

Capital Reporting Company
In the Matter of: Pangean Investments Group, LLC t/a 19th 07-25-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :
 :
Pangean Investments Group, LLC :
t/a 19th :
1919 Pennsylvania Avenue, NW :
Retailer CR : Fact Finding
License No. 78475 : Hearing
ANC 2B :
Case No. 11-251-00274 :
Sale to Minor :
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July 25, 2012

The Alcoholic Beverage Control

Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Washington, D.C., Ruthanne Miller, Chairperson, presiding.

PRESENT

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HERMAN JONES, Member
CALVIN NOPHLIN, Member
MIKE SILVERSTEIN, Member

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

2 3:17 p.m.

3 CHAIRPERSON MILLER: Okay. Our next case on
4 the calendar is 11-251-00274, fact finding hearing for
5 LLC, trading as 19th, 1919 Pennsylvania Avenue, N.W.,
6 License No. 78475, in ANC 2B. And the fact finding
7 specifically involves conduct of the ABC manager of the
8 establishment.

9 And I'm wondering if there's anybody here for
10 this case. You are, sir?

11 MR. MCCARTHY: Gentleman certainly did his
12 research, didn't he?

13 CHAIRPERSON MILLER: Good afternoon.

14 MR. MCCARTHY: How are you?

15 CHAIRPERSON MILLER: Can you identify
16 yourself for the record, please?

17 MR. MCCARTHY: My name is Travis McCarthy.

18 CHAIRPERSON MILLER: Okay. Mr. McCarthy, I
19 just want to say upfront -- I don't know if you were
20 here at the beginning of the other hearing -- we don't
21 take any testimony at fact finding hearings. We're
22 just trying to gather facts to see whether any future

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1 action should be taken.

2 MR. MCCARTHY: Absolutely. I'd like to clear
3 it up because the report that I read was completely
4 inaccurate from what I feel happened that day.

5 CHAIRPERSON MILLER: Okay. And --

6 BOARD MEMBER: Chairman, turn that on. Just
7 move it closer to you.

8 MR. MCCARTHY: Is that better?

9 BOARD MEMBER: Yeah.

10 MR. MCCARTHY: Yeah? Okay.

11 CHAIRPERSON MILLER: Are you referring to
12 case report -- another finding or --

13 MR. MCCARTHY: I have the paperwork that you
14 brought me.

15 CHAIRPERSON MILLER: And --

16 MR. MCCARTHY: 7/20/2011 is the date. 11-
17 251- 00274, is that right? It's correct?

18 CHAIRPERSON MILLER: Yes, that is correct.

19 MR. MCCARTHY: Okay. Okay.

20 CHAIRPERSON MILLER: Okay. Just so I know
21 you're referring to the same report.

22 MR. MCCARTHY: Yes.

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1 CHAIRPERSON MILLER: Okay. All right. Do
2 you want to just tell your side of the story on this?

3 MR. MCCARTHY: Yeah, I was a bartender at
4 19th on July 20th of 2011, last year. And I was at
5 work. I was very sick. I had -- I had just had a --
6 just because it's relevant -- I'm sorry -- but I had a
7 kidney infection. And I needed to go -- I had an
8 appointment with a physician at the hospital the very
9 next day. And I had told the manager on duty that I
10 just -- I really -- I needed to go home.

11 But the manager on duty left. She just left
12 the establishment. I possessed an ABC manager's
13 license for another establishment. However, I was not
14 part of the management team at 19th, nor was I ever
15 even told that I would be in charge or anything like
16 this. It was completely unbeknownst to me that she had
17 left without leaving -- there was another manager that
18 was there, again unbeknownst to me. I did not know
19 that he did not have an ABC license.

20 So basically they were kind of trying to pin
21 it on me and I had no idea that this was going on. I
22 was very ill and trying to go home. I was sitting on

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1 the side of the bar when a regular customer of ours
2 walked over to me and said, "Somebody just asked me for
3 an ID." And I said, "Well, then give it to them." No
4 big deal, didn't think of it. And she went in the
5 bathroom. I -- right prior to that happening, I had
6 called the manager and said, "This is it. I've got to
7 go. I can't -- I can't stay any longer. I'm sick.
8 And I just -- I need to leave."

9 So I went back behind the bar, tried to just
10 kind of clean up a little bit and grab my stuff. At
11 that time, someone who didn't identify themselves as a
12 police officer or an ABC agent or anything like that
13 said, "Don't touch that drink." I thought that was
14 weird but just -- you know, maybe it was a customer.
15 Maybe it was his girlfriend. I didn't know. I really
16 wasn't paying that much attention. I was sick and out
17 of it.

18 So I left. As I was leaving, I had about a
19 five-minute conversation with the manager who was
20 there. When -- that's when he told me that the reason
21 why -- I had been calling the other manager all day and
22 saying, "I need to go. I need to go." And she had

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1 left. She wouldn't let me leave. So out of
2 professionalism, I was still sitting there. That's
3 when he informed me the reason why I wasn't allowed to
4 leave is because I was the ABC manager on duty at time
5 -- at the time.

6 Again, this was absolutely unbeknownst to me
7 at the time. And I said -- due to many, many other
8 things that have happened in that place, I didn't bring
9 my ABC card to work there because I didn't want to be
10 responsible for the way that they did business, which
11 was serving underage people. The policy was pretty
12 much just if they have an ID -- it doesn't even matter
13 what it looks like -- if they have an ID, serve them.

14 And I was reprimanded many times for refusing
15 to serve underage patrons. Because I have an ABC
16 license. I take more responsibility in this. I've
17 worked in this -- in this business in this city for
18 seven years. I'm just a little bit more responsible
19 than that. So it was very disheartening. And so I got
20 into an argument with the manager, telling him that I
21 needed to leave because I was sick.

22 And he said, "You can't -- you cannot leave."

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1 And I said, "Well, then I quit." And I said that about
2 five feet away from one of the officers who was in the
3 establishment while this happened. And he looked at me
4 and acknowledged that I said, "I quit. I'm leaving."
5 So as far as in here, where it says I fled and left --
6 led out the back door and I -- none of that is
7 accurate.

8 Because I feel like if they really -- if he
9 had said to me, "You know what? I need to ask you a
10 couple of questions before you leave," or anything like
11 that, I would absolutely have stayed, complied,
12 everything like that. It really was just a very
13 unfortunate timing that I was taking off at that point.

14 CHAIRPERSON MILLER: Okay. And how long had
15 you worked there?

16 MR. MCCARTHY: I worked there from about the
17 middle of January until this day.

18 CHAIRPERSON MILLER: Okay. It's July. So
19 were you aware of the allegation that's made in here
20 that someone sold an alcoholic beverage to a minor
21 without checking the ID? Were you aware that that had
22 happened, do you know?

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1 MR. MCCARTHY: When I --

2 CHAIRPERSON MILLER: That night?

3 MR. MCCARTHY: When I left that night? No,
4 absolutely not.

5 CHAIRPERSON MILLER: Yeah.

6 MR. MCCARTHY: Actually -- and that's why I'm
7 saying the person in question -- I know the person
8 personally. I know her. I -- the first day I walked
9 into work at that place, she was sitting at the bar
10 with a drink. I was introduced to her by management
11 and ownership all the time as a regular customer. I
12 understand that ultimate responsibility for checking
13 that ID if I'm going to serve that person falls on my
14 lap.

15 However, I was instructed by management to
16 serve this specific person. And actually I even went
17 to other establishments in the area with that person
18 and she used her ID. And reading this report now,
19 that's why I always thought she was from California.
20 She's actually a girl from Ohio. But she always had
21 this California ID. I had no idea that it was fake.
22 I'd never checked it myself. And again, I understand

1 that that ultimately falls on the person that serves
2 her, if I was the one that served her.

3 I'm not clear if I was the one that served
4 her. I feel like I was sitting at the end of the bar.
5 I'm not saying I didn't. I'm just saying I don't
6 remember because at that point, it was like second
7 nature to serve that person because she came in every
8 day. She was -- she was at work more than I was but --
9 you know, that girl. So I found all this out after the
10 fact.

11 The very next day after this I called the
12 detective specifically to address this issue -- to
13 address the fact that there was a -- someone had told
14 me that they might file for a warrant. So I called him
15 immediately, offered to come down to the station and
16 talk to him, sent him an email statement of kind of,
17 like, what I felt like happened -- complete compliance.
18 I -- like I said, I didn't know when I left that night
19 that anything was going on at all.

20 You know, like I said, she just came up to me
21 and said, "Someone just asked me for my ID." And I
22 said, "Well, give it to them." It's really -- it

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1 really was that matter of fact, that I thought she was
2 of age. She was at the bar every day.

3 CHAIRPERSON MILLER: Did you talk to this
4 detective the next day? Is that what you --

5 MR. MCCARTHY: I did.

6 CHAIRPERSON MILLER: It was Detective Carter
7 that's referenced in the report?

8 MR. MCCARTHY: The email that I have is a
9 gentleman named Shawn Emmons (ph). Now, I don't know
10 if he is -- I don't know if he was there or not.

11 MR. SILVERSTEIN: Shawn --

12 MR. MCCARTHY: Emmons.

13 MR. SILVERSTEIN: E-A-M-O-N-S?

14 MR. MCCARTHY: E-M-M-O-N-S. Yes, sir.
15 That's who I emailed with. I don't know if that's just
16 the email address or what but that was who I was
17 instructed to speak with.

18 CHAIRPERSON MILLER: Who? Back up.

19 MR. MCCARTHY: Well, the actual manager of
20 the restaurant contacted me that night to explain to me
21 what was going on.

22 CHAIRPERSON MILLER: Okay.

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1 MR. MCCARTHY: And she told me that that is
2 who I should talk to. I think that she gave me a card
3 or something like that.

4 CHAIRPERSON MILLER: Okay.

5 MR. MCCARTHY: So if that's the wrong person,
6 then I really just didn't -- sorry, I didn't -- I
7 thought I was doing what they were asking me to do.
8 Like I said, I was kind of blindsided by this whole
9 thing.

10 CHAIRPERSON MILLER: And when did you see
11 this report?

12 MR. MCCARTHY: This report right here?

13 CHAIRPERSON MILLER: Uh-huh.

14 MR. MCCARTHY: I was served with it about
15 three weeks ago.

16 CHAIRPERSON MILLER: Okay.

17 MR. MCCARTHY: This is the first time I've
18 ever seen this report.

19 CHAIRPERSON MILLER: Okay. So are you
20 working as a bartender for now or --

21 MR. MCCARTHY: Yeah, actually I'm a bar
22 manager.

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1 CHAIRPERSON MILLER: Uh-huh.

2 MR. MCCARTHY: (inaudible) --

3 CHAIRPERSON MILLER: Okay.

4 MR. MCCARTHY: And like I said, I've had --
5 I've possessed an ABC manager's license for upwards of
6 five years, worked in this business in this -- worked
7 in this business for 15 years, in this city for 10
8 years. And I have never so much as had a reporting.
9 You know, this is -- this is the first time I've ever
10 had to, like, explain my actions. Many, many times
11 they've tried the sting and I've always, you know -- I
12 do 100 percent.

13 Since this happened -- actually and I will --
14 I will admit at this time, when I was working at this
15 bar, my knowledge of especially fake IDs was not as
16 good as it needed to be. The eTIPS class that I took
17 online, that counted towards my, like, as a sufficient
18 certification to be a manager, did not cover fake IDs
19 at all, which I don't know if maybe that's something
20 that should be looked into.

21 Because I since then have taken -- Alcohol
22 Beverage Control is the name of the company. Jeff

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1 Jackson used to actually, I think, serve on this Board.
2 I took his class on how to spot fake IDs and how to
3 really be 100 percent compliant with all ABC
4 regulations at all times. I actually recommend his
5 course. I made my entire staff take it at this point
6 because it just really helped me out.

7 Yeah, because the fake IDs nowadays are so --
8 are so good that you need to really know what you're
9 looking for. So since then I've done extensive
10 training on this specific issue to make sure that I --
11 this never happens again.

12 CHAIRPERSON MILLER: Good. So -- and you're
13 a manager now? Is that what you said?

14 MR. MCCARTHY: Yes, ma'am.

15 CHAIRPERSON MILLER: Okay. How big a staff
16 do you have?

17 MR. MCCARTHY: Twelve give or take.

18 CHAIRPERSON MILLER: Okay. (Inaudible) --

19 MR. MCCARTHY: It's not a -- it's not a real
20 big place.

21 CHAIRPERSON MILLER: What's the place?

22 MR. MCCARTHY: Shenanigans.

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1 CHAIRPERSON MILLER: Shenanigans. Okay.

2 Others have questions?

3 MR. ALBERTI: I do.

4 CHAIRPERSON MILLER: Yes?

5 MR. ALBERTI: When you left that night, which
6 door did you go out of?

7 MR. MCCARTHY: The front door of the
8 establishment is the one that faces I Street.

9 MR. ALBERTI: It didn't -- oh, I Street.
10 Okay.

11 MR. MCCARTHY: The one that faces I Street is
12 - I would consider that the front door. The other door
13 leads out to, like, a balcony.

14 MR. ALBERTI: Uh-huh.

15 MR. MCCARTHY: And then there aren't any,
16 like, fire exits or anything in the back. There are
17 really just that one -- the front door. Like I said,
18 and there was a police officer stationed at the door
19 when I -- when I walked out it. And sneaking out the
20 back, I don't even know where the back door is. So I
21 don't know what it says, "Sneaking out the back door."

22 MR. ALBERTI: So what made them put that in

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1 this report, any idea?

2 MR. MCCARTHY: I have no idea. I -- honestly
3 most of these things -- I mean, I hope that I've
4 covered everything, especially the fact it does say in
5 the statement that I was not on the management team --
6 was one of the bigger things that I saw in here.
7 That's actually really important because, you know,
8 like I said, for them to call me the ABC manager seems
9 like a convenient excuse after they realized they
10 didn't have an ABC manager in the house when, you know
11 -- first of all, you need to have one all the time, but
12 especially if the ABRA Board comes in and you have to
13 speak to the ABC manager and everything like that.

14 MR. ALBERTI: And how long have you been at
15 Shenanigans?

16 MR. MCCARTHY: Well, we just changed the
17 name.

18 MR. ALBERTI: I know.

19 MR. MCCARTHY: I've been there since the
20 beginning.

21 MR. ALBERTI: Since the beginning?

22 MR. MCCARTHY: Uh-huh.

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1 MR. ALBERTI: So you were there when it was
2 called McNasty's?

3 MR. MCCARTHY: Yes, sir.

4 MR. ALBERTI: Okay. And when does your
5 manager's -- ABC manager's license expire?

6 MR. MCCARTHY: It's soon. I want to say
7 October --

8 MR. ALBERTI: All right. Thank you.

9 MR. MCCARTHY: -- give or take.

10 MR. ALBERTI: Thank you. Thank you.

11 CHAIRPERSON MILLER: Okay. Yeah, Mr. Jones?

12 MR. MCCARTHY: Yes, sir.

13 MR. JONES: Thank you, Madam Chair. So you
14 quit that night?

15 MR. MCCARTHY: I quit that moment. I talked
16 to that manager and told him that, "I'm sick. I have
17 to go."

18 MR. JONES: So you quit --

19 MR. MCCARTHY: "This is not a question." And
20 he said, "You cannot leave." And I said, "Well, then I
21 quit."

22 MR. JONES: And then you've never -- have you

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1 been back to the establishment since then?

2 MR. MCCARTHY: I stopped by once to see a
3 friend. And that lasted about five minutes.

4 MR. JONES: Yeah. So how far --

5 MR. MCCARTHY: They don't particularly like
6 me there.

7 MR. JONES: How long after the date that you
8 quit to the time that you went back?

9 MR. MCCARTHY: It was just a couple months
10 ago so it was almost nine months later.

11 MR. JONES: Nine months later?

12 MR. MCCARTHY: Yeah, I don't -- I don't
13 really care to go back there after --

14 MR. JONES: Okay. Understood. Did you get a
15 -- did you get your final paycheck from the time that
16 you quit?

17 MR. MCCARTHY: I never got a paycheck there.

18 MR. JONES: Never got a paycheck?

19 MR. MCCARTHY: Never -- they never even put
20 me on the books. I was just a --

21 MR. JONES: How did you -- got cash --

22 MR. MCCARTHY: I was just a -- I never even

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1 got paid by them. I was just a fill-in bartender.

2 MR. JONES: So what does that -- how do
3 bartenders get paid?

4 MR. MCCARTHY: Tips.

5 MR. JONES: That's it?

6 MR. MCCARTHY: Yep.

7 MR. JONES: Okay.

8 MR. MCCARTHY: I never clocked in --

9 MR. JONES: So --

10 MR. MCCARTHY: -- anything like that. They -
11 - there's not even a record of my employment there. I
12 asked them several times but they just said that they
13 would rather just keep me as a fill-in bartender.

14 MR. JONES: Okay. And who was the ABC
15 manager on duty supposedly -- supposed to be the ABC
16 manager on duty that night?

17 MR. MCCARTHY: Oh, yeah. I apologize. I
18 left that part out. The manager's name was Monica
19 Valdes (ph).

20 MR. JONES: Monica Valdes. Okay.

21 MR. MCCARTHY: She came in at 5:00. I
22 immediately talked to her and said, "Look, I'm really

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1 not feeling good. And I'm not going to be able to stay
2 long, if at all." You know, I was trying to be a pro
3 so I stuck around for a couple of minutes. She took
4 off. She didn't tell me she was leaving. She didn't -
5 - nothing.

6 MR. JONES: Understood.

7 MR. MCCARTHY: I was calling her all day,
8 saying, "I need to go. I need to go." And she was
9 saying, "Okay. I'll be there soon. I'll be there
10 soon." From what the actual manager of the restaurant,
11 whom I spoke with later on that evening, said, she
12 didn't come back until 11:00 at night. So from 5:00
13 until 11:00 they didn't have an ABC manager on premise
14 at all, except for -- and like I said, I didn't have my
15 card.

16 They were -- and I didn't know I was --
17 because if I knew that I was being the ABC manager --
18 and I repeatedly said, "I don't want to be an ABC
19 manager here because I don't like the way that you do
20 business. I don't like the way" -- I don't want to
21 take the responsibility for it. But if I were to know
22 that that was the way things were going on, I would

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1 have been standing at the door carding people myself
2 because it's my responsibility. It's my watch, you
3 know.

4 So she took off. She showed back up at,
5 like, 11:00. So she was gone for six hours.

6 MR. JONES: So you reported to work on time?

7 MR. MCCARTHY: I got to work at 5:00.

8 MR. JONES: You got to work at 5:00.

9 MR. MCCARTHY: She got to work at, like, 5:15
10 and then left.

11 MR. JONES: Okay. So she came in 15 minutes
12 roughly after you reported to work. You communicated
13 to her in between -- at roughly 5:15, when she arrived,
14 you communicated to her that you were there -- you were
15 sick, you had to leave?

16 MR. MCCARTHY: Uh-huh.

17 MR. JONES: She left. You didn't know that
18 she had gone?

19 MR. MCCARTHY: Nope.

20 MR. JONES: Who was -- so she's no longer at
21 the establishment. Would she be the -- I guess the
22 manager on duty at this -- not just the ABC manager,

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1 but like the manager of the location? Is that the
2 person to whom you would go to --

3 MR. MCCARTHY: Not the general manager, no.

4 MR. JONES: Not the general manager.

5 MR. MCCARTHY: That would be Michelle Yurita
6 (ph).

7 MR. JONES: She -- was she there?

8 MR. MCCARTHY: Michelle Yurita's named in the
9 report.

10 MR. JONES: She was there?

11 MR. MCCARTHY: She was not there. She was --

12 MR. JONES: She was not there?

13 MR. MCCARTHY: -- the general manager. She
14 was just off work.

15 MR. JONES: She was off work?

16 MR. MCCARTHY: Like, she wasn't working that
17 night.

18 MR. JONES: Okay. She wasn't working that
19 night.

20 MR. MCCARTHY: Monica was working.

21 MR. JONES: So who was the -- who would be
22 her -- who would be the person that would be serving in

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1 her role as general manager on that night, given that
2 she wasn't there? If you had an issue that a general
3 manager needed to handle, who would -- who would have
4 been that person that you would have gone to --

5 MR. MCCARTHY: The manager on duty, which
6 would have been Monica Veldes.

7 MR. JONES: Okay. So if she didn't --

8 MR. MCCARTHY: There was --

9 MR. JONES: -- tell you -- if she didn't
10 convey to you -- that person didn't convey to you that
11 you were now the ABC manager --

12 MR. MCCARTHY: Yes.

13 MR. JONES: -- on duty --

14 MR. MCCARTHY: She did not.

15 MR. JONES: -- then, therefore, there was no
16 one else there to serve in that capacity?

17 MR. MCCARTHY: No.

18 MR. JONES: And she didn't designate that to
19 you based on what you're --

20 MR. MCCARTHY: No.

21 MR. JONES: -- telling us today.

22 MR. MCCARTHY: Not at all.

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1 MR. JONES: Okay.

2 MR. MCCARTHY: I have no idea.

3 MR. JONES: All right.

4 MR. MCCARTHY: Because I -- like I said, I
5 repeatedly denied -- they would ask me to do that. And
6 I said, "Well, you know, I can come in and manage but
7 I'm not going to be behind the bar because I need to
8 make sure that this is going to be --

9 MR. JONES: Understood.

10 MR. MCCARTHY: -- handled."

11 MR. JONES: Got it. So are you aware of any
12 issues with -- any legal issues, any warrants or any
13 actions that are out on -- that are related to you as
14 is it connected -- in connection with this activity --
15 the connection with the night the events of this
16 evening -- on this day?

17 MR. MCCARTHY: I'm sorry, am I -- am I
18 familiar with any warrants?

19 MR. JONES: Are you aware of any issues --
20 any legal issue, any matters --

21 MR. MCCARTHY: I have not heard anything
22 about this since the day I spoke to the sergeant. I've

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1 actually spoken to him since then. He actually -- just
2 to show compliance, he sometimes posts stuff kind of
3 right -- not out in front of our bar but kind of right
4 over there because he knows that we're really good with
5 the IDs. So when he sees a fake, he comes over and he
6 takes the fake and he takes the person and he arrests
7 them.

8 MR. JONES: Just that -- is that --

9 MR. MCCARTHY: I've spoken to him a couple of
10 times --

11 MR. JONES: Is this at Shenanigans?

12 MR. MCCARTHY: This is at Shenanigans.

13 MR. JONES: Okay.

14 MR. MCCARTHY: This is -- this is current.

15 MR. JONES: Right.

16 MR. MCCARTHY: I'm just having interaction
17 with him.

18 MR. JONES: Yes.

19 MR. MCCARTHY: But he's never -- he's never
20 brought anything up.

21 MR. JONES: Okay. And --

22 MR. MCCARTHY: And I spoke with him briefly.

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1 I ran into him about a couple of weeks afterwards. And
2 all he told me was, you know, "We didn't file a warrant
3 for your arrest and they might do an investigation and
4 that you'll hear about it" -- is basically it. And
5 then I had --

6 MR. JONES: So he communicated to you that he
7 did not file a warrant for your arrest?

8 MR. MCCARTHY: He did not. He did not.

9 MR. JONES: What prompted him to communicate
10 that? It seems like an odd just to bring up out of the
11 blue. Why would -- if you weren't aware that there was
12 a sale to a minor on that evening --

13 MR. MCCARTHY: Uh-huh.

14 MR. JONES: -- why would he feel the need to
15 make you aware of the fact that they didn't file a
16 warrant for your arrest if you weren't --

17 MR. MCCARTHY: Because I spoke --

18 MR. JONES: Okay.

19 MR. MCCARTHY: Because I spoke to him the
20 next day.

21 MR. JONES: Okay.

22 MR. MCCARTHY: And I explained the situation.

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1 And as noted in the bottom of this -- this is, I guess,
2 the report he filed -- that they were thinking about it
3 or something. I guess just --

4 MR. JONES: They were contemplating it.

5 MR. MCCARTHY: Yeah. So I -- like I said,
6 when I found all of this information out, I immediately
7 called and addressed it with the detective.

8 MR. JONES: Okay. Thank you. Thank you,
9 Madam Chair. I have a couple more questions.

10 CHAIRPERSON MILLER: Okay.

11 MR. JONES: Okay. You indicated that you
12 didn't -- on several occasions that you did not like
13 the way that 19 -- that's then name of that --

14 MR. MCCARTHY: 19th, yes.

15 MR. JONES: -- 19th, yeah -- you did not like
16 the way they did business.

17 MR. MCCARTHY: Absolutely. I did --

18 MR. JONES: Right, okay.

19 MR. MCCARTHY: -- I do not.

20 MR. JONES: Now, do you like the way they did
21 business at McNasty?

22 MR. MCCARTHY: We had some issues with fake

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1 IDs in the beginning, which we addressed by training --
2 extensive training. And I feel like we addressed that
3 issue.

4 MR. JONES: Were you there when our
5 investigators were there on two occasions and
6 identified underage persons drinking?

7 MR. MCCARTHY: I was not there.

8 MR. JONES: Did you know about it?

9 MR. MCCARTHY: I'd been told about it.

10 MR. JONES: Thank you, Madam Chair.

11 CHAIRPERSON MILLER: Yeah, Mr. Alberti?

12 MR. ALBERTI: Mr. McCarthy, you said that a
13 manager told you to contact the police officers, which
14 you never told us that manager's name.

15 MR. MCCARTHY: I'm sorry. Actually I was
16 thinking when I was answering his question that I
17 should actually clarify this a little bit more.
18 Michelle Yurita was the general manager. She is the
19 one who contacted me later that night, gave me the
20 information that I needed and the card and said, "You
21 know, call this guy. Talk to him. He seems like he
22 wants to help you. He realizes this is probably a

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1 misunderstanding." And he'll, you know --

2 MR. ALBERTI: I see.

3 MR. MCCARTHY: The manager on duty that
4 night, the one that left, her name is Monica Valdes.
5 The manager who was there but did not possess an ABRA
6 license, his name was Sam White. That is the manager
7 whom I got into an argument with at the front door when
8 I said, "I got to go." And he said, "You -- you know"
9 -- so I said, "I quit." I forgot to mention that
10 earlier so I'm glad we clarified that.

11 MR. ALBERTI: Thank you. Officer Emmons, you
12 emailed him?

13 MR. MCCARTHY: I did.

14 MR. ALBERTI: Did you talk to him by phone?

15 MR. MCCARTHY: On the phone. Yes. And I
16 offered to come down to the station to speak with him,
17 give a statement, all that information. He told me he
18 didn't -- it wasn't necessary to actually come down
19 there, that we could just do it over the phone.

20 MR. ALBERTI: Okay. What was the content of
21 your email to him? Was it just the --

22 MR. MCCARTHY: Just explaining the situation.

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1 To be honest with you, he did -- he did kind of tell me
2 that he saw me serve the drink or something like that,
3 which again, I told you I didn't recall. So there
4 might -- it might be -- it's a little fuzzy on that
5 part. Like I said, I was sitting down at the end of
6 the bar. Again, I'm not saying I -- I'm not saying I
7 didn't do it. I just don't remember.

8 MR. ALBERTI: Yeah, yeah. We'll get there.
9 Yeah.

10 MR. MCCARTHY: Sorry?

11 MR. ALBERTI: Did he respond to you by email?

12 MR. MCCARTHY: No.

13 MR. ALBERTI: So you sent him an email?

14 Okay.

15 MR. MCCARTHY: Yes.

16 MR. ALBERTI: Can you -- did you keep a copy
17 of that email?

18 MR. MCCARTHY: I looked it up the other day,
19 yes. I still have it.

20 MR. ALBERTI: Okay. So you have that --

21 MR. MCCARTHY: Uh-huh.

22 MR. ALBERTI: -- if we requested it? Okay.

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1 MR. MCCARTHY: Yeah.

2 MR. ALBERTI: Let's go back to when you
3 arrived. You arrived at approximately 5:00?

4 MR. MCCARTHY: Yes.

5 MR. ALBERTI: You're not feeling well?

6 MR. MCCARTHY: No, I had a kidney infection.

7 MR. ALBERTI: Okay.

8 MR. MCCARTHY: Those are not -- those are not
9 fun.

10 MR. ALBERTI: Yeah, I know. I know. But you
11 said you told Ms. Valdez when she showed up that you
12 were sick and you had to leave; is that correct?

13 MR. MCCARTHY: I told her that I was going to
14 try and -- I was going to try and stick it out a little
15 bit but that I really wasn't feeling good, so that, you
16 know -- I basically told her I might make it through
17 happy hour, which would be 5:00 to 7:00.

18 MR. ALBERTI: Okay. Twenty-four -- \$64,000
19 question for me is --

20 MR. MCCARTHY: Okay.

21 MR. ALBERTI: -- what prompted you to decide
22 at the moment that you left that you needed to leave?

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1 Because it looks -- is it coincidental that this was
2 going on and you -- all of a sudden you felt too bad --
3 I mean, so bad --

4 MR. MCCARTHY: I understand that.

5 MR. ALBERTI: -- you couldn't stay or --

6 MR. MCCARTHY: What --

7 MR. ALBERTI: -- did something else prompt
8 you to leave --

9 MR. MCCARTHY: What --

10 MR. ALBERTI: -- at that particular moment?

11 MR. MCCARTHY: What prompted me is that I
12 finally had just texted her and said, "This is it. I'm
13 leaving."

14 MR. ALBERTI: So coincidental --

15 MR. MCCARTHY: It was before -- it was
16 actually before Ms. Gory (ph) came over and talked to
17 me about -- she said what -- that, you know, "Someone
18 just asked me for my ID." This was before all that
19 happened. I had texted her and I said, "This is it.
20 I'm out." And I was just gathering my things and
21 gathering myself and --

22 MR. ALBERTI: Okay.

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1 MR. MCCARTHY: I understand -- I understand
2 that it is coincidental. However, I -- like I said,
3 had I known -- and, look, I said it right in front of a
4 police officer. I feel like if they really wanted to
5 talk to me or ask me any questions or anything like
6 that that they should have said, "Hey, you know, stick
7 around for a minute," which I would have done and no
8 problem. It just was literally, you know -- I'm on
9 antibiotics. I'm feeling really horrible. My family
10 has a history of kidney problems. And I'm kind of
11 freaking out. So I wanted to go home.

12 MR. ALBERTI: Okay. Thank you. I have no
13 further questions.

14 CHAIRPERSON MILLER: Do you still have your
15 text, if you needed to produce it?

16 MR. MCCARTHY: Text?

17 CHAIRPERSON MILLER: Text?

18 MR. ALBERTI: The email --

19 MR. MCCARTHY: I --

20 MR. ALBERTI: -- or the text?

21 MR. MCCARTHY: The email -- the email I can -
22 - I can more than likely produce. I did look it up the

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1 other day. This happened one year ago. Even with our
2 fancy iPhones, I don't think I can look that up.

3 CHAIRPERSON MILLER: Okay.

4 MR. MCCARTHY: I mean, I can probably pull up
5 a phone record say -- showing me texting her number all
6 night. It'd probably be the best that I could do.
7 But, you know, I -- not even -- not even in today's day
8 and age do I think a year-old text could come back.

9 CHAIRPERSON MILLER: Right. Okay. Mr.
10 Silverstein, yes?

11 MR. MCCARTHY: Yes, ma'am.

12 MR. SILVERSTEIN: What about -- what about
13 the emails with the officer --

14 MR. MCCARTHY: Absolutely. We're already
15 talked about that. If you guys need those, I can bring
16 them to you. Like I said, this was just -- I gave him
17 a rough statement of kind of what had happened that
18 night. And, you know, he -- you know, he didn't
19 respond but I'm sure he might have them as well. I
20 don't know.

21 CHAIRPERSON MILLER: Okay. We're just going
22 to pause for a minute. Okay. Okay. I have a request

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1 from a Board member that we just recess this for a
2 minute to think about what we want to do. So I think
3 you should definitely hang around longer. And --

4 MR. MCCARTHY: You ask me to, I'll stay here.

5 CHAIRPERSON MILLER: Well, if you want to
6 find out what -- whether, you know -- the basic -- we
7 take -- decide based on what, you know, you told us.

8 MR. MCCARTHY: Uh-huh.

9 CHAIRPERSON MILLER: There isn't any further
10 action that should be taken. That's one option, just
11 so you know. Or the Board -- so the majority of the
12 Board might think, "Oh, you know, I think there's
13 something here. I'm going to send it to the Office of
14 Attorney General to see whether they should take action
15 against an ABC manager." So that's kind of --

16 MR. MCCARTHY: Okay. Again --

17 CHAIRPERSON MILLER: And I --

18 MR. MCCARTHY: -- I wasn't the ABC manager.
19 Sorry.

20 CHAIRPERSON MILLER: I understand that. I
21 understand that. And I understand that.

22 MR. MCCARTHY: Absolutely. So do you want me

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1 --

2 CHAIRPERSON MILLER: Absolutely.

3 MR. MCCARTHY: -- to leave? Is that what
4 you're saying?

5 CHAIRPERSON MILLER: No, no. We're going to
6 leave. So what you understand --

7 MR. MCCARTHY: Oh, can I use the restroom and --

8 CHAIRPERSON MILLER: Yes, yes.

9 MR. MCCARTHY: -- water fountain? Okay.

10 CHAIRPERSON MILLER: Go right ahead.

11 BOARD MEMBER: Sure, it's free.

12 BOARD MEMBER: It is. It is.

13 CHAIRPERSON MILLER: I'm going to read our
14 Closed Meeting now.

15 BOARD MEMBER: The Board talked so much, I
16 was going to go pour one.

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

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1 No. 11- 251-00274 and 19 -- okay -- per Section
2 405(b)(4) of the Open Meetings Amendment Act of 2010
3 and deliberating upon this case for the reasons cited
4 in Section 405(b)(13) of the Open Meetings Amendment
5 Act of 2010.

6 Is there a second?

7 BOARD MEMBER: Second.

8 CHAIRPERSON MILLER: Okay. Roll call. Mr.
9 Nophlin?

10 MR. NOPHLIN: I agree.

11 CHAIRPERSON MILLER: Mr. Brooks?

12 MR. BROOKS: I agree.

13 CHAIRPERSON MILLER: Mr. Alberti? Mr.
14 Alberti?

15 MR. ALBERTI: I agree.

16 CHAIRPERSON MILLER: Ms. Miller agrees. Mr.
17 Silverstein?

18 MR. SILVERSTEIN: I agree.

19 CHAIRPERSON MILLER: Mr. Jones?

20 MR. JONES: I agree.

21 CHAIRPERSON MILLER: Okay. So by a vote of
22 6-0 the motion passes and we will go into the ABC Board

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1 room.

2 (WHEREUPON, at 3:46 p.m., the hearing went
3 off record until 3:46 p.m.)

4 CHAIRPERSON MILLER: Okay. What'd you say?

5 MR. MCCARTHY: I said, "You really have a
6 nice view from those glass windows." That's what I was --

7 CHAIRPERSON MILLER: Oh, yeah.

8 MR. MCCARTHY: I was just kind of -- kind of
9 lost out there.

10 CHAIRPERSON MILLER: Okay. Well, we have a
11 quorum here. And basically what I'm just going to say
12 is you've provided a lot of interesting, significant, I
13 think, information today. And what we're going to do
14 is just take it under advisement at this point. So

15 MR. MCCARTHY: What does that mean?

16 CHAIRPERSON MILLER: That means we're just
17 going to spend more time thinking about it, considering
18 any facts, seeing if our investigators should look into
19 anything further. That means we're not sending your
20 case right now to --

21 MR. MCCARTHY: Okay.

22 CHAIRPERSON MILLER: -- Office of Attorney

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1 General for, you know, enforcement action against you.

2 MR. MCCARTHY: Okay.

3 CHAIRPERSON MILLER: You know, we're not
4 doing that right now. And we're not just saying,
5 "Okay. Everything's set and we're just going to, you
6 know, put the book." There's some -- there's some, you
7 know, issues you raised about, you know, the actions
8 that went on the establishment and actions of, you
9 know, others. So --

10 MR. MCCARTHY: Yeah, I mean, I have -- I
11 still have some concerns about the establishment. And
12 I really -- again, I'd like to just say that -- yeah,
13 I've been very responsible for a number of years in
14 this city. And I was really just caught in a bad spot
15 over there. And like I said, I didn't appreciate the
16 way they did it. I've reprimanded several times for the
17 way they did business because I refused to do it. So I
18 really did just get kind of caught in a bad spot. So

19 CHAIRPERSON MILLER: Okay. Yeah.

20 MR. MCCARTHY: All right. Well --

21 CHAIRPERSON MILLER: So --

22 MR. MCCARTHY: -- is there anything further

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1 that I need to know?

2 CHAIRPERSON MILLER: No, not at this time.

3 So --

4 MR. MCCARTHY: Okay. Well, then you guys
5 have a nice day.

6 CHAIRPERSON MILLER: Thank you very much for
7 coming down.

8 BOARD MEMBER: Thank you very much for
9 coming.

10 CHAIRPERSON MILLER: Okay.

11 (WHEREUPON, at 3:48 p.m., the hearing was
12 concluded.)

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1 CERTIFICATE OF NOTARY PUBLIC

2

3 I, BRADLEY ANGLIN, the officer before whom the
4 foregoing hearing was taken, do hereby certify that the
5 testimony appearing in the foregoing transcript was
6 recorded by me and thereafter reduced to typewriting
7 under my direction; that said transcription is a true
8 record of the testimony given by said parties; that I
9 am neither counsel for, related to, nor employed by any
10 of the parties to the action in which this was taken;
11 and, further, that I am not a relative or employee of
12 any counsel or attorney employed by the parties hereto,
13 nor financially or otherwise interested in the outcome
14 of this action.

15

16

17

18

19

BRADLEY ANGLIN

20

Notary Public in and for the

21

DISTRICT OF COLUMBIA

22

1 CERTIFICATE OF TRANSCRIPTION

2

3 I, MIRANDA PENNACHI, hereby certify that I am not
4 the Court Reporter who reported the following
5 proceeding and that I have typed the transcript of this
6 proceeding using the Court Reporter's notes and
7 recordings. The foregoing/attached transcript is a
8 true, correct and complete transcription of said
9 proceeding.

10

11

12

13

14

15 _____
Date

16

MIRANDA PENNACHI
Transcriptionist

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Capital Reporting Company

In the Matter of: Pangean Investments Group, LLC t/a 19th 07-25-2012

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