

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

IN THE MATTER OF: :

:

Prospect Dining, LLC, :

t/a Chinese Disco :

3251 Prospect Street NW, : Show Cause

Retailer CR - ANC 2E : Hearing

License No. 78058 :

Case #17-CC-00113 :

:

(Sale to Minor Violation, :

Failed to Take Steps :

Necessary to Ascertain :

Legal Drinking Age) :

Wednesday
June 20, 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
DONALD ISAAC, SR., Member
JAMES SHORT, Member
REMA WAHABZADAH, Member

ALSO PRESENT:

JESSICA GUNZEL, OAG

WALTER ADAMS, OAG

KEVIN PUENTE, ABRA INVESTIGATOR

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

Closing Statement by Government.38

WITNESS DIRECT CROSS REDIR RECROSS BOARD
Kevin Puente 8

EXHIBITS IDENTIFIED RECEIVED

GOVERNMENT

1 - Puente ROI With Attachments	30	31
1.1 Wittenberg Student ID Card	32	
2 - Bucci Driver's License	33	
3 - Dannheim Student ID Card	35	
4 - Dannheim Driver License		
(1st one presented)	36	
5 - Puente Regulatory Inspection	37	
6 - Sale to Minor Notification	37	

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

2 11:33 a.m.

3 CHAIRPERSON ANDERSON: All right.

4 We're back on the record. The next case is Case
5 No. 17-CC-00113, Chinese Disco, License No.
6 78058.

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

9 MR. ADAMS: Good morning, Mr. Chairman
10 and Members of the Board. I'm Walter Adams
11 representing the District of Columbia.

12 MS. GUNZEL: Good morning, Jessica
13 Gunzel representing the District of Columbia.

14 CHAIRPERSON ANDERSON: Good morning,
15 Mr. Adams. Good morning, Ms. Gunzel.

16 I see that the licensee is not here.
17 This matter was scheduled for a Show Cause
18 Hearing at 11:00. It is 11:30 and the licensee
19 is not here.

20 Is there any representation you can
21 make, Mr. Adams?

22 MR. ADAMS: Yes, Mr. Chairman. A

1 brief indulgence, I just want to make sure I have
2 the right case file.

3 Mr. Chairman, we -- this matter was
4 set for today at 11:00 a.m. by the Board via an
5 order that, to our knowledge, has been served
6 upon the establishment. Earlier this week,
7 counsel for the District or I received an email
8 from Mr. Song, who is the owner, one of the
9 owners of this establishment stating that --
10 asking whether or not I was representing the
11 District for both cases that are on the schedule
12 today.

13 And I can -- let me just find this
14 email, just so I can be able to reference the
15 date, Mr. Chairman. Yes, on June 19th at 12:01
16 a.m., I received an email from him saying
17 "Walter, are you handling both hearings relating
18 to Prospect Dining this week?" And June 19th,
19 the record can reflect that June 19th is
20 literally yesterday. So therefore, that's the
21 last communication I had with the owner regarding
22 this matter. So that -- I think we can infer

1 that he had knowledge that there were -- that the
2 hearings were on the schedule.

3 CHAIRPERSON ANDERSON: Is the
4 Government ready to proceed?

5 MR. ADAMS: Yes, we are ready to
6 proceed with this matter. Mr. Chairman, there
7 obviously are no preliminary matters.

8 CHAIRPERSON ANDERSON: Hold on, hold
9 on, hold on, Mr. Adams.

10 MR. ADAMS: Oh, okay.

11 CHAIRPERSON ANDERSON: I'm not quite
12 ready yet.

13 MR. ADAMS: No problem.

14 CHAIRPERSON ANDERSON: All right.
15 Pursuant to DC Official Code Section 25-447, the
16 Board has the authority to proceed ex parte where
17 the licensee waives the hearing or fails to
18 appear unless the hearing is extended for good
19 cause and sufficient cause.

20 The Board's record reflects that the
21 licensee was properly served on April 19, 2018
22 for this case and the representation by Mr. Adams

1 was that he was in contact with the licensee
2 regarding this hearing for today.

3 Seeing no licensee here today and
4 having no good and sufficient cause to extend
5 this hearing, the Board will proceed with the
6 Show Cause Hearing.

7 Mr. Adams, any preliminary matters?

8 MR. ADAMS: There are no preliminary
9 matters, Mr. Chairman. We are ready to proceed.

10 CHAIRPERSON ANDERSON: Do you wish to
11 make an opening statement?

12 MR. ADAMS: Mr. Chairman, I will waive
13 an opening statement due to the fact that there
14 is no other side, so no, we will waive the
15 opening statement and we can proceed straight to
16 the --

17 CHAIRPERSON ANDERSON: Does the
18 Government have a witness?

19 MR. ADAMS: We do. We have two
20 witnesses, I think, really and realistically, we
21 will probably only need one in this case, but we
22 have two witnesses. And I'll weigh whether or

1 not we need to use both of them.

2 CHAIRPERSON ANDERSON: Does the
3 Government wish to call its first witness?

4 MR. ADAMS: Yes. The District's first
5 witness is Mr. Kevin Puente, Investigator Kevin
6 Puente.

7 CHAIRPERSON ANDERSON: Mr. Puente, can
8 you raise your right hand, please?
9 Whereupon,

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

15 INVESTIGATOR PUENTE: I do.

16 CHAIRPERSON ANDERSON: All right.
17 Thank you. Have a seat. Your witness, sir.

18 DIRECT EXAMINATION

19 BY MR. ADAMS:

20 Q All right. Good morning. Could you,
21 please, state your name and spell it for the
22 record?

1 A Kevin Puente, P-U-E-N-T-E.

2 Q And, Mr. Puente, you are an
3 Investigator with the District of Columbia's
4 Alcoholic Beverage Regulation Administration?

5 A Yes.

6 Q And how long have you had that
7 position?

8 A Approximately 3 years.

9 Q And within your 3 years of working
10 with -- and the Alcoholic Beverage Regulation
11 Administration is also called ABRA?

12 A Yes.

13 Q In the 3 years that you have been
14 working with ABRA, have you had the occasion to
15 investigate establishments for compliance with
16 underage drinking rules and regulations?

17 A Yes.

18 Q And approximately how many times have
19 you conducted investigations?

20 A Oh, I don't have an exact number for
21 you.

22 Q Would it be more than 50 cases?

1 A Yes.

2 Q More than 50 cases. All right. In
3 terms of investigating establishments for
4 underage drinking, is one of the establishments
5 that you investigated Chinese Disco?

6 A Yes.

7 Q And how are you familiar with the
8 establishment Chinese Disco?

9 A I have been there multiple times for
10 complaints regarding underage drinking and have
11 conducted ID checks there as well.

12 Q And in general, what have you found
13 when you have done ID checks or been called to
14 respond to Chinese Disco?

15 A Almost every time we have been there,
16 we have found patrons inside that are under the
17 age of 21.

18 Q All right. So now in terms of the --
19 there is a joint -- sorry. Are you aware of the
20 program called the DC Double Check Program 101?

21 A Yes.

22 Q And what is it?

1 A It's a program that we have with all
2 the universities in the District where we meet
3 and will discuss what is going on, new in the
4 District regarding alcohol laws and underage
5 drinking where we will come up to the colleges
6 and put on presentations to the students. They
7 will invite us to like opening week for -- to be
8 out in the courtyard and give demonstrations and
9 go over the laws in the District.

10 Q Does the DC Double Check Program have
11 an enforcement component?

12 A Yes. We will go out and do ID checks.
13 Any minors that we find, we try to identify what
14 university they go to. We will notify the
15 university and most time the university will seek
16 disciplinary action on their end as well.

17 Q And is it only ABRA or do you work
18 with any other agencies?

19 A We work with the Metropolitan Police
20 Department.

21 Q Okay. And do you work in particular
22 with anyone with the Metropolitan Police

1 Department in terms of doing this?

2 A Oh, yeah, usually a handful of people,
3 but mainly Detective David Carter and Detective
4 Scott Emmons.

5 Q Okay. Now, on October 1, 2017, were
6 you on duty?

7 A Yes.

8 Q And can you explain to the Board to
9 what extent did you have any involvement with the
10 DC Double Check 101 Program on October 1st?

11 A Yes, we met up with Detective Carter
12 and Emmons earlier in the night. We had done ID
13 checks at two establishments and MPD made an
14 arrest of several individuals at those
15 establishments. Then we met up later in the
16 night at Chinese Disco where we conducted ID
17 checks.

18 Q All right. So you went to Chinese
19 Disco. And approximately when did you arrive at
20 Chinese Disco?

21 A About 12:45 a.m.

22 Q And what did you observe once you --

1 by the way, who was with you when you arrived?

2 A Myself, Investigators Jason Peru and
3 Shawn Townsend.

4 Q All right. And you met up with
5 Detectives David Carter and Scott Emmons?

6 A Yes.

7 Q All right. And what happened once you
8 got there?

9 A Oh, we arrived and at the same time we
10 arrived, we observed a group of individuals
11 walking up to the front door.

12 Q All right. And how many individuals?

13 A I recall approximately 10 to 15.

14 Q And was there anything about, anything
15 in particular, these individuals?

16 A They looked young in age and Detective
17 Emmons actually observed several of the patrons
18 present their IDs to the establishment and he
19 later arrested them for presenting a fraudulent
20 ID, because they were under age 21.

21 Q Okay. And so what when he made this
22 observation, what did -- what specifically did he

1 do?

2 A He pulled individuals aside and
3 questioned them. He was able to get -- to
4 validate their age and they presented the fake ID
5 to Detective Emmons as well. Once he was able to
6 get their actual identification, he placed them
7 under arrest.

8 Q And when he saw that they were fake
9 IDs when -- that were presented to the
10 establishment, where was he?

11 A We were right out front, right in
12 front of the establishment.

13 Q Okay. And so you said how many people
14 were arrested that day?

15 A I believe that night they arrested
16 three individuals.

17 Q All right. And so what did you do at
18 the time that Detective Emmons was arresting
19 those individuals?

20 A Once Detective Carter saw that
21 Detective Emmons was okay, myself and Detective
22 Carter went inside to see if we could locate

1 anyone inside that appeared to be under the age
2 of 21.

3 Q All right. And were you simply
4 looking for anyone in particular or --

5 A We looked for individuals that
6 appeared very young and consuming alcohol.

7 Q Okay. In terms of you stated that
8 there was a group that went to the establishment.
9 Did any of them go inside?

10 A Yes, I believe they did.

11 Q And was part of your investigation to
12 find any of those?

13 A Yeah, we were going to try and look
14 for them, but we got -- there was a large crowd
15 inside that night as well, so --

16 Q A large crowd? All right. All right.
17 So after you decided to go inside, I assume --
18 did you speak with the -- with anyone from the
19 establishment?

20 A Yes, the ABC Manager knew we were
21 there.

22 Q All right. So once you went inside,

1 what happened?

2 A Myself and Detective Carter did a
3 walk-through of the establishment. We made our
4 way out to the dance floor. As we were walking,
5 an individual walked up to Detective Carter and
6 grabbed the back of his hood and pulled it down
7 over his face.

8 Q All right. When this person did that,
9 where were you in relation to Detective Carter
10 when you were walking on the dance floor?

11 A I was right behind him.

12 Q All right. And so can you describe
13 exactly who the person was and how they looked
14 like?

15 A He was a patron about Detective
16 Carter's height. He has a Budweiser in his hand
17 that he was consuming and he appeared intoxicated
18 and laughing as he was pulling the hood over
19 Detective Carter's head.

20 Q All right. And after he pulled the
21 hood over Detective Carter's head, what happened?

22 A We immediately identified ourselves

1 and Detective Carter asked for his ID.

2 Q And what happened when Detective
3 Carter asked for his ID?

4 A He started apologizing saying it was
5 an accident. Detective Carter still asked him
6 for his identification. And this individual
7 pulled out a Georgetown University Student ID
8 card.

9 Q All right. And when -- and this
10 person, did you ever identify his name?

11 A Yes, Lucas Wittenberg.

12 Q All right. So when Lucas Wittenberg
13 when he pulled out his Georgetown ID, what was
14 the response to that or who responded, I guess?

15 A Once he showed it to Detective Carter,
16 I advised Mr. Wittenberg that the establishment
17 doesn't let patrons in with just a student ID,
18 based off of previous experiences and we asked
19 him if he had another ID on him as well.

20 Q Now, you stated that the establishment
21 doesn't allow people in just with student IDs.
22 Did he indicate that that's how he got into the

1 establishment?

2 A Yes.

3 Q All right. And was there anything
4 about this ID that was significant?

5 A The picture on the ID, student ID,
6 matched Mr. Wittenberg, but it appeared very
7 young. And on the ID as well, it had the year
8 2022.

9 Q And what's the significance of having
10 a year --

11 A From my experience with Georgetown,
12 that's the graduation year for the students.

13 Q Okay. And so this happened, this was
14 October 1, 2017, correct?

15 A Yes.

16 Q And if the ID said 2022, how many
17 years would that be?

18 A Approximately five.

19 Q All right. So did you -- at that
20 point where he is presenting the ID, the
21 Georgetown ID to you, what else did you observe?

22 A When he went and pulled the ID out, I

1 saw that he had also had a driver's license
2 inside his wallet as well, two of them.

3 Q You said that he had two licenses?

4 A Yes.

5 Q Okay. So what happened once he --

6 A Detective Carter asked him for his
7 driver's license. He pulled out a driver license
8 that was -- the corner was broken off and the
9 picture on that driver's license did not match
10 him.

11 Q Okay. And what was -- did he explain
12 to you -- and first of all, how did you know that
13 he had two other IDs in his wallet?

14 A When he went and pulled out his wallet
15 to give us the ID the first time, right
16 underneath the student ID, he was moving the IDs
17 around and I saw.

18 Q Okay. So in terms of -- so you stated
19 that the first ID, this ID that he provided, do
20 you remember what State it was for?

21 A It was a New York driver's license.

22 Q And why do you say it looked bad or

1 sorry, you didn't say looked bad. How did --
2 again, how did you describe this ID?

3 A The corner of it was broken off. The
4 picture did not match him and the name on the
5 license did not match his Student ID card from
6 Georgetown University.

7 Q Okay. And what happened, at that
8 point?

9 A Detective Carter again asked him to
10 cooperate and he finally handed his actual
11 driver's license to Detective Carter.

12 Q Okay. And what did his actual
13 driver's license indicate?

14 A He was 20 years-old.

15 Q All right. And so by the way, at the
16 time you were speaking with Mr. Wittenberg, where
17 are you?

18 A We were kind of off to the side of the
19 dance floor talking to him.

20 Q Okay. And what -- and at the time,
21 did he -- earlier you stated that you believed
22 that he was consuming a beverage. What was he

1 consuming?

2 A He had a Budweiser bottle in his hand
3 as we were talking to him and he was consuming it
4 as he was pulling the hood down over Detective
5 Carter.

6 Q Okay. So during the interview, where
7 was this bottle?

8 A It was still in his hand as we were
9 talking to him.

10 Q And how do you know it was a Budweiser
11 bottle?

12 A It was labeled, a red bottle with
13 Budweiser on it.

14 Q Okay. All right. So what else
15 happened after you interviewed the -- was he only
16 interviewed inside the establishment?

17 A Yeah, we then escorted him outside and
18 Detective Carter talked to him more and let him
19 know that he could have been arrested for
20 assaulting a police officer and let him on his
21 way.

22 Q All right. And I guess he went on his

1 way, I assume. All right. So what happened
2 after you -- after Detective Carter sent Mr.
3 Wittenberg on his way?

4 A I advised the ABC Manager, Christopher
5 Maya, we found an underage patron inside and he
6 stated that he used a Student ID card, then I
7 showed him the fraudulent identification and Mr.
8 Maya said if he wouldn't have got in with that
9 ID, based off it being off -- the end of it was
10 broke and everything. He said his staff should
11 have caught that.

12 Q Okay. Oh, and let me ask you this.
13 Now, in terms of people coming -- well, actually
14 let me continue. So what else did you do after
15 you spoke with Mr. Maya when he said that person
16 should not have been allowed to enter?

17 A Well, myself and Detective Carter went
18 back inside the establishment to see if we could
19 locate any more underage patrons.

20 Q And what did you notice once you went
21 inside?

22 A We walked back out onto the dance

1 floor area. We observed a female patron who
2 appeared to be young and consuming a Bud Light
3 bottle.

4 Q All right. And how do you know it was
5 a Bud Light bottle?

6 A It had the Bud Light name on it. It
7 was a blue bottle.

8 Q All right. And can you describe this
9 person?

10 A It was a female, I believe, blonde
11 hair, looked very young.

12 Q And when you said she looked very
13 young, what do you mean by that?

14 A Just babyface, you know, it stuck out
15 to us.

16 Q In terms of babyface, is it -- did it
17 appear that based upon her babyface that she was
18 above the age of 21 or under the age of 21?

19 A Under the age of 21.

20 Q All right. So what happened once you
21 made this identification?

22 A We approached her and identified

1 ourselves and we asked her for identification.

2 Q And once you asked for identification,
3 what did she do?

4 A She handed us a Connecticut driver --
5 oh, no, she handed us a Connecticut driver's
6 license and Detective Carter examined it, advised
7 her again who he was and who he worked for and
8 asked her for her actual identification.

9 Q All right. And why did he do that?
10 I mean, to your knowledge.

11 A He believed it to be fraudulent.

12 Q And was there any reason that -- to
13 indicate why it would be fraudulent?

14 A I can't recall.

15 Q Okay. All right. So after that, what
16 did she do in response to the detective asking
17 her?

18 A She was adamant that was her ID, but
19 from what I can recall, when she went to go pull
20 the ID out, she had another driver license inside
21 her wallet as well.

22 Q All right. And what happened?

1 A I asked her if we could see that ID.

2 Q All right. And did you see any other
3 identification cards from her?

4 A Yes, she pulled it out and we saw that
5 both IDs -- one was a George Washington
6 University ID and it had a completely different
7 name of the driver license that she presented to
8 us.

9 Q Now, in terms of the -- well, let's
10 start with the student ID. First of all, do you
11 remember her name?

12 A Yeah, her George Washington University
13 ID identified her as Suzanne Dannheim.

14 Q So for Ms. Dannheim, based -- in
15 looking at Ms. Dannheim and looking at the ID,
16 did the ID have a photograph?

17 A Yes.

18 Q And was -- can you -- was her
19 appearance consistent with -- on the ID
20 consistent with the person that you were speaking
21 with?

22 A No.

1 Q So on the GW ID?

2 A Yes.

3 Q So did she look similar to the GW ID?

4 A Yes, she looked similar to the GW ID.

5 Q All right. Now, in terms of the
6 Connecticut driver's license, did she look
7 similar to the person on the Connecticut driver's
8 license?

9 A No, different person.

10 Q And was there a different name on
11 that?

12 A Yes, it was Erin Rose Boudreau.

13 Q Okay. And did she provide any other
14 identification?

15 A I believe she eventually gave
16 Detective Carter her actual identification.

17 Q And how old did that actually
18 indicate?

19 A Making her -- it said she was 20
20 years-old on the ID.

21 Q Okay. And did you do anything else
22 after you made this identification, what else

1 happened?

2 A We escorted her out of the
3 establishment. We advised the ABC Manager and
4 showed him the Connecticut ID that she used to --
5 that she said she used to get in with and he
6 advised us his staff should have caught that as
7 well, because it was a different person.

8 Q Okay. Now, let me ask you this. Now,
9 in terms of the protocol for security guards,
10 first of all, have you spoken with this
11 establishment before about the admission of
12 patrons into the establishment?

13 A Yes.

14 Q And as part of those conversations,
15 have you gone over the proper procedures for
16 reviewing -- allowing someone to come into the
17 establishment?

18 A Yes.

19 Q All right. So in general, what is an
20 establishment supposed to do in -- oh, and this
21 establishment you said had already had a prior
22 instance of having under 21 patrons --

1 A Yes.

2 Q -- who were there? All right. So
3 briefly describe what is the proper procedure
4 that a security guard should undertake in
5 admitting a patron?

6 A They should be looking at the
7 identification and seeing if it's the same person
8 on the ID, verifying it and just talking to the
9 patron to make sure.

10 Q And are they supposed to do anything
11 else outside of that?

12 A No, they are not required to have a --
13 from ABRA to have a scanner. That's usually an
14 establishment's policy, but you should just make
15 sure that verify -- take the necessary steps to
16 verify they are 21.

17 Q All right. So when you are -- when
18 they are verifying a person in terms of looking
19 at the ID, what -- I mean, what should they do?
20 I mean, what do you suggest someone does?

21 A Ask if they have a second
22 identification that can verify if they suspect

1 the first one is not accurate.

2 Q So like in terms of -- like you said,
3 they are supposed to look to make sure the person
4 matches, I assume that's what you said.

5 A Um-hum.

6 Q I mean, are you -- tell me literally,
7 physically what should they be doing?

8 A Looking at the ID to see if it's the
9 same person in the photograph standing in front
10 of them.

11 Q All right. And if they are not the
12 same person then?

13 A Then clearly it's not their ID.

14 Q Right.

15 A It could be a fraudulent ID.

16 Q And not let them in, at that point?

17 A Um-hum, exactly.

18 Q Okay. Is that yes?

19 A Yes.

20 Q Just to make sure. All right.

21 MR. ADAMS: I'm going to provide to
22 Investigator Puente, if you don't mind, what is

1 marked for identification purposes as the
2 District of Columbia's Exhibit No. 1.

3 CHAIRPERSON ANDERSON: What's the
4 exhibit?

5 MR. ADAMS: The Exhibit No. 1 is the
6 investigative report, 17-CC-00113.

7 CHAIRPERSON ANDERSON: Okay. That's
8 fine.

9 (Whereupon, the above-
10 referred to document was
11 marked as Government Exhibit
12 No. 1 for identification.)

13 BY MR. ADAMS:

14 Q And, Mr. Puente, are you familiar with
15 that report?

16 A Yes.

17 Q How are you familiar with that report?

18 A It's my report.

19 Q My report for what?

20 A For the incident that happened at
21 Chinese Disco.

22 Q All right. Is it your signature on

1 this report?

2 A Yes.

3 Q And is it a true and accurate version
4 of the report that you prepared along with
5 exhibits for this occasion?

6 A Yes.

7 Q All right.

8 MR. ADAMS: I would like to have
9 Exhibit 1 entered into evidence, Mr. Chairman.

10 CHAIRPERSON ANDERSON: So moved.

11 (Whereupon, the above-
12 referred to document was
13 received into evidence as
14 Government Exhibit No. 1.)

15 MR. ADAMS: All right.

16 BY MR. ADAMS:

17 Q All right. So now obviously, you
18 spoke regarding a narrative about this, but I
19 want to turn your attention to Exhibit No. 1 of
20 Exhibit 1. It looks to be a photograph.

21 What photograph is this, Investigator
22 Puente?

1 A That's the Georgetown University
2 Student ID card for Lucas Wittenberg.

3 Q All right.

4 (Whereupon, the above-
5 referred to document was
6 marked as Government Exhibit
7 No. 1.1 for identification.)

8 BY MR. ADAMS:

9 Q And so his name, Lucas Wittenberg, is
10 there and I see there is -- it says I guess
11 expiration is 12/2022?

12 A Yes.

13 Q So essentially, that's five years
14 after this?

15 A Yes.

16 Q So to your knowledge, he is either a
17 freshman or sophomore at Georgetown?

18 A Yes.

19 Q All right. So you are saying that
20 there is a photograph here, earlier in testimony
21 you stated that the photograph or tell me, did
22 the photograph here match the person that was

1 standing in front of you?

2 A Yes.

3 Q All right. Drawing your attention to
4 Exhibit No. 2, what is that?

5 A That's the ID card he -- the driver's
6 license that he gave us.

7 Q And whose name is on that?

8 A Joseph Bucci.

9 Q And in terms of this ID, what did Mr.
10 Wittenberg say about this ID?

11 A Initially that it was his.

12 Q All right.

13 (Whereupon, the above-
14 referred to document was
15 marked as Government Exhibit
16 No. 2 for identification.)

17 BY MR. ADAMS:

18 Q Initially that it was his. Okay. But
19 did he say that he used it in any manner that
20 night?

21 A Yeah, to get into the establishment.

22 Q Okay. Looking at the photograph, on

1 the night of October 1st, did you make any
2 determinations about the photograph and how it
3 related to Mr. Wittenberg?

4 A Yes.

5 Q And what did you conclude?

6 A It wasn't him at all.

7 Q And why would you say that?

8 A The photograph on the ID looks like a
9 much older person who had a beard and much more
10 heavier and Mr. Wittenberg had a skinnier face,
11 no beard and not -- looked nothing like him.

12 Q So based upon looking at this ID, like
13 I said, was -- would it have been -- was it
14 difficult, once you saw this ID, to determine
15 that Mr. Wittenberg was not the person who was
16 standing in front of you?

17 A Yes, it was very easy to determine it
18 wasn't him.

19 Q And based upon your experience, is
20 this the type of -- if presented, this type of
21 identification that should have prohibited Mr.
22 Wittenberg from entering the establishment?

1 A Yes.

2 Q Okay. All right. Now, turning to
3 Exhibit 3, this is another photograph.

4 What photograph is this?

5 A That's Ms. Suzanne Dannheim's Student
6 ID card that she presented us.

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

11 BY MR. ADAMS:

12 Q All right. And so this also has an
13 expiration date as well?

14 A Yes.

15 Q And that is?

16 A 2020.

17 Q So in 20 -- so this October 1, 2017,
18 how far is September 2020 from that date?

19 A Three years.

20 Q So in terms of Ms. Dannheim, so there
21 is a photograph here. Is that correct?

22 A Yes.

1 Q So you stated earlier that the
2 photograph here matched her actual appearance?

3 A Yes.

4 Q Now, turning your attention to Exhibit
5 4, what is this?

6 A Oh, that's the driver's license that
7 she gave myself, gave to me and Detective Carter.

8 Q And what did she say -- and so this
9 was -- you stated that she had presented to you
10 like, I believe, three IDs, but is this the first
11 ID that was presented?

12 A Yes.

13 (Whereupon, the above-
14 referred to document was
15 marked as Government Exhibit
16 No. 4 for identification.)

17 BY MR. ADAMS:

18 Q And you stated that she was adamant
19 that this was her ID?

20 A Yes.

21 Q All right. And what stands out about
22 this ID?

1 A It did not match the person standing
2 in front of us.

3 Q All right. And did it also have a
4 different name?

5 A Yes, Erin Rose Boudreau.

6 Q All right. And turning to Exhibit 5,
7 what is Exhibit 5?

8 A The regulatory inspection that I did.

9 (Whereupon, the above-
10 referred to document was
11 marked as Government Exhibit
12 No. 5 for identification.)

13 BY MR. ADAMS:

14 Q All right. And did you find any other
15 violations?

16 A No.

17 Q And this is -- and also Exhibit 6 was
18 a Sale to Minor notification?

19 A Yes.

20 Q All right.

21 (Whereupon, the above-
22 referred to document was

1 marked as Government Exhibit
2 No. 6 for identification.)

3 MR. ADAMS: I have no further
4 questions for Investigator Puente.

5 CHAIRPERSON ANDERSON: Does any Board
6 Members have any questions for the Investigator?
7 Hearing none, you can step down.
8 Thank you.

9 (Whereupon, the witness was excused.)

10 CHAIRPERSON ANDERSON: Do you have any
11 other witnesses?

12 MR. ADAMS: Mr. Chairman, I do have
13 another witness, but I don't think it's necessary
14 for me to present them, so the District will rest
15 its case.

16 CHAIRPERSON ANDERSON: All right. If
17 you so -- that is your choice, sir. All right.
18 Does the Government wish to make a closing
19 argument?

20 MR. ADAMS: Yes, Mr. Chairman. So,
21 Mr. Chairman, the -- I apologize. I just want to
22 make sure I have the right document.

1 What the District charged, in Charge
2 1 -- no, that's not right. Let me try to find
3 another.

4 We charged the establishment with two
5 violations in this case; one being a situation of
6 them allowing either selling and permitting the
7 consumption of alcoholic beverages to persons who
8 are under 21 years of age and also for the
9 establishment not taking steps reasonably
10 necessary to ascertain whether a person to whom
11 they sold alcohol was actually of age, of the
12 legal drinking age.

13 And we believe that the facts here
14 substantiate both charges.

15 I would like the Board to take
16 official notice of the -- recently, the Board
17 issued an order against this establishment or
18 regarding this establishment in the Case of 17-
19 CMP-00020 in which it had an analysis regarding
20 underage drinking and essentially stating that
21 it's a strict liability offense.

22 But very quickly reviewing the facts,

1 essentially, again, as stated by Investigator
2 Puente, the Investigator and Detective Carter
3 walked through the establishment. For God knows
4 why, Mr. Wittenberg decided to touch Detective
5 Carter. At the time he touched him, he had a
6 Budweiser beer in his hand and he was consuming
7 it before he knew that Detective Carter and
8 Investigator Puente were law enforcement
9 officers.

10 Upon interviewing both of --
11 interviewing Mr. Wittenberg, he provided an ID,
12 tried to provide a student ID, which did not have
13 his age, but what did match him in terms of his
14 appearance, when it -- finally when asked about
15 how he got into the establishment, he provided an
16 ID that belong to someone else that who have to
17 be -- who indicated -- that indicated that that
18 person was 21, but clearly was someone who
19 looked, as you can see from the exhibits,
20 different than Mr. Wittenberg in terms of the
21 shape of his head, how his face looked, how his
22 eyes looked, were completely different people.

1 That should have been caught by the establishment
2 at the door.

3 A very easy review of it, the
4 establishment could have determined they were two
5 different people. The only other identification
6 that Mr. -- that this gentleman had was his real
7 ID that showed that he was indeed 20 years-old.

8 Then with -- in the case of Ms.
9 Dannheim, again, the same situation. She first
10 provided a driver's license, a Connecticut
11 driver's license that indicated that he name was
12 Erin Rose Boudreau, but the picture on that ID
13 also did not match Ms. Dannheim's actual
14 appearance. Different hair, slightly different
15 hair color, different facial features, you know,
16 a different shape of her face, things of that
17 sort.

18 So we don't have to go into the
19 determination of whether or not this was a fake
20 ID, because whether it is fake or genuine, the
21 only thing we have to do is know that they were
22 different. That the person that was in front of

1 you, did not match the person on the ID.

2 When she did provide, she again
3 provided two other forms of identification. Her
4 student identification, which did match her
5 appearance and her real identification, which
6 also had her name, her actual name Ms. Dannheim
7 and which established that she was only 20 years-
8 old, not 21, and below the age for drinking.

9 At the time that -- this also shows
10 that she was consuming a Bud Light beer within
11 the establishment.

12 So first, so I think it's very easy
13 for the Board to make the determination that
14 indeed the establishment did permit -- we don't
15 know if it was sold to her or whether it was
16 delivered, but we do know that in both cases,
17 there are two patrons who were actually consuming
18 alcoholic beverages and that both those patrons
19 were under the age of 21, so that does prove and
20 establish Charge 1.

21 In terms of Charge 2, we -- the Board
22 again went through analysis in the prior order

1 for the same establishment in which the Board
2 believed in a much more difficult circumstance
3 where someone was providing a fake ID that
4 actually had -- that actually did identify the
5 actual person that the establishment didn't do a
6 proper job in verifying the person's age or
7 allowing that person in and potentially consume--
8 buying to consume alcohol within the
9 establishment.

10 The case here is actually more -- both
11 cases are both clear, because in both cases, the
12 establishment is -- the whole point of this is
13 that they don't have their bartenders check IDs.
14 They actually have the security guards out front.
15 And as Investigator Puente stated one of the
16 fundamental duties that the establishments have
17 is to simply look at the ID. Not only just look
18 at the birth date, but just make sure the person
19 matches the ID.

20 And in both cases, the persons looked
21 completely different than the people -- than how
22 the people actually appeared. In both cases, the

1 people were ineligible. And the Board should
2 also note that the establishment that night had
3 arrests that were done by Detective Emmons of
4 people who were presenting fake IDs at the door
5 attempting to get in.

6 And the whole reason that the -- that
7 Investigator Puente and Detective Carter went
8 into the establishment was because those people
9 came for one group and they believed that more
10 people from that group were within the
11 establishment.

12 So based upon the facts and based
13 upon, I believe, again if we were to take notice
14 of the facts in the prior case, the establishment
15 has shown a track record of allowing -- not only
16 allowing people who are under 21 to come in, but
17 actively allowing them to be their customers, be
18 their cliental, selling them alcoholic beverages
19 and allowing consumption, essentially allowing it
20 to be an underage drinking establishment.

21 So for that reason, the District -- I
22 believe that technically this would still be

1 their first violation, so the District would
2 recommend a fine of \$3,000 and a five day
3 suspension, all days served.

4 CHAIRPERSON ANDERSON: You said a
5 \$3,000 fine and five days suspension, all served?

6 MR. ADAMS: Yes, Mr. Chairman.

7 CHAIRPERSON ANDERSON: This is for
8 Charge 1 or for the entire?

9 MR. ADAMS: Oh, geez. I didn't even
10 think of that. That would be for Charge 1. I
11 believe I can -- I'll tack on another fine of
12 \$2,000 for Charge 2.

13 CHAIRPERSON ANDERSON: And any
14 suspensions or just the \$2,000?

15 MR. ADAMS: I'll leave it to the
16 Board's discretion to add additional suspension.
17 I will state that the establishment should have
18 mandatory training, not just of those who serve
19 alcohol, because in this case they don't actually
20 check IDs, but for anyone who works the doors,
21 any security staff who actually just -- so
22 essentially, all personnel should go through an

1 alcohol beverage training that ABRA provides
2 within, let's say -- given -- if the Board issues
3 and order, within a 90 day period after the order
4 is issued.

5 CHAIRPERSON ANDERSON: Do you wish --
6 the record is now closed. Do you wish to make --
7 file proposed findings of fact and conclusions of
8 law or you waive your right to do so?

9 MR. ADAMS: Mr. Chairman, I
10 respectfully waive the right to do proposed
11 findings of fact.

12 CHAIRPERSON ANDERSON: All right. The
13 Board then will issue it's decision within 90
14 days. All right. Thank you, Mr. Adams.

15 MR. ADAMS: Thank you, Mr. Chairman.

16 CHAIRPERSON ANDERSON: All right.

17 As Chairperson of the Alcoholic
18 Beverage Control Board for the District of
19 Columbia and in accordance with Section 405 of
20 the Open Meetings Amendment Act of 2010, I move
21 that the ABC Board hold a closed meeting for the
22 purpose of seeking legal advice from our counsel

1 on Case No. 17-CC-00113, Chinese Disco, per
2 Section 405(b)(4) of the Open Meetings Amendment
3 Act of 2010, and deliberating upon Case No. 17-
4 CC-00113, Chinese Disco, for the reasons cited in
5 Section 405(b)(13) of the Open Meetings Amendment
6 Act of 2010. Is there a second?

7 MEMBER SHORT: Second.

8 CHAIRPERSON ANDERSON: Mr. Short has
9 seconded the motion.

10 I will now take a roll call vote on
11 the motion before us now that it has been
12 seconded.

13 Ms. Wahabzadah?

14 MEMBER WAHABZADAH: Agree.

15 CHAIRPERSON ANDERSON: Mr. Short?

16 MEMBER SHORT: I agree.

17 CHAIRPERSON ANDERSON: Mr. Alberti?

18 MEMBER ALBERTI: I agree.

19 CHAIRPERSON ANDERSON: Mr. Cato?

20 MEMBER CATO: I agree.

21 CHAIRPERSON ANDERSON: Mr. Isaac?

22 MEMBER ISAAC: I agree.

1 CHAIRPERSON ANDERSON: Mr. Anderson?

2 I agree.

3 As it appears that the motion has
4 passed, I hereby give notice that the ABC Board
5 will hold a closed meeting in the ABC Board
6 conference room today pursuant to the Open
7 Meetings Amendment Act of 2010 and issue an order
8 within 90 days.

9 Thank you for your participation today
10 and we will move forward with this case. Thank
11 you.

12 MR. ADAMS: Thank you.

13 CHAIRPERSON ANDERSON: We are now in
14 recess until our 1:30 hearing.

15 MR. ADAMS: Thank you, Mr. Chairman.

16 (Whereupon, the Show Cause Hearing was
17 concluded at 12:10 p.m.)
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