

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

IN THE MATTER OF: :
 :
 Xaing Fong Corporation, :
 t/a North Sea Carry-out :
 Restaurant :
 2479 18th Street NW, : Show Cause
 Retailer B - ANC 1C : Hearing
 License No. 73973 :
 Case #17-CC-00077 :
 :
 (Sale to Minor Violation, :
 Failed to Require :
 Production of Valid :
 Identification, No ABC :
 Manager on Duty, Transfer: :
 of Ownership Without :
 Board Approval) :

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

LOUISE PHILLIPS, OAG

FELICIA DANTZLER, ABRA INVESTIGATOR

DaVON TODD, ABRA INVESTIGATOR

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

Opening Statement by Government. 7
 Closing Statement by Government. 37

WITNESS	DIRECT CROSS REDIR RECROSS BOARD	
Felicia Dantzler	9	22
DaVon Todd	23	35

EXHIBITS	IDENTIFIED RECEIVED
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GOVERNMENT		
1 - Dantzler ROI W/Attachments	11	18
1.1 UC Head & Shoulders Pic	11	18
1.2 UC #1 Full Body Pic	11	18
1.3 UC #2 Head & Shoulders Pic	11	18
1.4 UC #2 Full Body Pic	15	18
1.5 UC #1 Identification	15	18
1.6 UC #2 Identification	16	18
1.7 6-Pack of Bud Light	16	18
1.8 Sale to Minor Notification	17	18
1.9 Regulatory Inspection	17	18
1.10 Evidence Transmittal Sheet	17	18

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

2 3:47 p.m.

3 CHAIRPERSON ANDERSON: So we are now
4 back and our next case is Case No. 17-CC-00077,
5 North Sea Carry-out Restaurant, License No.
6 73973.

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

9 MS. PHILLIPS: Louise Phillips,
10 Assistant Attorney General for the District of
11 Columbia. With me today is Jessica Gunzel.

12 CHAIRPERSON ANDERSON: Yes, we can't
13 hear you and turn your -- yeah.

14 COURT REPORTER: Thank you very much.

15 MS. PHILLIPS: Okay. Sure. Hi,
16 Louise Phillips, Assistant Attorney General for
17 the District of Columbia and with me is Jessica
18 Gunzel, who is with our office. Her last name is
19 spelled G-U-N-Z-E-L.

20 CHAIRPERSON ANDERSON: Good afternoon,
21 Ms. Phillips and Ms. Gunzel. I see that the
22 licensee is not here. Do you have any

1 representation to make, Ms. Phillips, if any?

2 MS. PHILLIPS: Yes. I know that the
3 licensee did not appear for the status
4 conference, which in my file appears to be May
5 23, 2018. And I have an Affidavit of Personal
6 Service Form dated 4/25/18, which indicates that
7 this matter was served and to a Y-U-N next word
8 P-I-N-Y or G, I'm not sure, next word Z-H-U, ABC
9 Manager. And it looks like he signed this on
10 9/5/18, but I can't tell for sure, that seems odd
11 to get that date.

12 But the Affidavit of Service is signed
13 by an ABRA Investigator #15 and it says the 30th
14 day of April 2018.

15 CHAIRPERSON ANDERSON: All right.

16 MS. PHILLIPS: So maybe that's the
17 expiration date of his ABRA license, that date
18 that I read.

19 CHAIRPERSON ANDERSON: Hold on.

20 MS. PHILLIPS: And do you need a copy
21 of this for your records?

22 CHAIRPERSON ANDERSON: No, no.

1 MS. PHILLIPS: Because I was just
2 given a copy for mine.

3 CHAIRPERSON ANDERSON: No, that's all
4 right. Hold on for a minute, please. So do you
5 want to move forward?

6 MS. PHILLIPS: I do indeed want to
7 move forward, if it's the pleasure of the Board
8 to move forward in an ex parte manner.

9 CHAIRPERSON ANDERSON: Okay. Hold on
10 one minute, please.

11 MS. PHILLIPS: And my understanding
12 about this case, Mr. Chair, is that there is some
13 licensure confusion and that you have had a Fact-
14 Finding and license or transfer confusion. I'm
15 not sure how it is working, because I did not
16 read the Fact-Finding transcript. And I don't
17 know whether that makes a difference in whether
18 you decide to go forward or not, but I -- the
19 Government is prepared to go forward.

20 CHAIRPERSON ANDERSON: Okay. That's
21 fine. All right. Pursuant to DC Official Code
22 Section 25-447, the Board has authority to

1 proceed ex parte when the licensee waives a
2 hearing or fails to appear, unless the hearing is
3 extended for good and sufficient cause. The
4 Board's record reflects that the licensee was
5 properly served on April 30, 2018 for this
6 hearing.

7 I know that the licensee did not
8 appear at the Show Cause -- I'm sorry, at the
9 Status Hearing, but in this particular case, we
10 did have a Fact-Finding Hearing. The date, at
11 the moment, has escaped me, that the licensee or
12 some entity who currently is in the restaurant,
13 is in the establishment did appear for the Show--
14 I'm sorry, the Fact-Finding Hearing.

15 All right. So seeing no licensee here
16 today and having no good and sufficient cause to
17 extend the hearing, the Board will proceed with
18 the Show Cause Hearing.

19 Does the Government wish to make an
20 opening statement?

21 MS. PHILLIPS: The Government can make
22 the briefest opening statement. It's my

1 understanding that the notice that was served on
2 the establishment is part of the record. Is that
3 correct?

4 CHAIRPERSON ANDERSON: Yes.

5 MS. PHILLIPS: All right. This is a
6 four count notice, which is sale to minor,
7 failure to properly use identification, no ABC
8 Manager on the premises at the time of the
9 investigation and then they failed to adhere to
10 filing requirements for the transfer of license,
11 that is count 4.

12 We believe that the evidence that we
13 will ascertain from the Investigators will prove
14 all four counts. And we will go forward from
15 there.

16 CHAIRPERSON ANDERSON: All right.
17 Does the Government have a witness to call?

18 MS. PHILLIPS: Yes, indeed. The
19 Government will first call Investigator Dantzler
20 to the stand.

21 CHAIRPERSON ANDERSON: All right.
22 Investigator Dantzler, can you raise your right

1 hand, please?

2 Whereupon,

3 INVESTIGATOR FELICIA DANTZLER

4 was called as a witness by Counsel for the

5 Government, and having been first duly sworn,

6 assumed the witness stand and was examined and

7 testified as follows:

8 INVESTIGATOR DANTZLER: I affirm.

9 CHAIRPERSON ANDERSON: All right.

10 Yes, your witness.

11 MS. PHILLIPS: All right.

12 DIRECT EXAMINATION

13 BY MS. PHILLIPS:

14 Q Good afternoon.

15 A Good afternoon.

16 Q Will you state your name and spell it
17 for the record, please?

18 A Felicia Dantzler, F, like Frank, E-L-
19 I-C-I-A, D, like David, A-N-T, like Tom, Z, like
20 zebra, L-E-R.

21 Q Okay. And what is your position here?

22 A Investigator.

1 Q And how long have you been an
2 Investigator with ABRA?

3 A 11 years.

4 Q Okay. So I assume that you have done
5 investigations and written reports previously.
6 Is that correct?

7 A That is correct.

8 Q Did you have an occasion to go to the
9 establishment, North Sea Carry-out Restaurant, on
10 July 5, 2017?

11 A Yes.

12 Q Okay. Did you subsequently conduct an
13 investigation and write an investigation report?

14 A Yes.

15 Q All right.

16 MS. PHILLIPS: I'm going to hand you
17 the investigation report now. I have a few
18 copies for the Board, if you need them.

19 CHAIRPERSON ANDERSON: No, that's --
20 I think we all have them.

21 BY MS. PHILLIPS:

22 Q Is this the investigation report that

1 you authored with regard to this investigation?

2 A Yes, it is.

3 Q And you signed it on the last page?

4 A Yes.

5 Q Or not the last page of the exhibit.

6 It was what page did you sign it on, page 4?

7 A Page 4, yes.

8 Q There is another signature on there.

9 Whose is that signature?

10 A Johnnie Jackson.

11 Q And what was his role in this matter

12 at the time it was signed?

13 A Chief of Enforcement.

14 Q Okay.

15 (Whereupon, the above-
16 referred to document was
17 marked as Government Exhibit
18 No. 1 with attachments for
19 identification.)

20 BY MS. PHILLIPS:

21 Q Now, with this investigation report,
22 you attached some exhibits. Is that correct?

1 A Yes.

2 CHAIRPERSON ANDERSON: Hold on one
3 minute, Ms. Phillips. Let me have a copy of the
4 report, please.

5 MS. PHILLIPS: Yeah, I have --

6 CHAIRPERSON ANDERSON: Because --

7 MS. PHILLIPS: -- I seem to have lots
8 since I don't have to give them to anybody else.
9 I may have one for everybody.

10 CHAIRPERSON ANDERSON: Hold on one
11 minute, so I can look at it. Okay. It's the
12 same. No, the signature was -- I didn't realize
13 that was actually a signature, that's why I
14 wanted to make sure.

15 MS. PHILLIPS: What was actually a
16 signature?

17 CHAIRPERSON ANDERSON: No. I didn't
18 realize that was a signature. I know when you
19 asked her who signed it and I didn't -- it didn't
20 look to me like that was a signature, that's why
21 I wanted to make sure that it was the same
22 document that was there.

1 MS. PHILLIPS: Okay.

2 CHAIRPERSON ANDERSON: So you can move
3 forward.

4 MS. PHILLIPS: Okay. Because that's
5 the signature that I have looked on every
6 document that this supervisor has signed since I
7 have been here --

8 CHAIRPERSON ANDERSON: Okay. All
9 right.

10 MS. PHILLIPS: -- litigating cases in
11 front of this Board.

12 CHAIRPERSON ANDERSON: Okay.

13 BY MS. PHILLIPS:

14 Q So we were at the exhibits, were we
15 not, Ms. Dantzler?

16 A Yes.

17 Q Okay. Is there a reason for
18 protecting the identity of UCs?

19 A Yes.

20 Q What is that reason?

21 A So that the public would not know
22 their face.

1 Q Because you use people from the
2 community. Is that fair?

3 A Yes.

4 Q Okay. So I -- there is a list of
5 exhibits on page 3. Is that correct?

6 A Yes.

7 Q Okay. So and then the Government has
8 redacted identities and so will you tell, for the
9 record, like Exhibit 1 was the head and shoulders
10 photograph of the UC, was that redacted in this
11 matter?

12 A Yes.

13 Q Okay. And what is Exhibit 2?

14 A Exhibit 2 is a full-body photograph of
15 UC #1.

16 Q And that would be redacted to protect
17 the identity of the minor. Is that fair?

18 A Yes.

19 Q And was it redacted in this case?

20 A Yes.

21 Q And what is Exhibit 3?

22 A Exhibit 3 is a head and shoulder

1 photograph of UC 2.

2 Q And that was redacted in this copy
3 that we are working from?

4 A Yes.

5 Q All right. And what's the next
6 exhibit?

7 A Exhibit No. 4 is a full-body
8 photograph of UC 2.

9 Q And that was redacted also?

10 A Yes.

11 Q Okay. The next exhibit?

12 A Exhibit No. 5 is the identification
13 used by UC 1.

14 Q And look at that and tell the Board
15 what was redacted or what appears to be redacted,
16 if you can't remember exactly what is under those
17 black marks and what was not redacted.

18 A What is redacted is the photograph of
19 UC 1 as well as UC 1's ID number and address.

20 Q And so what is not redacted is what?

21 A What is not redacted is UC 1's date of
22 birth and expiration of the identification.

1 Q Okay. And what's the next exhibit?

2 A Exhibit No. 6 is UC 2's

3 identification.

4 Q Okay. And what was not redacted in
5 that one?

6 A Not redacted is UC's date of birth.

7 Q Okay. And everything is redacted on
8 that except for the sex, height, weight, organ
9 donor, those categories?

10 A Correct.

11 Q You can read that, but what is there
12 is redacted. Is that fair?

13 A Yes.

14 Q Okay. And what's the next exhibit?

15 A The next exhibit is Exhibit No. 7 is
16 the photograph of a six pack of Bud Light beer.

17 Q And that's what you brought to the
18 desk in front of me, which was the actual six
19 pack that was used or was bought in this
20 particular case? Is that correct?

21 A Correct.

22 Q All right. And the next exhibit?

1 A The next exhibit is No. 8 is the Sale
2 to Minor Notification.

3 Q And what basically is that?

4 A That's a document that we use to
5 advise the licensee when a sale is made.

6 Q And the -- Mr. -- Investigator Todd
7 did that. Is that correct?

8 A Yes.

9 Q Okay.

10 A Investigator Todd, yes.

11 Q All right. And the next exhibit?

12 A Exhibit No. 9 is the regulatory
13 inspection.

14 Q And Investigator Todd signed that
15 also?

16 A That is correct.

17 Q And what is the last exhibit?

18 A Exhibit No. 10, which is the Evidence
19 Transmittal Sheet.

20 Q And that's the one that records this
21 six pack to put in the evidence locker. Is that
22 fair?

1 A Yes.

2 Q Okay. And I have an investigative
3 history attached to the back. Do you have that?

4 A I do.

5 Q And is that something that you usually
6 attach to exhibits -- I mean, to investigative
7 reports?

8 A On this case, yes.

9 Q Okay. All right.

10 MS. PHILLIPS: I would like to move
11 the Investigative Report into evidence. It
12 doesn't need a number, it's just the
13 investigative report.

14 CHAIRPERSON ANDERSON: So moved.

15 (Whereupon, the above-
16 referred to documents were
17 received into evidence as
18 Government Exhibit No. 1
19 with attachments.)

20 MS. PHILLIPS: Thank you, Chairman.

21 BY MS. PHILLIPS:

22 Q Ms. Dantzler, can you tell me what it

1 is you did when you went to this establishment
2 and on the date and time that you went?

3 A Yes. So on July 5, 2017, I instructed
4 UC #1 to enter into North Sea Restaurant in an
5 attempt to make a purchase of an alcoholic
6 beverage.

7 Q Okay. Now, when you send a UC in, you
8 make sure that they have a picture ID and it has
9 their birth date on it. Is that something you
10 do?

11 A Yes. Prior to going out, we ensure
12 that the only items that are taken inside the
13 establishment is that the UC has the currency as
14 well as identification.

15 Q And you make sure that that's all they
16 are carrying inside. Is that fair?

17 A That's correct.

18 Q Okay. So what happened next?

19 A Once the UC entered the establishment,
20 I entered behind the UC. She and I both went to
21 the counter and the UC then asked a male standing
22 behind the counter for a six pack of beer.

1 Q And what happened?

2 A The male cashier took the six pack of
3 beer out of the cooler, put it on top of the
4 counter and then asked the UC for identification.

5 Q And did the person who was behind the
6 counter look at the identification?

7 A Yes, he took the identification,
8 glanced at it and gave it right back to her.

9 Q Okay. And then what happened?

10 A The UC paid for the alcoholic
11 beverage. The male cashier bagged the item,
12 presented it to the UC and she left the
13 establishment.

14 Q Okay. Did you leave the establishment
15 with her?

16 A Not with her. She left first. I
17 pretended as though I was going to place an
18 order, did a change of mind and then proceeded
19 after her.

20 Q Okay. Did you get the identity of the
21 cashier while you were in there or was that done
22 subsequently?

1 A That was done subsequently.

2 Q Is there anything else that you did as
3 part of this investigation and this investigation
4 report?

5 A No.

6 Q Okay. Is it your usual custom and
7 practice if you author a report, which is the
8 subject of an investigation that you conduct
9 yourself and with another investigator, that you
10 put all the information that both of you gather
11 into one report, which you sign?

12 A Yes.

13 Q And so that's what you did here, even
14 though Investigator Todd did some of the
15 investigation for this matter. Is that fair?

16 A That's fair.

17 Q Okay. All right. So that concludes--
18 do you have anything to add for this
19 investigation?

20 A No.

21 Q All right.

22 MS. PHILLIPS: That concludes the

1 Government's direct of this witness.

2 CHAIRPERSON ANDERSON: Do we have any
3 -- any Board Members have any questions for this
4 witness?

5 Ms. Dantzler, you said that the person
6 asked for the ID. So what did they do again when
7 they asked for the ID?

8 THE WITNESS: The male cashier took
9 the ID, looked at it and then handed it back to
10 the UC.

11 CHAIRPERSON ANDERSON: So how old was
12 the person?

13 THE WITNESS: 17.

14 CHAIRPERSON ANDERSON: All right.
15 Thank you. I'm sorry, Ms. Phillips, do you have
16 any questions of the witness based on the
17 questions I asked?

18 MS. PHILLIPS: No, Mr. Chair.

19 CHAIRPERSON ANDERSON: Thank you, Ms.
20 Dantzler for your --

21 THE WITNESS: Yes.

22 CHAIRPERSON ANDERSON: -- testimony.

1 You can step down.

2 (Whereupon, the witness was excused.)

3 CHAIRPERSON ANDERSON: Does the
4 Government have another witness?

5 MS. PHILLIPS: Yes, the Government
6 will call Investigator Todd.

7 CHAIRPERSON ANDERSON: Investigator
8 Todd, can you raise your right hand, please?
9 Whereupon,

10 INVESTIGATOR DaVON TODD
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 TODD: I affirm.

16 CHAIRPERSON ANDERSON: Okay. Your
17 witness.

18 MS. PHILLIPS: Okay.

19 DIRECT EXAMINATION

20 BY MS. PHILLIPS:

21 Q Investigator Todd, could you state
22 your name and spell your full name for the

1 record, please?

2 A Investigator DaVon Todd, D-A capital
3 V-O-N last name T-O-D-D.

4 Q Investigator Todd, what is your role
5 at ABRA?

6 A ABRA Investigator.

7 Q And how long have you been an
8 Investigator?

9 A Approximately 15 months.

10 Q Okay. And in your previous
11 professional life, did you have an opportunity to
12 conduct investigations on behalf of an employer
13 and write subsequent reports with regard to those
14 investigations?

15 A Yes.

16 Q And in what capacity were you
17 conducting those investigations?

18 A I was an investigator for a couple --
19 a few retail establishments in asset protection.

20 Q Okay. And how long did you do that?

21 A Approximately five years.

22 Q Okay. Now, did you have an occasion

1 to go to North Sea Carry-out Restaurant on July
2 5, 2017?

3 A Yes, ma'am.

4 Q Okay. And what part of the
5 investigation did you do?

6 A On July 5, 2017, my job, my role was
7 to provide notification and to conduct a
8 regulatory inspection at the establishment for
9 the sale to minor violation that was found.

10 Q So does that mean that after the sale
11 has taken place and Investigator Dantzler has
12 performed that observation and seen that done and
13 brought out the information with the UC, that you
14 go back in and inform the establishment personnel
15 what they did wrong?

16 A Yes, ma'am, that's exactly what
17 happened.

18 Q Okay. So you go into the
19 establishment and who did you speak to?

20 A I spoke to a gentleman that identified
21 himself as Mr. Hang Chen.

22 Q Did he identify his capacity within

1 the establishment?

2 A Yes, he identified himself as the
3 owner.

4 Q Okay. And did you tell him the
5 violation that had occurred?

6 A Yes. I stated to him that the
7 establishment was in violation of a sale to minor
8 in which alcohol was sold to a minor.

9 Q Now, there appears to be an exhibit,
10 which is a violation form or what is it called?

11 A I think you are referencing the
12 notification form.

13 Q Sale to Minor Notification Form?

14 A Yes, ma'am.

15 Q Is that Exhibit 8 to this
16 investigation report?

17 A Yes, that's Exhibit 8.

18 Q Okay. And did you sign that --

19 A Yes, ma'am.

20 Q -- at the bottom?

21 A Yes.

22 Q And you are Investigator #9?

1 A That's correct.

2 Q Okay. So what is this -- briefly,
3 what is the purpose of this form?

4 A The form is to provide notification to
5 the licensee of the violation found and to give
6 them information on -- contact information
7 regarding the violation.

8 Q Do you also use it as proof of the
9 fact that you have discussed the violation with
10 the establishment, because they have to sign for
11 this?

12 A Yes, ma'am.

13 Q And was Mr. Chen the person who signed
14 this Sale to Minor Notification, Exhibit 8?

15 A Yes, he was.

16 Q Okay. All right. And then what else
17 did you perform on the day of the sale to minor?

18 A I also conducted a regulatory
19 inspection, which is Exhibit 9.

20 Q Okay. And during your regulatory
21 inspection, in brief, what do you do and what do
22 you look for?

1 A I'm checking for the license of the
2 business to make sure everything is as clear and
3 accurate as it is in ABRA files.

4 Q And so you found no other violations.
5 Is that fair?

6 A No, ma'am.

7 Q Okay. And you signed the bottom of
8 Exhibit 9?

9 A Yes.

10 Q All right. And at that time, I know
11 the evidence had to go back to ABRA. Well, yes,
12 where does the evidence go once you have
13 collected it?

14 A So the chain of evidence for the
15 evidence that was found goes strictly to the
16 Chief of Enforcement at the time, in which it is
17 labeled with the date, the establishment and the
18 ABRA number and it is handed over to the Chief of
19 Enforcement along with the notification form.

20 Q Okay. So can you -- did you check
21 that this was notified -- this was the right case
22 when you --

1 A Yes.

2 Q -- brought it out?

3 A Yes, ma'am.

4 Q Okay.

5 A I actually created the label.

6 Q Okay. So you created the label and
7 you had -- you filled out Exhibit 10, which is
8 the Evidence Transmittal Form?

9 A Yes.

10 Q And you signed it at the bottom?

11 A That is me.

12 Q That's you. Okay. And after you
13 label the actual alcohol that was bought by the
14 UC and you fill out the Evidence Transmittal
15 Sheet, did you secure the evidence according to
16 ABRA Protocol?

17 A Yes, ma'am.

18 Q And what is that protocol?

19 A To hand over the evidence and sign for
20 it and --

21 Q To whom do you hand it to?

22 A Excuse me, to Chief Jackson.

1 Q Okay. All right. And so that was all
2 done. And did you retrieve it today, so that it
3 could be present at this hearing?

4 A Yes, ma'am, I did retrieve it today.

5 Q And you checked the label to make sure
6 that it was the evidence for this case, so that
7 we could -- it could be in front of the Board.
8 Is that fair?

9 A That is correct.

10 Q Okay. All right. After you did all
11 of that, was there any other part of the
12 investigation or this investigation that you did?

13 A Yes.

14 Q All right. What was that?

15 A When we came back to the office at the
16 conclusion of the shift, and I submitted the
17 evidence into the division, into the enforcement
18 chain of command log, I did a check on the
19 business owner, the licensee's ownership and
20 found that Bing Chen -- Mr. Hang Chen, excuse me,
21 was not the owner of the establishment.

22 Q Was he an ABC Manager?

1 A Mr. Hang Chen was not an ABC Manager
2 either.

3 Q Okay. So in other words, when you
4 were present at the establishment to conduct a
5 regulatory inspection, there was no ABC Manager
6 or owner on the premises. Is that fair?

7 A That's correct.

8 Q Okay. And so that's why they were
9 charged for no ABC Manager or owner on the
10 premises?

11 A Yes.

12 Q And that's Charge 3?

13 A Yes, ma'am.

14 Q Okay. And did you do anything else
15 with regard to this establishment and this
16 investigation?

17 A I contacted the owner in which Mr.
18 Hang Chen provided information of who the owner
19 was when we visited, when myself and Investigator
20 Dantzler visited the establishment on the second
21 occasion.

22 Q So what was the date of the second

1 occasion?

2 A It was on July 11, 2017.

3 Q And what did you do on July 11, 2017,
4 which seems to be about 2:50 p.m., is that fair?

5 A That's fair.

6 Q Okay. So what did you do when you
7 went to the establishment again on July 11th?

8 A We spoke to an ABC Manager about the
9 name of Ms. Juan Fen Cao, also known as Yuki.

10 Q Okay. And Juan Fen Cao is spelled J-
11 U-A-N F-E-N C-A-O?

12 A That's correct.

13 Q Okay. And you said that Ms. Cao was
14 an ABC Manager. Did I hear you correctly?

15 A Yes, ma'am.

16 Q Okay.

17 A An ABC Manager.

18 Q So what did you and Ms. Cao discuss?

19 A We spoke basically about the violation
20 that was found on the 5th. We also spoke about
21 the ownership piece. So Mr. Hang Chen stated
22 that he was the owner and it was listed that he

1 is not the owner of the establishment.

2 Q Okay. And so was Ms. Cao any -- have
3 any ownership of this establishment?

4 A Ms. Cao stated that she did not have
5 any ownership with the establishment. However,
6 she gave information of who the owner was.

7 Q Okay. So did you call Mr. Chen back
8 after you got this information from Ms. Cao?

9 A Yes, ma'am.

10 Q And when did you do that?

11 A I contacted Mr. Chen the next day,
12 which was July 12, 2017.

13 Q And what did you discuss on that
14 telephone call?

15 A I spoke with Mr. Chen to say the
16 violation again and I asked was he still the
17 owner of the establishment. Mr. Chen stated that
18 he was not no longer the owner of the
19 establishment and Ms. Cao was the owner.

20 Q Okay. So did you determine whether or
21 not anyone had submitted a Transfer of Ownership
22 papers to ABRA?

1 A Yes, ma'am.

2 Q And what did you --

3 A Yes, ma'am.

4 Q -- learn when you made that inquiry?

5 A The last ownership change happened in,
6 approximately, 2015.

7 Q Would you check the report to see if
8 it was in 2015 or if it was another date?

9 Because I don't see that that's the correct date.

10 A It may be an approximate of another
11 date.

12 Q Well, why don't you check the
13 investigation report to see that you would -- if
14 that was the date that was written in the report?

15 A Right.

16 Q What date was written in the report?

17 A 2014.

18 Q Okay. And that would have been
19 something that you and Ms. Dantzler confirmed
20 before you put it in this report? Would that be
21 fair?

22 A Yes, ma'am.

1 Q Okay. All right. And was there
2 anything else that you did following your call to
3 Mr. Chen on July 12th?

4 A No.

5 Q Okay. Is that all of the information
6 and investigation that you conducted when you
7 were doing this particular investigation?

8 A Yes, ma'am.

9 Q Let's see, all right.

10 MS. PHILLIPS: Okay. I have no
11 further questions of this witness.

12 CHAIRPERSON ANDERSON: Any questions
13 of Mr. Todd from any Board Members? Hearing none
14 -- I'm sorry, Mr. Alberti?

15 MEMBER ALBERTI: I don't know if I can
16 ask this or not.

17 MS. PHILLIPS: I'm sorry, I can't hear
18 you.

19 MEMBER ALBERTI: I'm not sure if I can
20 ask this, so, please, somebody correct me if I'm
21 out of line here.

22 Investigator Todd, we held a Fact-

1 Finding at which Mr. Chen was present on April
2 11, 2018. Do you remember being present for that
3 Fact-Finding?

4 THE WITNESS: Yes, sir. Yes, sir.

5 MEMBER ALBERTI: Okay. Do you
6 remember what Mr. Chen told us at that Fact-
7 Finding?

8 CHAIRPERSON ANDERSON: I --

9 MS. PHILLIPS: I think that may be not
10 relevant to this hearing.

11 MEMBER ALBERTI: Out of line. Okay.
12 I will withdraw those questions.

13 MS. PHILLIPS: Okay.

14 MEMBER ALBERTI: Thank you.

15 CHAIRPERSON ANDERSON: All right.
16 Thank you, Ms. Phillips. Any other questions?

17 MS. PHILLIPS: I have no questions
18 based on your non-questions.

19 CHAIRPERSON ANDERSON: Trying from
20 the --

21 MS. PHILLIPS: Oh, sorry.

22 CHAIRPERSON ANDERSON: -- other Board

1 Members. All right.

2 Thank you, Mr. Todd, for your
3 testimony. You can step down.

4 THE WITNESS: Thank you.

5 (Whereupon, the witness was excused.)

6 CHAIRPERSON ANDERSON: Does the
7 Government have any other witnesses?

8 MS. PHILLIPS: The Government has no
9 other witnesses. The Government closes the
10 evidence and would provide a brief closing, if
11 you wish or not.

12 CHAIRPERSON ANDERSON: Yes. Does the
13 Government wish to make a closing statement?

14 MS. PHILLIPS: You know, the
15 Government believes that they presented evidence
16 to -- for the Board to be able to find in the
17 Government's favor on all four counts.

18 And you know, the Board can decide
19 what kind of penalties that they want to instill
20 upon this establishment for these charges, all of
21 which have been proved.

22 CHAIRPERSON ANDERSON: Just for me,

1 Ms. Phillips, just provide me a little bit of
2 clarification. In reading the second charge, it
3 states that you -- maybe it's artfully written,
4 it states that you did not refuse to sell, serve
5 or deliver an alcoholic beverage to a person whom
6 upon requested of the license, failed to produce
7 a valid identification document in violation of
8 DC Official Code --

9 MS. PHILLIPS: Right.

10 CHAIRPERSON ANDERSON: -- Section --

11 MS. PHILLIPS: Yes.

12 CHAIRPERSON ANDERSON: Right.

13 MS. PHILLIPS: That is probably just
14 a statement of what the Code section says, but
15 the evidence was that the UC did produce
16 identification. The cashier looked at it briefly
17 and then sold the alcohol anyway.

18 CHAIRPERSON ANDERSON: But the reason
19 I'm asking is because of the way it's written.
20 It's stating that -- because when it says a valid
21 identification, I mean, I'm reading it to say
22 there was no issue that the identification was

1 not valid. It's that the person was not of age.
2 So it just doesn't -- that's why I'm troubled by
3 that charge, that's why I was asking you.

4 MS. PHILLIPS: Well, the charge cites
5 a section in the Code --

6 CHAIRPERSON ANDERSON: Right.

7 MS. PHILLIPS: -- which talks about
8 either failure to produce or failure to
9 adequately peruse or whatever the identification.
10 So while the charge is unartfully worded, as I
11 see, the Code section can give the Board the
12 wherewithal to take the evidence that was
13 presented and maintain that charge.

14 CHAIRPERSON ANDERSON: Okay. All
15 right. All right. The record is now closed.

16 Do you wish to file proposed findings
17 of fact and conclusions of law or do you waive
18 your right?

19 MS. PHILLIPS: I waive my right to do
20 that on behalf of the District, Mr. Chair.

21 CHAIRPERSON ANDERSON: Okay. The
22 Board will issue a decision within 90 days.

1 I just -- you are asking the Board to
2 look at the statute and levy what -- the fines
3 and penalties that the Board determines
4 appropriate. Is that correct?

5 MS. PHILLIPS: That is correct.

6 CHAIRPERSON ANDERSON: Okay. Fine.
7 All right.

8 As Chairperson of the Alcoholic
9 Beverage Control Board for the District of
10 Columbia and in accordance with DC Official Code
11 Section 2-574(b) of the Open Meetings Act, I move
12 that the ABC Board hold a closed meeting for the
13 purpose of seeking legal advice from our counsel
14 on Case No. 17-CC-00077, North Sea Carry-out
15 Restaurant, pursuant to DC Official Code Section
16 2-574(b)(4) of the Open Meetings Act and
17 deliberating upon Case No. 17-CC-00077, North Sea
18 Carry-out Restaurant, for the reasons cited in DC
19 Official Code Section 2-574(b)(13) of the Open
20 Meetings Act.

21 Is there a second?

22 MEMBER SHORT: Second.

1 CHAIRPERSON ANDERSON: Mr. Short has
2 seconded the motion. I will now take a roll call
3 vote on the motion before us now that it has been
4 seconded.

5 Ms. Wahabzadah?

6 MEMBER WAHABZADAH: I agree.

7 CHAIRPERSON ANDERSON: Mr. Short?

8 MEMBER SHORT: I agree.

9 CHAIRPERSON ANDERSON: Mr. Alberti?

10 MEMBER ALBERTI: I agree.

11 CHAIRPERSON ANDERSON: Mr. Cato?

12 MEMBER CATO: I agree.

13 CHAIRPERSON ANDERSON: Mr. Isaac?

14 MEMBER ISAAC: (No audible answer.)

15 CHAIRPERSON ANDERSON: Mr. Anderson?

16 I agree.

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

22 Thank you for your presentation. And

1 this case is now submitted. All right. Thank you.

2 As Chairperson of the Alcoholic
3 Beverage Control Board for the District of
4 Columbia and in accordance with DC Official Code
5 Section 2-574(b), closed meetings, and 2-574,
6 Notice of Meetings, of the Open Meetings Act, I
7 move that the ABC Board hold a closed meeting on
8 July 27, 2018 for the purpose of discussing and
9 hearing reports concerning ongoing or planned
10 investigations of alleged criminal or civil
11 misconduct or violations of law or regulations
12 and seeking legal advice from our counsel on the
13 Board's Investigative, Legal and Licensing Agenda
14 for June 27, 2018 as published in the DC Register
15 on June 22, 2018.

16 Is there a second?

17 MEMBER SHORT: Second.

18 CHAIRPERSON ANDERSON: Mr. Short has
19 seconded the motion.

20 I will now take a roll call vote on
21 the motion before us now that it has been
22 seconded.

1 Ms. Wahabzadah?

2 MEMBER WAHABZADAH: I agree.

3 CHAIRPERSON ANDERSON: Mr. Short?

4 MEMBER SHORT: I agree.

5 CHAIRPERSON ANDERSON: Mr. Alberti?

6 MEMBER ALBERTI: I agree.

7 CHAIRPERSON ANDERSON: Mr. Cato?

8 MEMBER CATO: I agree.

9 CHAIRPERSON ANDERSON: Mr. Anderson?

10 I agree.

11 As it appears that the motion has
12 passed, I hereby give notice that the ABC Board
13 will hold this aforementioned closed meeting
14 pursuant to the Open Meetings Act. Notice will
15 also be posted on the ABC Board hearing room
16 bulletin board, placed on the electronic calendar
17 on ABRA's website and published in the DC
18 Register in as timely a manner as practicable.

19 It is 4:21 and we are adjourned for
20 the day. Thank you.

21 (Whereupon, the Show Cause Hearing was
22 concluded at 4:23 p.m.)

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In the matter of: North Sea Carry Out

Before: DC ABRA

Date: 06-20-18

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