 MR. CHUNG: Sure. I have a copy of it  
5 here. It says Mel, it looks like we go to -- we  
6 have to go next Wednesday. I had emailed you two  
7 weeks ago for a signature.

8 MEMBER ALBERTI: Okay.

9 MR. CHUNG: I have not heard from you.

10 MEMBER ALBERTI: Fine. So when you  
11 got the second letter, a day or so later, did you  
12 contact your client?

13 MR. CHUNG: Now the second letter came  
14 in after the weekend.

15 MEMBER ALBERTI: I understand. So the  
16 second letter was really the initial letter sent  
17 by this Agency, correct? The second letter you  
18 received. The second notice you received was  
19 initially -- was the initial correspondence from  
20 this Agency. Is that correct?

21 MR. CHUNG: Correct.

22 MEMBER ALBERTI: Did you contact your

1 client when you got that notice?

2 MR. CHUNG: The second letter?

3 MEMBER ALBERTI: Yes.

4 MR. CHUNG: Yes, February 7th, the  
5 same day I received it by email. The second  
6 letter I received by email.

7 MEMBER ALBERTI: Okay.

8 MR. CHUNG: The first letter I got --

9 MEMBER ALBERTI: Let's -- okay, okay.

10 MR. CHUNG: -- through the mail.

11 MEMBER ALBERTI: We have initial  
12 notice and a revised notice. The initial notice,  
13 when did you receive that?

14 MR. CHUNG: Maybe three days -- some  
15 time after February 6th, because it was never  
16 emailed to me.

17 MEMBER ALBERTI: All right. Do you  
18 remember when you received it?

19 MR. CHUNG: Probably three days, first  
20 class mail.

21 MEMBER ALBERTI: Okay. Did you notify  
22 your client? So you got that -- you got the

1 initial notice. You became aware of the initial  
2 notice after you -- after February 7th, correct?

3 MR. CHUNG: Correct.

4 MEMBER ALBERTI: When you learned  
5 that --

6 MR. CHUNG: Say that again?

7 MEMBER ALBERTI: After February 7th  
8 you learned of the initial notice?

9 MR. CHUNG: Some time after February  
10 7th.

11 MEMBER ALBERTI: Right. And on the  
12 7th, you were aware that a revised -- that you  
13 had received a revised notice?

14 MR. CHUNG: Yes.

15 MEMBER ALBERTI: Okay. When you  
16 received the initial notice, three days after the  
17 7th, did you contact your client?

18 MR. CHUNG: Yes. And he had a copy --

19 MEMBER ALBERTI: I have no further  
20 questions.

21 MR. CHUNG: He already got a copy of  
22 it himself. I think that's the question you

1 should be asking.

2 MEMBER ALBERTI: I have no further  
3 questions.

4 CHAIRPERSON ANDERSON: Any other  
5 questions by any of the Board Members?

6 MR. CHUNG: I would like for the Board  
7 to know that the February 6th letter was sent  
8 directly to the client as well, that's what he  
9 relied on.

10 CHAIRPERSON ANDERSON: Mr. Chung, you  
11 are the attorney. You received notice of the  
12 hearing when the hearing was scheduled for. And  
13 so you are not stating that you were not aware of  
14 that. My concern is that if you were notified on  
15 this -- on the 7th that the hearing was scheduled  
16 for today, and this hearing was scheduled for  
17 today, and one of the things that I have asked  
18 for in the new bill that we -- that I would hope  
19 that in the new proceedings that each party will,  
20 similar to a Protest Hearing, submit documents  
21 and witnesses seven days before a hearing.  
22 That's one of the things that I have asked to be

1 done.

2 So at least a week before the hearing,  
3 everyone has documents and witnesses, so everyone  
4 is prepared for hearing. I am concerned that  
5 this matter was scheduled for at least through  
6 December, since December of 2017, this matter was  
7 scheduled for the hearing on February 14th.

8 And even if your client was given  
9 information on the 6th, to say that this hearing  
10 was in April, which I don't have any information  
11 here, I really don't know why the client would  
12 have made a doctor's appointment for February  
13 14th when this client was aware since December,  
14 that a hearing was scheduled for February 14th.

15 So I'm not sure how the client could  
16 have relied on a letter on April 6th to state  
17 this is why they are not here today. So I do not  
18 find that argument persuasive. And the  
19 Government -- it's the Government's position that  
20 they are ready to move forward.

21 So I am making a motion to the Board  
22 that we deny the request. Is there a second?



1 MEMBER SHORT: Second.

2 CHAIRPERSON ANDERSON: Mr. Short has  
3 seconded the motion.

4 All those in favor say aye.

5 ALL: Aye.

6 CHAIRPERSON ANDERSON: Those opposed?  
7 The matter passes 6-0-0.

8 And so therefore, we are moving  
9 forward with the hearing today, sir. You can --  
10 the Government will present its case. You can  
11 decide to either participate or if you believe  
12 that the Board made a wrong decision, then you  
13 can appeal this matter.

14 So that's what we are going to do  
15 today. So are the parties ready to move forward?

16 MR. CHUNG: I came here on behalf of  
17 the client to continue the case. Again, the  
18 letter was relied on February 6th into the  
19 weekend, that is the reason why he made the  
20 decision to go ahead and book a medical  
21 appointment.

22 I need a quick break, because I don't

1 necessarily know if the client proceeding on this  
2 matter would waive his rights to an appeal, so I  
3 need to talk to the client.

4 CHAIRPERSON ANDERSON: How much time  
5 do you need, sir?

6 MR. CHUNG: Maybe 10 minutes.

7 CHAIRPERSON ANDERSON: 10 minutes. 10  
8 minutes. The -- we will be in recess for 10  
9 minutes, but prior to going on recess for 10  
10 minutes, I just want to state one more time this  
11 matter was scheduled for the hearing for today.  
12 This matter was scheduled since December.  
13 December 13th it was established that this  
14 hearing was scheduled for today.

15 I find it unpersuasive that a client  
16 would receive a letter on -- from this Agency on  
17 February the 6th and it's a difference that the  
18 client has stated that I was confused and so  
19 therefore, but it's just --

20 MR. CHUNG: It was sent out on the 6th  
21 received on the 9th going into the weekend, then  
22 he made his doctor's appointment. Then he got

1 the second letter on the -- on that -- after the  
2 weekend.

3 CHAIRPERSON ANDERSON: But this is how  
4 it is, Mr. Kline and -- I'm sorry, not Mr. Kline,  
5 Mr. Chung. Mr. Chung, forgive me, but this is  
6 what I'm stating.

7 I find the argument unpersuasive that  
8 if you had stated that your client had a medical  
9 emergency and he couldn't be here today, you  
10 would -- as an attorney, I am fine with that. So  
11 I would convince my Board to grant the  
12 continuance, because that is important.

13 But your client knew that this hearing  
14 was scheduled for today. If your client got a  
15 notice from this Agency on February 6th and  
16 whatever day which February 6th was last --

17 MR. CHUNG: The 9th.

18 CHAIRPERSON ANDERSON: No, then the  
19 notice was -- but I'm setting up a time line.  
20 The notice was scheduled for -- the notice was  
21 dated February 6th.

22 MR. CHUNG: Um-hum.

1                   CHAIRPERSON ANDERSON:  If your client  
2 got it February 9th, and I'm looking at the  
3 calendar, so I'm just saying this for the record,  
4 because I want the record to be clear, so this  
5 hearing has been scheduled since December for  
6 February 14th.  A letter was issued on February  
7 6th changing the date.  Your client got it  
8 February 9th.  And so you are telling me between  
9 either February 9th that he was able to schedule  
10 an appointment with his doctor for today, which  
11 is three business days.

12                   I'm not being told it's a medical  
13 emergency that -- so I find it unpersuasive.

14                   MR. CHUNG:  It is a medical -- that's  
15 why I wanted to present the affidavit to the --

16                   CHAIRPERSON ANDERSON:  You're missing  
17 the point.  You are missing the point I'm saying,  
18 sir.  I find it unpersuasive that between Friday  
19 and Monday, that your client could schedule an  
20 appointment which is not -- an appointment for  
21 today.  That's all I'm saying.

22                   And irrespective of what it is, that

1 this -- so are you saying to me that he scheduled  
2 -- as he got the notice on Friday and he called  
3 his doctor on Friday to say can I come in, I have  
4 a medical emergency? And on Friday he scheduled  
5 the appointment for today, because he had to see  
6 -- because that's basically two business days.

7 And I know that --

8 MR. CHUNG: That's correct. And we  
9 have an affidavit to the fact. And one of the  
10 things I do want to point out to the Board is I'm  
11 here for the continuance matter and then had the  
12 -- if the continuance is granted, I was going to  
13 ask for an oral motion to withdraw from this  
14 case, but I'm here as my ethical duty for the  
15 client.

16 I'm not just going to walk out on the  
17 client. We are talking about moving forward with  
18 a revocation today for a gentleman who has a  
19 business. If the Board should say, you know  
20 what, we are not happy with what is going on  
21 right now, but let's go ahead and schedule this  
22 for the following Wednesday, at least allow my

1 client to present a case.

2 He relied on a letter that was sent by  
3 this Agency and it specifically says the Show  
4 Cause Hearing is set for April 11, 2018. Let's--  
5 please, don't get into the semantics of it. The  
6 substance and underlying foundation is that he  
7 does have a medical emergency.

8 I am not 68 years-old. He is 68  
9 years-old. I wish the Board would take that into  
10 consideration and rethink this before asking me  
11 to put forward a case without witnesses. I can't  
12 even lay the foundation for the documents that  
13 speak for themselves.

14 CHAIRPERSON ANDERSON: Well, all I'm  
15 saying, Mr. Chung, I am not -- all I'm saying is  
16 that the Government is unconvinced because the  
17 Government does not support it. The Government  
18 has represented to the Board today that the  
19 Government is moving forward and the Board is not  
20 -- we already voted and so just for the record --

21 MR. CHUNG: Would the Board  
22 reconsider?

1                   CHAIRPERSON ANDERSON: The Board is  
2 not -- the Board -- I'm not going to ask for  
3 another vote. We have already voted.

4                   MEMBER ALBERTI: May I make a comment?

5                   CHAIRPERSON ANDERSON: I'm going to  
6 give you a 10 minute break. Mr. Alberti can make  
7 a comment that he needs and then we are in  
8 recess.

9                   MEMBER ALBERTI: One of the things I  
10 think is not being fully acknowledged here, Mr.  
11 Chung, is that on the 7th you were aware, the 7th  
12 or early on the 8th, that there was a revised  
13 order out there.

14                  MR. CHUNG: Correct.

15                  MEMBER ALBERTI: And when you received  
16 the second confusing order, you did not contact  
17 your client.

18                  MR. CHUNG: I did.

19                  MEMBER ALBERTI: You told me -- you  
20 just told me that after you got the second  
21 notice, you didn't contact your client.

22                  MR. CHUNG: I never said that. I said

1 I emailed him. I have the email right here, Mr.  
2 Alberti.

3 MEMBER ALBERTI: When did you -- okay.  
4 So you got the second -- you got the initial  
5 notice, the confusing one on the 7th, on the 8th  
6 or the 9th or probably the 9th, right you said?

7 MR. CHUNG: I got it in the mail. I'm  
8 not sure which --

9 MEMBER ALBERTI: You got it in the  
10 mail. All right.

11 MR. CHUNG: After the 6th.

12 MEMBER ALBERTI: Did you contact your  
13 client after that?

14 MR. CHUNG: No, because I told --

15 MEMBER ALBERTI: Okay.

16 MR. CHUNG: -- him we were moving  
17 forward on Wednesday.

18 MEMBER ALBERTI: All right. So don't  
19 contradict me then. You -- after you received  
20 the confusing letter, which was the initial  
21 notice, the incorrect notice sent to you, all  
22 right? You did not call your client to clear



1 this up. You were aware on the 7th or early on  
2 the 8th that there was a revised memo and that  
3 there could be some confusion. All right?

4 You didn't contact your -- after  
5 getting that confusing second one, you, as an  
6 attorney, did not contact your client to ensure  
7 that they understood the correct date of the  
8 hearing. Am I correct?

9 MR. CHUNG: Mr. Alberti, on the 7th I  
10 contacted -- I'm going to say this one more time,  
11 because I think you are trying to find something  
12 that has never been said.

13 MEMBER ALBERTI: No. I understand  
14 what you did on the 7th. I'm asking what --

15 MR. CHUNG: On the 7th I sent him the  
16 second letter --

17 MEMBER ALBERTI: -- you did --

18 MR. CHUNG: -- saying the first letter  
19 is incorrect. We are going to hearing next  
20 Wednesday.

21 MEMBER ALBERTI: Oh, you did that on  
22 the 7th?

1 MR. CHUNG: Yes, it's in an email  
2 here. Would you like to see it?

3 MEMBER ALBERTI: Did you follow-up on  
4 it? Oh, you did.

5 MR. CHUNG: Yeah.

6 MEMBER ALBERTI: Okay. So your client  
7 was fully-aware that the second letter would be--

8 MR. CHUNG: No, because he didn't  
9 check his email. That's my whole point.

10 CHAIRPERSON ANDERSON: All right. All  
11 right. All right. Hold on. We will be in  
12 recess. You have asked for a 10 minute break.  
13 We will be in recess for 10 minutes and then you  
14 can let us know, sir, what is it you want to do.  
15 Okay. So we are in recess for 10 minutes.

16 (Whereupon, the above-entitled matter  
17 went off the record at 11:31 a.m. and resumed at  
18 11:44 a.m.)

19 CHAIRPERSON ANDERSON: All right. We  
20 are back on the record. Where are we?

21 MS. SCHMIDT: The Government has a  
22 preliminary matter. If we are going forward with

1 the hearing, the Government has a preliminary  
2 matter concerning the hearing itself.

3 CHAIRPERSON ANDERSON: What is the  
4 preliminary matter?

5 MS. SCHMIDT: The Government would  
6 like to -- okay. We would like to move the  
7 entire transcript of the Summary Suspension  
8 Hearing from March 28, 2017 into evidence for  
9 Charge 1. In other words, we are not going to  
10 try Charge 1 right now. We would like to get the  
11 transcript from that hearing in there. Those  
12 charges were very well -- were discussed very  
13 well.

14 And also, we would like the Court to  
15 take judicial notice of the Board Order of --  
16 Board Order against Union Liquors concerning Mr.  
17 Tripodo of 17 -- of Board Order 2018-21, which  
18 was issued on January 24, 2018.

19 CHAIRPERSON ANDERSON: So what does  
20 all of this mean?

21 MS. SCHMIDT: It means -- it's just  
22 preliminary as far as conducting the case, that's

1 all.

2 CHAIRPERSON ANDERSON: Mr. Chung?

3 MS. SCHMIDT: In other words, the --

4 CHAIRPERSON ANDERSON: I'm sorry.

5 MS. SCHMIDT: In other words, when the  
6 Board -- when the Government presents its case,  
7 it is going to move to entire trans -- it's just  
8 giving the Board notice that it is going to move  
9 the entire transcript of that hearing into the  
10 record.

11 CHAIRPERSON ANDERSON: And so what  
12 hearing again, please?

13 MS. SCHMIDT: The Summary Suspension  
14 Hearing that was held on this matter on March 28,  
15 2017.

16 CHAIRPERSON ANDERSON: Okay. And  
17 what's the other one?

18 MS. SCHMIDT: And just take judicial  
19 notice -- well, we can do that at the end, too,  
20 but the first one is more preliminary.

21 CHAIRPERSON ANDERSON: Okay. Mr.  
22 Chung?

1           MR. CHUNG: Just a preliminary matter.  
2 I have asked my client to see if he is able to  
3 come down here, so he is on the way. I'm going  
4 to -- I don't know if the Board wants to move  
5 forward with doing this immediately or giving it  
6 a recess or I just want to figure out the roadmap  
7 here before we get started.

8           CHAIRPERSON ANDERSON: Um --

9           MR. CHUNG: I have asked Ms. Schmidt,  
10 this was just delivered to me, this verifies his  
11 appointment this morning. I don't know if he is  
12 out of it yet. I'm still trying to reach him.  
13 We have discussed possibly just moving it to the  
14 first date possible and the miscommunication, I  
15 have dealt with prosecutors in the past.

16           Some prosecutors don't want to talk  
17 about the case if they want to move forward. I  
18 thought that was her stance. She is telling me  
19 now that she would have been open to talking, but  
20 she meant email me, not call me.

21           Usually that for me means, don't -- I  
22 don't want to talk. So I don't know. She says

1 she is available on the 14th of March, if that is  
2 possible if we can move the date to then, that  
3 would be great.

4 Before I get into the collateral  
5 estoppel issues, that's what I would like for  
6 this Board and perhaps Ms. Schmidt to discuss.  
7 We were discussing it outside.

8 CHAIRPERSON ANDERSON: Did the parties  
9 jointly -- are the parties jointly asking for a  
10 continuance or are you asking for a continuance  
11 and the Government still opposes it?

12 MS. SCHMIDT: That's -- I have just  
13 stated that if there is a continuance granted,  
14 that would be the first date that I was  
15 available. I am not consenting to it. It was  
16 for informational purposes only.

17 CHAIRPERSON ANDERSON: Right. But--

18 MS. SCHMIDT: I was asked if we could  
19 schedule to next week, I said I'll be out of town  
20 until -- the next three Wednesdays.

21 MR. CHUNG: Okay.

22 CHAIRPERSON ANDERSON: I am not

1 inclined to -- we have already voted that we are  
2 going to -- we are not going to grant the  
3 continuance. If the Government -- if the  
4 Government, if the parties jointly request a  
5 continuance, I'll entertain it. But if that's  
6 not it, if we have already -- we have already  
7 ruled.

8 The Board has already made a ruling  
9 and we are going to move forward. So let's move  
10 forward with --

11 MS. SCHMIDT: We can discuss, but not  
12 today.

13 CHAIRPERSON ANDERSON: Do the parties  
14 need another five minutes to discuss terms? I'll  
15 take --

16 MR. CHUNG: No, I don't think so.

17 MS. SCHMIDT: I don't think so. The  
18 Government's position is that we are ready to go  
19 today. However, I am not -- however, the  
20 Government was ready at 10:00 this morning and  
21 the Government cannot stay -- does not want to  
22 continue this until 3:00 this afternoon to wait

1 for Mr. Gebre to get here.

2 CHAIRPERSON ANDERSON: That's not what  
3 -- I'm moving forward with the hearing. I  
4 thought maybe I'm hearing that maybe the -- maybe  
5 Mr. Chung wanted to discuss terms with an Offer  
6 in Compromise. I thought that's what I was  
7 hearing.

8 MS. SCHMIDT: Oh, so if that's the  
9 case --

10 CHAIRPERSON ANDERSON: And that's why  
11 I was asking the question.

12 MS. SCHMIDT: Oh. Is that --

13 MR. CHUNG: I would like an  
14 opportunity again to call my client. I told him  
15 about 30 minutes ago that he should here, so I  
16 want to see where he is at or if he is coming at  
17 all. That would be --

18 CHAIRPERSON ANDERSON: But is that --  
19 but let me ask you, because we can start the  
20 case, because he doesn't necessarily need to be  
21 here for it. I mean, that's why, Mr. Chung, I  
22 gave you guys 10 minutes. I went back there. We



1 did some business. I looked on the camera and I  
2 saw that you guys were here at the table, so I  
3 came back out.

4 So the bottom line is that we took a  
5 10 minute recess for you guys to do whatever you  
6 wanted to do. If you were not ready, then the  
7 parties should not be sitting at the table,  
8 because that tells me that you are ready to move  
9 forward.

10 MS. SCHMIDT: Well, I was just waiting  
11 to talk to Mr. Moosally. I apologize.

12 CHAIRPERSON ANDERSON: No, I'm not --  
13 I'm saying you were here, Mr. Chung was here.

14 MR. CHUNG: I thought we came to an  
15 agreement, that's why I was sitting here. I  
16 thought she was just telling me March 14th. I  
17 didn't want to discuss settlement negotiations,  
18 that's why I came and sat back down. She said  
19 let me just confirm with my client.

20 MS. SCHMIDT: Let me confer. Not  
21 confirm, confer.

22 MR. CHUNG: Now, I'm hearing all of a

1 sudden, I don't want to do the continuance. So  
2 yes, that's why I sat down.

3 CHAIRPERSON ANDERSON: I'm going to --  
4 a continuance was requested. It was denied by  
5 the Board. Before -- I'm asking one more time,  
6 have the parties -- are the parties jointly  
7 asking the Board to continue this matter? Ms.  
8 Schmidt?

9 MS. SCHMIDT: No.

10 CHAIRPERSON ANDERSON: Fine. We are  
11 moving forward. Is the Government ready to call  
12 its first witness?

13 MS. SCHMIDT: Yes.

14 CHAIRPERSON ANDERSON: All right. I'm  
15 sorry, does the Government wish to make an  
16 opening statement?

17 MS. SCHMIDT: Oh, yes. Today the  
18 Government is going to show that based on the  
19 events of March 18, 2017, that the licensee,  
20 Gebtri, Inc., failed to comply with the  
21 provisions of its security plan, which in turn  
22 led to a violent incident in the establishment.

1           And this was -- and the Board had  
2           found -- and on March 20, 2017, the Board found--  
3           the Board already found that the following  
4           violations occurred for failure to follow the  
5           security plan. Failure to escort a violent  
6           aggressor to the MPD Reimbursable Detail. They  
7           failed to consistently use metal detector wands  
8           and they did not comply with the uniform  
9           requirement of their security plan.

10           Also, the Government -- Charge 2 of  
11           this, in Charge 2, the Government will show that  
12           an agent of the establishment, Mr. Tripodo,  
13           attempted to bribe Investigator Townsend. And  
14           you will hear from -- an audio tape taken by  
15           Investigator Shawn Townsend which you will hear  
16           the actual conversation that took forth in which  
17           Mr. Tripodo offered to pay \$3,000 for a clean  
18           report.

19           And this -- and Mr. Tripodo pled  
20           guilty on June 20, 2017 in the District of  
21           Columbia and he also, just two weeks ago, entered  
22           into an OIC where he agreed to pay a fine because

1 of these charges.

2 And then this actually interfered with  
3 the investigation of this matter, because he was  
4 trying to influence the Investigator.

5 And also, the Government lastly will  
6 show that Mr. -- the holder of the license, Mr.  
7 Gebtri, did not meet the criteria for an owner,  
8 because he is not the true owner of the  
9 establishment. And this will also be shown  
10 through Mr. Tripodo's statements to Investigator  
11 Townsend, his statements he made at his plea  
12 hearing and also the fact that he agreed to the  
13 OIC on January 28, 2017.

14 CHAIRPERSON ANDERSON: All right. Mr.  
15 Chung, do you wish to make an opening statement  
16 or do you defer until your client shows up, until  
17 you present your case?

18 MR. CHUNG: The evidence will show to  
19 this esteemed Board that Mr. Tripodo was never an  
20 owner of Uniontown. Mr. Tripodo with regard to--  
21 the Government will show some evidence with  
22 regard to his bribery charges. He was never

1 authorized to make those statements on behalf of  
2 the true owner, my client, Gebtri, Inc., which is  
3 owned by Melake Gebre.

4 So the Government will not show one  
5 statement that authorized Mr. Tripodo to make  
6 those statements on behalf of Gebtri, Inc.

7 The documents that I will present to  
8 this Board are business documents already on file  
9 with the Agency and they speak for themselves.

10 CHAIRPERSON ANDERSON: I'm just -- let  
11 me just get some clarification. As per ABRA's  
12 record, who owns this license? Who is the owner  
13 as per ABRA's record?

14 MS. SCHMIDT: Mr. Gebtri is the owner,  
15 according to the license.

16 CHAIRPERSON ANDERSON: So Mr. Gebtri  
17 is the owner of the license. And, Mr. Chung,  
18 that's why I'm confused. Who is this business --  
19 what's this business entity you are talking  
20 about?

21 MR. CHUNG: The business entity is  
22 Gebtri, Inc. The client, the owner is Melake

1 Gebre. Not Mr. Gebtri. Gebre.

2 CHAIRPERSON ANDERSON: I just want to  
3 make sure that we are on the same page that -- so  
4 are you -- based on your representation, who --  
5 what is the name -- what name does ABRA have as  
6 the owner of the establishment?

7 MR. CHUNG: Gebtri, Inc. is Melake  
8 Gebre, G-E-B-R-E.

9 CHAIRPERSON ANDERSON: So he owns it,  
10 not the Gebtri, Inc.?

11 MR. CHUNG: He owns -- he is the owner  
12 of Gebtri, Inc. The only shareholder of Gebtri,  
13 Inc. Gebtri, Inc. is the licensee.

14 CHAIRPERSON ANDERSON: Is that  
15 correct, Ms. Schmidt?

16 MS. SCHMIDT: Yes, he is the sole  
17 owner of -- he -- of Gebtri, Inc.

18 CHAIRPERSON ANDERSON: Okay. I just  
19 want to make sure that we are speaking the same  
20 language. It's not -- so the license is in the  
21 name of the corporation, the Inc. or --

22 MR. CHUNG: Right.

1                   CHAIRPERSON ANDERSON:  -- all right.  
2                   Okay.  All right.  Go ahead, Ms. Schmidt.  Do you  
3                   wish to call your first witness?

4                   MS. SCHMIDT:  Again, the Government is  
5                   -- with regard to Charge 1, the Government is  
6                   going to submit the transcript of the Summary  
7                   Suspension Hearing on March 28, 2017.  It is also  
8                   going to submit the order of the Board, which was  
9                   dated March --

10                  CHAIRPERSON ANDERSON:  And so for --

11                  MS. SCHMIDT:  -- March -- it's Order  
12                  No., I'm sorry, that's for Charge 1.  That's the  
13                  evidence we are going to submit for Charge 1,  
14                  because it's Board Order 2017-182 and was the  
15                  order prior to the suspension of the respondent's  
16                  license temporarily suspending respondent's  
17                  entertainment endorsement and closing conditions.  
18                  And that was dated, I believe, March 31, 2017.

19                  CHAIRPERSON ANDERSON:  And what did  
20                  the Board Order state?

21                  MS. SCHMIDT:  The Board Order stated  
22                  that specifically it found, I'm sorry, I need to

1 go back again. One second.

2 CHAIRPERSON ANDERSON: Who was  
3 counsel? Was that --

4 MS. SCHMIDT: Mr. Chung.

5 CHAIRPERSON ANDERSON: All right.

6 MR. CHUNG: It was a 72-hour closure.  
7 I don't know if you recall. We were here pretty  
8 late that night.

9 MS. SCHMIDT: Yes.

10 MR. CHUNG: And then subsequently the  
11 Board ruled that the licensee could reopen under  
12 certain stipulations with regard to its security  
13 plan and certification for the security plan.

14 CHAIRPERSON ANDERSON: And that's  
15 Board -- I just want to make sure that -- the  
16 reason I'm asking the question is to make sure  
17 that it is -- you are the one who represented --  
18 the attorney of record on that case, also.

19 MS. SCHMIDT: Yes.

20 CHAIRPERSON ANDERSON: So you are  
21 submitting Board Order 2017-0182, that's the  
22 number for --



1 MS. SCHMIDT: And on page 9, for  
2 example, conclusions of law it says "Uniontown  
3 committed multiple violations of Board Order,  
4 security plan governing the operations of the  
5 establishment."

6 CHAIRPERSON ANDERSON: All right.

7 MS. SCHMIDT: And I'm submitting it  
8 for that charge, which is Charge 1.

9 CHAIRPERSON ANDERSON: Okay.

10 MS. SCHMIDT: So we are going to go --  
11 proceed right to Charge 2, 3 and 4.

12 CHAIRPERSON ANDERSON: All right.

13 MS. SCHMIDT: The Government calls  
14 Investigator Shawn Townsend.

15 CHAIRPERSON ANDERSON: Mr. Townsend?

16 Whereupon,

17 INVESTIGATOR SHAWN TOWNSEND

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

22 INVESTIGATOR TOWNSEND: Yes.

1 CHAIRPERSON ANDERSON: Thank you.  
2 Your witness, ma'am.

3 DIRECT EXAMINATION

4 BY MS. SCHMIDT:

5 Q Investigator Townsend, what is your --  
6 for the record, what is your name and who is your  
7 employer?

8 A Shawn Townsend, Investigator with the  
9 Alcoholic Beverage Regulation Administration.

10 Q And how long have you been with ABRA?

11 A Four years.

12 Q And on March 29 -- I'm sorry, March  
13 19, 2017, were you at Cedar Hill/Uniontown?

14 A Yes.

15 Q And where is that establishment  
16 located?

17 A 2200 Martin Luther King, Jr. Avenue,  
18 S.E.

19 Q And what were the -- and just briefly,  
20 you don't have to go -- just why were you there?

21 A I was investigating an incident that  
22 had occurred at the establishment the night prior

1 to my visit on Sunday. It was a stabbing inside  
2 the establishment.

3 Q And who from the establishment did you  
4 speak to?

5 A Mr. Gebre and the ABC Manager, Mr.  
6 Gabriele Tripodo.

7 Q And what did Mr. Gebre tell you about  
8 the incident?

9 A He explained to me what had happened.  
10 We went through video footage of the alleged  
11 incident. So yeah, that's pretty much the gist  
12 of our conversation.

13 Q Was Mr. Tripodo there at the time?

14 A Yes, he was.

15 Q And what did Mr. Tripodo say to you?  
16 And what -- how did -- who was Mr. Tripodo?

17 A He is the ABC -- one of the ABC  
18 Managers at the establishment.

19 Q Okay. And now, did you record any  
20 conversations with Mr. Tripodo?

21 A I did.

22 Q And what were the circumstances? Why

1 did you start recording it?

2 A My initial visit on Sunday, March 19,  
3 2017, was to review camera footage, request, I  
4 guess, specific footage relevant to the incident.  
5 During that time, Mr. Tripodo and Mr. Gebre, the  
6 licensee, was present. At some point during the  
7 conversation, as we were reviewing camera  
8 footage, Mr. Tripodo asked, and I'm paraphrasing,  
9 he asked for me to help him out or to look out  
10 for them and I ignored it and we continued to  
11 review footage.

12 I requested specific times and they  
13 both agreed that they would have the video  
14 footage ready within a matter of hours. So --

15 Q Do you know what he meant by "look out  
16 for them?"

17 A At the moment, at that time, I did not  
18 know specifically what that meant. I had  
19 assumptions, but I didn't exactly know what that  
20 meant, at the time.

21 So I ignored it. I left the  
22 establishment. And I believe I contacted Mr.

1 Gebre for -- I had a question regarding the case  
2 and he didn't answer. So I then contacted Mr.  
3 Tripodo and he mentioned that the video footage  
4 was ready. And I asked if I could meet him  
5 somewhere in between ABRA and Uniontown? And I  
6 told him that I would come back to Uniontown to  
7 pick up the footage and I did.

8 Q Okay. And so was it unusual for an  
9 ABC Manager to call you to review footage?

10 A No.

11 Q Okay. Now, so why did you start  
12 recording him?

13 A So when I returned to the  
14 establishment, I was met by Mr. Tripodo. Mr.  
15 Gebre was not present. I didn't see him. And we  
16 returned to the office where the camera screens  
17 were and he began -- Mr. Tripodo began talking  
18 about the case. And I think he was asking for me  
19 to look out for them in terms of the case, in  
20 terms of my report.

21 At this point, my phone rings. I  
22 ignored the call and I went to my voice memo app

1 on my iPhone and I hit record, because, at that  
2 moment, I felt like Mr. Tripodo was asking me to  
3 do something that I couldn't do.

4 Q Okay. At this --

5 MS. SCHMIDT: Mr. Chairman, may I,  
6 please, ask if Mr. Townsend could sit here, so he  
7 can play the tape?

8 CHAIRPERSON ANDERSON: Sure. That's  
9 not a problem.

10 MS. SCHMIDT: There is a microphone  
11 here.

12 (Tape Recording Played)

13 MR. TRIPODO: Do I have to pay the  
14 lawyer? I don't want no big bill. You know,  
15 just let's go to the cameras for a minute and  
16 I'll take care of it. I have to be clear with  
17 you.

18 (Tape Recording Paused)

19 BY MS. SCHMIDT:

20 Q For the record, whose voice am I  
21 hearing there?

22 A It's Mr. Tripodo, the ABC Manager.

1 Q And those phones in the background,  
2 what are they?

3 A Those -- that's the phone ringing for  
4 the establishment.

5 Q Okay.

6 MS. SCHMIDT: Continue, please.

7 (Tape Recording Played)

8 MR. TRIPODO: Do I have to get a  
9 lawyer? I don't want no big bill. I'm looking  
10 for the --

11 INVESTIGATOR TOWNSEND: It's not  
12 really that. It's not up to me. It's up to the  
13 Board. I can't --

14 MR. TRIPODO: I know, but if you can  
15 just make it look better, you know what I mean?  
16 Just make it that, because the Board is really  
17 going for results.

18 INVESTIGATOR TOWNSEND: Right. But  
19 what I write and what they see on the video --

20 MR. TRIPODO: I don't know what they  
21 see the video, but no one has to see the video.  
22 You are the only one who see the video.

1           INVESTIGATOR TOWNSEND: No, no, no.  
2 They want to see the video.

3           MR. TRIPODO: Yeah, but they don't  
4 know who the security there. They don't go in  
5 detail like you do.

6           INVESTIGATOR TOWNSEND: So --

7           MR. TRIPODO: I'll make it part of the  
8 record. It is worth it.

9           INVESTIGATOR TOWNSEND: -- what is--

10          MR. TRIPODO: \$3,000.

11          INVESTIGATOR TOWNSEND: \$3,000?

12          MR. TRIPODO: Yes, sir.

13          INVESTIGATOR TOWNSEND: (Laughing).

14          MR. TRIPODO: How much you want?

15          INVESTIGATOR TOWNSEND: I can't take  
16 a bribe. I can't take it.

17          MR. TRIPODO: I mean --

18          INVESTIGATOR TOWNSEND: \$3,000 for  
19 what? Like what do you want?

20          MR. TRIPODO: Just, you know, let me  
21 off on this small kind of adjustment.

22          INVESTIGATOR TOWNSEND: Yeah, it's



1 going to be up to the Board. I can't --

2 MR. TRIPODO: You know, for example,  
3 I already talked to the police officers, right?

4 INVESTIGATOR TOWNSEND: Um-hum.

5 MR. TRIPODO: What they need from me,  
6 basically, they will need I suppose, but they are  
7 trying to -- they are advising me to avoid  
8 certain band, like go-go band.

9 INVESTIGATOR TOWNSEND: Um-hum.

10 MR. TRIPODO: Avoid them playing. But  
11 when I talk to them, they said you keep telling  
12 me, but you have to put it on writing and let's  
13 do it. So I'm trying to avoid the band totally  
14 and avoid go-go music total and have a DJ.  
15 Because for me, it's not worth it. I see the  
16 money is going and the money I making doesn't  
17 balance.

18 INVESTIGATOR TOWNSEND: Um-hum.

19 MR. TRIPODO: So the neighborhood is  
20 changing. You know, basically, we have a good  
21 business, we serve people. So see the deal we  
22 made with the band rule is to give one a week

1 notice or we leave one week notice. So we  
2 already give them the notice last Friday was the  
3 last day.

4 INVESTIGATOR TOWNSEND: But I thought  
5 the Friday before was supposed to be your last  
6 day?

7 MR. TRIPODO: No, no. Because we are  
8 -- we had to give it one weeks notice.

9 INVESTIGATOR TOWNSEND: One weeks  
10 notice.

11 MR. TRIPODO: Because that's the deal  
12 we made.

13 INVESTIGATOR TOWNSEND: Okay.

14 MR. TRIPODO: See, when people quit  
15 here, they give us notice.

16 INVESTIGATOR TOWNSEND: Right.

17 MR. TRIPODO: So that was the last  
18 day. So you know, we think if it was a setup for  
19 them or what else, we don't know.

20 INVESTIGATOR TOWNSEND: Right, right,  
21 right. Yeah, man, I can't take your money, man.  
22 It's -- you know, one is, you know --

1 MR. TRIPODO: It's a trusting problem.  
2 You probably don't trust me.

3 INVESTIGATOR TOWNSEND: I mean, you  
4 know, I just -- that's just not me, you know.  
5 Like if it was a situation where I could help  
6 you, I would, you know, do everything I could to  
7 help you. But in this situation, it's really --

8 MR. TRIPODO: It's a very tough one.

9 INVESTIGATOR TOWNSEND: Yeah.

10 MR. TRIPODO: What do you think I  
11 should expect from them?

12 INVESTIGATOR TOWNSEND: Honestly, man,  
13 I am not sure. I'm not sure.

14 MR. TRIPODO: Um-hum.

15 INVESTIGATOR TOWNSEND: It's totally  
16 up to them.

17 MR. TRIPODO: Yes, just left to your  
18 experience.

19 INVESTIGATOR TOWNSEND: I mean, it can  
20 go either way. I mean, it can be a fine. It  
21 could be suspension.

22 MR. TRIPODO: Suspension for what,

1 alcohol consumption?

2 INVESTIGATOR TOWNSEND: For days,  
3 yeah, for like --

4 MR. TRIPODO: What else? The worst  
5 happen?

6 INVESTIGATOR TOWNSEND: The worst?  
7 They take the license.

8 MR. TRIPODO: Is this what happen?  
9 That's -- when that happen?

10 INVESTIGATOR TOWNSEND: When does that  
11 happen?

12 MR. TRIPODO: Yeah. I mean, when have  
13 you seen it? I like to be a friend to you. I  
14 mean, I don't want you, you know, just once you  
15 finish the story, I like to sit with you and  
16 offer whatever.

17 INVESTIGATOR TOWNSEND: Yeah, I  
18 haven't --

19 MR. TRIPODO: You know, don't think I  
20 am simply not, because I wouldn't do that.

21 INVESTIGATOR TOWNSEND: Right.

22 MR. TRIPODO: Sort of (Inaudible).

1                   INVESTIGATOR TOWNSEND: No, no, no.  
2                   I mean, I -- it can go either way, man. It just  
3                   all depends on how the Board, you know, look at  
4                   the incident and go from there.

5                   MR. TRIPODO: See, it depends on how  
6                   you, you know, it's like how you are going to  
7                   present it, basically.

8                   INVESTIGATOR TOWNSEND: I'm just --

9                   MR. TRIPODO: I know. Whatever they  
10                  see has to be there, but I know.

11                  INVESTIGATOR TOWNSEND: But the video  
12                  and my report has to match.

13                  MR. TRIPODO: Has to match. The thing  
14                  has to -- they will look at it? They will look  
15                  at it?

16                  INVESTIGATOR TOWNSEND: They are going  
17                  to look at the video, yeah. They are going to  
18                  look at the video. And that's what I'm saying,  
19                  my report has to match.

20                  MR. TRIPODO: Um-hum.

21                  INVESTIGATOR TOWNSEND: So you know,  
22                  I don't want to take \$3,000 from you --

1 MR. TRIPODO: No.

2 INVESTIGATOR TOWNSEND: -- and then  
3 you end up getting suspended or your license  
4 taken and then what happens? Oh, I gave him  
5 \$3,000.

6 MR. TRIPODO: No, I would never do  
7 that. I would never do that. Come on. I would  
8 never ever do that. Never, never, never. They  
9 would have to kill me. They have to physically  
10 force me.

11 INVESTIGATOR TOWNSEND: (Laughing).

12 MR. TRIPODO: My culture wouldn't do  
13 that, no. The only thing I was thinking is if  
14 you can just make it look we did our best.

15 INVESTIGATOR TOWNSEND: Okay.

16 MR. TRIPODO: So that was like over  
17 their expectation that was -- this happened  
18 quick. So they couldn't control it.

19 INVESTIGATOR TOWNSEND: Right.

20 MR. TRIPODO: You know what I mean?

21 INVESTIGATOR TOWNSEND: I understand.

22 MR. TRIPODO: You just to make it look

1 -- because whatever -- you know, for example, you  
2 know, I know this -- the neighborhood have  
3 certain thing we should have done. They are not  
4 going to leave that one or they are not going to  
5 (Inaudible).

6 INVESTIGATOR TOWNSEND: Oh, the ones  
7 that are --

8 MR. TRIPODO: That's true, because  
9 you're smart. I never thought about it. So that  
10 certain thing does happen quick, but they react -  
11 -

12 INVESTIGATOR TOWNSEND: Right.

13 MR. TRIPODO: -- and even the  
14 customers were a part of --

15 INVESTIGATOR TOWNSEND: Yes, because  
16 we already know how the weapon got in. That's  
17 the thing.

18 MR. TRIPODO: Yes, see, you're right.

19 INVESTIGATOR TOWNSEND: You know?

20 MR. TRIPODO: We didn't know if the  
21 weapon was involved either.

22 INVESTIGATOR TOWNSEND: Well, the

1        weapon --

2                                (Phone Ringing in Background)

3                                MR. TRIPODO:    Yeah, I know the  
4        Investigator probably saying that I have been  
5        told.    I have my bartender.

6                                INVESTIGATOR TOWNSEND:    I mean --

7                                MR. TRIPODO:    Yeah.

8                                INVESTIGATOR TOWNSEND:    -- tell me  
9        what happened.

10                                MR. TRIPODO:    Yeah, I'll tell you what  
11        happened.    This is what happened.    Apparently, to  
12        my bartender, to my bartender, once she doing  
13        these, she said he have a knife or he has  
14        something in his hand.    He came talk to her.    She  
15        was like he has something, but he didn't have a  
16        knife, that's what she said.    So that's according  
17        to her.    I just told this that they framed and  
18        just open.

19                                Then I'll tell you another thing.    I'm  
20        the general manager here, but I'm owner.    Okay.  
21        I cannot have two licenses.

22                                INVESTIGATOR TOWNSEND:    Right.



1 MR. TRIPODO: It has to be one.

2 MS. SCHMIDT: Stop.

3 (Tape Recording Paused)

4 BY MS. SCHMIDT:

5 Q So at that point, did you know that he  
6 -- so at that point, is that when you found out  
7 that he was more than just the ABC Manger?

8 A Yes. He stated that -- Mr. Tripodo  
9 stated that he was --

10 CHAIRPERSON ANDERSON: All right.  
11 Hold on. Are there more -- are we going to  
12 listen to more?

13 MS. SCHMIDT: We can finish the tape.  
14 Okay. I just wanted to -- just wanted to  
15 highlight for the Board that one section.

16 CHAIRPERSON ANDERSON: All right. Go  
17 ahead.

18 (Tape Recording Played)

19 INVESTIGATOR TOWNSEND: Oh, you are an  
20 owner?

21 MR. TRIPODO: I own a liquor store on  
22 Sixteenth.

1 INVESTIGATOR TOWNSEND: Oh, okay.

2 Okay.

3 MR. TRIPODO: So I cannot own two  
4 licenses.

5 INVESTIGATOR TOWNSEND: Okay.

6 MR. TRIPODO: So basically, he is my  
7 partner. He is my relative, so I have to put his  
8 license under his name.

9 INVESTIGATOR TOWNSEND: Gotcha.

10 MR. TRIPODO: And but so, you know,  
11 basically, that's why everybody knows me. You  
12 know, the whole neighborhood knows me. I have  
13 everybody and the reason I am based here mainly  
14 is because I made money (Inaudible). I was  
15 trying to give it back to my people here.

16 INVESTIGATOR TOWNSEND: Um-hum.

17 MR. TRIPODO: I'm famous for that.

18 INVESTIGATOR TOWNSEND: Um-hum.

19 MR. TRIPODO: The people in this area.  
20 But is this really for me? I'm having too much  
21 trouble. All my employee here, they are security  
22 from this area. I transferred the people in jail

1 and this and that, you know, but, unfortunately,  
2 it is hard to control this.

3 INVESTIGATOR TOWNSEND: Yes, it's  
4 difficult.

5 MR. TRIPODO: It's very difficult for  
6 me. I'm doing my best. For example: my manager.  
7 My manager was unemployed for three years. Now  
8 she is doing better. She is buying a house. My  
9 cook was homeless. Now, he has house, I mean, he  
10 has a new car. He is making good money. He has  
11 a good life. So I'm doing something. But now  
12 and then I have obstacles.

13 INVESTIGATOR TOWNSEND: Um-hum.

14 MR. TRIPODO: So helping me, if you  
15 can help me, that's what I ask. And if you can  
16 make it look like it's -- because you know, if I  
17 have to hire for safeguard this, it will cost me  
18 money. \$20,000 or \$15,000 and the fine is there.  
19 I don't know what they can help me with.

20 INVESTIGATOR TOWNSEND: Um-hum.

21 MR. TRIPODO: So we decide just don't  
22 have to have a lawyer, that's cool. So whatever

1 I told to you, that's between me and you and  
2 nobody else.

3 INVESTIGATOR TOWNSEND: Well, let me  
4 see what I can do, man. Let me see what I can  
5 do. I can't guarantee you anything, but I don't  
6 feel comfortable taking money when I don't --

7 MR. TRIPODO: No, no.

8 INVESTIGATOR TOWNSEND: -- know what  
9 the outcome is going to be, you know?

10 MR. TRIPODO: I know.

11 INVESTIGATOR TOWNSEND: Yeah.

12 MR. TRIPODO: Yeah, but --

13 INVESTIGATOR TOWNSEND: I don't want  
14 there to be a situation where, you know, I come  
15 take your money and then you get suspended or  
16 they take your license away, then --

17 MR. TRIPODO: No. I don't think they  
18 will take the license. I hope not.

19 INVESTIGATOR TOWNSEND: Um-hum.

20 MR. TRIPODO: But they might suspend  
21 me for like two weeks, three weeks probably. The  
22 usual -- I mean, days.

1                   INVESTIGATOR TOWNSEND: Yeah.  
2           Usually, I mean, that's the range. It all  
3           depends on, you know, the violations. They look  
4           at your history and based on that, they  
5           determine, you know, what the range of things is  
6           and then they deliberate about it.

7                   MR. TRIPODO: How many days is that  
8           usually?

9                   INVESTIGATOR TOWNSEND: It's hard for  
10          me to tell. I would have to look at your  
11          history.

12                  MR. TRIPODO: Yeah, okay. Yeah, you  
13          know, I can't survive three weeks, four weeks. I  
14          mean, you know, I can survive, but the point is I  
15          have to make money.

16                  INVESTIGATOR TOWNSEND: I don't think  
17          it will be that long. I really don't, no.

18                  MR. TRIPODO: Plus fine then. The  
19          last time I paid \$4,500 fine plus the -- my big  
20          headache was money. In a way, it cost me more  
21          than \$20,000. It's too much. For what he did  
22          it, it was too much.

1 INVESTIGATOR TOWNSEND: Um-hum.

2 MR. TRIPODO: But I don't want to go  
3 through him now, because I don't want to waste my  
4 money. I mean, it doesn't make sense.

5 INVESTIGATOR TOWNSEND: Right.

6 MR. TRIPODO: It doesn't make sense.  
7 Because last time was like a small fight outside  
8 and (Inaudible), the same thing. It was like  
9 Fact-Finder -- Finding.

10 INVESTIGATOR TOWNSEND: Fact-Finding,  
11 yeah.

12 MR. TRIPODO: So does it mean they are  
13 going to Factual Hearing or no?

14 INVESTIGATOR TOWNSEND: That means  
15 that they needed additional information.

16 MR. TRIPODO: Okay.

17 INVESTIGATOR TOWNSEND: So they  
18 scheduled a Fact-Finding. And based on the  
19 information that you provided, the Investigator  
20 provided, they will take that and make a decision  
21 whether or not they want to move forward with a  
22 hearing, another hearing.

1 MR. TRIPODO: Oh.

2 INVESTIGATOR TOWNSEND: Send it to the  
3 Attorney General's Office or if they decide to --  
4 no further action.

5 MR. TRIPODO: Okay. And that seems  
6 like it --

7 INVESTIGATOR TOWNSEND: I think they  
8 have 90 days -- I think they get up to 90 days to  
9 make a decision.

10 MR. TRIPODO: To make a decision?

11 INVESTIGATOR TOWNSEND: Yeah.

12 MR. TRIPODO: Okay. That -- because  
13 it seems like we -- I mean, everything happen  
14 outside. We cannot control the outside.

15 INVESTIGATOR TOWNSEND: Right.

16 MR. TRIPODO: That was okay. But this  
17 one, it looks like hard, because the -- my  
18 employee got hurt.

19 INVESTIGATOR TOWNSEND: And this is  
20 the third one. Remember, there was one where --

21 MR. TRIPODO: We were closed, yes, got  
22 closing, May 7.

1                   INVESTIGATOR TOWNSEND: No, it was one  
2                   -- there is another one. This is the third one  
3                   with reasons.

4                   MR. TRIPODO: Reasons? I agree.  
5                   Well, the reasons was --

6                   INVESTIGATOR TOWNSEND: So the first  
7                   one was the Investigator, the short guy with the  
8                   bald head, Peru?

9                   MR. TRIPODO: Yeah, Peru, yeah.

10                  INVESTIGATOR TOWNSEND: Peru. And  
11                  then there was another one out there with a  
12                  taller guy with the glasses, Leftwich. He has  
13                  one with reasons as well.

14                  MR. TRIPODO: Yeah, yeah. Yeah, well,  
15                  the reasons is a problem. We know that.

16                  INVESTIGATOR TOWNSEND: Um-hum.

17                  MR. TRIPODO: And we -- that was the  
18                  last Friday for that, last Friday, okay,  
19                  basically, but we didn't get lucky.

20                  INVESTIGATOR TOWNSEND: Yes.

21                  MR. TRIPODO: You see what happened is  
22                  2:18, 2:19, we had only like 5, 6 minutes to



1 close and leave.

2 INVESTIGATOR TOWNSEND: Right.

3 MR. TRIPODO: Because when we close  
4 early, we don't want to -- 10 minutes to see  
5 everybody leaves, because we don't want to wait  
6 the 10 minutes, because sometimes you get the  
7 blank from them, so trying to get it early.

8 INVESTIGATOR TOWNSEND: Get out early  
9 before --

10 MR. TRIPODO: So we trying to do our  
11 best. But now, that means I have to start to  
12 choose people who have to come in or not. Before  
13 Friday, for example, if he goes out, the most  
14 crowd people there from D.C. Government come in  
15 here from the school teachers, I have the best  
16 crowd in the area or I can say America, highly  
17 dedicated professionals and they have a good  
18 time.

19 After 11:00, 12:00 is a headache.  
20 Friday only, the residential. So we decided to  
21 have a DJ because Sunday we have gay night.

22 INVESTIGATOR TOWNSEND: Right.

1           MR. TRIPODO: So you know the crowd  
2 will be there. They don't bother anybody. They  
3 do whatever they do. They spend their money.  
4 They leave. Saturday we are okay. Now, we are  
5 trying to find a good DJ for Friday, which we  
6 found one, but I don't know what is going to  
7 happen.

8           INVESTIGATOR TOWNSEND: Hum.

9           MR. TRIPODO: So do your best, I mean.

10          INVESTIGATOR TOWNSEND: I gotcha.

11          MR. TRIPODO: Please, please. And  
12 trust me 100 percent. I wouldn't tell my -- I go  
13 there as the general manager, because legally I'm  
14 not the owner.

15          INVESTIGATOR TOWNSEND: Um-hum.

16          MR. TRIPODO: But for real I'm the  
17 owner. We closed, that's my money. I invested a  
18 lot of money to operate everything, this and  
19 that.

20          INVESTIGATOR TOWNSEND: Okay.

21          MR. TRIPODO: You know, it's just --  
22 but it's up to you.

1                   INVESTIGATOR TOWNSEND: All right,  
2 man. Let me see what I can do.

3                   MR. TRIPODO: And I don't know your  
4 personal phone, but --

5                   (Loud Noise/Background Noise)

6                   INVESTIGATOR TOWNSEND: You can call  
7 me on that phone. I use the phone.

8                   MR. TRIPODO: If I want to talk, I  
9 don't want to talk things over on the phone, you  
10 know.

11                  INVESTIGATOR TOWNSEND: No, no, no.  
12 We don't talk about it.

13                  MR. TRIPODO: I don't talk on nothing  
14 on the phone. If you need me, say you need to  
15 check something and you need to see here.

16                  INVESTIGATOR TOWNSEND: Right.

17                  MR. TRIPODO: I like you to be there,  
18 please.

19                  INVESTIGATOR TOWNSEND: Right, right.

20                  MR. TRIPODO: So not on the phone,  
21 please.

22                  INVESTIGATOR TOWNSEND: Yeah, yeah,

1       yeah.

2                   MR. TRIPODO:  I don't want to do  
3       anything on the phone.

4                   INVESTIGATOR TOWNSEND:  No, I won't  
5       talk on the phone.

6                   MR. TRIPODO:  And what happen -- can  
7       we open up for 96 hours?

8                   INVESTIGATOR TOWNSEND:  Oh, so, yeah,  
9       I need to check with -- I still need to check  
10      with her.  I thought she was in the office.

11                   MR. TRIPODO:  Okay.

12                   INVESTIGATOR TOWNSEND:  But she  
13      wasn't.  So I've got to send her email.

14                   MR. TRIPODO:  Okay.  Got it.  Can you  
15      email us on this?

16                   INVESTIGATOR TOWNSEND:  Yep, yep.

17                   MR. TRIPODO:  Because I don't want to  
18      get rid of -- I mean, I'll be making some money  
19      at least to cover my meals.

20                   INVESTIGATOR TOWNSEND:  Um-hum.

21                   MR. TRIPODO:  To keep my employee, you  
22      know, and things.  When do you think that I --

1 the hearing will be?

2 INVESTIGATOR TOWNSEND: You've got to  
3 call them.

4 MR. TRIPODO: Okay. Until now,  
5 because see what happened, I cannot go there.

6 INVESTIGATOR TOWNSEND: That's right.

7 MR. TRIPODO: But I have staff that he  
8 go there.

9 INVESTIGATOR TOWNSEND: Yeah. He has  
10 to call.

11 MR. TRIPODO: He have until the end of  
12 the month.

13 INVESTIGATOR TOWNSEND: Yeah. So they  
14 can schedule that thing, so they can try to get  
15 it as fast as possible.

16 MR. TRIPODO: Okay. Okay. Let me  
17 know what you can do for me.

18 INVESTIGATOR TOWNSEND: Okay.

19 MR. TRIPODO: Okay. Think about it.  
20 I don't want to hire a layer.

21 INVESTIGATOR TOWNSEND: Right.

22 MR. TRIPODO: Why I have to hire a

1 lawyer when I can take care of it?

2 INVESTIGATOR TOWNSEND: All right.

3 MR. TRIPODO: Okay?

4 INVESTIGATOR TOWNSEND: All right,  
5 man.

6 MR. TRIPODO: Thank you very much.

7 INVESTIGATOR TOWNSEND: All right.

8 Thanks for your testimony.

9 MR. TRIPODO: Thank you.

10 INVESTIGATOR TOWNSEND: Okay. Thank  
11 you.

12 (Tape Recording Stopped)

13 MS. SCHMIDT: I just want to highlight  
14 a few points.

15 BY MS. SCHMIDT:

16 Q So how would you characterize his  
17 offers to you of money?

18 A How would I characterize it?

19 Q Yes. What was he trying to do?

20 A Based on what he said, he would give  
21 me \$3,000 to make the report look good, look  
22 clean.

1 Q And is that ABRA's -- is that what you  
2 are supposed to do when you are an Investigator  
3 with ABRA?

4 A No.

5 Q And also, how did you get the -- and  
6 what impression did you get of his role at Cedar  
7 Hill and Uniontown, based on your conversation  
8 with him?

9 A Based on the conversation? He, Mr.  
10 Tripodo, admitted to me, I believe at least  
11 twice, that he was the true owner of Uniontown/  
12 Cedar Hill. But legally, he could not have  
13 applied for the license, the alcohol license at  
14 the establishment, so he had Mr. Gebre as the  
15 licensee.

16 Q And what happened as a result of his  
17 attempt to give you \$3,000, in the legal context?

18 A He was -- Mr. Tripodo was arrested and  
19 I believe there was a guilty plea of bribing, of  
20 bribery.

21 Q And I'm going to refer you to, I think  
22 it is, yeah, the Report 17-251-00029(b) and I

1 think it's Exhibit No. 3. What is that?

2 A I don't have. I'm sorry, I don't (b)  
3 in front of me.

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

6 MS. SCHMIDT: I'm referring to the  
7 plea agreement.

8 CHAIRPERSON ANDERSON: What -- so what  
9 exhibit?

10 MS. SCHMIDT: It's exhibit -- it's  
11 Report 17-251-00029(b), Exhibit 3, pre-  
12 indictment, pre-dated 5/26/17 and signed 6/28/17.

13 CHAIRPERSON ANDERSON: Is it clearly  
14 marked?

15 MS. SCHMIDT: Yes, it's marked. It  
16 should be marked as -- yes, it was.

17 CHAIRPERSON ANDERSON: I can't --

18 MS. SCHMIDT: Yes, it's on page --  
19 it's Exhibit 3.

20 MEMBER ALBERTI: Exhibit 3 to the  
21 report (b), Exhibit 3.

22 MR. CHUNG: Can I get a copy of that?



1 MS. SCHMIDT: Sure. Yes, it's in the  
2 report.

3 CHAIRPERSON ANDERSON: All right. Go  
4 ahead.

5 MS. SCHMIDT: Okay.

6 BY MS. SCHMIDT:

7 Q What is that?

8 A It's a letter regarding the criminal  
9 case, the United States vs. Gabriele Tripodo.

10 Q And can you read paragraph 1?

11 A "This letter is to convey the pre-  
12 indictment plea being made to your client,  
13 Gabriele Tripodo. The plea offer will expire on  
14 June 12, 2017. If your client accepts the terms  
15 and conditions set forth below, please, have your  
16 client execute this document in the space  
17 provided below and return it to me.

18 The Government reserves the right to  
19 withdraw this offer at any time prior to the  
20 entry of the defendant's guilty plea in Court.  
21 Upon receipt of the executed document, this  
22 letter will become the plea agreement between

1 your client and the Office of the United States  
2 Attorney for the District of Columbia.

3 The terms of the offer are as  
4 follows:"

5 Q Can you read that?

6 A "Your client, Gabriele Tripodo, agrees  
7 to admit guilt and enter a plea of guilty to one  
8 count of attempted bribery in violation of 22  
9 D.C. Code 1803.711, 712(a)(1) and (c).

10 Your client understands that the  
11 offense of attempted bribery is a misdemeanor  
12 which carries a potential maximum penalty of 180  
13 days imprisonment and/or a fine of not more than  
14 \$1,000." Continue?

15 Q Okay. Yes, continue, please.

16 A "The United States agrees that it will  
17 not seek indictment on any remaining or greater  
18 charges, including bribery, a felony and  
19 potential perjury charges relating to testimony  
20 before the ABRA Control Board on March 28, 2017  
21 related to the facts as outlined in the Proffer  
22 of Facts in this plea agreement.

1           The parties further agree that your  
2 client, after taking an oath to tell the truth  
3 shall agree to his actions as outlined in the  
4 Proffer of Facts on the date of the plea."

5                           (Whereupon, the above-  
6 referred to document was  
7 marked as Government Exhibit  
8 No. 3 for identification.)

9           BY MS. SCHMIDT:

10           Q       Okay. Do you know if he was sentenced  
11 as a -- what that sentence was for that plea?

12           A       If I'm not mistaken, I believe it was  
13 probation.

14           Q       Okay. And one more. Also I refer you  
15 to Report No. 17-251-00029(a) and it's Exhibit  
16 No. 4, which is the -- okay. Could you tell the  
17 Board what that is?

18           A       This is a Promissory Note that was  
19 located in the file of Cedar Hill Bar & Grill.

20                           (Whereupon, the above-  
21 referred to document was  
22 marked as Government Exhibit



1 Tripodo told me and he is listed as part owner of  
2 the establishment in ABRA records.

3 Q And did you actually see -- and you  
4 actually saw the records also?

5 A Yes.

6 Q And are you aware of the fact that of  
7 a case that was brought in that matter?

8 A Yes, in Union Liquors?

9 Q Yes.

10 A Yes.

11 Q And that was 17 -- would that be 17-  
12 CMP-00464?

13 A I believe so. I don't have it in  
14 front of me.

15 Q Okay. And do you know that -- and did  
16 you -- and in that case, are you aware that there  
17 was an Offer in -- was there an Offer in  
18 Compromise in that case?

19 A Yes, there was.

20 MR. CHUNG: I'm sorry, could you  
21 repeat the case number on that, please?

22 MS. SCHMIDT: I believe it is 17-CMP-

1 00464. I'll have a copy made for you.

2 CHAIRPERSON ANDERSON: I'm sorry, you  
3 need to speak up, ma'am.

4 MS. SCHMIDT: 17-CMP-00464.

5 MR. CHUNG: 0046?

6 MS. SCHMIDT: And -- 4.

7 MR. CHUNG: Okay.

8 MS. SCHMIDT: And it's Board Order  
9 2018-21, 021.

10 MR. CHUNG: Say that again?

11 MS. SCHMIDT: Board Order 2018-021.

12 During the break, I will have copies made for you  
13 of these.

14 BY MS. SCHMIDT:

15 Q And are you aware --

16 MS. SCHMIDT: I'm going to hand this  
17 to the Investigator. This is Government exhibit  
18 number --

19 BY MS. SCHMIDT:

20 Q And what is that?

21 A This is an Offer in Compromise for  
22 Union Liquors in case --

1 Q And is that the case you investigated?

2 A Yes.

3 CHAIRPERSON ANDERSON: What document  
4 is that?

5 MS. SCHMIDT: That's a Board Order.

6 CHAIRPERSON ANDERSON: Yes, but is it  
7 in -- is it disclosed in any of these documents?

8 MS. SCHMIDT: No, it's not.

9 CHAIRPERSON ANDERSON: So can I have  
10 a copy? You are showing the witness a document--

11 MS. SCHMIDT: Okay.

12 CHAIRPERSON ANDERSON: -- I don't know  
13 what you --

14 MS. SCHMIDT: It's a Board Order.

15 Okay. I will ask Miss --

16 CHAIRPERSON ANDERSON: I know, Ms.  
17 Schmidt, but I know it's a Board Order, but I  
18 don't have all the Board Orders sitting here, so  
19 I don't --

20 MS. SCHMIDT: Okay.

21 CHAIRPERSON ANDERSON: -- know --

22 MR. CHUNG: I don't either.

1 MS. SCHMIDT: I just happened to --  
2 okay. I apologize.

3 CHAIRPERSON ANDERSON: So I need you  
4 to give Mr. Chung a copy of the Board Order and  
5 you also need to share it with a copy -- to the  
6 Board, so we will all know what it is that the  
7 witness is being questioned on.

8 And I do hope that in the new  
9 regulations that it is clear that I need parties  
10 to disclose documents and witnesses seven days  
11 before, I mean, that's what I have asked for and  
12 I think it's in the new Bill, because it's  
13 confusing, at least for me as an attorney, to  
14 practice here and I don't know what documents and  
15 witnesses people are relying on.

16 I mean, I think that is just -- I'll  
17 just say that in -- that's how I believe it  
18 should -- we should operate moving forward. So  
19 once all the parties have a copy of the  
20 documents, then you can question the witness on  
21 the document.

22 Go ahead, Ms. Schmidt. Go ahead. Do



1       you have a copy of it, Mr. Chung?

2                   MR. CHUNG:  Yes, sir.

3                   CHAIRPERSON ANDERSON:  All right.  Go  
4       ahead, Ms. Schmidt.

5                   BY MS. SCHMIDT:

6                   Q       And in that order, did the Board --  
7       there was -- did Mr. Gabriele -- there was a --  
8       could you read what Charge 1 was in that case  
9       that you investigated?

10                  A       Yes.  "On Sunday, March 19, 2017, you  
11       failed to comply with D.C. Official Code 25-  
12       303(a)(3) in that you have an interest in another  
13       license."

14                  Q       Okay.  And did Mr. Tripodo agree to  
15       pay -- did he agree to the Offer in Compromise to  
16       pay a fine for that?

17                  A       Yes.

18                  Q       Okay.

19                  MS. SCHMIDT:  No further questions, at  
20       this time.

21                  CHAIRPERSON ANDERSON:  Your witness,  
22       Mr. Chung.

## CROSS-EXAMINATION

BY MR. CHUNG:

Q Good afternoon, Investigator Townsend.

A Good afternoon.

Q Is the gentleman sitting next to me,  
Mr. Gabriele Tripodo?

A No, sir.

Q Do you recognize the gentleman sitting  
next to me?

A Yes.

Q Who do you believe that to be?

A I believe it to be Mr. Melake Gebre.

Q Okay.

A Gebre.

Q Did Mr. Gebre tell you that Mr.  
Tripodo was the owner or an owner of Gebtri, Inc.  
at any time?

A No.

Q Okay. Did Mr. Gebre tell you Mr.  
Tripodo was authorized to bribe you on his  
behalf?

A No, he did not.

1           Q       Did Mr. Gebre tell you Mr. Tripodo was  
2 authorized to bribe you on behalf of Gebtri,  
3 Inc.?

4           A       No.

5           Q       We walked about the plea agreement.  
6 Does the plea agreement, to the best of your  
7 understanding, I'm not asking for a legal  
8 conclusion, does that mean -- was there a trial  
9 in Mr. Tripodo's criminal case or was there an  
10 agreement prior to trial and no trial occurred?

11          A       There was an agreement before a trial.

12          Q       Okay. So a Jury never ruled on the  
13 facts or the case was never litigated. Is that  
14 correct?

15          A       I would assume so.

16          Q       Thank you. Did Mr. Gebre, at any  
17 time, bribe you?

18          A       No.

19          Q       Earlier the Government referred to  
20 Case No. 17-CMP-00464, which I had reviewed prior  
21 to this Show Cause Hearing and I was fully aware  
22 of it and it's Board Order 2018-021. That looks

1       like an Offer in Compromise which Mr. Tripodo  
2       participated in. Do you know if there was a  
3       hearing in that case?

4           A       Yes, there was.

5           Q       There was a hearing?

6           A       Yes.

7           Q       And if there was a hearing, was my  
8       client ever called as a witness in that case?  
9       I'm sorry, was Mr. Gebre ever called as a witness  
10      in that case?

11          A       No, not that I can recall.

12          Q       So any statements made on behalf of  
13      Gebtri, Inc. were only provided by Mr. Tripodo.  
14      Is that correct?

15          A       For that hearing?

16          Q       Yes.

17          A       I'm not sure.

18          Q       Let me rephrase.

19          A       Okay.

20          Q       Did anybody from Gebtri, Inc.  
21      participate in that hearing?

22          A       Well, Mr. Tripodo is an ABC Manager at

1 the establishment.

2 Q Understood. Did Mr. Gebre participate  
3 in that hearing?

4 A No, he did not.

5 Q Okay. Thank you. To the best of your  
6 knowledge, besides Mr. Tripodo, did anyone else  
7 on behalf of Gebtri, Inc. participate in that  
8 hearing?

9 A No.

10 Q Thank you. Mr. Townsend, I'm going to  
11 give you a hypothetical. If you were to open up  
12 a bar and apply for a liquor license with ABRA  
13 and you borrowed your money from SunTrust, but  
14 you owned 100 percent of your corporation, would  
15 you have to disclose SunTrust as an owner of the  
16 bar you just opened?

17 A I would have to defer to licensing --

18 Q Okay.

19 A -- for that question.

20 Q Do you agree that -- are you aware  
21 that there is a difference between making a loan  
22 versus taking an equity interest in a

1 corporation?

2 A Can you repeat that?

3 Q Wouldn't you agree that these are two  
4 different scenarios, Bank of America loans money  
5 to a restaurant versus Bank of America gives  
6 money to a restaurant in exchange for an equity  
7 interest in the restaurant?

8 A I would think the general concept is  
9 the same.

10 Q In the first situation, if it's a  
11 loan, the terms are Bank of America needs to be  
12 repaid in five years.

13 In the second situation, Bank of  
14 America would be an equity owner, therefore, they  
15 share in profits.

16 Would you agree those are two separate  
17 scenarios?

18 A I don't know.

19 Q Okay. You testified earlier that you  
20 reviewed the ABRA records in this case with  
21 regard to ownership, correct?

22 A Correct.

1           Q       And that's how you found the  
2 Promissory Note, isn't that correct?

3           A       Yes.

4           Q       Okay. I'm going to quickly show you  
5 some documents, the same documents from the file.

6           CHAIRPERSON ANDERSON: Are these  
7 documents disclosed? Can I see what you guys are  
8 looking at?

9           MR. CHUNG: Yes. These are -- I'm  
10 going to give you a copy. The Board -- I  
11 apologize, I only have one copy and these are the  
12 documents that Mr. Townsend had referred to  
13 earlier. This will be Defendant's Exhibit 1.

14                   (Whereupon, the above-  
15 referred to document was  
16 marked as Applicant Exhibit  
17 No. 1 for identification.)

18           CHAIRPERSON ANDERSON: All right.

19           BY MR. CHUNG:

20           Q       Since you reviewed the file, do you  
21 recognize this document, Investigator Townsend?  
22 And if you don't, that's okay.

1                   CHAIRPERSON ANDERSON: I'm sorry, what  
2 was the question, Mr. Chung?

3                   MR. CHUNG: Oh.

4                   BY MR. CHUNG:

5                   Q       Since you have reviewed the file, do  
6 you recognize this document, Investigator  
7 Townsend?

8                   A       No.

9                   Q       Okay.

10                  CHAIRPERSON ANDERSON: Mr. Chung, I  
11 haven't seen the document yet, so can you --

12                  MR. CHUNG: I apologize.

13                  CHAIRPERSON ANDERSON: -- just -- you  
14 can move forward, but can you state what --

15                  MR. CHUNG: Yes.

16                  CHAIRPERSON ANDERSON: -- well, he  
17 said -- state what the document is or ask him if  
18 he knows.

19                  MR. CHUNG: Yes.

20                  CHAIRPERSON ANDERSON: I know he said  
21 he doesn't recognize it, so -- and I don't know  
22 what the document is. Or maybe you can ask him



1 to identify it.

2 BY MR. CHUNG:

3 Q Investigator Townsend, for the record,  
4 could you, please, read this sentence here on the  
5 certificate, please?

6 CHAIRPERSON ANDERSON: Can you first  
7 ask him to identify the document? You gave him a  
8 document or the documents. So can you ask him to  
9 identify the document and then before you ask him  
10 to start talking about what is on the document?  
11 So just have him identify the document for the  
12 record, please, sir.

13 MR. CHUNG: All right.

14 BY MR. CHUNG:

15 Q Mr. Townsend, can you identify the  
16 document?

17 A Total Authorized Issue.

18 Q Any objections if I tell you this is  
19 a stock certificate for Gebtri, Inc.?

20 MEMBER ALBERTI: I'm not sure we are  
21 picking you up, Mr. Chung.

22 CHAIRPERSON ANDERSON: Well, all

1 right.

2 MEMBER ALBERTI: Are you picking him  
3 up?

4 CHAIRPERSON ANDERSON: Well, he is  
5 fine. The problem that I'm having, so for -- to  
6 have a clean record, Mr. Chung, I mean, I know  
7 you -- just you handed the witness a document.  
8 The better way to do is ask him to identify the  
9 document that he is looking at.

10 Once you ask him to identify the  
11 document, then you can ask him for specifics,  
12 because no one knows -- I mean, if we are reading  
13 the transcript, we really don't know what it is  
14 that the document is. I don't even know what the  
15 document is that he is referring to.

16 So I would -- so I'm just saying to  
17 clarify the record, have him identify the  
18 document, whatever document you gave him, have  
19 him identify what the document is and then you  
20 can -- I would ask that you go through and have  
21 him then read specifics what is in the document.

22 MR. CHUNG: I apologize, Chairman

1 Anderson. Investigator Townsend had testified  
2 earlier that he had reviewed the ABRA file in  
3 this case. Therefore, I am just bringing the  
4 documents from the ABRA file to the Board's  
5 attention.

6 BY MR. CHUNG:

7 Q Investigator Townsend, could you,  
8 please, identify the document?

9 A I don't know what this document is.

10 Q Yeah. Do you disagree that this is a  
11 -- since you reviewed the file, would you -- do  
12 you have any objections to agreeing that this is  
13 in the ABRA file?

14 MS. SCHMIDT: Objection. He says he  
15 does not know what the document is. If he  
16 reviewed the file and seen it, he wouldn't know  
17 what it is.

18 BY MR. CHUNG:

19 Q Have you ever seen this document  
20 before, Investigator Townsend?

21 A I don't recall seeing this document.

22 Q Could you, please, read the first line

1 of this document?

2 MS. SCHMIDT: Objection. This is  
3 beyond the scope of direct. If he wants to make  
4 -- he could --

5 MR. CHUNG: It's not direct. It's  
6 cross.

7 CHAIRPERSON ANDERSON: Hold on, hold  
8 on, hold on.

9 MS. SCHMIDT: No. This is beyond the  
10 scope of direct, my direct examination. And if  
11 he wants to make a case, he can do so in his  
12 case. However, the witness says he has not seen  
13 that document. He has no idea what it is. And  
14 he cannot make -- and he should not be permitted  
15 to make his case on a document that my witness  
16 has nothing to do with.

17 MR. CHUNG: That's exactly why I  
18 brought up the first statement, Chairman  
19 Anderson. He has already testified that he  
20 reviewed the ABRA file regarding ownership in  
21 this case. Therefore, I am bringing in the  
22 ownership documents in this case on cross.

1                   CHAIRPERSON ANDERSON: All right. I'm  
2 going to overrule the objection, but the problem  
3 that I think all of us are having, Mr. Chung, he  
4 stated that he is not familiar with the document.  
5 So I'm not quite sure -- I mean, I see where you  
6 are going. And, Ms. Schmidt, there was questions  
7 about ownership, so this is on-point, but I think  
8 if the witness stated he has never seen the  
9 document, I'm not quite sure what much -- I mean,  
10 what benefit asking him about this document if he  
11 is not familiar with it.

12                   But so I overrule the objection, but  
13 I'm not quite sure, unless there is -- because if  
14 the witness states that he has never seen this  
15 document, I'm not quite sure how much -- I think  
16 it's better on direct for you than to further  
17 explore this on direct, since this witness says  
18 that he is not familiar with the document.

19                   MR. CHUNG: Understood.

20                   BY MR. CHUNG:

21                   Q       Just one quick question. If you  
22 reviewed the ownership documents in the file with

1 regard to Gebtri, why don't you recognize this  
2 document?

3 MS. SCHMIDT: Objection.

4 MR. CHUNG: Oh, you don't have to look  
5 at it. You can just answer.

6 CHAIRPERSON ANDERSON: Again for the  
7 same reason, I'm going to overrule the objection.

8 THE WITNESS: I'm not familiar with  
9 this document being in the file.

10 BY MR. CHUNG:

11 Q But you did review the ownership file?  
12 You did review the documents with regard to  
13 Gebtri, Inc. with regard to ownership, correct?

14 A Yes.

15 Q Okay. I'll move on to the next  
16 document.

17 MR. CHUNG: Defendant's Exhibit 2.

18 BY MR. CHUNG:

19 Q Could you, please, identify that  
20 document?

21 A The first page is a lease agreement  
22 between Curtis Properties, Inc. and Gebtri, Inc.

1 (Whereupon, the above-  
2 referred to document was  
3 marked as Applicant Exhibit  
4 No. 2 for identification.)

5 MS. SCHMIDT: Objection. There is no  
6 -- there has been no link between this document  
7 and the witness.

8 MR. CHUNG: Again, this is --

9 CHAIRPERSON ANDERSON: I'm sorry. I  
10 was distracted. What was the question?

11 MR. CHUNG: I just asked him to  
12 identify the lease document that is before him,  
13 which is in the ownership files with ABRA.

14 CHAIRPERSON ANDERSON: And your--

15 MS. SCHMIDT: There was -- it was not  
16 make clear. He just said identify this document  
17 with no basis for it.

18 CHAIRPERSON ANDERSON: All right. And  
19 I am going to state for the record and in the new  
20 Omnibus Bill that will hopefully take effect real  
21 soon, I am at a disadvantage. I can -- it's  
22 difficult for me to follow, because I don't know

1 what documents there are. I don't have the  
2 documents. The documents are going back and  
3 forth and this is not the appropriate way, at  
4 least in my view as an attorney, to practice law.

5 Because one needs to have -- one needs  
6 to disclose documents prior to a hearing so  
7 everyone knows what the documents are. And my  
8 concern, and I'm stating this for the record, is  
9 that there are a significant amount of documents  
10 in ABRA's file. And I don't think -- I don't  
11 know what is in this licensee's file.

12 So in order for us to have an  
13 effective hearing, individuals need to identify  
14 documents prior to -- and I will -- I'm going to  
15 say this to counsel, although the new Bill hasn't  
16 taken -- the law hasn't taken effect, but I  
17 believe that when we are having these hearings,  
18 seven days before you should disclose the  
19 documents and witnesses to each side and to the  
20 Board, so we know what is it that is going on,  
21 because I'm having a difficult time following,  
22 because I don't know where these documents are



1 coming from. Okay? All right.

2 MR. CHUNG: Chairman Anderson, we are  
3 happy to continue this case, so we can make  
4 copies in advance if you want.

5 CHAIRPERSON ANDERSON: Go ahead. I  
6 have, I guess, a document that says lease  
7 agreement. I have so -- which is a two page.  
8 What I have in front of me it's a cover page and  
9 page 23. So I don't -- so I have a two page  
10 document. So what's the question?

11 MEMBER ALBERTI: Can I ask a real sort  
12 of technical question of Mr. Chung? Just real  
13 quick?

14 MR. CHUNG: Sure.

15 CHAIRPERSON ANDERSON: What is it?

16 MEMBER ALBERTI: Mr. Chung, this lease  
17 agreement, is that part of ABRA's records?

18 MR. CHUNG: Yes, it is.

19 MEMBER ALBERTI: All right. Thank  
20 you.

21 MR. CHUNG: One of the things, so we  
22 don't keep going through this, because we just

1 went through two stages of it, Chairman Anderson,  
2 if you want to give us a three minute recess, so  
3 I only have a few more documents and maybe the  
4 clerk could make copies of it in advance for the  
5 Board Members within the next three minutes, so  
6 we don't do this back and forth?

7 CHAIRPERSON ANDERSON: Well, we can  
8 just ask her -- just you can move forward just  
9 give her -- just give us the documents, a copy,  
10 and so but you can move forward and so we will  
11 have copies and the other side will have copies  
12 as we move forward.

13 MR. CHUNG: Yes.

14 BY MR. CHUNG:

15 Q Sorry, Investigator Townsend. Could  
16 you, please, scoot back? Could you, please,  
17 identify the document once again?

18 A This is the -- it looks like a cover  
19 page of a lease agreement between Curtis  
20 Properties and Gebtri, Inc.

21 Q Okay. Anywhere on that cover page  
22 does the lease agreement say that it is between

1 Curtis Properties and Mr. Gabriele Tripodo?

2 A No.

3 Q Okay. On the second page, is there a  
4 -- do you recognize the signature line?

5 A I recognize the tenant signature line  
6 to be Melake Gebre.

7 Q Okay. Anywhere on that lease  
8 agreement does it say that Mr. Tripodo is the  
9 tenant?

10 A No.

11 Q I'm sorry. Anywhere on that lease  
12 agreement, does it say that Mr. Tripodo is the  
13 tenant?

14 A No.

15 Q Okay. I apologize, I don't have the  
16 document in front of me. Does the -- is the  
17 address for Uniontown on the cover page of that  
18 document, by any chance?

19 A No.

20 Q I'm going quickly ask you some  
21 questions with regard to the Promissory Note.

22 Could you, please, clarify -- well,

1 first of all, did you -- I think you testified  
2 earlier, do you have any issues with the  
3 Promissory Note that was introduced by the  
4 Government?

5 MS. SCHMIDT: Objection. What  
6 difference does it make if he has issues or not?  
7 Relevance.

8 MR. CHUNG: I believe he stated  
9 something with regard to the document. I just  
10 wanted him to repeat himself.

11 CHAIRPERSON ANDERSON: I guess I'm  
12 going to sustain the objection. I mean, I think  
13 that does he have any issues and I don't know --

14 MR. CHUNG: I apologize.

15 CHAIRPERSON ANDERSON: Yes.

16 MR. CHUNG: Let me clarify my  
17 question.

18 CHAIRPERSON ANDERSON: Please.

19 BY MR. CHUNG:

20 Q I'm going to show you the Promissory  
21 Note again.

22 MR. CHUNG: Does the Board already

1 have a copy of this?

2 CHAIRPERSON ANDERSON: Yes, we have.

3 At least I have a copy of the document. It's  
4 disclosed.

5 BY MR. CHUNG:

6 Q Can you, please, explain what leads  
7 you -- well, let me ask you this. Does this  
8 document lead you to believe that Mr. Tripodo is  
9 an owner of Gebtri, Inc.?

10 A No.

11 Q Okay. That's all I have for that.  
12 I'm sorry, does this document lead you to believe  
13 that Mr. Tripodo is a co-owner with Mr. Gebre in  
14 Gebtri, Inc.?

15 A This document leads me to believe that  
16 Mr. Tripodo provided a principal sum of either  
17 \$25,000 or \$50,000 to Gebtri, Inc.

18 Q Understood. Now, can you clarify if  
19 that money you believe either \$25,000 or \$50,000  
20 -- well, let me clarify. Do you believe that was  
21 given to Gebtri, Inc. or Mr. Tripodo? Before I  
22 ask the next question?

1 MS. SCHMIDT: Objection. He is not a  
2 contracts attorney.

3 CHAIRPERSON ANDERSON: I --

4 MR. CHUNG: I am not asking for his  
5 legal conclusion. I'm asking for his  
6 interpretation of this document, which the  
7 Government completely relies on his  
8 interpretation.

9 MEMBER ALBERTI: He is a layperson.  
10 He wouldn't know.

11 CHAIRPERSON ANDERSON: Mr. Townsend,  
12 are you able to answer the question? Yes or no?  
13 If you don't know, you don't know.

14 THE WITNESS: No.

15 CHAIRPERSON ANDERSON: Let's move on.

16 BY MR. CHUNG:

17 Q Is it your understanding that \$25,000  
18 or \$50,000 was loaned to Mr. Gebre?

19 A Yes, based on there is a sentence  
20 under the first paragraph that says "The maker  
21 shall repay this note in full in 15 years on or  
22 before February 5, 2028."

1 Q Okay. And is it your understanding  
2 this was a loan to Mr. Gebre?

3 A That's what I understand it to be.

4 Q Thank you. Is it your understanding  
5 that this was a loan to Gebtri, Inc.?

6 A Yes.

7 Q Okay. And could you, please, explain  
8 how this is a loan to both Gebtri, Inc. and Mr.  
9 Gebre?

10 A Mr. Gebre is listed as the owner of  
11 Gebtri, Inc.

12 Q That's all I have for this document.  
13 Mr. Townsend, these are documents in the ABRA  
14 files. Could you, please, identify the document,  
15 please?

16 A This is a summary of shares.

17 Q And could you identify which entity  
18 this is for?

19 A Gebtri, Inc.

20 Q Okay. And can you, please, let the  
21 Board know or identify all officers listed on  
22 this document?

1 A Melake Gebre as the president.

2 Q And how many shares does he own?

3 A 100.

4 Q Okay. What percentage of interest  
5 does he have in the corporation?

6 A 100.

7 Q Okay.

8 A According to the document.

9 Q Thank you. Anywhere on that document  
10 do you see Mr. Tripodo listed as an officer of  
11 the corporation?

12 A No, I do not.

13 Q Thank you. I would like to introduce  
14 that document as Defendant's Exhibit 3.

15 CHAIRPERSON ANDERSON: How many pages?  
16 I have several documents. How many pages is that  
17 document?

18 MR. CHUNG: Yes, I'm glad you asked  
19 that. So I would like to go through just so  
20 everyone is on the same page.

21 The Promissory Note was already  
22 introduced by the Government, so the defendant is



1 not -- or if you want to clarify, we can make  
2 that Defendant's Exhibit 2.

3 This summary of shares percentage of  
4 interest will be Defendant's Exhibit 3.

5 (Whereupon, the above-  
6 referred to document was  
7 marked as Applicant Exhibit  
8 No. 3 for identification.)

9 CHAIRPERSON ANDERSON: And how many  
10 pages is this?

11 MR. CHUNG: That is just one page,  
12 sir.

13 CHAIRPERSON ANDERSON: Okay. All  
14 right.

15 MR. CHUNG: Exhibit 1 will be the  
16 stock certificate document that Investigator  
17 Townsend was unable to identify.

18 CHAIRPERSON ANDERSON: No, I have the  
19 exhibits. I was given a bunch of documents. I  
20 just wanted to make sure I knew how many this  
21 last document, how many pages it had. Okay.  
22 That's fine.

1 MR. CHUNG: Yes, and just to clarify  
2 for exhibit -- was the summary Exhibit 3 or 4? I  
3 apologize.

4 THE WITNESS: 3.

5 MR. CHUNG: So just to clarify for  
6 Exhibit 2, it is --

7 CHAIRPERSON ANDERSON: Two pages.  
8 That was what was given to me.

9 MR. CHUNG: Okay. That is a lease  
10 document.

11 CHAIRPERSON ANDERSON: All right. I  
12 have that.

13 MR. CHUNG: Okay. The Government's  
14 exhibit was already introduced, the Promissory  
15 Note. I don't know if the Board --

16 CHAIRPERSON ANDERSON: That's part of  
17 the -- yeah, so I have that one.

18 MR. CHUNG: Okay.

19 CHAIRPERSON ANDERSON: And that's part  
20 of the Government's case.

21 MR. CHUNG: That's five pages, just to  
22 clarify.

1 CHAIRPERSON ANDERSON: That's fine.

2 MR. CHUNG: Thank you.

3 BY MR. CHUNG:

4 Q Mr. Townsend, this document is also  
5 found in the ABRA files. Could you, please,  
6 identify it for the Board, please?

7 A This is DCRA or Department of Consumer  
8 and Regulatory Affairs Corporate Division  
9 Articles of Incorporation of Domestic For-Profit  
10 Corporation.

11 Q And what is the name of the  
12 corporation this is for, this document is for?

13 A Gebtri, Inc.

14 Q Okay. How many shares were issued,  
15 according to this document?

16 A 100.

17 Q Thank you. And who was this document  
18 submitted by, according to Block No. 6?

19 A David Taylor.

20 Q What is the address on that document?

21 A 621 G Street, S.E., Washington, D.C.

22 Q Okay. And on the bottom of the page

1 it looks like there is a e-sign. Could you  
2 provide the Board with the date that that was  
3 signed?

4 A January 10, 2013.

5 MR. CHUNG: Okay. Defendants wish to  
6 enter that as Exhibit 4.

7 (Whereupon, the above-  
8 referred to document was  
9 marked as Applicant Exhibit  
10 No. 4 for identification.)

11 CHAIRPERSON ANDERSON: Okay.

12 BY MR. CHUNG:

13 Q Mr. Townsend, this document is also  
14 found in the ABRA files under ownership in the  
15 application. Could you, please, identify the  
16 document for the Board?

17 A Resolutions adopted by sole director  
18 at organization meeting of Gebtri, Inc.

19 Q And according to that document, who is  
20 the president of Gebtri, Inc.?

21 A Melake Gebre.

22 Q Okay. Is Mr. Tripodo listed as an

1 officer on these documents? On this document?

2 A No, he is not.

3 Q Okay. And what is the date that this  
4 document is signed?

5 A January 10, 2013.

6 Q And who signed that document?

7 A Mr. Gebre.

8 Q Okay.

9 MR. CHUNG: Defendants wish to enter  
10 that as Exhibit 5.

11 CHAIRPERSON ANDERSON: That's fine.  
12 Ms. Schmidt, any objection?

13 MS. SCHMIDT: No objection. It's in  
14 the file.

15 CHAIRPERSON ANDERSON: All right.

16 (Whereupon, the above-  
17 referred to document was  
18 marked as Applicant Exhibit  
19 No. 5 for identification and  
20 was received into evidence.)

21 MR. CHUNG: Just for the Board's  
22 indulgence, I'm going to skip the next page, so

1 just so we're all on the same page.

2 MEMBER ALBERTI: The next page is?

3 CHAIRPERSON ANDERSON: I don't know,  
4 but we will find out what page.

5 MR. CHUNG: Yes, I think the next page  
6 says "Articles of Incorporation of Domestic For-  
7 Profit Corporations."

8 CHAIRPERSON ANDERSON: Okay.

9 MR. CHUNG: The next page, just so we  
10 are all on the same page.

11 CHAIRPERSON ANDERSON: Is this a part  
12 of exhibit -- is this a new exhibit? This would  
13 be --

14 MR. CHUNG: An upcoming new exhibit.

15 CHAIRPERSON ANDERSON: All right.

16 Okay.

17 BY MR. CHUNG:

18 Q Mr. Townsend, this is also found in  
19 the ABRA files, could you quickly identify that  
20 document, please?

21 A This is attorney/agent designation for  
22 ABRA.

1 Q Okay. And who is the attorney  
2 designated on that document?

3 A David Taylor.

4 Q Thank you.

5 MR. CHUNG: Defendants wish to enter  
6 that as Defendant's Exhibit 6.

7 CHAIRPERSON ANDERSON: Ms. Schmidt?

8 MS. SCHMIDT: No objection.

9 CHAIRPERSON ANDERSON: Okay.

10 (Whereupon, the above-  
11 referred to document was  
12 marked as Applicant Exhibit  
13 No. 6 for identification and  
14 was received into evidence.)

15 BY MR. CHUNG:

16 Q Investigator Townsend, this is found  
17 in the ABRA files under the application and  
18 ownership documents. Could you, please, identify  
19 that document?

20 A This is a Clean Hands Certification.

21 Q And who is that Clean Hands  
22 Certification for?

1           A       Mr. Gebre.

2           Q       Is it for Mr. Tripodo?

3           A       No.

4           Q       Okay. What is Mr. Gebre's title under  
5 the Clean Hands Certification?

6           A       President.

7           Q       Could you, please, read the line right  
8 above Mr. Gebre's signature at the bottom?

9           A       "I understand that this certification  
10 is required as documentation to accompany my  
11 application for a license or permit and that by  
12 completing the certification, I am not guaranteed  
13 that my license or permit will be approved."

14          Q       Thank you.

15                   MR. CHUNG: Defendants wish to enter  
16 the Clean Hands Certification as Defendant's  
17 Exhibit 7.

18                   CHAIRPERSON ANDERSON: Ms. Schmidt?

19                   MS. SCHMIDT: No objection.

20                               (Whereupon, the above-  
21 referred to document was  
22 marked as Applicant Exhibit



1                                   No. 7 for identification and  
2                                   was received into evidence.)

3                   MR. CHUNG: Almost done.

4                   BY MR. CHUNG:

5                   Q       Investigator Townsend, this document  
6                   is also found in the ABRA files under the  
7                   application ownership files. Could you, please,  
8                   identify it, please?

9                   A       This is a Business Information Release  
10                  Authorization.

11                  Q       What is the name of the business  
12                  entity under that document?

13                  A       Gebtri, Inc.

14                  Q       Whose full legal name is titled as  
15                  president in that document?

16                  A       Melake Gebre.

17                  Q       Thank you. Could you, please, read  
18                  the certification right above Mr. Gebre's  
19                  signature, please?

20                  A       "I hereby certify under penalty of  
21                  perjury that the foregoing information is true  
22                  and correct. I further hereby authorize the

1 Alcoholic Beverage Control Board or its employees  
2 to investigate any and all of the information  
3 provided by me in this application for an ABC  
4 License."

5 Q Thank you.

6 MR. CHUNG: Defendants wish to enter  
7 that document as Defendant's Exhibit 8.

8 CHAIRPERSON ANDERSON: Ms. Schmidt?

9 MS. SCHMIDT: No objection.

10 CHAIRPERSON ANDERSON: All right. So  
11 moved.

12 (Whereupon, the above-  
13 referred to document was  
14 marked as Applicant Exhibit  
15 No. 8 for identification and  
16 was received into evidence.)

17 MR. CHUNG: Does the Board have a copy  
18 of this financial affidavit perhaps in that pile?

19 CHAIRPERSON ANDERSON: Yes.

20 BY MR. CHUNG:

21 Q Investigator Townsend, this document  
22 is also found in the ABRA application and

1 ownership documents on file with the Agency.

2 Could you, please, identify that document,  
3 please?

4 A This is a financial affidavit.

5 Q And according to that document, how  
6 much was invested or used to start the  
7 application process? The total amount?

8 A I'm not too sure based on this  
9 document.

10 Q Could you, please, read line one for  
11 the record, please?

12 A Line one is "The purchase price for  
13 stocks."

14 Q Thank you. And line seven, please?

15 A "Savings account."

16 Q How much?

17 A \$50,000.

18 Q Okay. Line 11, please.

19 A 11 is "Lounge," but it's blank. No.  
20 12 is "Other," and it is listed as "\$50,000."

21 Q Okay. Thank you. That says other?

22 A Correct.

1 Q Okay. One last question. Going back  
2 to your testimony with regard to the Promissory  
3 Note that you found in the files, do you have any  
4 knowledge of whether or not that transaction  
5 actually ever transpired?

6 A Based on the signatures of Mr. Tripodo  
7 and Mr. Gebre on the Promissory -- on the last  
8 page of the Promissory Note, I would have to  
9 assume that that transaction did occur.

10 Q So you know for a fact that Mr.  
11 Tripodo transferred -- well, okay. Great  
12 question. How much did Mr. Tripodo transfer to  
13 Mr. Gebre?

14 A The Promissory Note states two  
15 different sums, so I'm not too sure if it's  
16 \$25,000 or \$50,000.

17 Q Okay. So I'm going to ask you again.  
18 You just said you assume that it did transpire,  
19 so how much under your assumption transpired?

20 A I couldn't be able to tell you based  
21 on the information that I have.

22 Q Okay. Do you agree that you do not

1 know whether or not that --

2 MS. SCHMIDT: Objection. Asked and  
3 answered. He does not know.

4 MR. CHUNG: Okay. So asked and  
5 answered.

6 BY MR. CHUNG:

7 Q How much was transferred to Mr. Gebre  
8 if you know for a fact that this money was  
9 transferred to Mr. Gebre from Mr. Tripodo?

10 MS. SCHMIDT: Objection. He said he  
11 did not know. He did not know.

12 CHAIRPERSON ANDERSON: It's the same  
13 question, Mr. Chung, so I'm going to sustain the  
14 objection. He said that he did not know.

15 MR. CHUNG: Thank you. That's all I  
16 have for this witness. Thank you, Investigator  
17 Townsend.

18 THE WITNESS: Thank you.

19 CHAIRPERSON ANDERSON: Do we have any  
20 questions, does the Board have any questions of  
21 the witness?

22 MEMBER ALBERTI: I do.

1 CHAIRPERSON ANDERSON: All right.

2 Yes, Mr. Alberti?

3 MEMBER ALBERTI: Investigator  
4 Townsend, thank you for your report. So I want  
5 to take you sort of back to the beginning of your  
6 testimony.

7 THE WITNESS: Okay.

8 MEMBER ALBERTI: So long ago. Can you  
9 sort of briefly walk me through how your  
10 encounter with Mr. Tripodo evolved?

11 THE WITNESS: Well --

12 MEMBER ALBERTI: First of all, that  
13 night that you spoke to Mr. Tripodo, all right,  
14 where you made that recording, was Mr. Gebre  
15 there?

16 THE WITNESS: Mr. Gebre was there  
17 during my initial visit to the establishment. I  
18 didn't do the recording until I returned a couple  
19 hours later and Mr. Gebre was not present.

20 MEMBER ALBERTI: Okay. Was Mr.  
21 Tripodo there when -- earlier when --

22 THE WITNESS: Yes.

1 MEMBER ALBERTI: -- Mr. Gebre was  
2 there?

3 THE WITNESS: Yes.

4 MEMBER ALBERTI: So they were both  
5 there earlier and when you returned Mr. Gebre was  
6 gone?

7 THE WITNESS: Yes.

8 MEMBER ALBERTI: Okay. In that first  
9 earlier visit, did you indicate that there was  
10 going to be a report?

11 THE WITNESS: Yes.

12 MEMBER ALBERTI: And did you indicate  
13 the nature of that report?

14 THE WITNESS: Yes.

15 MEMBER ALBERTI: Okay. You came back  
16 for what purpose?

17 THE WITNESS: To retrieve video  
18 footages that I requested.

19 MEMBER ALBERTI: Okay. So it's your  
20 impression that Mr. Gebre and Mr. Tripodo on your  
21 first visit understood that you were going to  
22 write a report that could lead to an infraction?

1           THE WITNESS: Yes, that could lead to  
2 an infraction, yes.

3           MEMBER ALBERTI: Okay. Now, you said,  
4 I think you testified, that Mr. Tripodo  
5 represented himself as an owner during your  
6 entire -- on that second visit?

7           THE WITNESS: During my second visit,  
8 yes.

9           MEMBER ALBERTI: Can you explain that  
10 to me?

11          THE WITNESS: During the conversation,  
12 he, Mr. Tripodo, I think he said -- he said it  
13 twice actually that he was, in fact, the real  
14 owner of the establishment, but because he owned  
15 the liquor store, Union Liquors, he could not  
16 come to ABRA, I'm paraphrasing the conversation,  
17 and apply for the license for Uniontown.

18          MEMBER ALBERTI: Okay. Thank you. I  
19 want to step back again. So on your first visit,  
20 did you speak to both Mr. Tripodo and Mr. Gebre?

21          THE WITNESS: Yes. Mr. Gebre stated  
22 that he was present when the incident occurred



1 and Mr. Tripodo stated that he was not working  
2 that night.

3 MEMBER ALBERTI: Okay. Did -- so why  
4 did Mr. -- can you -- in your impression, your  
5 opinion, why did Mr. Tripodo speak with you if he  
6 wasn't present? So you contacted the owner. You  
7 usually contact the owner or ABC Manager, right?

8 THE WITNESS: Correct.

9 MEMBER ALBERTI: And when you did that  
10 on that first visit, who approached you?

11 THE WITNESS: Um --

12 MEMBER ALBERTI: You asked for the  
13 owner or ABC Manager. Who approached you?

14 THE WITNESS: Well, the establishment  
15 was closed and the only reason, I assume, that  
16 they both were there is to meet me. Mr. Tripodo  
17 --

18 MEMBER ALBERTI: The first visit?

19 THE WITNESS: Yes.

20 MEMBER ALBERTI: Okay.

21 THE WITNESS: Most of my interaction  
22 during that first visit was with Mr. Gebre,

1 because he was present when the incident  
2 occurred.

3 MEMBER ALBERTI: Okay.

4 THE WITNESS: I did ask Mr. Tripodo,  
5 you know, a few questions.

6 MEMBER ALBERTI: Well, why did you ask  
7 him? I mean, did Mr. Gebre call him in or did he  
8 step in or --

9 THE WITNESS: We all, all three of us  
10 entered the office together.

11 MEMBER ALBERTI: Okay. Okay. And it  
12 was your impression they were there to meet you?

13 THE WITNESS: Yes.

14 MEMBER ALBERTI: You had set up that  
15 meeting?

16 THE WITNESS: I did.

17 MEMBER ALBERTI: Okay. And Mr.  
18 Tripodo said he wasn't there that night?

19 THE WITNESS: Yes.

20 MEMBER ALBERTI: Okay. Great. So he  
21 would have no real purpose in responding to your  
22 questions about that incident, right?

1 THE WITNESS: Correct. Once he told  
2 me that he was not present, my -- I shifted back  
3 to Mr. Gebre.

4 MEMBER ALBERTI: Okay. Great. So I  
5 just want to clear something up. You were asked  
6 all these questions about licensing.

7 THE WITNESS: Um-hum.

8 MEMBER ALBERTI: Correct?

9 THE WITNESS: Yes.

10 MEMBER ALBERTI: Is that your -- is  
11 dealing with licensing issues your job here at  
12 ABRA?

13 THE WITNESS: No, sir.

14 MEMBER ALBERTI: So you -- did you say  
15 you were in any way an expert on that?

16 THE WITNESS: I am not.

17 MEMBER ALBERTI: All right.

18 THE WITNESS: Yes, I am not.

19 MEMBER ALBERTI: All right. So should  
20 we rely entirely on your knowledge of licensing  
21 with regards to your answers?

22 THE WITNESS: No.

1 MEMBER ALBERTI: I'm not trying to  
2 insult you, but I'm just trying to get at your  
3 assessment of how much you know about licensing.

4 THE WITNESS: Yeah, no. We have a  
5 Licensing Division that handles licensing  
6 licenses.

7 MEMBER ALBERTI: Okay. So would you  
8 say you are sort of moderately knowledgeable?

9 THE WITNESS: I would say moderately.

10 MEMBER ALBERTI: Very knowledgeable?

11 THE WITNESS: Moderately.

12 MEMBER ALBERTI: Okay. All right.  
13 You were given an exhibit by the applicant's  
14 attorney, it was a lease agreement, right? Do  
15 you have that there?

16 THE WITNESS: Yes.

17 MEMBER ALBERTI: Can you look at the  
18 second page?

19 THE WITNESS: Okay.

20 MEMBER ALBERTI: What's the number on  
21 the bottom of that second page say?

22 THE WITNESS: The page number?

1 MEMBER ALBERTI: Yeah.

2 THE WITNESS: 23.

3 MEMBER ALBERTI: All right. So would  
4 it be your impression that pages 2 through or  
5 maybe even 1 through 22 are missing?

6 THE WITNESS: From -- yes.

7 MEMBER ALBERTI: From this exhibit?

8 THE WITNESS: Yes.

9 MEMBER ALBERTI: And you -- do you  
10 have any knowledge of what is -- do you have any  
11 -- I know you looked through this, but at this  
12 point, can you recall anything about what was on  
13 those other pages?

14 THE WITNESS: No, I do not.

15 MEMBER ALBERTI: All right. Thank  
16 you. So there could be something important there  
17 that you don't know about, right?

18 THE WITNESS: Could be.

19 MEMBER ALBERTI: All right. Thank  
20 you. Would it surprise you that the introduction  
21 to this lease agreement mentions an Exhibit D,  
22 which talks about grantors?

1 THE WITNESS: It would, yes.

2 MEMBER ALBERTI: Pardon?

3 THE WITNESS: It would surprise me.

4 MEMBER ALBERTI: Why? You don't have  
5 it in front of you.

6 THE WITNESS: I don't have it in front  
7 of me.

8 MEMBER ALBERTI: If I told you that  
9 it's in the file, would it surprise you? Would  
10 it be believable that it's in the file?

11 THE WITNESS: Yes.

12 MEMBER ALBERTI: Okay. Of your --  
13 given your knowledge of licensing?

14 THE WITNESS: Uh-huh.

15 MEMBER ALBERTI: All right. Would it  
16 surprise you at all to learn, after your  
17 testimony today, that Mr. Tripodo is a guarantee  
18 of the license of the lease as well as Mr. Gebre?

19 THE WITNESS: It would not surprise  
20 me.

21 MEMBER ALBERTI: Okay. Thank you.  
22 Would it surprise you at all that at a Roll Call

1 Hearing on April 7, 2014 before Ms. Fletcher, the  
2 Board's Agent, that Mr. Tripodo answered the  
3 question of "Mr. Tripodo, are you the applicant?"  
4 And Mr. Tripodo answered "We are the applicant."  
5 And Ms. Fletcher asked "You are the co-  
6 applicant?" And Mr. Tripodo answered "Yes."

7 Would that surprise you?

8 THE WITNESS: No, it would not.

9 MEMBER ALBERTI: All right. Would it  
10 surprise you that Mr. Tripodo went on to say  
11 also --

12 MS. SCHMIDT: What date was that?

13 MEMBER ALBERTI: I'm sorry?

14 MS. SCHMIDT: I apologize. What date  
15 was that?

16 MEMBER ALBERTI: April 7, 2014. You  
17 can find it in the ABRA records if you just go  
18 onto the website.

19 MR. CHUNG: Thank you.

20 MEMBER ALBERTI: That's how I got it.  
21 Mr. Tripodo also followed-up with "Also, I'm the  
22 investor." Would that surprise you?

1 THE WITNESS: No.

2 MEMBER ALBERTI: Him saying that?

3 THE WITNESS: No.

4 MEMBER ALBERTI: All right. Thank  
5 you. I have no further questions. Thank you,  
6 Mr. Townsend.

7 THE WITNESS: Thank you.

8 CHAIRPERSON ANDERSON: Any other  
9 questions by other Board Members? Mr. Short?

10 MEMBER SHORT: Well, first of all,  
11 good afternoon.

12 THE WITNESS: Good afternoon.

13 MEMBER SHORT: Investigator Townsend,  
14 it's an excellent report.

15 THE WITNESS: Thank you.

16 MEMBER SHORT: And this is a very  
17 serious matter. Apparently your training -- how  
18 many years have you now been with ABRA?

19 THE WITNESS: 4 years.

20 MEMBER SHORT: So along with your  
21 training you initially got and your 4 years of  
22 experience, you were able to come up with the



1 charges in this case?

2 THE WITNESS: Yes, sir.

3 MEMBER SHORT: And during your visits  
4 and your inspections in the field, you don't have  
5 access to any of these records that were  
6 introduced to you today, correct?

7 THE WITNESS: Not in the field.

8 MEMBER SHORT: All right. And so  
9 would these documents have anything to do with  
10 someone offering a bribe to you?

11 THE WITNESS: No, sir.

12 MEMBER SHORT: And so the testimony  
13 that you were given today and the tape that we  
14 heard today was -- actually transpired while you  
15 were doing your inspection? Would that be a true  
16 statement?

17 THE WITNESS: Yes.

18 MEMBER SHORT: Okay. Again, I do  
19 thank you very much for your testimony. It has  
20 been quite compelling and thank you for your  
21 excellent report.

22 THE WITNESS: Thank you.

1 MEMBER SHORT: That's all I have, Mr.  
2 Chair.

3 CHAIRPERSON ANDERSON: Any other  
4 questions by any other Board Members? I just  
5 have a quick question I want to ask you, Mr.  
6 Townsend.

7 In your -- how many times have you  
8 been over at Uniontown, Cedar Hill/Uniontown,  
9 this establishment?

10 THE WITNESS: During my time at ABRA?

11 CHAIRPERSON ANDERSON: Yes.

12 THE WITNESS: I would say no more than  
13 four or five times.

14 CHAIRPERSON ANDERSON: And prior to  
15 this one incident, who is Mr. Tripodo, as far as  
16 ABRA is concerned?

17 THE WITNESS: He represented he was  
18 the ABC Manager.

19 CHAIRPERSON ANDERSON: The ABC -- and  
20 so who is an ABC Manager?

21 THE WITNESS: Mr. Tripodo.

22 CHAIRPERSON ANDERSON: No, but -- so

1 what is an ABC Manager?

2 THE WITNESS: Oh, he is in the absence  
3 of an owner, he is the licensed individual that  
4 is responsible for, I guess, primarily the  
5 consumption of the alcohol.

6 CHAIRPERSON ANDERSON: So he is -- so  
7 would you consider him an agent of the owner?

8 THE WITNESS: Yes.

9 CHAIRPERSON ANDERSON: All right. I  
10 don't have any further questions.

11 MEMBER ALBERTI: Can I ask just one  
12 quick question? Can I speak to that?

13 CHAIRPERSON ANDERSON: Yes, Mr.  
14 Alberti.

15 MEMBER ALBERTI: So also, would it  
16 surprise you that at a March 8, 2017 hearing that  
17 Mr. Tripodo represented himself as the general  
18 manager?

19 THE WITNESS: It would not surprise  
20 me.

21 MEMBER ALBERTI: Thank you. I have no  
22 further questions.

1           CHAIRPERSON ANDERSON: All right. Any  
2 questions, Mr. Chung, based on the questions that  
3 were asked by the Board?

4           MR. CHUNG: Sure.

5                           REXCROSS-EXAMINATION

6           BY MR. CHUNG:

7           Q       Investigator Townsend, in your work as  
8 an ABRA Investigator in your personal life, has  
9 anyone ever told you they own a restaurant or a  
10 bar and you later found out that that wasn't  
11 true?

12           CHAIRPERSON ANDERSON: Mr. Chung, that  
13 -- all right. I'm sorry, go ahead. Go ahead.  
14 Go ahead.

15           THE WITNESS: Um --

16           BY MR. CHUNG:

17           Q       Has a busboy said hey, I'm the owner  
18 or I'll give you examples. Someone who maybe  
19 invested \$10,000 into a business starts telling  
20 his friends, hey, I'm the owner. Has that ever--  
21 have you ever come across that in your  
22 experience?

1           A       Yes, I have.

2           Q       Okay. Thank you. And if you are an  
3 owner, are you required to have an ABC Manager  
4 License?

5           A       If you are an owner?

6           Q       Yes.

7           A       No, no.

8           Q       Okay. Mr. Alberti brings up the  
9 fantastic fact, and should the Board wish, I'm  
10 happy to submit the rest of the lease documents,  
11 but they are already in the file, no one is  
12 hiding the ball here.

13                    So I have a question for you. If you  
14 are a guarantor on a lease, does that mean that  
15 you are an owner of the entity that you are  
16 guaranteeing for?

17                   MS. SCHMIDT: Objection. He is not a  
18 lawyer and not a real estate expert.

19                   BY MR. CHUNG:

20           Q       To the best of your knowledge. I'm  
21 not asking for a legal opinion.

22                   CHAIRPERSON ANDERSON: Hold on.

1 Answer the question, Mr. Townsend, if you can.

2 THE WITNESS: I'm not sure.

3 BY MR. CHUNG:

4 Q All right. Did Mr. Tripodo -- were  
5 you ever told -- I think I asked you this, but I  
6 want to clarify for the record. Has Mr. Gebre  
7 ever -- did he ever tell you during these  
8 investigations, during the bribe that Mr. Tripodo  
9 speaks on behalf of me?

10 A No.

11 MR. CHUNG: That's all I have.

12 CHAIRPERSON ANDERSON: Ms. Schmidt?

13 MS. SCHMIDT: Okay.

14 REDIRECT EXAMINATION

15 BY MS. SCHMIDT:

16 Q So did Mr. Gebre have knowledge that  
17 Mr. Tripodo was going to -- I'm sorry.

18 When you came back the second time,  
19 how do -- did you -- was Mr. Gebre there to give  
20 you the tapes?

21 A No, Mr. Tripodo was.

22 Q And did you ask why Mr. -- did you ask

1 Mr. Tripodo why -- so did Mr. Tripodo appear to  
2 have the authority to give you the tapes?

3 A He appeared to, yes.

4 Q Why would -- what do you base that on?

5 A The conversation that we had on the  
6 phone prior to me returning to the establishment.  
7 I initially contacted Mr. Gebre, but he didn't  
8 answer the phone, so I then reached out to Mr.  
9 Tripodo and Mr. Tripodo told me that he had the  
10 video footage that I requested and, you know, we  
11 made arrangements to -- for me to retrieve it  
12 from Mr. Tripodo.

13 Q And did Mr. Gebre ever make any  
14 objections to you getting the videotape from Mr.  
15 Tripodo?

16 A Not that I'm aware of.

17 Q He never came up to you and said you  
18 shouldn't have spoken to him?

19 A No.

20 Q And also, if someone wanted to have  
21 two establishments, I know you are not a  
22 licensing expert, but would they put their name

1 on both applications?

2 (No audible response.)

3 Q In other words, if someone was ready  
4 an owner -- okay. If someone was an owner of a  
5 liquor store, for example --

6 A Um-hum.

7 Q -- and they wanted to also have a  
8 restaurant or tavern, would they put -- under the  
9 law --

10 MR. CHUNG: Objection. This calls for  
11 speculation.

12 MS. SCHMIDT: I was going to say --

13 MR. CHUNG: This has nothing to do  
14 with the pertinent facts of this case.

15 MS. SCHMIDT: -- under the law --

16 MR. CHUNG: It calls for speculation.

17 MS. SCHMIDT: -- no, it --

18 CHAIRPERSON ANDERSON: Yeah, Ms.  
19 Schmidt, rephrase the question.

20 MS. SCHMIDT: Okay.

21 MEMBER ALBERTI: But we have  
22 established his knowledge of licensing.



1 BY MS. SCHMIDT:

2 Q Okay. If someone --

3 CHAIRPERSON ANDERSON: It's -- you are  
4 asking him to speculate, that's why I'm  
5 sustaining the objection.

6 MS. SCHMIDT: Okay.

7 BY MS. SCHMIDT:

8 Q Could someone get a second license  
9 from ABRA based on the regulations, as you  
10 enforce them?

11 A Based on my knowledge, an owner of an  
12 A store, which in this case Mr. Tripodo is 51  
13 percent owner of Union Liquors, he cannot have  
14 any interest in a Class C License.

15 Q And based on your knowledge, if his  
16 name was on a second application, could -- do you  
17 think that ABRA would have issued a second  
18 license?

19 A No.

20 MS. SCHMIDT: No further questions.

21 CHAIRPERSON ANDERSON: All right.

22 Thank you, Mr. Townsend. You can step down.

1 THE WITNESS: Thank you.

2 (Whereupon, the witness was excused.)

3 CHAIRPERSON ANDERSON: Do you have  
4 another witness?

5 MS. SCHMIDT: Yes, just one, a short  
6 one. Our witness will not give a lot of  
7 testimony.

8 CHAIRPERSON ANDERSON: All right.

9 MS. SCHMIDT: I would say short one.  
10 The Government calls Investigator Jason Peru.

11 CHAIRPERSON ANDERSON: Mr. Peru? Mr.  
12 Peru, can you raise your right hand?

13 Whereupon,

14 INVESTIGATOR JASON PERU  
15 was called as a witness by Counsel for the  
16 Government, and having been first duly sworn,  
17 assumed the witness stand and was examined and  
18 testified as follows:

19 THE WITNESS: I do.

20 CHAIRPERSON ANDERSON: Thank you.  
21 Your witness.

22 MS. SCHMIDT: Thank you.

## 1 DIRECT EXAMINATION

2 BY MS. SCHMIDT:

3 Q Investigator Peru, what is your -- by  
4 whom are you employed?5 A My name is Investigator Jason Peru.  
6 I'm an Investigator with Alcoholic Beverage  
7 Regulation Administration.8 Q And were you present at a hearing held  
9 at the U.S. Superior Court of the District of  
10 Columbia held on June 28, 2017?

11 A Yes, I was.

12 Q And what was the nature of that  
13 hearing?14 A Mr. Tripodo -- I'm sorry, the  
15 pronunciation of the name. Mr.?

16 MR. CHUNG: Tripodo.

17 THE WITNESS: Tripodo had a hearing in  
18 reference to his bribery charges against Mr. --  
19 with Mr. Townsend.

20 BY MS. SCHMIDT:

21 Q And did you -- and what did you -- and  
22 did you hear Mr. Tripodo admit to guilt, admit

1 any guilt or what -- or plea to anything?

2 A Yes, he plead guilty to the charges.

3 Q Which charges exactly?

4 A To bribery.

5 Q And was he questioned by the ownership  
6 of any establishments during that hearing?

7 A Yes, he was.

8 Q Oh, and was he -- before we go to  
9 that, was he sworn under oath at that hearing?

10 A Yes, he was.

11 Q And what did he say regarding any  
12 ownership of establishments, at that hearing?

13 A He advised that he owned the Union  
14 Liquors and the Uniontown.

15 MS. SCHMIDT: No further questions, at  
16 this time.

17 CHAIRPERSON ANDERSON: Mr. Chung?

18 CROSS-EXAMINATION

19 BY MR. CHUNG:

20 Q Hi, Investigator Peru.

21 A How you doing, sir?

22 Q How are you? I'm sorry, were those

1 statements made under oath in open Court?

2 A Yes, they were.

3 Q Was it during a trial?

4 A It wasn't a trial. It was a plea.

5 They called everybody up and he went up there and

6 entered a plea agreement and pled guilty to

7 those.

8 Q Okay. Was Mr. Gebre invited to that?

9 Was Mr. Gebre present at that hearing?

10 A I do not --

11 Q Was Mr. Gebre present at the hearing?

12 A Yeah, I don't think I saw him there.

13 Q Okay.

14 A No.

15 Q Was Mr. Gebre given an opportunity to

16 discount any statements made by Mr. Tripodo?

17 A Not when I was present.

18 Q Okay.

19 MR. CHUNG: That's all I have. Thank

20 you.

21 CHAIRPERSON ANDERSON: Any questions

22 by the Board Members? Hearing none, thank you

1 very much, Mr. Peru. You can step down.

2 (Whereupon, the witness was excused.)

3 CHAIRPERSON ANDERSON: Any other  
4 witnesses by the Government?

5 MS. SCHMIDT: No, not at this time.

6 CHAIRPERSON ANDERSON: Does the  
7 Government rest?

8 MS. SCHMIDT: The Government rests.

9 CHAIRPERSON ANDERSON: Thank you. Mr.  
10 Chung, do you wish to call any witnesses?

11 MR. CHUNG: We have no witnesses.

12 CHAIRPERSON ANDERSON: Do you rest on  
13 the record?

14 MR. CHUNG: We rest on the record.

15 CHAIRPERSON ANDERSON: Does the  
16 Government wish to make a closing statement?

17 MS. SCHMIDT: Yes. The Government has  
18 shown today and has met its burden to show that  
19 Mr. Gebre, the licensee, violated those four, the  
20 four sections of the D.C. Code, which are  
21 referenced in the charges.

22 The first one 25-823(6), which was

1 failing to comply with the security order has  
2 already been adjudicated by this Board in Board  
3 Order 2018 -- I'm sorry, that's the wrong one.  
4 The Board Order dated March 31, 2017, which was  
5 referenced earlier.

6 At that time, it was found --

7 CHAIRPERSON ANDERSON: I'm sorry, what  
8 was the Board Order again?

9 MS. SCHMIDT: March 31, 2017 in Board  
10 Order, I have to locate again to have the actual  
11 number again --

12 MR. CHUNG: The Board Order is 2017-  
13 182.

14 MS. SCHMIDT: 182. March 31st. And  
15 at that time --

16 MR. CHUNG: Okay.

17 MS. SCHMIDT: -- at that time, the  
18 Board found that he was -- that the security plan  
19 was not followed because they failed to -- the  
20 establishment failed to escort a violent  
21 aggressor to the MPD Reimbursable Detail, which  
22 was right outside. They failed to consistently

1 use metal wands, metal detector wands and they  
2 did not -- and the bouncers were not wearing  
3 uniforms.

4           However, the tape today speaks for  
5 itself. An agent of the establishment who had  
6 the apparent authority to make -- to speak to the  
7 Investigator, Mr. Gebre was there the first time  
8 that they -- that Investigator Townsend came, he  
9 testified to that, and Mr. Tripodo was with him  
10 at the time.

11           When he returned, obviously, Mr.  
12 Tripodo gave him -- not only gave him the tapes,  
13 not only gave him the tapes, but as you heard in  
14 the conversation, he offered him numerous times a  
15 bribe for \$3,000.

16           And to be specific, at 2:45 on the  
17 tape, after being offered a bribe, Investigator  
18 Townsend refused the bribe. He said "That's not  
19 me." At 6:50 in the tape, that's when he  
20 admitted that he was the -- he was not really  
21 just the general manager, but he was really the  
22 owner and he admitted to the -- he admitted to



1 Investigator Townsend he could not have two  
2 licenses.

3 At 8 minutes and 30 seconds on the  
4 tape, he said why should I pay Mr. Fonseca  
5 \$20,000 when we could just take care of this  
6 ourselves? And then again at 8:55, Investigator  
7 Townsend said "I don't feel comfortable taking  
8 any money." And then at 13:24 on the tape,  
9 again, he admitted that he was the owner. It was  
10 his money in the bar.

11 And the fact that he also said that --  
12 and then at the end of the tape he said "Why hire  
13 a lawyer when I can take care of you?" He  
14 repeatedly offered him money and repeatedly  
15 asserted that he was the true owner.

16 By offering him money to get a clean  
17 report, this how he impeded investigation. He  
18 impeded the investigation, the interfered with  
19 the investigation of this horrific event. Not --  
20 even though we did not present testimony today of  
21 the event, the stabbing and everything that  
22 happened there was horrific. There was blood and

1 someone did -- and there was not -- the  
2 procedures were not followed.

3 Also, if someone wants to deceive the  
4 Board, they are not going to put their name on  
5 the owner -- the evidence -- the attorney for the  
6 licensee about what is in the ABRA files, of  
7 course it has Mr. Gebre's name on it, Mr. Tripodo  
8 specifically did not want his name on the  
9 records.

10 Why would he want -- why would he put  
11 his name on the records if -- why would his name  
12 be on the records if he did not want to be seen  
13 as an owner? He knew he had another  
14 establishment. He could not -- he knew he could  
15 not apply for another license.

16 So instead he funded Mr. -- he gave  
17 him -- he loaned him money and he fronted Mr.  
18 Gebre to be the owner of this establishment.  
19 Therefore, and due to the egregious behavior of  
20 Mr. Tripodo and his -- and Mr. Gebre, by the way,  
21 we have testimony he never called back  
22 Investigator Townsend and said -- and disavowed

1 himself from this whole attempted bribery.

2 He never said -- he never called back  
3 and said oh, you know, he should not have done  
4 that. You know, if he was truly not authorized,  
5 he should have called back and said look, this  
6 was not -- this is not the way we do business.  
7 This employee should be -- this employee would be  
8 gone.

9 If one of my -- so you would expect a  
10 licensee in the District of Columbia, if one of  
11 their employees acted so horrifically, they would  
12 make sure that employee was gone.

13 And Mr. Tripodo -- so therefore, the  
14 Government is asking for revocation of this  
15 license. Thank you.

16 CHAIRPERSON ANDERSON: So that's what  
17 you are, basically, asking to -- for all the  
18 charges --

19 MS. SCHMIDT: We ask to revoke the  
20 license, yes.

21 CHAIRPERSON ANDERSON: Mr. Chung?

22 MR. CHUNG: Thank you for your time,

1 Board Members. With regard to Charge 1, I  
2 quickly want to -- Order No. 2017-182, defendants  
3 ask that that charge be dismissed. The  
4 Government has not proven the standard for this  
5 charge to move forward.

6 Specifically, what I would like to do  
7 is direct the Board to that order specifically  
8 and an important statement under Findings of Fact  
9 is the first sentence. It says that "The Board  
10 having considered the evidence contained in the  
11 record, the testimony of the witnesses, the  
12 arguments of the parties and the documents  
13 comprising the Board's official file, makes the  
14 following findings."

15 And the Board goes on to say that this  
16 case -- that Board Order only applies to the  
17 Summary Suspension. It does not apply to  
18 anything else. It -- the Findings of Fact in  
19 that case only are relevant to the 72-hour  
20 closure.

21 Now, the Government is arguing they  
22 don't have to put on a new case. We rely on the

1 affirmative defenses of collateral estoppel and  
2 double jeopardy. They had their chances at that  
3 point to make its case for more fines or  
4 suspensions or what have you. It's the same  
5 facts, the same parties and we have got a final  
6 judgment, so Charge 1 should be dismissed.

7 With regard to Charge 2 and 3, we  
8 don't dispute that Mr. Tripodo plead out a  
9 bribery charge. What we do dispute is that my  
10 client should be penalized for his actions, his  
11 unauthorized actions.

12 If the Board believes that Mr.  
13 Tripodo, number one, was not an owner or did not  
14 authorize -- Mr. Gebre authorized this bribe, all  
15 charges fail.

16 We heard the testimony of Investigator  
17 Townsend. Mr. Gebre never authorized him to make  
18 statements regarding ownership. Mr. Gebre never  
19 authorized Mr. Tripodo to bribe an ABRA official.

20 The documents speak for itself. We  
21 presented evidence before this Board. Mr. Gebre  
22 signed the lease on behalf of Uniontown. Now,

1 Mr. Alberti says well, he is a guarantor. It  
2 just shows some type of collusion.

3 I own land in the District of  
4 Columbia. I rent to college kids all the time.  
5 I try to get their parents to sign as lessees.  
6 They say no way. What I will do is guarantee  
7 this lease. Well, guess what, those parents are  
8 smart. What that means is that they are not on  
9 the hook for the lease, but they just have to pay  
10 the financial burden of breaching the lease.

11 This is the same situation. We had a  
12 stock certificate that showed Mr. Gebre as the  
13 sole stock certificate holder. We have corporate  
14 resolutions that show he is the only officer and  
15 president of the corporation. Articles of  
16 Incorporation that say there are no other  
17 directors. Nothing else is reflected in any of  
18 those documents.

19 Mr. Gebre signed the lease. He also  
20 under what I believe to be Federal Perjury Laws  
21 signed a Clean Hands Certification saying that he  
22 is the only owner of Gebtri, Inc.

1           The most important document is the  
2           summary of shares which shows that he owns 100  
3           percent of the shares. We have emphatically  
4           proven that he is the only officer and president  
5           of Gebtri, Inc.

6           The Government has never -- has not  
7           shown apparent authority. Mr. Tripodo could say  
8           he is the cousin of the Queen of England. Unless  
9           the Queen of England says yes, he is a family  
10          member, guess what? He gets to keep running his  
11          mouth around town and says whatever he wants to  
12          say, but that doesn't put the Queen of England  
13          before this Tribunal or any tribunal to be  
14          penalized for his statements.

15          Now, with regard to the loan document,  
16          that loan document never transpired. For some  
17          reason Mr. Taylor submitted that to this Board.  
18          Mr. Gebre was unaware of it, but what could have  
19          been done in this case, and I would have pointed  
20          out if I were the prosecutor, is I would have  
21          subpoenaed the financial records.

22          And what the financial records would

1 show is that Mr. Tripodo was a W-2 employee. If  
2 he was a true owner, he would have partook in  
3 profit sharing. We have no documents to show he  
4 was -- he partook in profit sharing nor does the  
5 Government.

6 With regard to the OIC, there was  
7 never a hearing on those facts. My client was  
8 never party to that case. I do not know what Mr.  
9 Tripodo's motivations were for signing the OIC.  
10 Perhaps, like in many cases in the legal world,  
11 he just didn't want to deal with it anymore and  
12 rack up legal bills and just paid the fine.

13 What he admitted to has nothing to do  
14 with my client. My client was never given a fair  
15 opportunity to be at that hearing and dispute his  
16 allegations with regard to whatever he may have  
17 said.

18 With regard to Mr. Tripodo's  
19 statements that he is an owner to Investigator  
20 Townsend, I suspect, like many people in this  
21 world, they were made in the colloquial sense.  
22 I'm an owner. Meaning he really cares about the



1 business, as in manager, because it seems like he  
2 dealt with a lot of the issues there or he might  
3 have just been going off on a tangent.

4 Again, refer to my example with regard  
5 to the Queen of England. A lot of people in this  
6 world say a lot of crazy things. Whether they  
7 are true or not, who knows, that's why you have  
8 to go to the source. The source is right in  
9 front of you. The source has provided documents  
10 under the Penalty of Perjury that say that he is  
11 the only owner of Gebtri, Inc.

12 Finally, with regard to this plea deal  
13 with the Justice Department, I do want this Board  
14 to know that my client was out of the country  
15 then. He was unable to attend. He did not  
16 receive notice of it. He had no idea what was  
17 going on.

18 This case needs to focus on the facts  
19 presented today, not the criminal acts done and  
20 carried out by Mr. Tripodo. You cannot hold my  
21 client responsible for another man's acts. Thank  
22 you.

1 CHAIRPERSON ANDERSON: All right.

2 Thank you.

3 MS. SCHMIDT: May I respond?

4 CHAIRPERSON ANDERSON: Well, I don't  
5 normally have --

6 MS. SCHMIDT: Well --

7 MR. CHUNG: Don't you just get one  
8 shot at the apple?

9 MS. SCHMIDT: No, no, no, because  
10 since I have the burden of proof, I get to  
11 respond. And, you know, in --

12 MR. CHUNG: She already had --

13 MS. SCHMIDT: -- Superior Court you  
14 get to respond.

15 MR. CHUNG: This isn't a Court of Law.

16 CHAIRPERSON ANDERSON: All right. I'm  
17 running the show. Go ahead, Ms. Schmidt, yeah.

18 MS. SCHMIDT: Okay. First of all, the  
19 attorney for the licensee does not understand the  
20 procedure in a Summary Suspension Hearing. In a  
21 Summary Suspension Hearing, it is more than --  
22 the standard is imminent danger. It is not --

1 and so when he said he could be suspended or  
2 fined or -- usually during a Summary Suspension,  
3 the only standard you are trying to -- the only  
4 thing that the Board is looking -- is  
5 concentrating on is how soon can they reopen, so  
6 the imminent danger is eliminated?

7           They are not -- at that point, this is  
8 why it is referred to a Show Cause Hearing for  
9 the punishment phase. This was not -- so the  
10 Summary Suspension -- so his statement about the  
11 Summary Suspension Hearing that they could have  
12 been closed or fines or suspended then is untrue  
13 and does not show an understanding of what this  
14 Board does.

15           And this is more -- and Mr. Tripodo is  
16 more than just running his mouth off. He was  
17 committing a crime by offering a person he knew  
18 to be an Agent of the Government, an Investigator  
19 a bribe. And this is not just one time. It was  
20 not like oh, do you want \$3,000? This went on  
21 for 15 minutes. This is not just a mere running  
22 of his mouth. He was serious about it.

1           And he also swore under oath during a  
2 criminal proceeding that he did do that and that  
3 we was also an owner of -- he was also an owner  
4 of two establishments.

5           And also, he agreed -- also, Mr.  
6 Tripodo at the other hearing on -- during the OIC  
7 on January 24th, he agreed to more than pay a  
8 fine. He also agreed that he cannot have any  
9 interest in any alcohol or any establishment that  
10 sells alcohol for five years. That is more than  
11 just trying merely to just get rid of something.

12           When you have -- when you are making  
13 your living one way and you are giving it up for  
14 five years, that is quite substantial. It's more  
15 than just ah, let's just get rid of it.

16           And finally, okay, so therefore, the  
17 Government is asking for revocation of this  
18 license, because you should not allow your  
19 employee -- you cannot allow people who work for  
20 you to run around and offer bribes and try to  
21 corrupt our system. Thank you.

22           CHAIRPERSON ANDERSON: I thank the

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

4 MS. SCHMIDT: We waive our right.

5 MR. CHUNG: We do not waive our right  
6 and wish to do so.

7 CHAIRPERSON ANDERSON: The Board will  
8 issue a decision within 90 days. If the parties  
9 choose to file proposed findings of fact and  
10 conclusions of law, then 90 days from which the  
11 Board receives the proposed -- well, you should  
12 receive the transcript within the next three  
13 weeks and probably within -- you have 30 days  
14 after you receive the transcript to provide the  
15 Board with the conclusions of law, the findings  
16 of fact and conclusions of law.

17 MR. CHUNG: Chairman Anderson, just to  
18 clarify, I have had situations where the  
19 transcript was not prepared in time and you had  
20 to file a motion before the Board to ask for an  
21 extension. Are you saying we -- you are allowing  
22 us from the time we receive the transcript the

1 days after that?

2 CHAIRPERSON ANDERSON: Right. It's  
3 due after you receive it, so 30 days after  
4 receipt of the transcript, then that's when the  
5 documents are due. Okay.

6 As Chairperson of the Alcoholic  
7 Beverage Control Board for the District of  
8 Columbia and in accordance with Section 405 of  
9 the Open Meetings Amendment Act of 2010, I move  
10 that the ABC Board hold a closed meeting for the  
11 purpose of seeking legal advice from our counsel  
12 on Case No. 17-251-00029, 17-251-00029(a) and 17-  
13 251-00029(b), Uniontown Bar & Grill, per Section  
14 405(b)(4) of the Open Meetings Amendment Act of  
15 2010, and deliberating upon Case No. 17-251-  
16 00029, 17-251-00029(a) and 17-251-00029(b),  
17 Uniontown Bar & Grill, for the reasons cited in  
18 Section 405(b)(13) of the Open Meetings Amendment  
19 Act of 2010. Is there a second?

20 MEMBER SHORT: Second.

21 CHAIRPERSON ANDERSON: Mr. Short has  
22 seconded the motion. I will now take a roll call

1 vote on the motion before us now that it has been  
2 seconded.

3 Ms. Wahabzadah?

4 MEMBER WAHABZADAH: I agree.

5 CHAIRPERSON ANDERSON: Mr.

6 Silverstein?

7 MEMBER SILVERSTEIN: I agree.

8 CHAIRPERSON ANDERSON: Mr. Short?

9 MEMBER SHORT: I agree.

10 CHAIRPERSON ANDERSON: Mr. Alberti?

11 MEMBER ALBERTI: I agree.

12 CHAIRPERSON ANDERSON: Mr. Cato?

13 MEMBER CATO: I agree.

14 CHAIRPERSON ANDERSON: Mr. Anderson?

15 I agree.

16 As it appears that the motion has  
17 passed, I hereby give notice that the ABC Board  
18 will hold a closed meeting in the ABC Board  
19 conference room pursuant to the Open Meetings  
20 Amendment Act of 2010. We will issue an order  
21 within 90 days after the findings of fact and  
22 conclusions of law are issued.

1           I want to thank the parties for being  
2 here today. And we are -- this matter is taken  
3 for us to make a decision. All right.

4           MR. CHUNG: Thank you for your time.

5           CHAIRPERSON ANDERSON: Thank you.

6           MS. SCHMIDT: Thank you.

7           (Whereupon, the Show Cause Hearing was  
8 concluded at 1:50 p.m.)

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