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

2 1:37 p.m.

3 CHAIRPERSON ANDERSON: All right. So
4 let's now go back to our calendar -- our
5 afternoon calendar. The first case in our
6 afternoon calendar, it's a protest hearing on
7 Allure Lounge, License No. 108303. Ms. Andrews,
8 can you please elevate the rights of the parties
9 in this case, please?

10 MS. ANDREWS: Sure. Stand by.

11 CHAIRPERSON ANDERSON: Thank you.

12 MS. ANDREWS: Ms. Quat, your rights
13 have been elevated. Mr. or Ms. Amente, your
14 rights have been elevated. And Mr. Puente, your
15 rights have been elevated. And that's all, Mr.
16 Chair.

17 CHAIRPERSON ANDERSON: Okay. I'll
18 mention that I also have the documents. All
19 right. I would like the -- for the parties who
20 have -- could you please turn your cameras on and
21 open your microphone, please?

22 MR. AMENTE: Can you hear me, sir?

23 CHAIRPERSON ANDERSON: Who's speaking?
24 I don't know who's speaking.

25 MR. AMENTE: Allure.

1 CHAIRPERSON ANDERSON: Okay. Hold on.
2 Yes, sir. Are you on camera or are you just on
3 the telephone today?

4 (Simultaneous speaking.)

5 CHAIRPERSON ANDERSON: You're Mr.
6 Amente? Oh, you're Mr. Amente. Okay. Do you
7 have a camera?

8 MR. AMENTE: Yeah.

9 CHAIRPERSON ANDERSON: Well, it's not
10 on, so I can't see you.

11 MR. AMENTE: What do I click? Okay,
12 so video, I think.

13 (Simultaneous speaking.)

14 CHAIRPERSON ANDERSON: Mr. Puente, all
15 right. All right. Okay. So I will -- all
16 right. So good afternoon, everyone. I will let
17 -- let's start for the parties to identify
18 themselves. Let's -- I need you to state your
19 name, your relationship to the establishment, and
20 also spell your name.

21 And once -- what I'll ask all parties
22 to do, if you're not speaking, please mute your
23 telephone. I'm asking that of all the witnesses
24 and I'm also asking that of all Board members
25 too, if you're not speaking, please mute your

1 microphone because we have -- I guess my -- I
2 don't have the feedback issue in my office. But
3 for the other members, for whatever reason, if
4 their microphones are unmuted, there is feedback.

5 So I will just ask that if you're not
6 speaking for you to please mute your microphone.
7 All right. So let's start with the licensee.
8 Please spell and state your name for the record,
9 please.

10 MR. AMENTE: My name is Zerihun
11 Amente. It's Z-E-R-I-H-U-N, last name, A-M-E-N-
12 T-E.

13 CHAIRPERSON ANDERSON: Good afternoon,
14 Mr. Amente.

15 MR. AMENTE: Good afternoon.

16 CHAIRPERSON ANDERSON: Let's start
17 with the protestant. The protestant is ANC 6C.
18 Turn your microphone on, ma'am. We can't hear
19 you. I cannot hear you. I think you need to
20 unmute your microphone. No. No. I can see you,
21 but I cannot hear you.

22 MS. QUAT: What about now?

23 CHAIRPERSON ANDERSON: Yes, I can hear
24 you.

25 MS. QUAT: All right. Sorry, I had

1 the wrong microphone chosen. My name is Caroline
2 Quat on behalf of ANC 6C. First name is C-A-R-O-
3 L-I-N-E. Last name is Q-U-A-T.

4 CHAIRPERSON ANDERSON: Thank you, Ms.
5 Quat. So the only other person that's on the
6 line is Mr. Puente. Can you please introduce
7 yourself for the record, Mr. Puente?

8 MR. PUENTE: Yes, I'm ABRA
9 Investigator Kevin Puente, K-E-V-I-N P-U-E-N-T-E.

10 CHAIRPERSON ANDERSON: All right.
11 Anyone else on the line who would be speaking
12 today? Those are all the parties who will be
13 speaking today? Okay. All right. All right.
14 This is a protest hearing for -- it's to renew
15 the license application for Allure Lounge. And
16 this is the process how this will occur.

17 Each side will have one hour to
18 present its case and -- one hour to present its
19 case and that's for during -- while you present
20 your case, for cross-examination of the other
21 side. That counts towards your hour. In this
22 particular case since there are no witnesses,
23 then who's on line, normally, I would have stated
24 that there are only -- that each side would have
25 only five witnesses that could testify.

1 But since it appears that this is all
2 we have today, so we don't have to worry about
3 that being an issue. The way this case will
4 present itself is that the applicant will make an
5 opening statement. I'll give the applicant about
6 five minutes to make an opening statement, and
7 this is not part of your one hour presentation.

8 So the applicant will have -- can
9 speak for about five minutes in an opening
10 statement. The protestant can also make an
11 opening statement and have five minutes to make
12 an opening statement. Once the applicant and the
13 protestant have provided an opening statement,
14 then the Board will call its witness.

15 The Board's witness will testify and
16 will go through the Board's report, testify.
17 Once the Board's witness has testified, then the
18 Board members would have an opportunity to
19 question -- ask questions of the Board's
20 witnesses. Once the Board members have had an
21 opportunity to question the Board's witnesses,
22 then the applicant will have an opportunity to
23 ask questions of the Board's witness and/or
24 witnesses.

25 Once the applicant has had an

1 opportunity to ask questions of the Board's
2 witness, then the protestant will have an
3 opportunity to question the Board's witness on
4 the testimony and also the report that's filed.
5 Once that's done, if the Board wants to ask
6 additional questions of its witness, the Board
7 will have that opportunity. The Board then will
8 rest its case.

9 Once the Board has rested its case,
10 the applicant will then present its case. And
11 that's when the one hour that the applicant has
12 to present his case. Once the applicant presents
13 its case, then the protestant can cross-examine
14 the applicant based on the testimony.

15 Once the protestant has cross-examined
16 the applicant on his testimony, then the Board
17 will have an opportunity to ask questions of the
18 applicant. And once the Board asks questions of
19 the applicant, then I will give the protestant an
20 opportunity if they have any questions to ask of
21 the applicant based on the questions that was
22 asked by the Board. Once that is done, then the
23 applicant could -- in this particular case since
24 there's no attorney, the applicant, if for some
25 reason that he needed to clarify his answers that

1 he had given to the Board or to the protestant,
2 then he will have that opportunity to make
3 clarification.

4 Once the applicant has presented his
5 case, then the protestant will have an
6 opportunity to present their case. And we will -
7 - once the protestant presents its case, the
8 applicant will have an opportunity to cross-
9 examine the protestant's witness. Once the
10 applicant has had an opportunity to cross-examine
11 the protestant's witness, then the Board will
12 have an opportunity to cross-examine the
13 protestant's witness.

14 Once that is done, I will give the
15 applicant a final opportunity to ask questions of
16 the applicant's -- I'm sorry, the protestants.
17 I'll have the applicant have an opportunity to
18 ask questions of the protestant's witness. And
19 then the protestant will have the last word if
20 they need to make clarification.

21 Once the protestant has completed her
22 case, then we'll do closing. And I'll give each
23 side five minutes to close. And in closing, what
24 I'm requesting is that you're free to tell me
25 what is it that you want the Board to do.

1 So at the end of the case in your
2 closing, you can say, this is what we have
3 presented and this is what we are -- so the
4 applicant can say, this is what I want the Board
5 to do. The protestant can say, this is what I
6 want the Board to do. Okay?

7 So that's what I expect for this
8 matter to move smoothly. Now are there any
9 preliminary issues that either the applicant or
10 the protestant needs to bring to the attention of
11 the Board for me to address? Mr. Amente, no?
12 Yes? No? I need you to say something, sir.

13 MR. AMENTE: So what was the question?
14 I'm sorry.

15 CHAIRPERSON ANDERSON: Are there any
16 preliminary issues that you would like to bring
17 to my attention before we start the case?

18 MR. AMENTE: Yes, the evidence, there
19 is a lot of things that have been said about
20 Allure before opened or after opened that really
21 kind of been something honestly.

22 CHAIRPERSON ANDERSON: Sir, that's not
23 -- well, preliminary -- you can -- when you do
24 your direct testimony, you can state that. But
25 preliminary is, like, are there any procedural

1 type of things that are happening that you need
2 to bring to my attention before you present your
3 case. But when you present your case, you can
4 present your case that way.

5 MR. AMENTE: Okay. No.

6 CHAIRPERSON ANDERSON: All right. So
7 let me find my documents before I call our first
8 witness. So hold on, please. Let me make sure
9 that I have the documents. Hold on. All right.
10 All right.

11 So the Board will then call its first
12 witness. And the Board's first witness is Mr.
13 Kevin Puente. Mr. Puente, can you raise your
14 hand, please?

15 WHEREUPON,

16 KEVIN PUENTE
17 was called for examination by Counsel for the ABC
18 Board, having been first duly sworn, assumed the
19 witness stand, was examined and testified as
20 follows:

21 CHAIRPERSON ANDERSON: All right. Mr.
22 Puente, can you please state your name for the
23 record, please?

24 MR. PUENTE: Kevin Puente.

25 CHAIRPERSON ANDERSON: And where are

1 you currently employed, sir?

2 MR. PUENTE: ABRA, the Alcoholic
3 Beverage Regulation Administration.

4 CHAIRPERSON ANDERSON: And what's your
5 position at ABRA?

6 MR. PUENTE: I'm an investigator.

7 CHAIRPERSON ANDERSON: How long have
8 you worked for the Agency, sir?

9 MR. PUENTE: Approximately six years.

10 CHAIRPERSON ANDERSON: Have you
11 testified in a protest hearing before?

12 MR. PUENTE: Yes.

13 CHAIRPERSON ANDERSON: Approximately
14 how many protest hearings, sir, have you
15 testified in?

16 MR. PUENTE: Approximately four or
17 five.

18 CHAIRPERSON ANDERSON: Thank you. Are
19 you familiar with Allure Lounge, sir?

20 MR. PUENTE: Yes, sir.

21 CHAIRPERSON ANDERSON: And how are you
22 familiar with this establishment?

23 MR. PUENTE: I conducted a protest
24 investigation.

25 CHAIRPERSON ANDERSON: And as a result

1 of conducting a protest investigation, did there
2 come a time that you wrote a report?

3 MR. PUENTE: Yes.

4 CHAIRPERSON ANDERSON: And do you have
5 a copy of the report, sir?

6 MR. PUENTE: Yes.

7 CHAIRPERSON ANDERSON: All right. Now
8 can you -- as a result of the -- who's protesting
9 this matter, sir?

10 MR. PUENTE: ANC 6C.

11 CHAIRPERSON ANDERSON: And do you know
12 why the ANC -- do you know -- all right. Did
13 there come a time -- all right. What information
14 regarding the establishment were you able to find
15 out as a result of your investigation?

16 MR. PUENTE: Yes, sir. So I was
17 assigned the protest investigation of Allure
18 Lounge which is a Class CT licensee. They're
19 located at 711 H Street, Northeast. Allure
20 Lounge applied for renewal as a tavern with hours
21 to include operation of service from 11:00 a.m.
22 to 2:00 a.m. Sunday to Thursday and 11:00 a.m. to
23 3:00 a.m. Friday and Saturday.

24 Allure Lounge requested a total
25 occupant load of 69. Allure Lounge also has an

1 entertainment endorsement. The application was
2 submitted by the owner, Mr. Amente.

3 The application for renew is being
4 protested by ANC 6C who's being represented by
5 Ms. Caroline Quat. The protestant submitted a
6 letter to ABRA protesting the renewal on the
7 grounds that the establishment will have an
8 adverse impact on peace, order, quiet, adverse
9 impact on the establishment's real property
10 values, and the effect of the establishment upon
11 residential parking needs and pedestrian safety.
12 On Friday, January 15th, I spoke with Mr. Amente
13 about the protest issues.

14 Mr. Amente stated that his biggest
15 issues that the neighborhood doesn't want him to
16 have entertainment. They're claiming that he's
17 loud and a nuisance. Mr. Amente stated that the
18 establishment has not been open for most of 2020
19 because of the Mayor's emergency order for the
20 public health emergency with the coronavirus
21 pandemic.

22 He said he opened for a little bit,
23 then he shut down again when the Mayor reduced
24 the occupant load to 25 percent. And since then,
25 he has been closed. He stated that he has been

1 following all the laws and regulations with no
2 issues.

3 On Wednesday, January 20th, I spoke
4 with Ms. Quat. Ms. Quat stated that ANC 6C is
5 protesting Allure because lots of noise, trash,
6 and patrons leaving the establishment at closing
7 time and being disruptive throughout the
8 neighborhood walking to their cars. Ms. Quat
9 stated that the patrons are loud and noisy and
10 often wake up the neighborhood.

11 Ms. Quat stated that ANC 6C would like
12 to see a rollback of the hours for the
13 establishment from 2:00 a.m. to 12:00 a.m. on the
14 weekdays and from 3:00 a.m. to 2:00 a.m. on the
15 weekends. Ms. Quat said that the ANC 6C would
16 like to see establishments stop allowing hookah
17 unless they get approval from Department of
18 Health. Lastly, Ms. Quat stated that the ANC 6C
19 would like to see the establishment come to the
20 ANC first before they apply for a summer garden
21 or sidewalk café in the future.

22 Allure Lounge is located in NC-16 zone
23 in H Street, Northeast neighborhood commercial
24 overlay district. According to the zoning
25 regulations, NC-16 sub-district of H Street,

1 Northeast neighborhood runs along the H Street,
2 Northeast corridor from 2nd Street, Northeast to
3 15th Street, Northeast. According to the
4 District of Columbia Geographic Information
5 System, there are 21 licensed ABC establishments
6 operating within 1,200 feet of Allure Lounge.

7 I would like to add that I received
8 this information during the public health
9 emergency. As such, many establishments have
10 closed temporarily or permanently and have not
11 been reflected accurately in the current GIS
12 system. Out of the 21 ABC establishments, 6 have
13 entertainment endorsements, the Haymaker, Duffy's
14 Irish Pub, Po Boy Jim, Mythology, Lore, and Dirty
15 Water, Crab Boss, and Felicity Lounge.

16 Thirteen have settlement agreements
17 with ABRA, D.C. Supermarket, the Haymaker,
18 Duffy's Irish Pub, Chupacabra, Taqueria &
19 Rosticeria Fresca, Po Boy Jim, Mythology, Lore,
20 and Dirty Water, The Wydown, Fancy Radish, Bar
21 Elena, Solid State Books, Felicity Lounge, and
22 NewAge Wine. According to the District of
23 Columbia GIS system, there are no schools or
24 public libraries within 400 feet of the
25 establishment. There is one daycare nearby,

1 Loving Daycare Nursery is located at 616 H
2 Street, Northeast and is approximately 264 feet
3 away from Allure Lounge.

4 Allure Lounge is a medium-sized
5 establishment located at 711 H Street. It is
6 bounded by 8th Street, Northeast to the east, 7th
7 Street, Northeast to the west, I Street,
8 Northeast to the north, and G Street, Northeast
9 to the south. Allure Lounge is a two-level
10 establishment that has one main entrance.

11 They have a back door that leads to an
12 alley. Most of the interior establishment is
13 brick and mortar with a full-service bar. There
14 is no soundproofing in the establishment.

15 The second floor of the establishment
16 is not used. It is mainly a storage area for the
17 establishment. Allure Lounge currently has the
18 entertainment endorsement that goes on weekdays
19 throughout the week to 2:00 a.m. and on the
20 weekends to 3:00 a.m. Allure Lounge has
21 contracted with DG Trash and Light Hauling to
22 pick up his trash four times a week.

23 There is one Metro bus stop in the
24 vicinity of Allure Lounge located at H and 8th
25 Street, Northeast. The bus serves the X1 and X2

1 lines going east and west along the H Street
2 corridor. There is one street car stop located
3 in the 700 block of H Street, Northeast in the
4 vicinity of Allure Lounge. That serves the H
5 Street corridor from 2nd Street all the way to
6 Oklahoma Avenue, Northeast.

7 Allure Lounge has no parking on site
8 for vehicles. There's no parking lot or garages
9 in the area. H Street, Northeast spanning from
10 the 700 block to the 800 block offers on-street
11 meter parking. 7th Street, Northeast, spanning
12 from the 700 block through the 800 block offers
13 on-street meter parking Monday through Saturday
14 from 6:30 a.m. to 10:00 p.m. as well as Zone 6
15 permit holder parking.

16 I made a request for calls for service
17 at the dates of the report. I have not heard
18 back from the Office of Unified Command for that
19 report. From October 2019 to January 5th, 2020,
20 ABRA received five noise complaints at Allure
21 Lounge. None were substantiated.

22 Allure Lounge was closed for most of
23 the Mayor's public health emergency. They opened
24 at times. They were monitored by ABRA
25 investigators throughout the emergency. And I'd

1 like to add I was notified this morning that DOH,
2 Department of Health shut down Allure Lounge this
3 past Friday night for allowing hookah going --

4 (Simultaneous speaking.)

5 MR. PUENTE: -- against the
6 coronavirus pandemic.

7 CHAIRPERSON ANDERSON: Mr. Amente,
8 please.

9 MR. AMENTE: Oh, sorry.

10 CHAIRPERSON ANDERSON: You can't
11 speak. When you present your case or when you
12 have -- you'll have an opportunity to cross
13 examine him, sir. You can ask whatever questions
14 you want when you're cross examining him.

15 The Board -- this is the Board's
16 witness. The Board's witness is testifying. And
17 neither party can ask questions of the Board
18 witness until I have authorized you to ask
19 questions, sir. All right. Go ahead, Mr.
20 Puente.

21 MR. PUENTE: Oh, yes. As I was
22 saying, we were notified that DOH shut down
23 establishments on Friday for hookah smoking and
24 Allure Lounge was one of them. And that's all I
25 had to add, sir.

1 CHAIRPERSON ANDERSON: All right. The
2 report that you wrote, Mr. Puente, are there any
3 exhibits attached to the report?

4 MR. PUENTE: Yes.

5 CHAIRPERSON ANDERSON: Can you go
6 through -- can you name the exhibits and go
7 through them, please?

8 MR. PUENTE: Yes. Exhibit 1 is a
9 letter from ANC 6C for the protest. Exhibit 2 is
10 the zoning map for Allure Lounge. Exhibit 3 is
11 the GIS map of the establishments within 1,200
12 feet.

13 Exhibit 4 is the GIS map for any
14 schools and daycares within 400 feet of the
15 establishment. Exhibit 5 is the front of the
16 establishment. Exhibit 6 is the front door of
17 Allure Lounge.

18 Exhibit No. 7 is the inside of Allure
19 Lounge when you come in. Exhibit 8 is the bar
20 area of Allure Lounge. Exhibit 9 is where the DJ
21 sets up the DJ booth.

22 Exhibit 10 is some seating. Exhibit
23 11 is the area where the bathrooms are. Exhibit
24 12 is one of the bathrooms. Exhibit 13 is
25 another picture of the bathroom.

1 Exhibit 14 is a picture of the
2 kitchen. Exhibit 15 is a picture of the kitchen.
3 Exhibit 16 is a picture of the kitchen. Exhibit
4 17 is a picture of the kitchen. Exhibit 18 is a
5 picture of inside the kitchen.

6 Exhibit 19 is the trash area. Exhibit
7 20 is the stairs leading to the second floor.
8 Exhibit 21 is the picture of the second floor.
9 Exhibit 22 is on the second floor. It's the
10 office area.

11 Exhibit 23 is the rear door in the
12 alley outside of the establishment. Exhibit 24
13 is the alley directly behind the establishment.
14 Exhibit 25 is the continuation of the alley.

15 Exhibit 26 shows the Metro bus stop
16 and a street car stop. Exhibit 27 shows the
17 Metro stop and the street car stop. Exhibit 28
18 shows the parking on H Street in front of and
19 across the street of Allure Lounge.

20 Exhibit 29 shows parking in front of
21 Allure Lounge. Exhibit 30 is a picture of the
22 street parking on Allure Lounge. And Exhibit 31
23 shows the parking on 7th Street next to Allure
24 Lounge.

25 (Whereupon, the above-referred to

1 documents were marked and received
2 into evidence as ABC Board Exhibit
3 Nos. 1 through 31 for identification.)

4 CHAIRPERSON ANDERSON: Mr. Puente, so
5 when was -- you have several pictures of interior
6 and exterior. So for example, Exhibit 19, when
7 was that exhibit taken?

8 MR. PUENTE: Yeah, so due to the
9 public health emergency, the pandemic, the
10 pictures -- I couldn't get inside the
11 establishment since it was closed. The pictures
12 were taken February 4th, 2019 from the final
13 inspection that was conducted by ABRA.

14 CHAIRPERSON ANDERSON: And so that's
15 the interior. So what about -- I see Exhibit 19
16 is a trash area. When was that taken?

17 MR. PUENTE: Exhibit 19, that was
18 taken during the final inspection as well.

19 CHAIRPERSON ANDERSON: So all the
20 pictures -- okay. So all the pictures -- all the
21 exhibits were taken prior to the pandemic?

22 MR. PUENTE: Yes, for inside of the
23 establishment. All the outside pics were taken
24 by me during my investigation.

25 CHAIRPERSON ANDERSON: Now the reason

1 -- so that's why I was asking you because Exhibit
2 19 was the trash area -- is the trash area. So
3 that's why I was trying to find when --

4 MR. PUENTE: Yes.

5 CHAIRPERSON ANDERSON: -- was this
6 taken.

7 MR. PUENTE: Yeah, that was taken
8 February 4th, 2019.

9 CHAIRPERSON ANDERSON: On 2019?

10 MR. PUENTE: Yes, during the final
11 inspection.

12 CHAIRPERSON ANDERSON: Okay. Now
13 since the -- I know you stated that -- have you
14 done any monitoring of this establishment
15 recently?

16 MR. PUENTE: Yes, the weekend that I
17 went, they were closed. When I spoke to Mr.
18 Amente, he advised me that he shut down when the
19 Mayor enforced the 25 percent indoor dining
20 restriction. Then the dining ban occurred as
21 well.

22 CHAIRPERSON ANDERSON: Now you just
23 mentioned that it was your understanding that
24 they were closed by the Department of Health this
25 Friday. So can you --

1 MR. PUENTE: Yes.

2 CHAIRPERSON ANDERSON: -- explain that
3 to us, please?

4 MR. PUENTE: So apparently, Allure
5 Lounge opened back up this past week. And DOH
6 said that they shut down Allure Lounge for hookah
7 smoking.

8 CHAIRPERSON ANDERSON: Now let's see.
9 You stated that you did not receive any
10 information from -- you did not receive any
11 information regarding a noise complaint regarding
12 this establishment?

13 MR. PUENTE: No, we received five
14 noise complaints from October 2019 to January 5th
15 2020. We have not received any since according
16 to our noise task force coordinator.

17 CHAIRPERSON ANDERSON: So the noise
18 complaint that you received, the five you
19 received during that period of time, were any of
20 those substantiated?

21 MR. PUENTE: Yes, none were
22 substantiated.

23 CHAIRPERSON ANDERSON: You said none
24 were substantiated?

25 MR. PUENTE: None, none, sir.

1 CHAIRPERSON ANDERSON: Or were they?
2 I'm sorry. You're saying none -- you said none
3 of them were substantiated? Is that what you
4 stated?

5 MR. PUENTE: Yes, that's what I said.

6 CHAIRPERSON ANDERSON: Okay, fine.
7 Now tell me -- you stated that -- I want to go
8 back. And Mr. Amente, you can testify about that
9 later on. You stated that you got notice from
10 Department of Health about this hookah smoking.
11 What, if anything, is wrong with it? Tell me --
12 why was this a big deal, if any?

13 MR. PUENTE: During -- so prior to the
14 pandemic, there was only -- you had to get an
15 exemption from the Department of Health to allow
16 hookah smoking or cigar smoking inside your
17 establishment. So you had to go through a
18 process to apply and get approved by Department
19 of Health. During the Mayor's public health
20 emergency, it's outlined in her restrictions that
21 there can be no hookah smoking allowed inside the
22 establishments.

23 CHAIRPERSON ANDERSON: And so you're
24 saying that you got information this past Friday
25 that they were cited by the Department of Health

1 for allowing hookah smoking in the establishment.

2 Is that correct?

3 MR. PUENTE: Yes.

4 CHAIRPERSON ANDERSON: All right. Now
5 do you know whether or not prior to -- prior to
6 the COVID emergency, do you know whether or not
7 they have -- let me ask you a question. Are you
8 familiar with? I know that this is not something
9 that ABRA regulates. But do you -- are you aware
10 of what it is that an establishment requires to
11 allow hookah smoking -- an alcoholic
12 establishment requires hookah -- what is it that
13 an alcohol establishment requires to allow hookah
14 smoking in the establishment?

15 MR. PUENTE: From my conversations
16 with Department of Health, an establishment has
17 to show two years of consecutive tobacco sales in
18 order to get the exemption for hookah.

19 CHAIRPERSON ANDERSON: Now do you know
20 whether or not -- I know that there's a different
21 criteria for -- because of COVID. But do you
22 know whether or not this establishment has this?
23 Do you know if they have this exemption from the
24 Department of Health?

25 MR. PUENTE: Oh, no. They do not have

1 the exemption.

2 CHAIRPERSON ANDERSON: Okay. All
3 right. So are you saying that because they don't
4 have the exemption that hookah smoking should not
5 be in the establishment, period? Is that what
6 you're saying? Is that your understanding? Is
7 that --

8 MR. PUENTE: Yes.

9 CHAIRPERSON ANDERSON: -- your
10 understand?

11 MR. PUENTE: Yes, my understanding
12 right now during the Mayor's public health
13 emergency, no establishment should allow hookah.
14 And if they are, DOH can shut the establishment
15 down on the spot.

16 CHAIRPERSON ANDERSON: All right. I
17 don't have any other questions. Does any of the
18 Board members have any questions that they want
19 to ask Mr. Puente? I'm sorry. Raise your hand.
20 I don't recognize you.

21 (Simultaneous speaking.)

22 MEMBER GRANDIS: Ed Grandis. I was
23 looking through the exhibits, and I couldn't pull
24 it up. But sir, you said you had an exhibit that
25 showed the CSA, I think you called it, for

1 establishments -- ABC establishments within a
2 facility of that establishment. Is that correct?

3 MR. PUENTE: Yes, sir.

4 CHAIRPERSON ANDERSON: Hold on. Hold
5 on one minute. Hold on, Mr. Grandis. Mr.
6 Puente, do you have the ability to share your
7 screen?

8 MR. PUENTE: I do not, sir.

9 CHAIRPERSON ANDERSON: No, I'm sorry.
10 Do you have -- all right. Let me ask you a
11 question. I asked the question incorrectly. Do
12 you have the documents on your computer so I
13 could give you permission to share your screen?
14 That's what I need to ask you.

15 MR. PUENTE: No, I have the hard copy
16 in front of me, sir.

17 CHAIRPERSON ANDERSON: Okay. All
18 right. That's fine. I'm sorry. Go ahead, Mr.
19 Grandis.

20 MEMBER GRANDIS: I apologize. I'm
21 trying to pull up my documents. But sir, could
22 you reference other establishments on that CSA
23 sheet that also have entertainment endorsements?

24 MR. PUENTE: Yes, sir. So there are
25 six within 1,200 feet that have entertainment

1 endorsements. The six are the Haymaker, Duffy's
2 Irish Pub, Po Boy Jim, Mythology, Lore, and Dirty
3 Water, Crab Boss, and Felicity Lounge. Felicity
4 Lounge is to the right of the establishment, and
5 Po Boy Jim is exactly to the left of the
6 establishment. They're all neighbors.

7 MEMBER GRANDIS: Okay. And I think
8 you testified that there was a period where ABRA
9 received some noise complaints. And inspectors
10 went out and they were not able to substantiate
11 the noise complaint from the establishment of
12 record --

13 (Simultaneous speaking.)

14 MR. PUENTE: Yes.

15 MEMBER GRANDIS: Was ABRA able on
16 those evenings to establish noise from other
17 establishments in that 1,200 feet?

18 MR. PUENTE: I'm not sure. I'd would
19 have to find out which investigators responded to
20 those calls and ask them.

21 MEMBER GRANDIS: Thank you.

22 CHAIRPERSON ANDERSON: All right. Are
23 there any other Board members who wish to ask
24 questions of the investigator?

25 (No audible response.)

1 CHAIRPERSON ANDERSON: Okay. Hearing
2 none, Mr. Amente, this is your opportunity to ask
3 questions of Mr. Puente. You can ask him any
4 questions that you so desire off his testimony
5 and off his report. Go ahead, sir.

6 MR. AMENTE: Okay. I'm going to jump
7 to the Health Department. When did you get the
8 notification that I got shut down --

9 (Simultaneous speaking.)

10 MR. PUENTE: I found out this morning
11 that it was allegedly Friday, January 29th.

12 MR. AMENTE: It wasn't open. Felicity
13 got shut down because of Health.

14 MR. PUENTE: Okay. I'm waiting to
15 hear back to confirm, so --

16 MR. AMENTE: I'm waving the picture
17 that it shows a window I take of somebody and I'm
18 waiting to speak, not Allure.

19 CHAIRPERSON ANDERSON: Remember, sir,
20 you're asking him a question. Okay? You're
21 asking questions of him. Okay? I just want to
22 remind you.

23 MR. AMENTE: Sorry. It's my first
24 time. Okay. So during your investigation, how
25 do you describe 700 block of H Street? Is it

1 quiet? Is there any activities that you have
2 witnessed? For example, people standing at the
3 corner of 8th and H smoking, is there any alley -
4 - is any activity in the alleys?

5 MR. PUENTE: That could be twofold
6 because right now during the Mayor's public
7 health emergency, H Street is much quieter right
8 now due to a lot of establishments have to close
9 at midnight. Then you've got a lot of alcohol
10 establishments have to stop selling alcohol at
11 10:00. I noticed from my work at H Street that
12 10:00 o'clock, a lot of the establishments on H
13 Street will close. But prior to the pandemic, H
14 Street -- there would be a lot of foot traffic on
15 H Street, people walking, people smoking on the
16 corners and stuff.

17 MR. AMENTE: So would you agree it's
18 not quiet?

19 MR. PUENTE: I couldn't hear you, sir.

20 MR. AMENTE: Do you agree it's not,
21 like, a quiet corner on H Street -- the 8 and H?

22 MR. PUENTE: No, because I would say
23 it's not because you've got the Metro bus cars,
24 the street cars, and people walking.

25 MR. AMENTE: So do you think Allure

1 being there create more noise on that block since
2 2019?

3 MR. PUENTE: What's the question?

4 MR. AMENTE: So do you think Allure
5 being there since 2019 increased the noise of the
6 people out there or a car braking, house
7 breaking, all legal activities?

8 MR. PUENTE: Oh, no, because we do --
9 well, our supervisor will answer a hotline call
10 for noise and they'll ask the caller what they're
11 hearing before they send us out to verify that
12 it's music or anything. They won't send us out
13 for a car noise or anything.

14 MR. AMENTE: So it could be next door.
15 It could be noise in a car. It could be
16 anywhere, yes?

17 MR. PUENTE: Yes, if someone is
18 sitting in their car, I've come across that at
19 times.

20 MR. AMENTE: So after you guys came
21 and investigate that the noise not coming from me
22 and not -- since I never got any fine about the
23 noise complaint, so my license is standing good
24 hand, right, on --

25 MR. PUENTE: Yes.

1 MR. AMENTE: -- according to noise
2 complaint?

3 MR. PUENTE: Yes, because you got five
4 noise calls from October 2019 to January 5th,
5 2020 and none were substantiated.

6 MR. AMENTE: Okay. So how do you
7 observe about the parking in your investigation?
8 Is that, like, always full, or is it, like, spots
9 open for anybody?

10 MR. PUENTE: Yeah, when I went during
11 the daytime, there were open spots. And my time
12 prior to the pandemic, usually parking was full
13 along 8th Street. Right now, it's more open
14 because a lot of taverns are closed.

15 MR. AMENTE: Do you have, like, a time
16 frame that you observed that parking is full
17 between 7 and 8 Street, not on the main street
18 but the neighbors.

19 MR. PUENTE: Neighbors? I don't have
20 a time frame. No, I do not.

21 MR. AMENTE: But you observe, like,
22 kind of full all the time before the pandemic?

23 MR. PUENTE: Yeah, from my previous
24 visits over at H Street, I noticed that parking
25 was full on that block.

1 MR. AMENTE: So Allure being there, do
2 you think is it because of Allure that the
3 parking is always full?

4 MR. PUENTE: Could you repeat that,
5 sir?

6 MR. AMENTE: Do you think the parking
7 is always full back in the days is because of
8 Allure being there or --

9 MR. PUENTE: No, like I reference in
10 my report, there's over 21 establishments within
11 1,200 feet of yours. So there's a lot of
12 establishments in that corridor.

13 MR. AMENTE: Yeah, because they
14 complain about the parking that that's why I ask
15 this question. So would you agree that not only
16 Allure has so much parking?

17 MR. PUENTE: Yeah. I mean, I can't
18 pinpoint each car to each establishment. No, I
19 can't do that.

20 MR. AMENTE: Have you noticed any
21 activity about weed smoking or weed consumption
22 in Allure? We met a couple of times. You came a
23 couple of times before.

24 MR. PUENTE: No, the two visits I made
25 to you, I believe, on your investigative history,

1 one is my report. I think just right when you
2 opened up or just prior to you opening up, you
3 were running off one-day licenses. But no, not
4 when I've been there. I haven't really noticed
5 any weed.

6 MR. AMENTE: Have you give any fine
7 about hookah smoking in bars?

8 MR. PUENTE: No, ABRA cannot fine
9 establishments. That has to be a Department of
10 Health regulation.

11 MR. AMENTE: So how many bars do you
12 think in D.C. sell hookah?

13 MR. PUENTE: Oh, I couldn't give you
14 an exact -- there's a lot.

15 (Simultaneous speaking.)

16 MR. PUENTE: I couldn't give you an
17 exact number.

18 MR. AMENTE: Okay. Yeah, that's the
19 only question I have.

20 CHAIRPERSON ANDERSON: All right.
21 Thank you, Mr. Amente.

22 (Simultaneous speaking.)

23 CHAIRPERSON ANDERSON: Do you have any
24 questions of Mr. Puente?

25 MS. QUAT: Yes, thanks so much. Just

1 a couple of questions. Thanks for your thorough
2 report. Do you have any record of complaints
3 from before October 2019, or is that just the
4 date you looked for of --

5 MR. PUENTE: No, that's --

6 MS. QUAT: -- noise complaints or any
7 other complaints from ABRA?

8 MR. PUENTE: Yeah. No, I don't have
9 anything before. That's just the date that the
10 supervisor gave me.

11 MS. QUAT: And then when it comes to
12 establishments that have an entertainment
13 endorsement, do you guys typically see increased
14 complaints that come in about those types of
15 establishments?

16 MR. PUENTE: What kind of complaints?

17 MS. QUAT: Noise complaints, patrons,
18 kind of just any sort of complaints?

19 MR. PUENTE: Yes, I responded to a
20 fair share of noise complaints because of a loud
21 DJ or loud music instruments playing and people
22 singing.

23 MS. QUAT: And then when you get those
24 complaints, how do you substantiate those claims
25 to which establishment they're coming from,

1 especially if you mentioned how the block has --
2 there's three with entertainment endorsements
3 next to each other. So how are you
4 substantiating to each --

5 MR. PUENTE: So --

6 MS. QUAT: -- restaurant or
7 establishment?

8 MR. PUENTE: -- we can substantiate it
9 several ways. The biggest thing we substantiate
10 it with, during usually the summer and fall and
11 springtime, we have a noise task force where we
12 work with DCRA. And they'll send a
13 representative out with us who will have a noise
14 meter reading.

15 And if they find it to be over a
16 certain decibel, that'll constitute as a
17 violation. Also, we substantiate it if they have
18 settlement agreements and it's in the settlement
19 agreement saying music cannot be heard in the
20 residences or heard outside the establishment.
21 That's another way we could substantiate it.

22 MS. QUAT: Thank you. Sorry. I was
23 taking some notes. And then my last question is,
24 what was your interaction with H Street before
25 the pandemic? And then I'll have a follow-up to

1 that question once you answer it.

2 MR. PUENTE: Usually, I work every
3 other weekend on nights. So usually, every
4 weekend, I find myself on H Street, either
5 responding to calls, MPD's calls for service if
6 MPD calls us. So usually every weekend, we're on
7 H Street working.

8 MS. QUAT: And my follow-up to that
9 is, do you see a lot people? You see it's a
10 pretty busy area of the city?

11 MR. PUENTE: Yes, H Street has come up
12 over the last -- my six years I noticed,
13 especially with the new residential buildings
14 coming up there and many more establishments
15 coming to that area. So it's getting more
16 congested I noticed.

17 MS. QUAT: Great. Thank you so much.
18 Those are all of my questions.

19 CHAIRPERSON ANDERSON: All right.
20 Thank you, Ms. Quat. Do we have any questions by
21 any Board members of the questions that were
22 asked by both the licensee and the ANC?

23 (No audible response.)

24 CHAIRPERSON ANDERSON: Hearing none,
25 thank you very much, Mr. Puente, for your

1 testimony and have a good day. Thank you.

2 MR. PUENTE: Thank you, sir. You too.

3 CHAIRPERSON ANDERSON: All right. So
4 Mr. Amente, this is your opportunity to present
5 your case. Do you have witnesses you're going to
6 call, or are you the only witness, sir?

7 MR. AMENTE: No, I'm the only one.

8 CHAIRPERSON ANDERSON: Can you raise
9 your right hand, please?

10 WHEREUPON,

11 ZERIHUN AMENTE

12 was called for examination by Counsel for the
13 Licensee, having been first duly sworn, assumed
14 the witness stand, was examined and testified as
15 follows:

16 CHAIRPERSON ANDERSON: All right. Go
17 ahead. How do you plan to present your case?

18 MR. AMENTE: Yeah. Can I show a
19 picture that just taken about closing my
20 establishment for the other --

21 (Simultaneous speaking.)

22 CHAIRPERSON ANDERSON: Is it on your
23 computer?

24 MR. AMENTE: No, just probably you can
25 see it. But I'm just saying that it's not

1 correct thing that he present. I didn't get shut
2 down.

3 CHAIRPERSON ANDERSON: What is that
4 you're showing, sir?

5 MR. AMENTE: The front of my
6 establishment. Just -- my friend just took a
7 picture. I didn't see any food violation in my -
8 - on my window.

9 CHAIRPERSON ANDERSON: Well, sir, I
10 don't know -- I'm sorry. I don't know -- I know
11 when ABRA shuts you down, there is a different
12 type of sticker in front of your establishment.
13 I don't know what it is that the Department of
14 Health does. But anyway, go ahead.

15 MR. AMENTE: I just want you and the
16 Board to know that that's false testimony that
17 the Health close me down. I wasn't open Friday.

18 CHAIRPERSON ANDERSON: Okay. Go
19 ahead.

20 MR. AMENTE: Yeah, so I wrote a
21 question from the evidence that they send me for
22 individual. But the only person I'm seeing is --
23 I can't pronounce his name. So --

24 CHAIRPERSON ANDERSON: No, sir. All
25 right. This is -- all right. This is your

1 opportunity to present your case. How you
2 present your case is that you're telling us why
3 that you believe that your license should be
4 renewed.

5 MR. AMENTE: Okay.

6 CHAIRPERSON ANDERSON: Once Ms. Quat
7 -- once she testified, then you can ask questions
8 of her.

9 MR. AMENTE: Okay.

10 CHAIRPERSON ANDERSON: But this is
11 your opportunity to tell the Board through
12 whatever documents or evidence that you have why
13 is that the Board should renew your license. So
14 that's why I swear you in. So you said you were
15 going to be testifying. So that's what I need
16 you to tell us, sir.

17 MR. AMENTE: Okay. Yeah, so since
18 Allure opened, doing good, that everything that I
19 heard about the noise complaint and everything
20 didn't come from Allure. It's a good standing
21 building. You give me time, please? Yes?

22 CHAIRPERSON ANDERSON: You have an
23 hour. You have an hour. Take your time.

24 (Simultaneous speaking.)

25 CHAIRPERSON ANDERSON: Hold on. Hold

1 on. Hold on. Hold on. Hold on. Okay. We'll
2 be off the record for -- we're off the record for
3 a couple of minutes.

4 (Whereupon, the above-entitled matter
5 went off the record at 2:23 p.m. and resumed at
6 2:27 p.m.)

7 CHAIRPERSON ANDERSON: All right. So
8 as I stated -- so we're back on the record now.
9 All right. So as I stated, Mr. Amente, this is
10 your opportunity to tell the Board why is it that
11 we should renew your license. Your license has
12 been protested, so this is your opportunity to
13 present whatever documents on the record that you
14 want to present to the Board to convince the
15 Board that we should renew your license.

16 MR. AMENTE: Yes, so the license is in
17 good standing. And all of the evidence that is
18 submitted not related to Allure. The back alley,
19 the parking, the people smoking outside has
20 nothing to do with Allure. They mention the car
21 broken, house broken. They refer all that to
22 Allure, and it's not true.

23 I mean, I have no violation except one
24 time over capacity. During the coronavirus, ABRA
25 visit me, like, five times. Nothing wrong.

1 Felicity got three warning, two fine, got shut
2 down. Again, he just got shut down again because
3 of Health. I have nothing for me.

4 There's no violation in Allure. I
5 mean, that's the only -- they have nothing. I
6 cooperate on everything. I do my best. You told
7 me to not see me again back in the day. So I'm
8 trying to do that.

9 Because the reason I'm really nervous
10 is they said Allure is a place to sell stolen
11 things which is not true. They say after Allure
12 opened, houses broken. How many times have any
13 living got robbed? How many times have any
14 living got robbed with arm. Crown Chicken, how
15 many people got stabbed?

16 I witnessed since 2017 five gunshots
17 on H Street corridor. It's not because of
18 Allure. House broken, my car broken two times.
19 My ex car broken one times. Yeah, it's a -- I
20 mean, I'm trying to do my best. But this email
21 is really personal to me, what they wrote about
22 Allure.

23 They have nothing. And anybody can
24 call for noise complaint. But ABRA is tough.
25 They found with the measurement, they measure the

1 sound. But nothing happened. I don't know why.
2 I mean, you're not living in the suburbs. H
3 Street, there's always something.

4 Anyway, just Board to know that all
5 the evidence that is submit not good enough and
6 really, really insulting, especially Allure's
7 stolen materials place. It's not -- that's all,
8 sir. Yeah.

9 CHAIRPERSON ANDERSON: All right.
10 Thank you, Mr. Amente. All right. Ms. Quat is
11 going to ask you some questions about your
12 testimony. So I need you to answer the
13 questions, sir. Okay. So she's going to ask you
14 some questions. I need you to answer her
15 questions. Go ahead, ma'am.

16 MS. QUAT: Hi, it's good to see you.
17 I promise I don't have super tough questions.
18 Have you and I been in communication since I
19 think it was winter 2019, winter 2020 to try and
20 resolve the protest?

21 MR. AMENTE: Yes.

22 MS. QUAT: Have I presented you
23 different options such as rolling back hours to
24 put into a new settlement agreement that say
25 prohibition of hookah, prohibition of a summer

1 garden? Have I given you those options?

2 MR. AMENTE: Yes, you did.

3 MS. QUAT: Have you agreed to any of
4 those options and to do a new settlement
5 agreement?

6 MR. AMENTE: No.

7 MS. QUAT: Can you tell me why you
8 didn't want to agree to any of these new
9 settlement agreements?

10 MR. AMENTE: Sure. You complained
11 about the noises first time, right? About the --
12 (Simultaneous speaking.)

13 MS. QUAT: Mm-hmm.

14 MR. AMENTE: I know the noise, I know
15 for sure, I know my noise don't go outside. I
16 have permission with Mark, 522. That house, she
17 complain about noise. What about the two house,
18 like, before her?

19 So he came up with a noise complaint
20 and the person with the complaint and
21 surrounding. That's not me. If it was me, yeah,
22 we come up with something. But it's not me. Why
23 I cut my hours for?

24 We talked about this. I went to 522,
25 and I talk to her. I said, just to know if

1 Allure or Felicity or 705. You guys know about
2 705. Just let me know. If you hear a sound, let
3 me know. So that way, we all know where the
4 sound coming from.

5 Already Mark, the yellow house,
6 already put wrong name on my -- I would've been
7 not there. I testify to you. Come on. He
8 walked into the back door and he notice weed?
9 He's not supposed to walk in the back door
10 without permission in the first place. He wrote,
11 address 709. But mind is 707. And he wrote our
12 names.

13 MS. QUAT: So if you are --

14 MR. AMENTE: Let's say -- let me --
15 let's say I am fine about the noise to 3:00.
16 That's understandable. But it's nothing. Why am
17 I going to increase our hours? I'm doing -- I'm
18 there all the time. I check the sound. There's
19 no sound coming out. So we cannot about the
20 trash. It's not mine.

21 MS. QUAT: On the noise, if -- would
22 you believe that there are multiple neighbors who
23 have complained to the ANC about noise that maybe
24 haven't come to you because they are people who
25 avoid confrontation and they just went to the

1 ANC? Do you think that that is something that
2 the ANC --

3 MR. AMENTE: Actually, the ANC --
4 (Simultaneous speaking.)

5 MR. AMENTE: I've been around in
6 business. Weed is supposed to be the thing.
7 When you hear something, you're coming to me.
8 You don't hold it. I mean, we not enemies. So
9 I'm careful.

10 When I did my settlement the first
11 time, you guys weren't there. I forgot his name.
12 We walked in. He's a video man. We made a
13 sound. We set it that way.

14 MS. QUAT: So a follow-up. You're
15 saying that they were supposed to work together.
16 And just to confirm, I did give you multiple
17 options of ways to remedy the situation with
18 neighbors to sign a settlement agreement to avoid
19 a hearing, correct?

20 MR. AMENTE: Again, that's my money.
21 One hour is my money. That's easy money, right?
22 Why would without me doing wrong why I cut my
23 hours? Let's say you're working, right? Without
24 doing anything wrong, if they cut your hours,
25 would you be happy? We have a --

1 (Simultaneous speaking.)

2 MS. QUAT: I have no further
3 questions.

4 CHAIRPERSON ANDERSON: All right. Any
5 -- all right. Any questions of Mr. Amente by any
6 Board members?

7 MEMBER SHORT: Yeah.

8 (Simultaneous speaking.)

9 CHAIRPERSON ANDERSON: I'm sorry. Who
10 was that? Mr. Short. Go ahead, Mr. Short.

11 MEMBER SHORT: Good afternoon, Mr.
12 Amente.

13 MR. AMENTE: Good afternoon, sir.

14 MEMBER SHORT: Great. Are you the
15 owner, ABC licensee and proprietor, sole owner
16 and proprietor of Allure Lounge?

17 MR. AMENTE: Yes.

18 MEMBER SHORT: Has, to your knowledge,
19 ever been any smoking of any materials, any
20 smoking of any type from the time you opened
21 Allure until now? Has there ever been any
22 smoking inside of the club?

23 MR. AMENTE: Hookah?

24 MEMBER SHORT: Anything. Smoking
25 anything.

1 MR. AMENTE: Hookah, yes. So --

2 MEMBER SHORT: Wait a minute. That's
3 fine. You said yes, correct?

4 MR. AMENTE: Hookah, yes.

5 MEMBER SHORT: Okay. Did you know or
6 were you aware that the Department of Health has
7 to give you a permit before you can smoke inside
8 of a club?

9 MR. AMENTE: Is that a yes or no, or
10 can I explain?

11 MEMBER SHORT: That's a yes or no
12 answer, sir.

13 MR. AMENTE: So I figured that I would
14 after one time when they came and they pointed
15 out I have to do exemption. So that's when I
16 apply because everywhere I go -- I'm move from
17 Philly. So everywhere I go, hookah smoking.

18 MEMBER SHORT: I have a very short
19 time, Mr. Amente. I just want to know before the
20 Health Department came and told you to stop, has
21 there been smoking previous to that and has there
22 been smoking since that time?

23 MR. AMENTE: Hookah, yes.

24 MEMBER SHORT: Thank you. That's all
25 I have, Mr. Chair.

1 CHAIRPERSON ANDERSON: Any questions
2 by the Board members?

3 (No audible response.)

4 CHAIRPERSON ANDERSON: Ms. Quat, do
5 you have any questions of Mr. Amente based on any
6 questions that the Board was asking?

7 MS. QUAT: No questions.

8 CHAIRPERSON ANDERSON: Mr. Amente, do
9 you need to explain yourself based on the
10 questions that the Board asked you?

11 (No audible response.)

12 CHAIRPERSON ANDERSON: Mr. Short had
13 asked you a question, then he had said yes or no.
14 And you said you had an explanation.

15 (Simultaneous speaking.)

16 CHAIRPERSON ANDERSON: Do you want to
17 explain?

18 MR. AMENTE: Yeah, so --

19 (Simultaneous speaking.)

20 MR. AMENTE: Yeah, so, about hookah,
21 Nomad since for the ten years, a lot of places
22 that have hookah in advertising. I even have
23 visitors from DOH. I'm a tavern.

24 So she came and she advised me that to
25 get exemption. That's when I start doing

1 exemption and I stopped. But like I said, all
2 bars sell hookah. And yeah, after that -- like I
3 said, after that, ABRA came. Like I said,
4 Felicity got shut down because hookah been doing
5 the same thing.

6 Once I know -- this is my first time
7 doing a bar. Once I know, like, I'm doing wrong,
8 I avoid that. But yeah, hookah, it's honest
9 mistake, I would say. But am I going to do it
10 again? No, I already applied. I'm doing the
11 process.

12 CHAIRPERSON ANDERSON: All right. Do
13 you have anything else you want to say, or do you
14 rest your case at this juncture? I'm still going
15 to give you another opportunity to make a closing
16 statement. But at this juncture, do you have
17 anything else you need to say?

18 MR. AMENTE: So can I ask? Is that
19 me?

20 CHAIRPERSON ANDERSON: Ask who a
21 question, sir?

22 MR. AMENTE: I can't say her name.
23 I'm sorry.

24 CHAIRPERSON ANDERSON: No, you can't
25 ask her a question. That's why I had given you -

1 - well, no, she's going to testify. All right.
2 All right. She's going to present her case now.
3 So when she presents her case, you'll have an
4 opportunity to cross examine her as she just
5 cross examined you. So --

6 MR. AMENTE: Okay.

7 CHAIRPERSON ANDERSON: -- are you done
8 presenting your case?

9 MR. AMENTE: Yeah, basically, I'm
10 saying, like, Allure is being really cooperating
11 with the rules. And I have good feedback from
12 the same area, from all apartment. They come to
13 hang out. It's not -- I'm doing my best and the
14 Board to know that, understand. And the hookah,
15 it's honest mistake and I will not do it again.

16 (Simultaneous speaking.)

17 CHAIRPERSON ANDERSON: All right. Now
18 you can say that when you close your case. I'm
19 going to give you five --

20 MR. AMENTE: Okay.

21 CHAIRPERSON ANDERSON: -- minutes at
22 the end of the case. But I guess you don't have
23 anything else more to say in presenting your
24 case. Is that where we are right now?

25 MR. AMENTE: Yeah, all of it, yeah.

1 CHAIRPERSON ANDERSON: All right.
2 Okay. All right. We're fine. All right. Ms.
3 Quat, do you have any witnesses to call or are
4 you the only witness?

5 MS. QUAT: I'm the only witness.

6 CHAIRPERSON ANDERSON: Can you raise
7 your right hand, please?

8 WHEREUPON,

9 CAROLINE QUAT

10 was called for examination by Counsel for the
11 Protestant, having been first duly sworn, assumed
12 the witness stand, was examined and testified as
13 follows:

14 CHAIRPERSON ANDERSON: Okay. Go ahead
15 ma'am.

16 MS. QUAT: And this includes time for
17 opening statement?

18 CHAIRPERSON ANDERSON: You already did
19 your opening.

20 MS. QUAT: Okay.

21 CHAIRPERSON ANDERSON: And so you're
22 still -- you have an hour. But I'll give you
23 five minutes to do a closing after you present
24 your case.

25 MS. QUAT: Okay. Because I don't --

1 actually, just a procedural question. I don't
2 know if we did opening statements.

3 CHAIRPERSON ANDERSON: Didn't I ask
4 you? I thought we did. But if you didn't --

5 MS. QUAT: No.

6 CHAIRPERSON ANDERSON: -- I'm sorry.

7 MS. QUAT: Okay.

8 CHAIRPERSON ANDERSON: I thought I
9 told all parties. But if we didn't, I apologize.
10 But you can do that now if you want.

11 MS. QUAT: Okay. That's why I'm going
12 to be reading from a separate screen if there --

13 CHAIRPERSON ANDERSON: That's fine.

14 MS. QUAT: -- was a question. So the
15 ANC 6C protests the license renewal of Allure
16 Lounge on the following basis. The establishment
17 continues to disturb the peace, order, and quiet
18 of the surrounding neighborhood. And the
19 establishment's continued disruption to the
20 neighborhood adversely impacts property values.

21 The ANC respectfully requests that
22 ABRA reviews the license renewal and takes these
23 three actions before granting the license
24 renewal. Set the hours of the establishment to
25 be 12:00 a.m. on weekdays and 2:00 a.m. on

1 weekends. Prohibit the sale of hookah on the
2 premises and prohibit the creation and opening of
3 a summer garden or sidewalk café unless getting
4 approval from the ANC 6C.

5 The ANC requests these actions because
6 of multiple complaints and issues that have
7 arisen since the business opened in January 2019.
8 The exhibits show repeated complaints from
9 neighbors as well as repeated complaints reported
10 to ABRA and to MPD. MPD and ABRA have been made
11 aware of these issues and as shown by evidence
12 logs from both stating the dates of the offences,
13 incidents, and complaints.

14 The complaints have ranged from noise
15 and disorderly conduct, from patrons of Allure to
16 issues with trash in the alley, alleyway between
17 the businesses and residential properties.
18 Additionally, reports from MPD show other issues
19 of patrons such as multiple ABC violations.
20 These issues from Allure show how the business is
21 not being a good neighbor.

22 Another piece of evidence is a letter
23 from residents to the business asking Allure to
24 turn down music to a reasonable level. The
25 letter states over the last several weeks and

1 months, the noise generated by your business has
2 cost our family and children a great deal of
3 sleep. The noise mostly in the form of loud bass
4 beat begins about 10:00 p.m. and lasts until
5 early and sometimes late in the morning.

6 These homeowners have not only
7 expressed their issues directly with the business
8 which has done nothing to alleviate the issues
9 but have also expressed these issues to the ANC
10 which have led to the protest. Allure is one of
11 the few businesses in the area that is open till
12 3:00 a.m. on weekends and 2:00 a.m. on
13 weeknights. Its neighbor, Felicity Lounge, is
14 open until 2:00 a.m. on weekends and 1:00 a.m. on
15 weeknights.

16 This leads us to believe that
17 complaints coming in after 2:00 a.m. on weekends
18 and 1:00 a.m. on weeknights are most likely
19 coming from Allure as it's the only business open
20 on that block. The ANC is requesting a rollback
21 of hours to be more in line with other
22 businesses, specifically 12:00 a.m. on weeknights
23 and 2:00 a.m. on weekends. We believe this will
24 help alleviate many of the neighbors and ANC's
25 concern.

1 The ANC is also asking ABRA to
2 prohibit Allure from opening a summer garden or
3 sidewalk without agreement from the ANC and an
4 updated settlement agreement. Allure has proven
5 itself since opening not to be a cooperative
6 neighbor. And we don't believe that allowing a
7 summer garden or sidewalk café without a new
8 settlement agreement with that endorsement would
9 be productive for the neighborhood.

10 Another issue is that Allure sells
11 hookah to its patrons as seen by members of the
12 ANC and neighbors before. The business
13 advertises itself as a hookah lounge including
14 doing so on Yelp. However, Allure does not have
15 a license to do so and does not have a smoking
16 exemption from the Department of Health or in
17 their settlement agreement with the ANC.

18 This was confirmed in January 2021.
19 The did apply in 2019 for an endorsement. But
20 all the required information was not given to
21 D.C. Health, so it was not approved.

22 The ANC originally protested this
23 renewal in fall of 2019. But due to the
24 pandemic, this hearing has been delayed almost a
25 year. So during the time of the original protest

1 and during the time during the pandemic, the ANC
2 has reached out to the establishment and started
3 a line of communication to hopefully reach a
4 compromise.

5 We've proposed multiple solutions, and
6 the establishment was adamant that none of the
7 issues have come from his business. He would
8 also say how he wanted to work with us but still
9 has not agreed to any of the compromises that we
10 have proposed. Solutions that we have presented
11 have been rolling back the hours voluntarily, a
12 rollback situation where hours would only be
13 rolled back if a certain number of complaints had
14 been logged with ABRA over a certain period of
15 time, as well as agreement that only had the
16 prohibition of hookah on the premises and the
17 prohibition of a summer garden and café,
18 eliminating the want for rolling back the hours.

19 No solution has been agreed upon as of
20 today. Because of all these reasons, we believe
21 ABRA has sufficient grounds to grant our request.
22 And now I'm going to kind of just walk through
23 the packet of evidence that I submitted. So the
24 first couple of pages --

25 CHAIRPERSON ANDERSON: Hold on a

1 minute. Do you -- on your screen, do you want to
2 share your screen with us?

3 MS. QUAT: Yes. Actually, it'd be
4 great.

5 CHAIRPERSON ANDERSON: Ms. Andrews,
6 can you please give her the ability to share her
7 screen, please?

8 MS. ANDREWS: Sure. Stand by. Okay.
9 It looks like you have presenter privileges.
10 Could you please try for me?

11 MS. QUAT: Yup. Okay. Do you all see
12 my screen?

13 CHAIRPERSON ANDERSON: Yes.

14 MS. QUAT: It's a PDF profile.

15 CHAIRPERSON ANDERSON: The first, I'm
16 looking at a Gmail.

17 MS. QUAT: Yes.

18 CHAIRPERSON ANDERSON: Yes, go ahead.

19 MS. QUAT: So these first couple of
20 pages are what I believe Mr. Amente was
21 referencing. And these couple of emails are
22 really submitted to demonstrate that for an
23 extended period of time, there have been issues
24 on the 700 block of H Street. And these issues
25 are not just common to Allure. There are other

1 businesses that the ANC is protesting at this
2 time.

3 And these just go to serve that
4 there's a couple of times where Allure is pointed
5 out in them. But there have just been issues
6 with the business since the beginning. We have a
7 couple of neighbors who are very outspoken and
8 who kind of speak for the couple of houses, I
9 guess, like, the full block of houses that live
10 near one particular neighbor.

11 And he has kind of gathered a lot of
12 complaints. He's seen a lot of stuff over the
13 past couple of years. And so what these emails
14 are demonstrating are just that there have been
15 issues for a while.

16 I know that the content is something
17 that Mr. Amente was questioning, and I'm happy to
18 answer questions on those. I did not get a lot
19 of clarification from the neighbors. But just to
20 demonstrate that there has been issues for a long
21 time.

22 The next is a DCRA service history
23 that was requested from them and that there are -
24 - you can see there's multiple establishments who
25 are listed on here. But there is -- 711 H Street

1 was included on nuisance odor complaints. The
2 alleyway behind the establishment has been a
3 point of contention among neighbors and all of
4 the area businesses on that block for a long
5 time.

6 The ANC has received complaints over
7 the years as different businesses have come in
8 and out of that, all the different spaces that
9 are there. So it's not just pointing at Allure
10 as the only business who's using the alley. And
11 there's trash and illegal construction materials
12 and things like that. But it is one of the
13 establishments that is contributing to that.

14 Also submitted is the original
15 settlement agreement which was agreed upon Allure
16 and the ANC. And this was submitted so you can
17 see. It was a pretty basic settlement agreement
18 since the business had not been opened yet.

19 And it had typically stuff about
20 deliveries, public space and trash. There was a
21 section in there about the applicant should
22 regularly inspect and clean the public space as
23 well as noise complaints. So they acknowledged
24 the settlement agreement that they'll comply with
25 noise control provisions. And so there was in

1 the original settlement agreement information on
2 some of the issues that have come up since with
3 neighbors since the establishment has been open.

4 Then the next evidence is from ABRA.
5 This is why I requested end of 2019 from ABRA
6 which shows multiple complaints from the first --
7 all of 2019 but includes some that were left out,
8 I believe, of Mr. Amente's ABRA report because he
9 had started, it looked like, in October of 2019.
10 And there were some complaints that had been from
11 May and, what is it, July and September and kind
12 of cut off a little bit. But the time of a lot
13 of those is pretty late which kind of goes to
14 that it could be Allure Lounge had gotten those
15 complaints.

16 There's also been submitting
17 investigative history of Allure Lounge as well as
18 information from other neighbors about complaints
19 that have come in from -- about the
20 establishment. Then submitted copies of
21 correspondence that Mr. Amente and I have had
22 where I have repeatedly tried to find compromise
23 with the business, suggesting different types of
24 ways to solve the complaints that the neighbors
25 and ANC have had that have been rejected from --

1 by Mr. Amente. And this continued probably, I
2 would say, every couple of months, I would just
3 in to see if there had been any change in --
4 especially with the pandemic, any change in
5 thoughts of, like, what has been going on.

6 And then the next one is that -- this
7 is what I really want to point out was this was a
8 letter that Mr. Amente had received from
9 neighbors that he had texted to me that show that
10 there are neighbors who wrote him something that
11 say his establishment has been loud. This was a
12 quote in my statement about it. They provided an
13 example of, like, the sound level that was
14 needed.

15 It's the 60 decibel. And they had
16 attached I believe it was information about 60
17 decibels and I think the part of the regulation
18 that said how loud things should be. So this
19 just goes to show that the neighbors have made an
20 effort to talk to Mr. Amente and let him know
21 that there has been issues. And that as he has
22 stated, that he doesn't think his business has
23 been the problem at all, and that some of the
24 neighbors would have to disagree.

25 More emails that have been between me

1 and Mr. Amente. And then when it comes to the
2 hookah exemptions, ANC Commissioner Joel Kelty
3 had reached out to D.C. Health about getting
4 confirmation about if there was a smoking
5 exemption allowed for Allure as well as some
6 other area businesses. And he had also included
7 Yelp, and this was just a couple of weeks ago, I
8 believe, that the screenshot was taken that
9 Allure advertises itself on Yelp as a hookah
10 lounge.

11 So I can't remember when Mr. Amente
12 said that D.C. Health stopped by about hookah.
13 But he said he wouldn't do it again. But as of
14 recently, a couple weeks ago, this was still
15 listed on his Yelp page what type of business.

16 Then this is a report from MPD from
17 2019 and then on 2020 of MPD incidents that they
18 have responded to from the business. And the
19 second page to that was some more information,
20 more information from MPD. And then I think this
21 had to do with the confirmation that there was no
22 hookah exemption for Allure Lounge.

23 And I would like to say that we did
24 get confirmation that Allure was not one of the
25 businesses that was shut down on Friday. I think

1 originally we were told that they were shut down.
2 But then D.C. Health circled back and said that
3 it was just Felicity.

4 So Mr. Amente is correct that he was
5 not shut down according to what D.C. Health told
6 us earlier this week. Yeah, today is Thursday,
7 so earlier this week. And so that is the
8 evidence packet. I'm going to stop sharing my
9 screen.

10 And then at this time, I would just
11 like to reiterate that we are asking ABRA to --
12 with the license renewal, to rollback hours. We
13 are not trying to shut down the business. We are
14 not trying to have -- not allow a renewal to
15 happen.

16 We would just like for there to be
17 additional measures such as the hours rolled
18 back, such as prohibiting summer garden, a
19 sidewalk café, and hookah with the license
20 renewal so that the neighbors can feel like they
21 are being heard. The ANC can feel as though we
22 are taking the steps to make sure that the
23 neighborhood is still welcoming of business, but
24 wanting to make sure that when there are issues
25 that we are hearing them and working with the

1 business and working with ABRA to make sure those
2 are addressed. So I guess my case rests.

3 CHAIRPERSON ANDERSON: All right. Mr.
4 Amente, do you have any questions that you want
5 to ask Ms. -- now these are questions. The same
6 way she asked you questions, now you're going to
7 ask her questions, sir. All right.

8 MR. AMENTE: Can we go back to the
9 police incident reports?

10 MS. QUAT: Yes.

11 MR. AMENTE: So --

12 MS. QUAT: Do you need me to share my
13 screen?

14 MR. AMENTE: Yeah, please.

15 CHAIRPERSON ANDERSON: What I'm going
16 to do, Ms. Quat, if these are documents that you
17 want to move into evidence, then I'm going to ask
18 you that later on. So we're going to go back
19 through them again, and then I'm going to ask you
20 to identify the documents. And then I will ask.
21 So all right. I just --

22 (Simultaneous speaking.)

23 MS. QUAT: Okay. And these were all
24 submitted.

25 CHAIRPERSON ANDERSON: They were

1 submitted, but there's a process to move them
2 into evidence.

3 MS. QUAT: Okay.

4 CHAIRPERSON ANDERSON: And so they've
5 not in evidence as yet. So I --

6 MS. QUAT: Okay.

7 CHAIRPERSON ANDERSON: -- will go
8 through that when once you're done. So go ahead.

9 MR. AMENTE: Okay. So all this said
10 711 H Street, Northeast, D.C., right?

11 MS. QUAT: Yes, from what MPD provided
12 when I requested those.

13 MR. AMENTE: Yeah. If anything
14 happened inside, it would say Allure Lounge. But
15 let's say something -- you saw something bad
16 happened, somebody's house which address you
17 give. You give the address. You're just right
18 there, right? So that would --

19 MS. QUAT: That, I don't know because
20 I don't know MPD schedules or --

21 MR. AMENTE: Okay.

22 MS. QUAT: -- writes down their
23 reports.

24 MR. AMENTE: Do you see that during
25 the daytime, 4:00 o'clock, 4:01, 1823?

1 MS. QUAT: Which document are you
2 looking at?

3 (Simultaneous speaking.)

4 MR. AMENTE: No, no.

5 CHAIRPERSON ANDERSON: I think we're
6 at the police -- the initial report that you said
7 was a police report.

8 MR. AMENTE: Yeah, right there, right
9 there, right there.

10 MS. QUAT: This one?

11 MR. AMENTE: Yeah.

12 MS. QUAT: This one? Okay.

13 MR. AMENTE: Yeah. So it said --
14 Allure open 6:00 o'clock, right? This is for
15 4:01 p.m. Threats to do bodily harm, Ms. Berman
16 (phonetic) I think it say. It's 4:01 p.m. So is
17 there anything to do with Allure?

18 MS. QUAT: All I know is when I
19 requested from MPD reports, this is what -- this
20 was what was sent. So --

21 MR. AMENTE: Yeah, you received it.

22 (Simultaneous speaking.)

23 MS. QUAT: So I received this, yes.
24 But I can't -- they don't give any more detail
25 than whatever is on this. So I can't answer that

1 fully.

2 MR. AMENTE: All your evidence is
3 supposed to support your argument about Allure.

4 (Simultaneous speaking.)

5 CHAIRPERSON ANDERSON: Hold on. Hold
6 on. Hold on. Hold on, please. Let's hold on a
7 little bit. But let him finish before -- after
8 he's asking you a question. So let him finish
9 before you respond, please.

10 MR. AMENTE: So you submit all --
11 okay. On the top, it said ABC violation or
12 incident. Any incident happens, we call the
13 police. That's ABRA rules. It goes to incident
14 report.

15 If somebody lost a bag inside a
16 property or out front, I'll call police. If I
17 see somebody falling, I'll call ambulance. That
18 goes to report. So is this anything that
19 supports your case? Can you explain? And which
20 way this police report supports you just saying
21 711 H Street, Northeast, D.C.?

22 MS. QUAT: So it's just for the
23 address. So I would say that how it supports the
24 case is that when I requested any incident
25 reports from your address, this is what was

1 given. And I'm not given any detail about what
2 was called for.

3 And so this is what I got from it.
4 And so some of them are later. Some, like,
5 you're correct about the times are from all
6 throughout the day.

7 MR. AMENTE: Some of them are --

8 MS. QUAT: So that's just what I have
9 to say.

10 MR. AMENTE: -- 4:00 a.m. Where is
11 this, 4:00 a.m.? I close 3:00 o'clock. This is
12 4:00 a.m. Okay. I don't want -- the time we go
13 back to the DCRA reports.

14 (Simultaneous speaking.)

15 MR. AMENTE: No, that's ABRA, the ABRA
16 reports. On those evidence, I am not subject to
17 any fines. Like I said, anybody -- on your other
18 email, it said she said we call the police.
19 Somebody play loud music inside a car.

20 MS. QUAT: So these are complaints
21 from --

22 (Simultaneous speaking.)

23 CHAIRPERSON ANDERSON: Mr. Amente, let
24 her respond before you speak, please.

25 MS. QUAT: So these ABRA -- these are

1 from ABRA and that these were all complaints that
2 have been pulled as of -- this was December 2019.
3 So these were all complaints that came in for 711
4 H Street, Northwest which is your location. So
5 this was all neighbors who were calling in about
6 your establishment. So you didn't get fines.
7 You didn't get fines. But these were still
8 neighbors who called in and put in a complaint.

9 MR. AMENTE: Yeah, yeah, yeah. I
10 understand that. But I just want to -- I mean,
11 like I said, she emailed somebody partying in a
12 car. So let's say that car is in the alley, and
13 she heard music they playing. I'm telling the
14 truth. They want to --

15 MS. QUAT: Is there a question for me
16 on that --

17 MR. AMENTE: Okay.

18 MS. QUAT: -- on this?

19 MR. AMENTE: Let's go to the D.C.
20 reports, DCRA. Yes, right there.

21 (Simultaneous speaking.)

22 MR. AMENTE: Yeah. Can you show me
23 anything, like, 711 H Street?

24 MS. QUAT: Right here.

25 MR. AMENTE: Okay. So I don't sell

1 food, right? And my trash is alcohol, like,
2 bottles and floor trashes. But people come in
3 there, pee and do things.

4 MS. QUAT: Is there a question?

5 CHAIRPERSON ANDERSON: Hold on. Hold
6 on. Hold on. Let him finish, please. He wasn't
7 done yet, so let me see.

8 MR. AMENTE: So the time that I called
9 an ambulance that somebody overdosed shooting
10 insulin and then falling down, you report
11 something on H Street on the complaint. But I
12 have no ticket for that. You see 727?

13 MS. QUAT: Is there -- I just want to
14 ask a question about procedurally. Is there a --

15 CHAIRPERSON ANDERSON: All right.
16 Okay. All right.

17 MS. QUAT: Is this supposed to be
18 question-and-answer time?

19 (Simultaneous speaking.)

20 CHAIRPERSON ANDERSON: Hold on. Hold
21 on. Hold on. Hold on. Mr. Amente, if you -- I
22 know that you're -- neither parties are
23 attorneys. So I'm giving some flexibility. So
24 if you're going through this report, you need to
25 ask her a specific question about the report,

1 sir. So ask a question, and then she'll respond.
2 But it can't be a statement. So just -- yeah.
3 All right. All right.

4 MR. AMENTE: How this document
5 supports your argument?

6 MS. QUAT: So this document is showing
7 how on H Street, on the block that you are on in
8 general, that there are a lot of issues that go
9 on. This is a DCRA service report and that there
10 was from 2019 a report from your establishment of
11 a nuisance order complaint and that that is
12 coupled with other establishments in the area
13 that have issues. And so that just points to how
14 you are not the only business who's being
15 complained about. But this is your protest
16 hearing. And so there are complaints that are
17 linked back to your business.

18 MR. AMENTE: But today, we're talking
19 about just Allure, yes?

20 MS. QUAT: Yes, and that is literally
21 just what I said.

22 MR. AMENTE: But this DCRA shows a lot
23 of things happens on other house numbers, not 711
24 H Street, which means the alley is already bad
25 before Allure came or after, right?

1 MS. QUAT: Correct.

2 MR. AMENTE: On Mark's email and the
3 other person email said this become increased
4 after Allure opens about the trash. But I don't
5 see a lot of lists in here about Allure. What I
6 see is other houses.

7 MS. QUAT: Is there a question?

8 MR. AMENTE: Yes. So why I just have
9 -- like, did the document show to you -- me
10 seeing this and you complaining about trash,
11 that's much for me because I'm doing -- I'm not
12 doing, like -- I'm doing okay. I'm doing good
13 about extraction, everything that you guys
14 concern. That's what I'm trying to say. And --
15 yeah.

16 CHAIRPERSON ANDERSON: Do you have
17 another question you want to ask, sir?

18 MR. AMENTE: Yes. Can you respond for
19 Mark email since you present them?

20 MS. QUAT: It depends on what your
21 question is. I mean, I don't know what --

22 MR. AMENTE: Mark -- okay. So Mark
23 said he got a package stolen. And the people
24 came to my -- in the alley -- my back alley
25 because it had space in it. And he said, Allure

1 has stolen property at my place. Can you
2 explain? You guys discussed about this, right?
3 What proof do you have, you two say? He wrote
4 it, at a location where --

5 (Simultaneous speaking.)

6 MS. QUAT: -- explain our neighbor's
7 exact comments that I cannot explain. The reason
8 why that was submitted is it's part of a chain --

9 (Simultaneous speaking.)

10 MR. AMENTE: -- when you read this --

11 CHAIRPERSON ANDERSON: Mr. Amente,
12 please let her finish before you ask, before you
13 start up, sir.

14 MS. QUAT: I did not ask -- I did not
15 ask him about it specifically because it is the
16 reason why it is submitted, it is part of a
17 collection of multiple emails and about how there
18 are just issues on not only H Street but with
19 Allure. And so it is not to be submitted to be
20 taken as any sort of -- I'm trying to think of
21 the best way since any sort of accusation about
22 that that is somebody a neighbor said about what
23 was going on and submitted it to -- I believe
24 those were MPD officers, I think, from the
25 emails. I can't remember off the top of my head.

1 I'd have to back and double check.

2 But it is just to show how there have
3 been issues from the beginning and that you are
4 familiar with a lot of the neighbors there. And
5 they have expressed concern to you before about
6 noise and other issues, and that there has been
7 no willingness to compromise on the issues that
8 the neighbors have on your part.

9 MR. AMENTE: So I got -- like, my car
10 got broken, like, in front of 722. I didn't
11 assume anything with 722. But this is, like --
12 okay. So he said about the gunshot. He saw the
13 gunshot on the 7th Street. And on the email, he
14 said, after Allure opened.

15 You know how many gunshot I notice it
16 on H Street? You guys get a report only 711 H, I
17 mean, Allure. But you should get 711 H -- like,
18 711 store, they have armored security guard to
19 protect.

20 That's what I notice a gunshot since
21 I was there. I noticed it. But after Allure
22 opens, either related to the gun or all
23 everything with Allure, that's not right.

24 CHAIRPERSON ANDERSON: Is there a
25 question --

1 (Simultaneous speaking.)

2 MR. AMENTE: -- because you represent
3 them. Today we here for the truth. You should
4 ask. Did he see any stolen package sold in
5 Allure? You should ask him before you -- really,
6 this is insulting. But it's okay. But you
7 should. Another -- one second.

8 The commander said the trash that you
9 submit, the -- like, the construction. And her
10 email said that's me. It came from Allure
11 because I'm the one that give them the video and
12 the tag who trash that. Because the file is too
13 big, I couldn't submit it. That's not me.

14 MS. QUAT: Are there any more
15 questions, Mr. Amente?

16 CHAIRPERSON ANDERSON: Hold on. Hold
17 on. Do you have any more questions you want to
18 ask her, sir?

19 MR. AMENTE: No. Just, like,
20 everything really -- I mean, I understand your
21 concern. But it's, like, let's be -- who really
22 is serving you and find out because cutting my
23 hours especially after this happens, it's not
24 cool. I'm doing -- I even -- I have -- I hire a
25 police officer out there after you came up about

1 people leaving. I did.

2 MS. QUAT: You never alerted me to
3 anything. So if that was a question about if I
4 knew that, I did not know that.

5 MR. AMENTE: I did after we talk at
6 store -- I mean, the coffee shop, yeah, I hire.
7 It took me -- to find that person, took me time.

8 (Simultaneous speaking.)

9 MS. QUAT: I mean, we talked about it,
10 but you never circled back to say, I have hired a
11 police officer. I put up signage. So -- and we
12 have talked multiple times since then. So any
13 steps that you have taken to alleviate any
14 neighbors' concerns, in our further
15 conversations, you have not told the ANC this or
16 anything. So I can't say for sure what steps you
17 have taken because you haven't told us.

18 MR. AMENTE: Me saying moving forward
19 be honest with you. Like I said, Felicity didn't
20 hire. I talk to him. But I did. He still get
21 my benefits, me hiring with us, just working with
22 you guys.

23 But like I said, lowering my hours for
24 45 minutes, it kills me. But I don't think it's
25 going to benefit noise complaint because it's not

1 from me. How can you explain me cutting hours
2 satisfy the complaints?

3 MS. QUAT: So I would say that based
4 on conversations that ANC members have had with
5 neighbors who have complained about the
6 establishment for -- since the first summer that
7 you opened is a lot of it is late night stuff
8 that comes in. I mean, you received a letter
9 from neighbors telling you --

10 (Simultaneous speaking.)

11 MS. QUAT: -- that there were
12 complaints that were coming. And if you would
13 let me finish my answer.

14 MR. AMENTE: Okay.

15 MS. QUAT: And so by rolling back late
16 night hours and you were the only business on
17 that block that is open until 3:00 a.m. that that
18 can be something that helps alleviate not only
19 the complaints but shows that you are --
20 especially before a protest hearing if we had
21 come to an agreement, it would've showed that you
22 were willing to work with the ANC in order to
23 help alleviate these concerns. But any
24 compromise that we have presented to you, you
25 have not agreed to. Even a provision that would

1 be if you got four -- I can't remember exactly
2 what I had presented.

3 But if you had gotten four noise
4 complaints logged over a month's time with ABRA,
5 that would rollback your hours which is a pretty
6 generous offer because even based on the ABRA
7 complaints that -- from the evidence that we're
8 showing, you never received four complaints in
9 one month that ABRA had logged. And so there has
10 been no movement on your part to help work with
11 the ANC to help alleviate concerns of the
12 neighbors and of the ANC. And so do we want to
13 rollback your hours, especially in this pandemic?
14 We would love to not have to do that. But there
15 has been no compromise on your end.

16 MR. AMENTE: About the noise
17 complaint, you said four calls, right? I said
18 because I know. You call or who call, I'm not
19 going to get fined. I asked you if I get a fine,
20 you said no, just complaint.

21 How I'm going to take that offer?
22 Anybody can call four times, ten times. I asked
23 you, okay, if I get any fine with those calls, I
24 will take it. You said, no, only complaint.

25 MS. QUAT: To be honest, I do not

1 remember that part of our conversation.

2 (Simultaneous speaking.)

3 MS. QUAT: You never presented
4 anything in writing back to us.

5 CHAIRPERSON ANDERSON: Hold on, sir.
6 Hold on. Let her finish, please.

7 MS. QUAT: So I mean, I've asked you
8 to present in writing back to us something
9 similar, and nothing ever came back. And so --

10 (Simultaneous speaking.)

11 MS. QUAT: -- I don't remember that
12 part of our conversation because we had a lot of
13 conversations. But as I just said, you had never
14 gotten four noise complaints in a month,
15 especially because it was going to be from four
16 different residences. So it's not, like, 123 H
17 Street could call four times in a row and get you
18 to trigger that rollback. It would have to be
19 from four different addresses.

20 And so I mean, we can sit here and go
21 back and forth about the hypotheticals of things
22 that could happen. But the whole point of having
23 a settlement agreement in place would be to help
24 with these situations that would happen. So if
25 there is something that potentially had caused

1 your hours to rollback if it was in a settlement
2 agreement, it would've been something that
3 would've been agreed on between both of us, both
4 the ANC and you.

5 So I mean, that's all I can say. I
6 don't want to dwell on the fact that every single
7 noise complaint can or cannot get substantiated.
8 I think ABRA probably sees this a lot where they
9 get complaints and then things can't be
10 substantiated.

11 It doesn't necessarily mean that the
12 business wasn't being loud. It doesn't
13 necessarily mean that they were being loud. But
14 people put in complaints all the time.

15 MR. AMENTE: Yeah, what I'm saying is
16 H Street by itself is always people there,
17 especially by the bus station, always. Like, to
18 be honest with you, 24/7. There is a place -- I
19 mean, I don't know if you're familiar with H
20 Street. There's a place who buy drugs and
21 everything because it's right there, H Street.

22 You guys really focusing on the wrong
23 place. To clean the alley, to clean the area,
24 nothing to do with Allure. There is always busy,
25 especially by the bus, the bus stop. People

1 drunk. People yelling. People fighting. A guys
2 died last year right in front of my property by
3 the alley fighting.

4 Like I said, I've been there. Just
5 Felicity, he open after me. He got suspended.
6 He got shut down. Just see what I -- like, I
7 mean, it's not, like, without you having anything
8 that I'm doing wrong, me cutting hours, no.

9 Because when I sign up first time, I
10 talk to them. You guys weren't there. I talked
11 to them. I explained to them, I'm doing my best
12 to keep my word with them.

13 MS. QUAT: Is there a question?

14 CHAIRPERSON ANDERSON: All right.

15 MR. AMENTE: I'm everywhere because
16 it's just --

17 CHAIRPERSON ANDERSON: All right. I
18 know you're everywhere, Mr. Amente. But I need
19 to put some structure into this. Do you have any
20 other specific questions that you want to ask
21 her, and then I'm going to move on.

22 MR. AMENTE: I think -- oh, yeah,
23 about the house. You mention a house. What was
24 it? House price, right?

25 MS. QUAT: Yes.

1 MR. AMENTE: So having a bar shouldn't
2 decrease house price. Gun violence, sex
3 offenders, gang area, that decrease the house
4 price. For sales, foreclosures, not bar. Would
5 you agree?

6 MS. QUAT: I would agree if we're just
7 looking at your statement on face value. But
8 when we dig into it, no one wants to move into a
9 house that is near a business that is unwilling
10 to be a compromising neighbor and to be a good
11 neighbor to those houses. And so if someone is
12 going to decide to sell and hopefully they're not
13 talking to other people on the street and that
14 live on the street and ask, are there any issues
15 with this area to move in, because a neighbor
16 could say to someone, like, yes, like, this
17 business is -- we put in a lot of noise
18 complaints there.

19 And so I mean, your statement at face
20 value, not necessarily. But I would agree that
21 more business is good for a neighborhood. But
22 the business is not being a good neighbor, that
23 is going to directly affect the home prices and
24 ability to sell those directly right there,
25 behind and near the business.

1 MR. AMENTE: So which one is the most?
2 Is the gun violence, sex offenders, gang area, or
3 the bar?

4 MS. QUAT: I think that is a
5 ridiculous question to ask --

6 (Simultaneous speaking.)

7 CHAIRPERSON ANDERSON: Ms. Quat, Ms.
8 Quat, Ms. Quat. He asked you a question, yes or
9 no. Please do not editorialize.

10 MS. QUAT: I mean, it's not -- I mean,
11 all of the above would be my answer. All of
12 those affect home prices.

13 CHAIRPERSON ANDERSON: Thank you. Do
14 you have another question you want to ask her?

15 MR. AMENTE: Yeah, if you say that,
16 right. I moved here in 2017, and I know 722.
17 722 was on a sale. I know the price. And the
18 house prices are going up, not going down after
19 Allure. But you -- I mean, I'm just to know
20 Allure being there decrease the house price,
21 that's not -- cannot be evidence, you to lower my
22 hours or me being there.

23 MS. QUAT: So that is one of the
24 reasons of the ANC protest. It's not specific if
25 you want specific evidence relating to that.

1 MR. AMENTE: No, but you tell me that
2 -- okay. I'm just saying that everything we
3 looked in here -- I mean, Crown Chicken, how do
4 you know this Crown Chicken? Crown Chicken open
5 at 5:00. People come, all H Street, to eat
6 because that's the place the latest open. What
7 about that one? That disturb the neighbors.

8 MS. QUAT: The ANC has not gotten any
9 complaints about that establishment that I am
10 aware of. So I cannot --

11 (Simultaneous speaking.)

12 MS. QUAT: -- answer that.

13 CHAIRPERSON ANDERSON: Mr. Amente, let
14 her finish, please.

15 MR. AMENTE: Okay.

16 MS. QUAT: So I was done with that
17 answer.

18 CHAIRPERSON ANDERSON: Okay. Do you
19 have another question you need to ask, sir?

20 MR. AMENTE: So you guys only focus
21 ABRA license holders?

22 MS. QUAT: So the -- this protest is
23 in response to your alcohol license renewal. And
24 so the ANC chose to protest based on feedback we
25 had gotten from the neighbors. And so in this

1 case, yes, because this is about your renewal.

2 The ANC also handles a lot of other
3 issues from zoning to construction and things
4 like that. That is not an ABRA issue. That is
5 other agencies within the D.C. government.

6 So I think if you're going, does the
7 ANC focus on other issues? Yes, it does. But
8 not -- those issues are not what this hearing is
9 about.

10 MR. AMENTE: Yeah, but to back up,
11 your complaints about people smoking outside by
12 my door, you have to bring me something. That
13 area is clean and only these things comes from
14 me. You have to show it to me. But if you just
15 say on an email she said saw people smoking weed
16 outside, is it nothing -- I mean, it's nothing to
17 do with me. You have to come up, like --

18 MS. QUAT: It could --

19 MR. AMENTE: -- this area is -- like,
20 this area is this, used to be this. You came
21 here and this happens. Yeah, if it makes sense.
22 Like, but you just -- you guys -- every email,
23 you know. You read it. I read it. Every email
24 refers to Allure.

25 All the fights, Allure. People throw

1 needles, Allure. Gun, after Allure. Noise,
2 Allure. How many bars? How many places close?
3 Three, and --

4 MS. QUAT: You are the only one --
5 (Simultaneous speaking.)

6 MS. QUAT: -- on that block that
7 closes at 3:00 a.m.

8 (Simultaneous speaking.)

9 MR. AMENTE: I'm not saying that
10 block. But people can park anywhere from
11 anywhere. They can park that aisle, that place,
12 and take Uber if they want to, if they find a
13 spot. And they can get off from Uber on 8th
14 Street, on 7th Street. They might yell, but it's
15 not -- I mean, could be anybody. Could be people
16 who live here can be come drunk and yell.

17 So give me -- like, give me something
18 that -- I'm a fair person man. Give me something
19 so that, you know what? Okay. I understand.
20 Come on. I mean, I have 69 capacity. I choose
21 promoters. I don't take promoters --

22 (Simultaneous speaking.)

23 MS. QUAT: Mr. Anderson --

24 (Simultaneous speaking.)

25 MS. QUAT: -- his chance to present

1 his case --

2 (Simultaneous speaking.)

3 MS. QUAT: -- since this is supposed
4 to be --

5 CHAIRPERSON ANDERSON: Ms. Quat, hold
6 on. I'm running the hearing. One of the things
7 that -- and I've given both sides leeway because
8 people are not lawyers. And I try -- I could've
9 ended this a long time ago because there's a
10 soliloquy going on between both sides. But there
11 is some inartful ways that questions are being
12 asked.

13 And so I do give some leeway in
14 getting to the question, and I try to make sure.
15 So I also -- at least in my view, the questions
16 that are being asked, they're not being asked
17 lawyerly. They are, however, addressing some of
18 the issues that we need to hear today.

19 So I'm going to allow him to ask
20 certain questions because, yes, I keep on
21 reminding both parties that you need to ask a
22 question. And it's almost a conversation. But
23 at least for me, I'm getting some information out
24 there because one of the things that I told you
25 before, I'm going to go back through all the

1 documents that you disclose because you have to
2 move them into evidence.

3 And so I'm going to go through that,
4 then I'm going to ask him, does he object to that
5 document being moved into evidence. And I did
6 get a lot of clarification from some of the
7 questions that he asked you, although they were
8 not asked -- although they were asked inartful.
9 But it got to the issues that I need to -- I'm
10 going to make a ruling later on whether or not
11 all your documents, although they were disclosed,
12 whether or not I'm going to move them into the
13 record because are these documents relevant to
14 Allure. So --

15 MS. QUAT: Okay, okay.

16 CHAIRPERSON ANDERSON: -- all right.
17 So Mr. Amente, I need you to be focused and ask
18 questions. If you don't have -- I'm not going to
19 have any more conversation. And one of the
20 reasons why I'm allowing this to happen is
21 because I told each side that they had an hour to
22 present their case.

23 And both sides have not necessarily
24 exhausted their hour. So if they had, I would
25 have cut this off a long time ago because I told

1 everybody they had an hour. But I need to bring
2 closure to this case.

3 So if you have some more specific
4 questions to ask, ask the questions. If not, I'm
5 going to end it. So do you have any other
6 specific questions that you're going to ask as
7 cross examination? If not, we're going to end
8 this and then we'll do closing.

9 MR. AMENTE: Yeah, I do have a
10 question. But, like, I thought the five people
11 will come here and ask. And so she might not
12 answer my question because --

13 (Simultaneous speaking.)

14 CHAIRPERSON ANDERSON: And so she did
15 not -- I have not seen the PIF. It appears that
16 she had disclosed some witnesses. I don't know.
17 But they're not here today, so we can't ask them
18 questions. I've not seen the PIF, so I don't
19 know what witnesses were there.

20 So you can ask her relevant questions
21 to your case. But we need to bring some closure
22 in the sense of they need to be on point. So
23 let's try to wrap this up if you have any other
24 specific questions that you need to ask her. If
25 not, I'm going to end it.

1 MR. AMENTE: Okay. Have you been in
2 Allure?

3 MS. QUAT: I've not been inside, no.

4 MR. AMENTE: Don't you think -- so
5 you're protesting, not --

6 MS. QUAT: The ANC is protesting.

7 MR. AMENTE: Oh, well, okay. Yeah, I
8 don't have any questions. I think that would be
9 --

10 CHAIRPERSON ANDERSON: Are you done,
11 sir? All right. All right. Do we have any
12 questions by the Board of Ms. Quat? Any Board
13 members have any questions they want to ask her?

14 MR. AMENTE: Uh --

15 CHAIRPERSON ANDERSON: Not you, sir.
16 You've had your chance.

17 MR. AMENTE: Okay.

18 CHAIRPERSON ANDERSON: This is the
19 Board. All right. No questions by any Board --
20 by the Board. All right. Ms. Quat, do you rest?
21 Is this the extent of your presentation?

22 MS. QUAT: Yes, it is.

23 CHAIRPERSON ANDERSON: All right. All
24 right. Mr. -- I'm not seeing the PIF. So Mr.
25 Amente, were there any documents that you

1 disclosed that you sent that you want to move
2 into evidence? As part of your PIF, did you --
3 what documents did you disclose?

4 MR. AMENTE: So I have submitted 13
5 pictures that shows left, right, where when
6 customer come parks which is on H Street. I
7 submitted the pictures.

8 (Whereupon, the above-referred to
9 documents were marked as Licensee
10 Exhibit Nos. 1 through 13 for
11 identification.)

12 CHAIRPERSON ANDERSON: Do you have
13 those documents, because I'm not seeing them. So
14 I need to make a ruling whether or not to -- but
15 let me -- have you seen the documents, Ms. Quat?

16 MS. QUAT: Yes, I have.

17 CHAIRPERSON ANDERSON: Any objections?
18 How many -- so how many exhibits are they?

19 MR. AMENTE: Thirteen.

20 CHAIRPERSON ANDERSON: Thirteen?

21 MR. AMENTE: Yeah.

22 CHAIRPERSON ANDERSON: And do you --
23 are there any of the exhibits that you have
24 problems with?

25 (Simultaneous speaking.)

1 MS. QUAT: That I have problems?

2 CHAIRPERSON ANDERSON: Yes, that you
3 object to because he now wants to --

4 MS. QUAT: Oh, no.

5 CHAIRPERSON ANDERSON: -- move them
6 into evidence. All right.

7 MS. QUAT: No.

8 CHAIRPERSON ANDERSON: All right. So
9 -- all right. So all the documents, Mr. Amente,
10 that you disclose as part of your PIF, I'm going
11 to move them into evidence. Okay? All right.

12 MR. AMENTE: Can I get it on --

13 CHAIRPERSON ANDERSON: Can you what,
14 sir?

15 MR. AMENTE: If I have the time, can
16 I say something about the evidence that why I
17 submit it if we go to page to page quickly?

18 CHAIRPERSON ANDERSON: I don't -- do
19 you have them available online so you can -- so I
20 can have you share the screen because I don't --

21 MS. QUAT: I can pull them up if you
22 --

23 MR. AMENTE: Thank you.

24 MS. QUAT: -- want, Mr. Amente.

25 MR. AMENTE: Thank you.

1 CHAIRPERSON ANDERSON: All right. So
2 can you pull them and then you can share the
3 screen? And then --

4 (Simultaneous speaking.)

5 CHAIRPERSON ANDERSON: I don't -- all
6 right, sir. I'm not -- this is all I'm going to
7 do, sir. I'm not going to have you -- this is --
8 I'm just -- all I'm going to do, I need you to go
9 through all 13 documents and identify them. I
10 don't want an explanation. Okay? So basically,
11 we'll go through the documents one by one, and
12 you can just state what they are. That's all.
13 All right. Go ahead.

14 MS. QUAT: Sorry. I'm just going to
15 have to -- there are multiple emails. Okay. I
16 think this is -- I'll share.

17 CHAIRPERSON ANDERSON: And this is
18 number 1? Which one is this?

19 MR. AMENTE: Yeah, this is number --

20 MS. QUAT: I don't --

21 MR. AMENTE: I can -- I have a copy,
22 so I can explain.

23 CHAIRPERSON ANDERSON: All right. So
24 did you number all the documents, sir?

25 MR. AMENTE: Yes, number 3, yeah.

1 CHAIRPERSON ANDERSON: So this is
2 number 3. Let's start with -- well, let's -- can
3 we go back to number 1 if you are able to do
4 that?

5 MS. QUAT: No, that's 12.

6 MR. AMENTE: It is.

7 MS. QUAT: Mr. Amente, do you remember
8 which one was number 1?

9 MR. AMENTE: Yeah, Allure front.
10 Like, just the front picture, yeah. Just --

11 MS. QUAT: There we go. No, that's 4.

12 MR. AMENTE: That's --

13 MS. QUAT: This one? Yes.

14 MR. AMENTE: Yes, yes.

15 CHAIRPERSON ANDERSON: So what's
16 number 1?

17 MR. AMENTE: So this is, like,
18 actually, like, the front side of Allure.

19 (Simultaneous speaking.)

20 CHAIRPERSON ANDERSON: Okay. What's
21 number 2?

22 MR. AMENTE: Number 2 is the left side
23 of the street. So this --

24 (Simultaneous speaking.)

25 MR. AMENTE: Yeah, so this is --

1 CHAIRPERSON ANDERSON: Go ahead, sir.

2 MR. AMENTE: Yeah, this is the area
3 where really open after the government office
4 close and a couple of places closed because those
5 apartment have own parking. Most the customers
6 park their car here, like, straight up.

7 CHAIRPERSON ANDERSON: All right.
8 Okay. What's number 3?

9 MR. AMENTE: Okay. Number 3, oh, is
10 the same copy. Pass it. Go to number 4, please.

11 CHAIRPERSON ANDERSON: Number 4?

12 MR. AMENTE: So that's -- yeah.
13 Number 4 is Crown Chicken where located in front
14 of me where I was explaining about the stabbing
15 and the gun going on. So this is where -- this
16 is the place who open until 5:00. People come --
17 like, these people can also just serve the area.
18 Just to focus on those too.

19 CHAIRPERSON ANDERSON: All right.
20 What's number 5?

21 MR. AMENTE: Five is the other side of
22 my door. You see, like, that's the common area
23 that people really doing things is right there
24 which is unfortunately police there but they
25 don't do nothing. This is the place --

1 CHAIRPERSON ANDERSON: All right.

2 Number 6?

3 MR. AMENTE: Can we go number --

4 CHAIRPERSON ANDERSON: If we don't go
5 through the numbers, I'm not going to -- they're
6 not going to be a part of the record then. So if
7 you don't want them to be a part of the evidence,
8 then we don't need to do that. So just tell me
9 what numbers you want and I'll --

10 MR. AMENTE: I have number 6. Go
11 ahead. Click number --

12 CHAIRPERSON ANDERSON: What's number
13 6?

14 MR. AMENTE: Thank you.

15 MS. QUAT: Which one is 6?

16 MR. AMENTE: Six? No, past 6. No,
17 past 6. This is --

18 CHAIRPERSON ANDERSON: Number 7?

19 MS. QUAT: Seven.

20 MR. AMENTE: Okay.

21 CHAIRPERSON ANDERSON: What's number
22 7?

23 MR. AMENTE: Yes. So this is, like,
24 where Mark lived, very close house to my place.
25 And he never complain about noise coming out from

1 my house.

2 CHAIRPERSON ANDERSON: All right.
3 What's number 8?

4 (Simultaneous speaking.)

5 MR. AMENTE: This is 7-Eleven parking
6 where a lot of activity going on during the day
7 or at night. That's the alley they were talking
8 about, the trash and everything, finding all of
9 the needles and all that.

10 CHAIRPERSON ANDERSON: All right.
11 What's number 9?

12 MR. AMENTE: Okay. So number 9 is
13 going to the fifth house, the 722 who complain
14 about the noise. But these two, they didn't
15 because I talk to them. So she cannot really
16 hear my noise because she far than the first
17 houses.

18 She's 150 feet away from the back
19 door. If we count the speaker, the subfloor
20 speaker is by front door. So that give us, like,
21 two-something, 100-something feet. So that's
22 what I was saying about the noise thing.

23 (Simultaneous speaking.)

24 MR. AMENTE: Okay.

25 CHAIRPERSON ANDERSON: What's number

1 10?

2 MR. AMENTE: Yeah, this is where the
3 8th Street corner where a lot of things happen.
4 This is the bus station. You can see all the
5 trash and everything, yeah.

6 CHAIRPERSON ANDERSON: All right.
7 Number 11?

8 MR. AMENTE: This is actually just
9 during the day how the parking is already full,
10 yeah.

11 CHAIRPERSON ANDERSON: Number 12?

12 MR. AMENTE: This also show only the
13 parking, how full before Allure open or not.

14 CHAIRPERSON ANDERSON: And what's
15 number 13?

16 MR. AMENTE: So the scene is the same,
17 like, the other side of alley. But no one has
18 complained. So -- but it's dark. But I see --
19 just to show the parking that always is taken,
20 not only because of Allure.

21 CHAIRPERSON ANDERSON: All right.
22 Thank you, sir. Okay. So I'm going to move into
23 evidence Exhibit 1, Exhibit 2, Exhibit 4, Exhibit
24 5, Exhibit 7, Exhibit 8, Exhibit 9, Exhibit 10,
25 Exhibit 11, Exhibit 12, and Exhibit 13. Those

1 are going to be the documents that are going to
2 be moved into evidence.

3 (Whereupon, the above-referenced to
4 documents were received into evidence
5 as Licensee Exhibit Nos. 1, 2, 4, 5,
6 7, 8, 9, 10, 11, 12, and 13.)

7 CHAIRPERSON ANDERSON: All right.
8 Thanks. All right. Ms. Quat, now let's go
9 through your documents, the documents that you
10 disclosed.

11 MS. QUAT: Okay, okay. This is --

12 CHAIRPERSON ANDERSON: And how are
13 they numbered?

14 MS. QUAT: So they are numbered 1
15 through -- or on my PDF, they're numbered. I
16 don't have that editing software unfortunately.

17 CHAIRPERSON ANDERSON: All right. So
18 the first one, is it numbered? Is the first one
19 Exhibit 1? Is that what it is, because I don't
20 have them. I'm trying to find out.

21 MS. QUAT: Yes.

22 CHAIRPERSON ANDERSON: All right. So
23 what is Exhibit 1?

24 MS. QUAT: Exhibit 1 is a neighbor
25 from an -- an email from a neighbor from

1 September 2018.

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

5 CHAIRPERSON ANDERSON: And Mr. Amente,
6 do you have any objection to this document?

7 MR. AMENTE: Yes, because Allure
8 opened January 1st, 2019.

9 CHAIRPERSON ANDERSON: So if Allure
10 opened January 1st, 2019, Ms. Quat, why is it
11 relevant? What are you -- why do you want us to
12 -- why did you introduce an email from September
13 27, 2018?

14 MS. QUAT: I introduced this because
15 it shows how one neighbor had already started to
16 form a relationship with Mr. Amente and that
17 there was construction going on at the time for
18 Allure as there were issues in the back alley.
19 But I do not object to his objection. If he
20 doesn't want to add it, I don't want to --

21 CHAIRPERSON ANDERSON: All right. So
22 --

23 MS. QUAT: -- claim it.

24 CHAIRPERSON ANDERSON: All right. So
25 I'm not going to -- so we're not moving number 1

1 into evidence. What's number 2?

2 MS. QUAT: Two is an email from a
3 neighbor from October 2018 on the same issues
4 that were referenced in the email before. So if
5 he has an objection, we don't have to move it.

6 (Whereupon, the above-referred to
7 document was marked as Protestant
8 Exhibit No. 2 for identification.)

9 CHAIRPERSON ANDERSON: Do you have an
10 objection to number 2, Mr. Amente?

11 MR. AMENTE: Yes.

12 CHAIRPERSON ANDERSON: All right.
13 Number -- let's move on. Number 3?

14 MS. QUAT: Number 3 is from a neighbor
15 from May 5th, 2019 and the neighbor expressing
16 concern about Allure Lounge as well as other
17 businesses in the area. So this email
18 encompasses Allure as well as other issues.

19 (Whereupon, the above-referred to
20 document was marked as Protestant
21 Exhibit No. 3 for identification.)

22 CHAIRPERSON ANDERSON: Mr. Amente, do
23 you have any objection?

24 MR. AMENTE: Yes, because since this
25 is about Allure, it shouldn't be included as a

1 property unless she has something to compare with
2 mine or show me something.

3 CHAIRPERSON ANDERSON: I'm going to
4 allow number 3 since this specifically talks
5 about your establishment. What's number 4?

6 (Simultaneous speaking.)

7 MS. QUAT: Number 4 is the DCRA's
8 service history, and that is two pages.

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

12 CHAIRPERSON ANDERSON: And this is
13 service history for what, ma'am?

14 MS. QUAT: It is the 700 block of H
15 Street, Northeast. And so it has both mention of
16 Allure as well as other area businesses.

17 CHAIRPERSON ANDERSON: Do you have an
18 objection, Mr. Amente?

19 MR. AMENTE: DC --

20 CHAIRPERSON ANDERSON: Yes or no, do
21 you have an objection to this exhibit, sir?

22 MR. AMENTE: That's fine. You can,
23 yes.

24 CHAIRPERSON ANDERSON: All right. All
25 right. So this is number 4, so number 4 will be

1 in evidence. Number 5?

2 MS. QUAT: Number 5 is the original
3 settlement agreement signed with Allure and the -
4 -

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

8 CHAIRPERSON ANDERSON: Number 5 is in
9 evidence. Number 6?

10 MS. QUAT: Number 6 is a list of noise
11 complaints that I received from ABRA. And
12 December of 2019 was the request.

13 (Whereupon, the above-referred to
14 document was marked as Protestant
15 Exhibit No. 6 for identification.)

16 CHAIRPERSON ANDERSON: Does this talk
17 about Allure?

18 MS. QUAT: Yes, it is about Allure
19 specifically.

20 CHAIRPERSON ANDERSON: It's an ABRA
21 email, so number 6 is in evidence. Number 7?

22 MS. QUAT: Number 7 is the
23 investigative history of Allure.

24 (Whereupon, the above-referred to
25 document was marked as Protestant

1 Exhibit No. 7 for identification.)

2 CHAIRPERSON ANDERSON: Number 7 is in
3 evidence. Number 8?

4 MS. QUAT: Number 8 is an email from
5 neighbors from December '19 -- December 2019 that
6 reference both Allure as well as the entire 700
7 block.

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

11 CHAIRPERSON ANDERSON: Mr. Amente, do
12 you have an objection to this email?

13 MR. AMENTE: Yes.

14 CHAIRPERSON ANDERSON: Why, sir?

15 MR. AMENTE: I would like to see only
16 Allure complaints, not violate combined with
17 other buildings since it's my --

18 CHAIRPERSON ANDERSON: So let me --
19 specifically -- I can't read the email. So
20 specifically, was is it that this email says
21 about Allure?

22 MS. QUAT: So this email references
23 both Allure and its neighbor, Felicity Lounge.

24 CHAIRPERSON ANDERSON: But
25 specifically, what does it say about Allure?

1 MS. QUAT: It does group both of them
2 together, and it talks about loud music as well -
3 -

4 (Simultaneous speaking.)

5 CHAIRPERSON ANDERSON: But I'm just --
6 but is this about Allure? Does it specifically
7 say this is that loud music in Allure, or just it
8 lumps Felicity Lounge and Allure together?

9 MS. QUAT: It is done together.

10 CHAIRPERSON ANDERSON: And which one
11 was this? This is number 8?

12 MS. QUAT: This -- yes, it's number 8.

13 CHAIRPERSON ANDERSON: Okay. I'm not
14 going to admit number 8. What's number 9?

15 MS. QUAT: Number 9 is email
16 correspondence between me and Mr. Amente
17 demonstrating draft settlement agreements and
18 solutions to the protest.

19 (Whereupon, the above-referred to
20 document was marked as Protestant
21 Exhibit No. 9 for identification.)

22 CHAIRPERSON ANDERSON: I'm not going
23 to admit this one. This is settlement
24 discussion. And so that has no part for us to --
25 so I'm not going to -- so let's move on. So I'm

1 not going to admit this one.

2 MS. QUAT: Okay. Number 9 is a
3 picture that I received via text from Mr. Amente
4 of a letter he received from neighbors.

5 CHAIRPERSON ANDERSON: All right.
6 I'll send in number 9, yes. Next one?

7 MS. QUAT: Number -- actually, this
8 was number -- what number are we on? Sorry. I'm
9 looking at --

10 (Simultaneous speaking.)

11 CHAIRPERSON ANDERSON: You said number
12 9. You said the letter was number 9.

13 MS. QUAT: The letter is actually
14 number 10.

15 (Whereupon, the above-referred to
16 document was marked as Protestant
17 Exhibit No. 10 for identification.)

18 MS. QUAT: I might've numbered them
19 wrong.

20 CHAIRPERSON ANDERSON: All right. So
21 number 10. What's the next one?

22 MS. QUAT: Well, we'll just read that.
23 It is touch base email between me and Mr. Amente
24 about the protest.

25 (Whereupon, the above-referred to

1 document was marked as Protestant
2 Exhibit No. 11 for identification.)

3 CHAIRPERSON ANDERSON: It's about
4 settlement or is this about the protest?

5 MS. QUAT: It's about settlement.

6 CHAIRPERSON ANDERSON: Let's move on.
7 What's the next one?

8 MS. QUAT: The next is a request from
9 Commissioner Joel Kelty from the Tobacco Control
10 Agency about smoking exceptions on H Street. And
11 it's specifically asking about Allure as well as
12 two other businesses.

13 CHAIRPERSON ANDERSON: What number is
14 this one?

15 MS. QUAT: Eleven, I believe.

16 CHAIRPERSON ANDERSON: All right. So
17 I'll move number 11.

18 MS. QUAT: This is 12.

19 (Whereupon, the above-referred to
20 document was marked as Protestant
21 Exhibit No. 12 for identification.)

22 MS. QUAT: I'm sorry. I think my
23 numbering got off a little bit.

24 (Simultaneous speaking.)

25 CHAIRPERSON ANDERSON: So I'll move

1 12. But what's the next one?

2 MS. QUAT: That's all the email. The
3 next one is a copy of MPD police offense reports.

4 CHAIRPERSON ANDERSON: This
5 specifically references Allure?

6 MS. QUAT: This page doesn't. Evidence
7 15 is the email from MPD that shows the
8 attachments. So this is one of the attachments
9 to Evidence No. 15.

10 CHAIRPERSON ANDERSON: Let me see 15.

11 MS. QUAT: So this is from Police
12 Report 711 and then the --

13 CHAIRPERSON ANDERSON: So you're
14 saying -- so what is 15? What is 15?

15 MS. QUAT: So 15 is the email from MPD
16 that sent forward the police offense reports and
17 police incident reports. And so 13 and 14 are
18 the attachments to Evidence 15.

19 (Whereupon, the above-referred to
20 document was marked as Protestant
21 Exhibit No. 15 for identification.)

22 CHAIRPERSON ANDERSON: All right. I'm
23 not going to because the email says that although
24 that doesn't necessarily mean that the offenses
25 occurred within the establishment. So I'm not

1 going to allow number 15 or --

2 MS. QUAT: So I know it's from -- I'm
3 just asking a question about that. But is --

4 CHAIRPERSON ANDERSON: The email
5 itself --

6 (Simultaneous speaking.)

7 MS. QUAT: -- 7-Eleven.

8 CHAIRPERSON ANDERSON: But the email
9 says specifically: although that does not (audio
10 interference) that the offense occurred within
11 the establishment. That's why I'm not going to
12 allow it, because this does not prove that this
13 occurred at its address. And the captain -- when
14 the captain wrote the email, the captain was
15 specific by stating that this does not mean that
16 the offenses occurred within the establishment.

17 MS. QUAT: Okay. That makes sense.

18 CHAIRPERSON ANDERSON: All right.

19 MS. QUAT: Thank you for the
20 clarification.

21 CHAIRPERSON ANDERSON: All right.
22 What's the next one, please?

23 MS. QUAT: That would be all of them
24 because the email and then the two. So that's
25 it.

1 CHAIRPERSON ANDERSON: All right. So
2 from -- you can stop sharing the screen now. So
3 from the exhibits for the protestants, the ones
4 that are going to be admitted are Number 3,
5 Number 4, Number 5, Number 6, Number 7, Number
6 10, and Number 12, I believe. Yes, Number 12.

7 (Whereupon, the above-referenced to
8 documents were received into evidence
9 as Protestant Exhibit Nos. 3, 4, 5, 6,
10 7, 10, and 12.)

11 CHAIRPERSON ANDERSON: All right.
12 Those are the only ones that will be admitted.
13 All right. Okay. Mr. Amente?

14 MR. AMENTE: Yes.

15 CHAIRPERSON ANDERSON: You have five
16 minutes to close. Tell me what it is that you
17 want the Board to do.

18 MR. AMENTE: So I would love to the
19 Board see all the evidence and our conversation
20 and rule that the right rules -- that I don't see
21 that I affect the neighbors that makes me to
22 lower my hours. And I'm doing my best, and I
23 will continue doing my best. Yeah, that's the
24 only thing I can say.

25 CHAIRPERSON ANDERSON: All right,

1 Quat. What is it that you want the Board to do?

2 MS. QUAT: So the ANC is protesting
3 because we have gotten complaints for pretty much
4 since the opening about Allure Lounge. And the
5 big thing that we would really like for ABRA to
6 do is roll back the hours to be in line with
7 other businesses that are within the 700 block of
8 H Street which is within ANC 6C's jurisdiction
9 which would be to rolling the hours back during
10 the week, weeknights to 12:00 a.m. and rolling
11 back to 2:00 a.m. on weekend nights. So we
12 believe that this would really help alleviate a
13 lot of the issues that neighbors and ANC have
14 with the establishment.

15 We would also like for there to be a
16 prohibition on the establishment being able to
17 sell hookah which is already something that they
18 are not supposed to be doing no matter what other
19 businesses around them are doing. There are only
20 five, I believe. Five or six businesses on H
21 Street that have those endorsements available
22 from the D.C. Department of Health.

23 We would also like for there to be a
24 prohibition on creating a summer garden or a
25 sidewalk café unless they come back to the ANC

1 and ask for permission before starting that build
2 and getting that endorsement from the ANC. I
3 think that there has been a lot back and forth
4 between the ANC and the establishment on what
5 could be done. And we're willing to be a partner
6 for the business and all businesses that want to
7 come to the area.

8 But one of our issues, we hope that
9 any business would be open to change and would be
10 open to compromise. And that's something that
11 we're always looking for. And I think moving
12 forward, I hope that we'll be able to work with
13 Allure on any issues that do arise, that come up.
14 The door is always open to the (audio
15 interference) to any of the other committees that
16 are under ANC as well as the ANC for any concerns
17 the neighbors or businesses have. So with that,
18 I'm done.

19 CHAIRPERSON ANDERSON: All right.
20 Thank you. The matter is now -- just one
21 question. Do the parties request that the Board
22 make a determination on the presentation that was
23 done today?

24 MS. QUAT: What are the other options?
25 I don't really know them.

1 (Simultaneous speaking.)

2 CHAIRPERSON ANDERSON: We have what's
3 called -- this is usually what attorneys usually
4 do, propose findings of fact and conclusions of
5 law. You can write a legal brief to say, this is
6 what the evidence shows. But I mean, that
7 normally doesn't happen in protest hearings. But
8 we'd just ask the Board to make a determination
9 on the presentation that was made today.

10 You can't bring in new evidence. So
11 it's not, like, okay, I forgot to do this today.
12 So I'm going to write something and put it in.
13 So it's no new information. It's basically,
14 like, summarizing everything that occurred today.
15 Or you can waive that and we can make a decision
16 based on the presentation that's made today.

17 MS. QUAT: If that's what normally is
18 done, that's what I would be in favor of.

19 CHAIRPERSON ANDERSON: All right.
20 That's fine. All right. I want to thank both
21 parties for their presentation today. And so I'm
22 going to bring closure to this case. But in
23 order to bring closure to this case, I need to --
24 all right.

25 So as Chairperson of the Alcoholic

1 Beverage Control Board for the District of
2 Columbia in accordance with D.C. Office Code
3 Section 2574B of the Open Meetings Act, I move
4 that ABC Board hold a closed meeting for the
5 purpose of seeking legal advice from our counsel
6 on Case No. 19-PRO-00131, Allure Lounge, pursuant
7 to D.C. Official Code Section 2574B4 of the Open
8 Meetings Act and deliberating upon Case No. 19-
9 PRO-00131, Allure Lounge, for the reasons cited
10 in D.C. Official Code Section 2574B13, excuse me,
11 of the Open Meetings Act. Is there a second?

12 MEMBER SHORT: Mr. Short, I second.

13 CHAIRPERSON ANDERSON: Mr. Short has
14 second the motion. Now we'll have a roll call
15 vote on the motion that has been properly second
16 by Mr. Short. Mr. Short?

17 MEMBER SHORT: Mr. Short, I agree.

18 CHAIRPERSON ANDERSON: Mr. Cato?

19 MEMBER CATO: Bobby Cato, I agree.

20 CHAIRPERSON ANDERSON: Ms. Wahabzadah?

21 MEMBER WAHABZADAH: Rema Wahabzadah,
22 I agree.

23 CHAIRPERSON ANDERSON: Ms. Hansen?

24 MEMBER HANSEN: Jeni Hansen, I agree.

25 CHAIRPERSON ANDERSON: Mr. Grandis?

1 MEMBER GRANDIS: Edward Grandis, I
2 agree.

3 CHAIRPERSON ANDERSON: Mr. Anderson,
4 I agree. I'm sorry. Hold on one minute, please.
5 I have too much paper in front of me. So as it
6 appears that a motion has passed, I hereby give
7 notice that the ABC Board will recess this
8 proceeding to hold a closed meeting in the ABC
9 Board's conference room pursuant to Section 2574B
10 of the Open Meetings Act.

11 I want to thank both parties for their
12 presentation today. And the Board will listen to
13 the evidence that was presented today. And we
14 will issue a decision within 90 days. Thank you
15 very much, and have a great day. All right.
16 Bye-bye.

17 MS. QUAT: Thank you.

18 MR. AMENTE: Thank you.

19 CHAIRPERSON ANDERSON: Thank you. All
20 right. Have a great day. All right. It is
21 3:57. We have another protest hearing that was
22 supposed to start at 3:30. What we're going to
23 do, we'll just take a break for -- until 4:05.

24 So don't log off. We'll start the
25 other protest hearing at 4:05 which is in seven

1 minutes. So that will give you an opportunity to
2 do -- so we're off the record until 4:05. That's
3 when I will start the other protest hearing.

4 Okay.

5 (Whereupon, the above-entitled matter
6 went off the record at 3:58 p.m.)

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In the matter of: Allure Lounge

Before: DCABRA

Date: 02-04-21

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