

C O N T E N T S

	Page
Opening Statements	
Applicant46
Protestant48
Closing Statements	
Applicant	117
Protestant	119

W-I-T-N-E-S-S-E-S

Name	Direct	Cross	Redirect
Felicia Dantzler	15	38	--
Samuel Tesfaye	49	56	--
Evelyn Nguyen	78	87	--
Megan Voorhis	96	102	--

E-X-H-I-B-I-T-S

No.	Description	Mark Rec'd	
ABC Board			
1	Concerns of protestants	31	31
2	Concerns of protestants	31	31
3	Geographic information schools and daycares	31	31
4	ABC establishments w/in 1,200 feet	31	31
5	Photo, exterior of establishment	31	31
5A	Photo, exterior of establishment	31	31
6	Photo, close-up of coolers	31	31
7	Photo, interior of establishment	31	31
8	Photo, interior of establishment	31	31
9	Photo, rear of establishment	31	31
10	Photo, trash receptacles	31	31
11	Calls for service	31	31
Applicant			
1	Photos	114	116
2	Photo, Rodman's Discount Spirits	115	116
3	Supporters list	115	116
Protestant			
1	Petition and attachments	112	112

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

1:37 p.m.

1
2
3 CHAIRPERSON ANDERSON: Good afternoon,
4 everyone. Welcome to the afternoon session of
5 the ABC Board. My name is Donovan Anderson. I'm
6 Chairman of the Board. We have six members
7 today.

8 The members of the ABC Board who are
9 joining us today are Mr. James Short, Mr. Bobby
10 Cato, Ms. Rema Wahabzadah, Ms. Jeni Hansen, and
11 Mr. Edward Grandis. The Board has six members,
12 and this constitutes a quorum. Before we get
13 underway with today's hearing calendar, I need to
14 make a few instructions very clear so that the
15 conduct of these hearings is understood by
16 everyone.

17 We do have two protest hearings this
18 afternoon. And the first case is at 1:30 and
19 another case is scheduled for 3:30. Once your
20 case is called, I will take a moment for our IT
21 specialist to elevate the rights for each party
22 to enable their cameras and microphone.

23 Then and only then will have the
24 ability to enable your equipment. If your case
25 has not been heard, you will remain mute and your

1 camera will be disabled. At the conclusion of
2 each case, the parties will have the option to
3 leave. If a party chooses to stay, all cameras
4 and microphones for the case will be disabled.
5 Mr. Grandis, please mute your microphone.

6 Should you have any questions or
7 require technical assistance during the hearing,
8 please submit them using the question-and-answer
9 feature or email simone.andrews2@dc.gov. Our
10 first order of business today, it is the first
11 protest hearing of Case No. 20-PRO-00034, JS Mart
12 Liquor, License No. 116822. Ms. Andrews, can you
13 please elevate the rights of the parties in this
14 case?

15 MS. ANDREWS: Sure. Stand by.

16 CHAIRPERSON ANDERSON: Thank you.

17 MS. ANDREWS: Ms. Dantzler, your
18 rights have been elevated. Ms. Voorhis, your
19 rights has been elevated. Mr. Lee, your rights
20 have been elevated.

21 Mr. Tesfaye, your rights have been
22 elevated. Ms. Evelyn, I'm not sure how to
23 pronounce your last name. Please excuse me.
24 Your rights have been elevated. And that's all,
25 Mr. Chair.

1 CHAIRPERSON ANDERSON: All right. If
2 everyone whose rights have been elevated, please,
3 you can open your camera if you have a camera,
4 please. Ms. Nguyen, do you have a camera?

5 MS. NGUYEN: Hold on. Give me a
6 second.

7 CHAIRPERSON ANDERSON: Mr. Tesfaye, do
8 you have a camera? I'll ask you to please mute
9 your microphones. You can turn your camera on,
10 but please mute your microphones, please.

11 MS. NGUYEN: Okay.

12 CHAIRPERSON ANDERSON: Mr. Tesfaye,
13 are you there?

14 MR. TEFAYE: Yes, I'm here.

15 CHAIRPERSON ANDERSON: All right. Do
16 you have a camera, sir?

17 MR. TEFAYE: Yes, I just set it up.

18 CHAIRPERSON ANDERSON: All right. For
19 me, it's very important since we're having a
20 protest hearing that I want to see -- I need to
21 swear witnesses in. And so it's important that I
22 need to see the folks when they're going to
23 testify. So that's one of the reasons why I'm
24 asking if you have a camera, please open your
25 camera so I can see. If you don't, then we'll

1 move on. But if you do, I'm just asking that you
2 work towards having that done.

3 MR. TESFAYE: Who is not set up?

4 (Pause.)

5 CHAIRPERSON ANDERSON: So Ms. Nguyen,
6 since I can't see you. So I assume you don't
7 have a camera.

8 MS. NGUYEN: I did not set up my
9 camera.

10 CHAIRPERSON ANDERSON: All right.
11 That's fine. All right.

12 MS. NGUYEN: Thank you for your
13 consideration.

14 MR. TESFAYE: I just tried myself too.
15 There is some error with the camera. I don't
16 know what happened. It went on, and then it went
17 off. But I'm trying.

18 CHAIRPERSON ANDERSON: All right.
19 Well, you can continue trying, sir. All right.
20 Please, both Ms. Nguyen and Mr. Tesfaye, please
21 mute your microphone while you're -- yes, I can
22 see you, sir. Please mute your microphone,
23 please. And Ms. Nguyen, please -- while you work
24 on your camera, Ms. Nguyen, please mute your
25 microphone. All right.

1 Okay. Good afternoon, everyone. We
2 have a protest hearing on this establishment.
3 This is a protest hearing, it's my understanding,
4 for a new Class A retail. This matter has been
5 protested by -- it's my understanding, by a group
6 of five or more.

7 And so what I'm going to do, I'm going
8 to ask each party to introduce themselves for the
9 record and I'm going to start with the licensee.
10 And Mr. Lee, you can start. And then you can
11 have your client introduce themselves for the
12 record.

13 MR. LEE: Good afternoon, Board
14 members, again. My name is K-Y-U-N-G H-W-A-N,
15 last name, Lee. And I represent JS Mart Liquor,
16 JS LLC. My client, the applicant, is Samuel
17 Tesfaye, S-A-M-U-E-L, last name, T-E-S-F-A-Y-E.
18 He's on the phone, and he will testify as a
19 witness later.

20 CHAIRPERSON ANDERSON: All right.
21 Thank you, Mr. Lee. Mr. Tesfaye, can you just
22 identify yourself for the record, please?

23 MR. TEFAYE: Yes, my name is Samuel
24 Tesfaye. Samuel, S-A-M-U-E-L T-E-S-F-A-Y-E.

25 CHAIRPERSON ANDERSON: All right. So

1 then we'll go to the protestant.

2 MS. VOORHIS: Greetings, everyone. My
3 name is Megan Voorhis, E-G-A-N V as in victory,
4 O-O-R-H-I-S. And I will be representing the
5 group of five or more community members
6 protesting against the liquor license.

7 CHAIRPERSON ANDERSON: Is there anyone
8 else on the phone with you, ma'am? Ms. --
9 pronounce your name for me one more time, please.

10 MS. VOORHIS: Sure, Voorhis.

11 CHAIRPERSON ANDERSON: Voor?

12 MS. VOORHIS: Voorhis.

13 CHAIRPERSON ANDERSON: Voorhis, Ms.
14 Voorhis. Is there anyone else on the line who's
15 going to testify today?

16 MS. VOORHIS: I will be representing
17 the group and community members --

18 CHAIRPERSON ANDERSON: Yeah, I'm
19 saying -- I was just saying is there anyone else
20 on the line who's going to testify. So you're
21 the only person --

22 MS. VOORHIS: No one else is on the
23 line.

24 CHAIRPERSON ANDERSON: -- who's going
25 to testify? Okay. That's fine.

1 MS. VOORHIS: Thank you.

2 CHAIRPERSON ANDERSON: Thank you. And
3 I also have -- we have -- who's Ms. Nguyen? Can
4 you identify yourself for the record, please?

5 MS. NGUYEN: Yes, my name is Evelyn
6 Nguyen, N-G-U-Y-E-N. And I'm a property manager
7 for 932-938 Rhode Island, Washington, D.C. And I
8 assure you that Mr. Sam Tesfaye is a good --

9 CHAIRPERSON ANDERSON: Hold on. Hold
10 on.

11 (Simultaneous speaking.)

12 CHAIRPERSON ANDERSON: Ms. Nguyen,
13 hold on. Hold on. Hold on.

14 MS. NGUYEN: Yes.

15 CHAIRPERSON ANDERSON: Ms. Nguyen, put
16 your phone on -- mute your phone, please. Your
17 connection is poor. Mr. Lee, Ms. Nguyen, is she
18 a witness for you?

19 MR. LEE: Yes.

20 (Simultaneous speaking.)

21 CHAIRPERSON ANDERSON: Okay. So she's
22 -- okay. So -- all right. So Ms. Nguyen, can
23 you please spell and state your first and last
24 name for the record, please?

25 MS. NGUYEN: Okay. Evelyn is spelled

1 as E-V-E-L-Y-N. Last name, N-G-U-Y-E-N.

2 CHAIRPERSON ANDERSON: Thank you. And
3 also Ms. Nguyen, I know another Nguyen. So
4 that's one of the reasons why I'm proud that I
5 know how to pronounce your name. I'm looking at
6 your name and it doesn't look the way it's been
7 pronounced.

8 But because I'm familiar with the last
9 name -- not you. I'm not familiar with you. But
10 I'm familiar with the last name. So therefore,
11 I'm so excited that I'm able to pronounce the
12 last name. So thank you. All right. All right.

13 MS. NGUYEN: Thank you so much.

14 CHAIRPERSON ANDERSON: Okay. So this
15 is a protest hearing. So this is the way the
16 protest -- oh, I'm sorry. Ms. Dantzler, can you
17 identify yourself for the record, please?

18 INVESTIGATOR DANTZLER: Yes, good
19 afternoon, everyone. My name is Felicia
20 Dantzler, and I am a lead investigator in this
21 protest matter.

22 CHAIRPERSON ANDERSON: Thank you. All
23 right. So the way the protest hearing is going
24 to go today is that I will ask for preliminary
25 statements if there are any. Then the applicant

1 will make an opening statement. After the
2 applicant makes an opening statement, then the
3 protestant will have an opportunity to make an
4 opening statement.

5 Then I'll give the applicant and the
6 protestant five minutes to make an opening
7 statement. Then once the applicant and the
8 protestant have given an opening statement, then
9 the Board will call its witnesses. And so the
10 Board's witness which is Ms. Dantzler, she will
11 testify.

12 The Board and the Board members will
13 ask questions if they so desire of Ms. Dantzler.
14 Could I have everyone please mute your phone,
15 please? And if you're not speaking, I'm asking
16 that everyone mute their telephone. All right.

17 So the Board will call its witness.
18 Once the Board's witness has testified, members
19 of the Board will have an opportunity to question
20 the Board's witness on her testimony. Once the
21 Board -- once all Board members have had an
22 opportunity to ask questions of the witness if
23 they so desire, then the applicant will have an
24 opportunity to ask questions of the Board's
25 witness.

1 Once the applicant has had an
2 opportunity to ask questions of the Board's
3 witness, then the protestant will have an
4 opportunity to ask questions of the Board's
5 witnesses. The Board members can have follow-up
6 questions if they so desire. However, I doubt,
7 unless there's a pressing issue, that I would
8 allow the applicant or the protestant to have
9 follow-up questions of the Board's witness.

10 All right. So once the Board has --
11 the Board and its members have asked questions of
12 the Board's witness, then the applicant will
13 testify. Each side will have 60 minutes to
14 present your case. And I get, Ms. Voorhis, she
15 doesn't have a witness up here. So that's fine,
16 but I believe that Mr. Lee probably has two
17 witnesses.

18 But I was going to say that each side
19 would only have -- is able to call five
20 witnesses, no more. And I guess in this
21 particular case, it's not an issue because I
22 guess each side has less than five witnesses.
23 But your one hour will commence once you start to
24 present your case.

25 And please be reminded that the time

1 that you spend in cross-examining the other
2 person's witness will also take away from your
3 one hour. So I just want you to know that you
4 have one hour. And I will have a timer.

5 And when witnesses are being called,
6 I'm not going to allow repetitive or redundant
7 questions or answers. So if the witnesses are
8 going to state the same issue, then I'm going to
9 say we've heard it before. So again, you have
10 one hour to do that.

11 So once the applicant has presented
12 its case and once the applicant -- so once the
13 applicant's witnesses have testified, the
14 protestant will have an opportunity to cross-
15 examine the applicant's witness. And once the
16 protestant has had an opportunity to cross-
17 examine the -- I'm sorry. Once the protestant
18 has had an opportunity to cross-examine the
19 protestant's witness, then the Board members will
20 have an opportunity to cross-examine that
21 witness.

22 Once the applicant has presented his
23 case, then the protestant would have one hour to
24 present its case. And once the protestant has
25 presented its case, then the applicant would have

1 an opportunity to cross-examine the protestants.
2 And once the applicant has cross-examined the
3 protestant, then the Board will have an
4 opportunity to ask questions of the protestant's
5 witness.

6 Once the protestant has concluded
7 their case, I will ask, are there rebuttal
8 witnesses that needs to be called? If there are
9 no rebuttal witnesses, the Board could also call
10 a rebuttal witness if we so desire. Then I will
11 give the applicant five minutes to close its
12 case.

13 The protestant will have five minutes
14 to close its case. Then I will make some
15 arguments. I'd make some closing statements, and
16 then we're done.

17 So I'm hoping -- I can now see you,
18 Ms. Nguyen. So I just want to let you know that.
19 Ms. Nguyen, I just want to let you know that I
20 can see you. Just letting you know that. Okay.

21 Just as an FYI, I'm letting you know.
22 You have not been on camera all this period of
23 time. And all of a sudden, you pop up. And I
24 just want you know if you don't do something that
25 unexpected because you did not know that we were

1 watching you. Just want to let you know that.

2 Okay.

3 All right. So we will now start with
4 -- the Board will now start with its first
5 witness. So the Board will call Ms. Felicia
6 Dantzler. Ms. Dantzler, can you please raise
7 your right hand, please?

8 WHEREUPON,

9 FELICIA DANTZLER

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

14 CHAIRPERSON ANDERSON: All right.
15 Thank you. Ms. Dantzler, can you state your name
16 for the record, please?

17 INVESTIGATOR DANTZLER: Felicia
18 Dantzler.

19 CHAIRPERSON ANDERSON: Spell your
20 name, please. Go ahead, Ms. Dantzler.

21 INVESTIGATOR DANTZLER: First name, F
22 like Frank, E-L-I-C-I-A. Last name, D like
23 David, A-N-T like time, Z like Zebra, L-E-R.

24 CHAIRPERSON ANDERSON: All right. All
25 right. All right. Ms. Dantzler, can you --

1 where are you currently employed?

2 INVESTIGATOR DANTZLER: I'm employed
3 with the Alcoholic Beverage Regulation
4 Administration.

5 CHAIRPERSON ANDERSON: And how long
6 have you been employed by the Agency?

7 INVESTIGATOR DANTZLER: It will be 14
8 years effective February 21st, 2021.

9 CHAIRPERSON ANDERSON: February 21st
10 is a special day for me. So I now -- so it's a
11 special day for me. So I now see that it's also
12 a special day for you also. All right. Have you
13 testified in protest hearings before?

14 INVESTIGATOR DANTZLER: Yes, sir.

15 CHAIRPERSON ANDERSON: And
16 approximately how many protest hearings have you
17 testified in, if you know?

18 INVESTIGATOR DANTZLER: Approximately
19 20.

20 CHAIRPERSON ANDERSON: All right. And
21 what's your duties and responsibility at the
22 Agency?

23 INVESTIGATOR DANTZLER: I enforce the
24 alcohol regulations and conduct regulatory
25 inspections for ABRA.

1 CHAIRPERSON ANDERSON: Are you
2 familiar with this establishment?

3 INVESTIGATOR DANTZLER: Yes, sir.

4 CHAIRPERSON ANDERSON: And how did you
5 become familiar with this establishment?

6 INVESTIGATOR DANTZLER: I was assigned
7 to do the protest investigation.

8 CHAIRPERSON ANDERSON: Did there come
9 a time that you wrote a report?

10 INVESTIGATOR DANTZLER: Yes, sir.

11 CHAIRPERSON ANDERSON: Are you able to
12 share your screen?

13 INVESTIGATOR DANTZLER: Yes, sir.

14 CHAIRPERSON ANDERSON: Ms. Andrews,
15 can you please give Ms. Dantzler the ability to
16 share her screen, please?

17 MS. ANDREWS: Sure, stand by. Ms.
18 Dantzler, you now have the right share your
19 screen.

20 CHAIRPERSON ANDERSON: And so Ms.
21 Dantzler, did you write a report on your
22 findings?

23 INVESTIGATOR DANTZLER: Yes, sir. I
24 did.

25 CHAIRPERSON ANDERSON: And so what I

1 would like you to do is to share with us what
2 information, if any, were you able to find out as
3 a result of your investigation of this matter?

4 INVESTIGATOR DANTZLER: Yes. Can you
5 see that on the screen --

6 CHAIRPERSON ANDERSON: No.

7 INVESTIGATOR DANTZLER: -- my report?

8 CHAIRPERSON ANDERSON: No. We can now
9 see that, Ms. Dantzler. All right, fine, yes.
10 All right. So tell me what information, if any,
11 were you able to gather? Did you have an
12 opportunity to speak to individuals regarding
13 this protest?

14 INVESTIGATOR DANTZLER: Yes, sir. I
15 did.

16 CHAIRPERSON ANDERSON: And who do you
17 speak to?

18 INVESTIGATOR DANTZLER: I spoke with
19 Mr. Lee and I also spoke with the owner, Mr.
20 Samuel.

21 CHAIRPERSON ANDERSON: All right. So
22 tell me what information were you able to -- did
23 you also speak to the protestant?

24 INVESTIGATOR DANTZLER: I spoke with,
25 yes, Ms. Voorhis, yes.

1 CHAIRPERSON ANDERSON: All right. So
2 tell us what information were you able to gather
3 from the protestant? Well, the way your report
4 is written, I guess you start off with the
5 protestant. So tell me what information, if any,
6 were you able to gather from your discussions
7 with the protestant.

8 INVESTIGATOR DANTZLER: Yes. So I'm
9 not going to read my report verbatim. Mr.
10 Anderson has already placed into record the name
11 of the location and the licensee's LLC name. And
12 as you stated, this is a new A license under ABRA
13 License No. 116822.

14 And so in reading the document that
15 Ms. Voorhis presented to ABRA, the protest issues
16 are the overabundance of existing liquor stores
17 in the area, the close proximity to critical at-
18 risk populations, as well as the signal of more
19 liquor runs counter to inclusive community growth
20 and job creations. So those three were the main
21 concerns of the protestants. And so as you would
22 see in my report, it talks about the
23 characteristics of the neighborhood.

24 And so what we also -- what I also did
25 was I reached out to our mediator, LaVerne

1 Fletcher, and asked of her to provide me with
2 those ABC establishments that are within 400 feet
3 of JS Market. And if you look at the report, you
4 will see that there are no schools within 400
5 feet of JS Market. But what we do have that was
6 listed was Calvary Christian Academy Daycare
7 Center located at 806 Rhode Island Avenue,
8 Northwest.

9 So with that particular -- that school
10 or should I say that daycare center that I found,
11 that center is not longer operating. And so the
12 general -- the geographic -- D.C.'s Geographic
13 Information System also stated that within 1,200
14 feet, there are non-Board approved ABC licenses
15 in close proximity of JS Market. And as you can
16 see, those ABC establishments are listed there
17 starting with Please Bring Chips. And if you
18 follow down to number 9, you will see the name of
19 the establishments, its locations, then also
20 gives some additional information.

21 CHAIRPERSON ANDERSON: Ms. Dantzler,
22 you can move your page. So you can --

23 INVESTIGATOR DANTZLER: Okay.

24 CHAIRPERSON ANDERSON: -- share -- if
25 you're talking about a page, you can show us on

1 the screen what you're talking about, so by
2 moving the cursor to go on the page you are at.

3 INVESTIGATOR DANTZLER: Okay, okay.
4 So these here are the establishments that I was
5 just speaking of. And so we're going to continue
6 to go on. As you can see, parking was not a part
7 of the protestant's concerns.

8 You'll see the bus stops that are in
9 the area as well as the Metro bus stop that is in
10 close walking distance of JS Market. You have
11 the proposed business hours of operation as well
12 as the alcohol sales. And so what you will also
13 see is that JS Mart Liquor is a one-story
14 establishment.

15 To the left of the establishment and
16 to the right of the establishment, there are
17 unoccupied buildings. And so when I visited the
18 establishment, I believe it was January the 14th.
19 I met with Mr. Samuel and had a very nice
20 conversation with him.

21 I found the establishment to be clean.
22 It was orderly, and I didn't really see any major
23 concerns there. The rear of the establishment is
24 not abutting to the apartments in the rear.

25 There is some grass that's between

1 both buildings. It doesn't allow for parking
2 back there. And each time that I visited the
3 establishment, as you can see, it was
4 approximately five times at different hours.

5 There was no noise emanating from the
6 establishment. There was no loitering. I saw no
7 debris. Anything -- I saw nothing that I could
8 attribute to the establishment.

9 Just to go back to as it relates to
10 the saturation, and that's not the exact word
11 that the protestants used. But the concern was
12 that there was an abundance of A-stores in the
13 community. And if you go and look back at page
14 4, you would see that there are only two
15 additional A-stores that is in the area that's
16 located within 1,200 feet of JS Mart Liquor. And
17 as you can see, it's Exotic Wines and Liquors and
18 it's also Rodman's Discount Spirits.

19 So as we go on, you'll see on page 6
20 my findings as it relates to the concerns of the
21 community, in particular as they speak to the
22 vulnerable population. And so I did speak with a
23 representative from the Superior Court Services
24 which is located -- the Superior Court -- I'm
25 sorry, Superior Court and Offenders Supervision

1 Agency. It's located approximately two, maybe
2 three doors down from JS Mart.

3 And the individual I spoke to did not
4 want to be identified. But he was able to share
5 with me that their facility caters to at-risk
6 youth under the age of 18 who are court
7 supervised and who pretty much are -- they are
8 picked up and dropped off at the site. And once
9 they're on the premises, they are not allowed to
10 leave.

11 And so I was asking of him the
12 concerns of the protestants about these
13 individuals having access to JS Mart Liquor. And
14 he advised me that the environment is very
15 controlled, that once the juveniles are in the
16 facility, they are not to leave. And so they're
17 well monitored, and the facility does provide
18 food for them. So they see no need for the
19 juveniles, how they would be able to even get
20 into JS Mart Liquor.

21 I also visited the Virginia Williams
22 Family Resource Center, and I wanted to speak to
23 someone as it relates to their services to the
24 community and abroad. And unfortunately, the
25 site was closed and I was not able to speak to

1 anyone. And then I did go on their website to
2 gain additional information. And as you can see,
3 that information is written there. And it talks
4 about the services that the resource centers
5 provide.

6 So I continue my walk in the 900
7 block, and I came across -- where is it? I came
8 across -- there's another Superior Court Service
9 building that's pretty much at the end of the
10 block that's really one block away from the
11 Calvary Christian Daycare Center. And I spoke
12 with a member there.

13 And he stated that their facility
14 deals with the other aspect of the court where
15 they deal with the adults. And those adults are
16 also under court supervision. Many of them are
17 felonious offenders and that they come there for
18 parole issues -- not just issues but parole
19 requirements.

20 And I asked again, was there a concern
21 for those individuals being patrons at JS Mart?
22 And he did share that these individuals are to be
23 tested on a regular basis. And they are to be
24 tested in the hopes that they're tested negative
25 for substance abuse as well as alcohol usage.

1 And so he stated that these individuals are free
2 to come and go as they please and they have
3 really no control if they were to go visit JS
4 Mart Liquor.

5 And so as I stated, the Calvary
6 Christian Academy is closed. And as you go on,
7 you can see that I did a record search for that
8 particular address. And there were 16 calls for
9 service for the location, but none of the calls
10 required any ABRA attention.

11 And just to go back to the operations
12 of the establishment and speaking with Mr.
13 Samuel, Mr. Samuel did advise me that the
14 establishment will have regular trash pickup at
15 least -- I think he said twice a week and that
16 the location of the trash receptacles will be
17 located not far from the building. There's an
18 understanding. If you look at -- let me show you
19 the exhibit.

20 If you go to this exhibit here,
21 Exhibit -- you can see it. Oh, okay. Exhibit
22 No. 10, this is where the trash receptacles will
23 be located. And at the current, Mr. Samuel did
24 not have an exact trash company that he will be
25 using. But he will be having it professionally

1 collected.

2 I did speak with Mr. Lee as it relates
3 to Mr. Samuel and him actually being an operator
4 of the establishment. And he stated that Mr.
5 Samuel will be an asset to the community. Not
6 only will he provide alcoholic beverages, but he
7 will also provide non-alcoholic beverages as well
8 as made to order sandwiches and some other food
9 items. But the menu has not been truly fleshed
10 out.

11 When you look at the exhibits, going
12 to Exhibit 9, that's the rear of the
13 establishment. You can't really see it. But if
14 you look at that light building on the right,
15 just beyond that is the rear of JS Mart.

16 This is -- as you look at Exhibit No.
17 7, this is the interior of JS Mart. As you can
18 see, the establishment was clean and orderly.
19 There has been a new floor that has been laid
20 down according to Mr. Samuel, new shelving.

21 To the right is the units, the cooler
22 unit. Unfortunately, the lights were not on
23 during my visit. This exhibit here is the --
24 it's some additional photographs. This is -- for
25 the record, it is Exhibit No. -- this is Exhibit

1 No. 6, and it just shows a close-up of the
2 coolers.

3 Exhibit No. 5 is showing the Court
4 Services. This is the location where the
5 juveniles are actually come from the court-
6 ordered trainings. Exhibit No. 4 here -- Exhibit
7 No. 5 is the actual front exterior of JS Mart
8 Liquor.

9 I did ask Mr. Samuel -- as you can
10 see, it states Midtown Market -- about this
11 signage. And he did state that he would get a
12 banner to match the name of the establishment
13 that is on the application. And just for the
14 record, Exhibit No. 5A is just a larger picture
15 depicting the exterior of JS Market. And as you
16 can see to the left and to the right of the
17 establishment shows those two buildings that are
18 unoccupied.

19 For the record for the close-up of the
20 cooler system is actually Exhibit No. 6 and not
21 Exhibit No. 5. As you can see with Exhibit No.
22 4, that's the actual geographic legend here that
23 lets everyone know the number of ABC
24 establishments that are in the area. And Exhibit
25 No. 3 is letting us know that there are no

1 schools that are located in the area.

2 But as you can see, Calvary Christian
3 is listed. And so that pretty much sums up my
4 report. At this time, I'm hoping that anyone
5 would like -- if they have any questions or
6 concerns.

7 CHAIRPERSON ANDERSON: I just want to
8 make -- did you go through all of the exhibits in
9 your report? Did you enter all the exhibits in
10 your report?

11 INVESTIGATOR DANTZLER: You know what?
12 I did not. Let me -- the --

13 CHAIRPERSON ANDERSON: So let's --
14 well, let's start at the beginning and have you
15 go through all the exhibits that are -- just
16 identify for the record what are all the exhibits
17 in your report, please.

18 INVESTIGATOR DANTZLER: Yes, sir.
19 Okay. So Exhibit No. 1 is the protestants. And
20 it states their concerns in reference to the
21 protest, and as you can see, the names and
22 signatures of a group of five or more. Exhibit
23 No. 2 is also protestants of a group of five or
24 more with their names and signatures and their
25 protest concerns.

1 Exhibit No. 3 is geographical
2 information as it relates to the schools and
3 daycare center. Exhibit No. 4 tells us the
4 number of ABC establishments that are within
5 1,200 feet of JS Mart. As you can see, you'll
6 see that their names on this printout that are
7 not listed as ABC establishments. So if they're
8 outside of the circle, I did not include them in
9 my report.

10 Exhibit No. 5 is an exterior
11 photograph of the establishment, JS Mart.
12 Exhibit No. 5A is an additional exterior
13 photograph of the establishment. Exhibit No. 6
14 is a close-up of the coolers.

15 Exhibit No. 7 is an interior
16 photograph of the establishment. Exhibit No. 8
17 is an area -- interior area of the establishment
18 where a wall stops and beyond that is just an
19 apartment that leads to the exit. Exhibit No. 9
20 is a photograph of the rear establishment.

21 If I remember correctly, Ms. Voorhis
22 believed that these units here, these apartments
23 units are residential units for the juveniles.
24 When speaking with the representative for the
25 juveniles as well as the adults, they could not

1 comment as to whether -- they declined to
2 comment, should I say, on whether or not these
3 apartments are living areas for those individuals
4 who are in the justice system.

5 Exhibit No. 10 depicts the area where
6 the trash receptacles will be located for JS Mart
7 Liquor. Exhibit No. 11 is the printout for the
8 calls for service for that particular address.
9 And that concludes all of the exhibits.

10 (Whereupon, the above-referred to
11 documents were marked as ABC Board Exhibit Nos. 1
12 through 11 for identification and received into
13 evidence.)

14 CHAIRPERSON ANDERSON: All right. I
15 want you to go back to Exhibit 3. That's the GIS
16 that tells you what's within 600 -- I guess what
17 I'm trying to find out is that how far is -- I
18 know you said that you gave a list of
19 establishments that's within the 1,200 feet. But
20 how close are the other 2 A's. I think the 2 A's
21 that are within 1,200 feet are Exotic Wines and
22 Liquor and Rodman's. Do you know how close these
23 facilities, these A's are actually this new
24 establishment?

25 INVESTIGATOR DANTZLER: It's actually

1 Exhibit No. 4. And --

2 CHAIRPERSON ANDERSON: Okay.

3 (Simultaneous speaking.)

4 INVESTIGATOR DANTZLER: -- I can say
5 that is just a walk away from JS Mart. And so
6 for Exotic, you would have to cross Rhode Island
7 Avenue. And I don't know if anyone is familiar
8 with that area, but you'd have to cross over
9 Rhode Island over to -- I think it's called Rhode
10 Island Row. And there's a -- like, a strip of
11 different establishments.

12 And for Rodman's, Rodman's has not
13 opened as of yet. And it would be in the same
14 block as JS Mart. And that location -- let me
15 see if I'm able to view. That -- let me see.
16 That will also be within walking distance.

17 But if you look at Exhibit No. 5A --
18 I'm just trying to get my bearings together for
19 direction purposes. But if you're walking
20 whereas the Superior Court building that's listed
21 right here, if it's on your right side. If you
22 continue walking, Rodman's is approximately,
23 like, the third door from the -- the third
24 establishment from the corner. So it's pretty
25 close. They both could be in the same block.

1 CHAIRPERSON ANDERSON: But you're
2 saying that Rodman's is not open. Is that what
3 you're saying? That's currently not open?

4 INVESTIGATOR DANTZLER: Right. Their
5 license, I actually believe, is in safekeeping,
6 actually.

7 CHAIRPERSON ANDERSON: Okay. So
8 currently, there is -- so you're saying then that
9 there's just one -- so the only other A that's
10 within -- that's operational is it's Exotic
11 Wines? So is that your testimony?

12 INVESTIGATOR DANTZLER: Yes, sir.

13 CHAIRPERSON ANDERSON: Okay. Now what
14 are the -- in the report, you talked about the
15 hours. But what are the actual -- what are the -
16 - what hours are they requesting? What are their
17 business hours that they're requesting on their
18 license?

19 INVESTIGATOR DANTZLER: They're
20 requesting the full hours that's allowed in our
21 regulations. So starting as early as 7:00 a.m.
22 until 12:00 a.m.

23 CHAIRPERSON ANDERSON: So that's
24 basically their hours of operation and also the
25 hours of alcohol sales?

1 INVESTIGATOR DANTZLER: Yes.

2 CHAIRPERSON ANDERSON: All right.

3 Let's see. Now is this establishment open?

4 INVESTIGATOR DANTZLER: No, sir.

5 CHAIRPERSON ANDERSON: So there -- so
6 the picture that he showed is basically -- it was
7 empty. It's an empty establishment. So there's
8 nothing going on in the establishment?

9 INVESTIGATOR DANTZLER: That's right.

10 CHAIRPERSON ANDERSON: All right. You
11 can close your screen, Ms. Dantzler.

12 INVESTIGATOR DANTZLER: I can't stop
13 sharing?

14 CHAIRPERSON ANDERSON: Yeah. I mean,
15 at the moment. I'm not sure if anyone is going
16 to ask you a question. But you can stop sharing
17 your screen at the moment. You can close the
18 screen at the moment. So do you know what was in
19 the -- do you know, if -- I saw that you had
20 shown me the name of another establishment that
21 was on the building. Do you know what type of
22 establishment that was?

23 INVESTIGATOR DANTZLER: No, sir. I do
24 not.

25 CHAIRPERSON ANDERSON: And it's

1 correct that you did monitor the establishment
2 but there were no ABC violations. Is that
3 correct?

4 INVESTIGATOR DANTZLER: Right. I have
5 found the area to be -- have very little
6 pedestrian traffic. And I did ask Mr. Samuel
7 about the -- I'm sorry, a brief indulgence. Can
8 I get a brief indulgence?

9 CHAIRPERSON ANDERSON: Sure.

10 INVESTIGATOR DANTZLER: Okay. I'm
11 about to lose power it seems. Hold on.

12 (Pause.)

13 (Simultaneous speaking.)

14 CHAIRPERSON ANDERSON: Are you back,
15 Ms. Dantzler? Yes.

16 INVESTIGATOR DANTZLER: Yes, sorry
17 about that. I had a full battery when we started
18 -- full power battery. But it drained fast.

19 CHAIRPERSON ANDERSON: All right.

20 INVESTIGATOR DANTZLER: Yes, so Mr.
21 Samuel did tell me that there is a food location
22 that was scheduled to come to the -- next door to
23 him -- well, two doors away from him. But as he
24 understands it, he's not sure that business owner
25 will operate. But I found the area to be very

1 quiet, very little pedestrian traffic, and
2 moderate vehicular traffic.

3 CHAIRPERSON ANDERSON: All right. All
4 right. Do we have any questions by any Board
5 members?

6 MEMBER GRANDIS: Mr. Chairman?

7 CHAIRPERSON ANDERSON: Yes, Mr.
8 Grandis.

9 MEMBER GRANDIS: May I ask the
10 inspector a question?

11 CHAIRPERSON ANDERSON: That is your
12 opportunity, sir.

13 MEMBER GRANDIS: Thank you. Thank you
14 for your testimony. You may have answered this.
15 There is signage on that building. Do you know
16 how long that building has been vacant? Did you
17 check into that?

18 (No audible response.)

19 CHAIRPERSON ANDERSON: Ms. Dantzler?

20 (No audible response.)

21 (Pause.)

22 CHAIRPERSON ANDERSON: Ms. Dantzler
23 has lost connection, so we'll -- let me find out
24 what's going on. Are you back with us, Ms.
25 Dantzler?

1 (No audible response.)

2 CHAIRPERSON ANDERSON: Ms. Dantzler?

3 (No audible response.)

4 CHAIRPERSON ANDERSON: Ms. Dantzler --

5 INVESTIGATOR DANTZLER: I am.

6 CHAIRPERSON ANDERSON: -- are you back

7 with all the difficulties that you're having,

8 ma'am?

9 INVESTIGATOR DANTZLER: (Audio
10 interference.)

11 MEMBER GRANDIS: (Audio interference.)
12 the premises has been vacant?

13 INVESTIGATOR DANTZLER: No, sir.

14 MEMBER GRANDIS: Do you know if the
15 most recent business in that location had an ABRA
16 license --

17 INVESTIGATOR DANTZLER: No, sir.

18 MEMBER GRANDIS: -- an ABC license?

19 Thank you. Thank you, Mr. Chairman.

20 CHAIRPERSON ANDERSON: Thanks. Any
21 other questions by any of the Board members?

22 (No audible response.)

23 CHAIRPERSON ANDERSON: All right. Mr.
24 Lee, you can ask questions of Ms. Dantzler.

25 MR. LEE: Inspector Dantzler, thanks

1 for coming today to testify, and thanks for your
2 work. I've got a quick question about the liquor
3 store because the protestants focus on the
4 overabundance of existing liquor stores. But
5 your research there are two liquor store A-
6 license. And the closer one is Rodman's Discount
7 Spirits, and the other is in the safekeeping.
8 Did you go there and the Washington state has
9 sold the building now?

10 INVESTIGATOR DANTZLER: Did I go to
11 which one, Mr. Lee?

12 MR. LEE: Into the one down the street
13 (audio interference).

14 CHAIRPERSON ANDERSON: Mr. Lee, I
15 can't hear you.

16 MR. LEE: Oh, can you hear me now?

17 CHAIRPERSON ANDERSON: Something is
18 wrong with your connection. Your camera is gone
19 and you're breaking up.

20 MR. LEE: I see you.

21 CHAIRPERSON ANDERSON: I can now see
22 you. But sir, repeat your question, please.

23 MR. LEE: Yeah. Inspector Dantzler,
24 and then about the Rodman's Discount Spirits,
25 have you been there and to look at the status of

1 the building now, because the ABC is in
2 safekeeping. Did you go there?

3 INVESTIGATOR DANTZLER: I did not go
4 in there. I went past that location to get to
5 the adult juvenile service center. And that
6 location is closer to the adult juvenile center,
7 about two doors away.

8 MR. LEE: Okay. And then I attach to
9 my PIP and document and I took a picture of that
10 building. And then my client said that he try to
11 lease from the landlord before he take over the
12 current place. But landlord said they're not
13 going to lease to any liquor store.

14 And if that liquor is gone for
15 safekeeping for five years ago. So do you think
16 that will come back to the liquor store? This is
17 a kind of issue to the community.

18 INVESTIGATOR DANTZLER: Right. I'm
19 understanding that is their concern. And I do
20 remember Mr. Samuel telling me that that location
21 has been vacant for approximately five years.
22 And I can't speak about Rodman's.

23 I believe that particular Rodman's was
24 the one that was on Wisconsin Avenue, like,
25 Idaho, Wisconsin Avenue, Northwest. And so --

1 and that Rodman's was trying to come to that
2 space, but that license is in safekeeping. And I
3 don't know if this -- if they're going to
4 actually take over that spot.

5 MR. LEE: Okay. So it's safe to say
6 that there's no chance to that Rodman's Liquor to
7 open. That stay aside?

8 INVESTIGATOR DANTZLER: That, I don't
9 know. That would be up to the Board to make that
10 determination.

11 MR. LEE: Okay. One more question.
12 There is another liquor store within 1,200, that
13 use on the system. It is Exotic Wine and Liquor.
14 Do you think it affect the same community that JS
15 Mart Liquor located. It's distance-wide and
16 community-wise, it's you can say that that's the
17 same community to affect?

18 INVESTIGATOR DANTZLER: Yeah, I would
19 say it's the same community.

20 MR. LEE: So have you visit there?
21 And how is it they're operating? Did you --

22 INVESTIGATOR DANTZLER: Yes, I did go
23 there in that block and did view what was around
24 there. To me, it seems like those patrons who
25 visited those establishments at that location,

1 that they would take advantage of Exotic Liquors
2 because it would be more convenient to go just in
3 that block instead of trekking across the street.
4 It's not just on street that they would have to
5 cross.

6 It is a big -- that big -- it's only
7 one big intersection they would have to cross.
8 But it seems like it would be more convenient
9 being a customer to any of those establishments,
10 Carolina Kitchen, the cell phone stores, that
11 they would choose Exotic because they're right
12 there instead of crossing the road to go to JS
13 Liquor.

14 MR. LEE: So do you think it's overall
15 the protestants say that it's liquors are too
16 many? Do you agree with that?

17 INVESTIGATOR DANTZLER: No, sir.

18 MR. LEE: Okay. Thanks very much. No
19 further question.

20 CHAIRPERSON ANDERSON: All right. Ms.
21 Voorhis, your witness.

22 MS. VOORHIS: Thank you, sir. And
23 thank you to Ms. Dantzler for all of your hard
24 work today. I'd like to revisit a few pieces of
25 the information that you've gathered. You've

1 mentioned doing research on the Superior Court
2 services for at-risk youth, the Superior Court
3 services for adult under court supervision with
4 parole requirements.

5 And in that particular instance, it
6 did sound like you validated that the individuals
7 go and come as they please, that they are tested
8 for substance abuse because they're in that
9 vulnerable population category, and that they're
10 on that same block. You also mentioned that you
11 validated that the Virginia Williams Family
12 Resource Center was there but that you were
13 unable to get them on the phone. Two questions
14 on that assessment.

15 I think number one, as part of the
16 Virginia Williams Family Resource Center, I'm
17 just going to underscore the word here, family.
18 I know you said that the daycare -- the physical
19 daycare was closed. But were you able to
20 validate the fact that they have daycare-like
21 resources in Virginia Williams Family Resource
22 Center because it is a family homeless
23 establishment?

24 INVESTIGATOR DANTZLER: Was I able to
25 validate that the Virginia Center has family-like

1 services?

2 MS. VOORHIS: That's correct, for --

3 INVESTIGATOR DANTZLER: Based on --

4 MS. VOORHIS: -- vulnerable children
5 like a daycare center?

6 INVESTIGATOR DANTZLER: Yes, yes.

7 That's the --

8 MS. VOORHIS: Thank you.

9 (Simultaneous speaking.)

10 MS. VOORHIS: And then there's one
11 other actually abutting and attached to where
12 this location would be is the Metropolis Club.
13 Are you familiar with the Metropolis Club? I
14 think it's in one of your photos.

15 INVESTIGATOR DANTZLER: I'm familiar
16 with it. Yes, to a degree. I took a photograph,
17 and I looked into the establishment on their
18 website. And they are out of business.

19 MS. VOORHIS: They're currently closed
20 because of COVID, but that's different from being
21 out of business. They are expected to -- did you
22 confirm whether or not they were expected to
23 reopen once COVID has subsided? And can you tell
24 the Board what that establishment is there to do?

25 INVESTIGATOR DANTZLER: Well,

1 according to their website, they are out of
2 business. And so when they were there, they were
3 helping vulnerable populations with training and
4 educational matters.

5 MS. VOORHIS: And it's for substance
6 -- people with substance abuse and drug abuse
7 addiction which would be abutting that facility.
8 And just for the record, it's not clear to me
9 that they're factually out of business long term.
10 Okay. That's question number one is just on
11 those other -- those vulnerable services,
12 including daycare-like services and drug and
13 alcohol abuse within an abutting building which
14 is one of our top concerns.

15 I think the other piece is if we go
16 back for a minute to Exhibit No. 5,
17 establishments in the area. You're basing the
18 claim that there aren't ample alcoholic-based
19 beverage services available to the community in a
20 1,200-foot radius. Our community walks more than
21 three blocks when we walk around. And if you
22 look at the stores right in the same general area
23 but just right outside the 1,200-foot perimeter,
24 can you please validate that there are stores of
25 other alcoholic services include names, like, JJ

1 Mart or JJ Liquor which are also A-establishments
2 right outside that 1,200-foot range but still
3 within what I would deem community walkability?

4 INVESTIGATOR DANTZLER: Yes, outside
5 of the GIS system, there are ABC establishments,
6 yes. But I did not include them, and I could not
7 speak upon as to the type of retail
8 establishments they are because the B -- it could
9 be a B-store that sells beer and wine only or
10 even another A-store that sells beer, wine, and
11 spirits, yes.

12 MS. VOORHIS: Thank you, ma'am. Those
13 are all my questions.

14 CHAIRPERSON ANDERSON: Any questions
15 by any Board members?

16 (No audible response.)

17 CHAIRPERSON ANDERSON: All right.
18 Hearing none, thank you very much, Ms. Dantzler,
19 for your testimony today and have a good evening.
20 Thank you.

21 INVESTIGATOR DANTZLER: My pleasure.
22 Thank you.

23 CHAIRPERSON ANDERSON: All right. You
24 know what? One of the things I did not do -- and
25 I still did not do that. You're relieved, miss.

1 I did not -- did I have you do opening
2 statements? No? All right. I apologize. Mr.
3 Lee, do you want to do an opening statement?

4 MR. LEE: Yes, I prepared for it. And
5 then you just went into the investigator.

6 (Simultaneous speaking.)

7 CHAIRPERSON ANDERSON: So I apologize.
8 So you can do an opening statement, sir.

9 (Simultaneous speaking.)

10 MR. LEE: Yeah. For the record, the
11 applicant applied a new Class A license for JS
12 Mart Liquor addressed at 936 Rhode Island Avenue,
13 Northeast. And it's being protested by the Ward
14 5 group of five. The establishment is located in
15 a mixed-use zone and has not been operating
16 currently under renovation.

17 According to D.C. GIS system, there is
18 one Class A establishment in the same block.
19 However, that A-license has been in safekeeping
20 for a long time. And my client confirmed whether
21 the landlord will lease to the liquor store
22 again. So I attach the photo of an A-store
23 currently in safekeeping as an exhibit.

24 There are no schools, but there is a
25 daycare center with ABRA investigator found that

1 it is permanently closed. Applicant is aware of
2 the responsibility that comes with ABC license.
3 He will be attending ABRA training in the future.

4 There are around 250 liquor stores
5 operating in D.C. Protestants merely speculating
6 the adversity factor of a liquor store based on
7 some of the worst liquor stores in operation with
8 problems. There are no proof what evidence that
9 applicant can be one of the worst operators.

10 The establishment will be well
11 maintained by the applicant, and he is willing to
12 cooperate with the community to be sure of any
13 issues within the community. So we strongly
14 believe that granting the application is proper
15 and will not detrimentally impact the community.
16 Thanks for your time. This is my opening.

17 CHAIRPERSON ANDERSON: All right.
18 Thank you. Ms. Voorhis, do you wish to do an --
19 you can do one now or you can wait till you
20 present your case. It's up to you.

21 MS. VOORHIS: Sure. I'll do very
22 briefly because just so that we'll have ample
23 time to talk about this later. But honorable
24 ABRA Board, I invite you today to take the
25 concerns raised by our community seriously. And

1 I'd invite you as part of that to read the
2 petition that our community members have
3 submitted. Affected neighboring residents have
4 surfaced several multifaceted critical concerns
5 at having a liquor store license afforded on that
6 900 block of Rhode Island Avenue specifically
7 which will be the basis of our testimony today.

8 CHAIRPERSON ANDERSON: All right.
9 Thank you. All right. Mr. Lee, now you have an
10 hour to present your case. Do you wish to call a
11 witness?

12 MR. LEE: Yes.

13 (Simultaneous speaking.)

14 CHAIRPERSON ANDERSON: And who's your
15 first witness?

16 MR. LEE: Yeah, I want to call just
17 someone to testify, the applicant.

18 CHAIRPERSON ANDERSON: Mr. Tesfaye,
19 can you raise your right hand, please?

20 WHEREUPON,

21 SAMUEL TEFAYE

22 was called for examination by Counsel for the
23 Applicant, having been first duly sworn, assumed
24 the witness stand, was examined and testified as
25 follows:

1 CHAIRPERSON ANDERSON: Fine. Your
2 witness, sir.

3 MR. LEE: All right. Ms. Tesfaye,
4 please state your name for the record and the
5 spelling of your name.

6 MR. TESHAYE: My name Samuel Tesfaye.
7 Samuel, S-A-M-U-E-L, Tesfaye, T-E-S-F-A-Y-E.

8 MR. LEE: Thank you. Are you the
9 president of the corporation?

10 MR. TESHAYE: Yes.

11 MR. LEE: Would you describe your
12 business?

13 (Simultaneous speaking.)

14 MR. LEE: Why are you operate the
15 liquor license?

16 MR. TESHAYE: Because the location
17 allow me to have the liquor store in that area.
18 And then I choose the area because of the way I
19 want to run the business is nice and clean, more
20 advanced for the community, more safe for the
21 community. Everything I do is clean and nice
22 environment liquor store. So that's why I chose
23 that place.

24 MR. LEE: All right. Thank you.
25 Where is your storage area?

1 (Simultaneous speaking.)

2 MR. LEE: If you have a liquor
3 license, where is that you're going to store the
4 alcohol?

5 MR. TESFAYE: We're going to store
6 inside the store. Inside the back of the store,
7 there is a storage place. And then we're going
8 to store it in front of the liquor store.

9 And we have a brand-new walk-in
10 cooler. We have brand-new shelf. We have open
11 space in front. The counter is going to be open.
12 Nothing -- bullet-proof cover. It's going to be
13 interesting store if I pass all the tests.

14 MR. LEE: Yeah, the most you're
15 hosting is your storage area should be locked and
16 secured at night.

17 MR. TESFAYE: It's 100 percent locked
18 and secured.

19 MR. LEE: Okay. Who going to operate
20 the business if the application is approved?

21 MR. TESFAYE: I have one of the
22 family. He'd been running the liquor store in
23 the area and in D.C. So he's the one who's going
24 to manage the place until I take all study from
25 the BBC Board -- ABC Board. And then I'll go

1 from there. But for now, I have fully management
2 personnel in the store.

3 MR. LEE: (Audio interference.)

4 MR. TESFAYE: I did not hear.

5 MR. LEE: What is your hours of
6 operation you ask for?

7 MR. TESFAYE: The one I ask is from
8 7:00 a.m. until 12:00 a.m.

9 MR. LEE: So if the Board restrict on
10 your hours for operation in some reason, is it
11 okay with you? So your hours of operation is
12 flexible?

13 MR. TESFAYE: Yes.

14 MR. LEE: Okay. Thank you. What are
15 your business experience?

16 MR. TESFAYE: I have convenience store
17 before, like, ten years ago, 314 Riggs Road. Now
18 they building Wal-Mart in there. That's the area
19 I've been running business the last ten years.
20 So I have experience, but I'll get more
21 assistance from ABC Board.

22 MR. LEE: And then do you have any
23 plans to hire ABC manager to operate with you?

24 MR. TESFAYE: Yes, of course. I'm
25 going to have somebody from the area, and then

1 somebody from the neighborhood, from the
2 community. And then I like the community to come
3 and to check what I do.

4 Anything they see is not right, they
5 have to talk to me. And then anything is I need
6 help still, I have to ask the community, the
7 neighborhood. So it's not only my interest. The
8 community interest too to do good job.

9 I will provide from them the best for
10 that, quality product. Anything is not -- they
11 have to report to me. And then I'll fix the
12 mistake I do.

13 MR. LEE: Okay. It's a part describe
14 your business plan. I'm just asking about your
15 security plan, cleaning, trash, hiring employee
16 from the community, that kind of stuff. Would
17 you repeat and explain about your plan to the
18 Board?

19 MR. TESFAYE: Yes. I did talk to the
20 neighborhood. Behind the liquor store, there is
21 a building. I talk to, like, two, three person
22 if they are interested doing clean up three times
23 a week in front of the parking lot, in front of
24 the store, the trash area. There is two guys.
25 They are ready for the job.

1 And then I did talk to the trash
2 company. But still I did not decided which
3 company to use. But they did tell me they going
4 to provide me the dumpster.

5 They're going to come and pick it up
6 two times a week. And then any trash left by the
7 pickup truck, they have to come and telling me to
8 clean it up. I'll clean it up. Any mistake they
9 see, they have to take a picture and then they
10 have to provide me. But I'll do the best job.

11 There is a camera in front of the
12 building. I'm going to put three. There is
13 light in the top of the building. I'm going to
14 put left and right. There is one in the back.
15 So it's going to be safe. A hundred percent safe
16 area I'll make it.

17 MR. LEE: Okay. The community concern
18 about the at-risk population, and do you have any
19 measures to protect the kids or at-risk
20 population, either mental health or some homeless
21 people, that kind of stuff? And then once you --
22 do you have any steps to take?

23 MR. TESFAYE: Yes, I'm not going to
24 allow anybody with alcohol problem to come to my
25 store. And then I'll ask the community if they

1 give me the list who's and the alcohol problem
2 they have, I'm not going to allow to come in. As
3 soon as I seeing them inside the store, I'll call
4 the police. I'll report it. But I will get
5 advice from the community. They have to tell me
6 exactly which way to go, who's not allowed to go
7 in and out with the alcohol problem and drug
8 problem.

9 MR. LEE: So you said that you're
10 going to report any criminal activity to the MPD.
11 Do you have a police log or --

12 MR. TESHAYE: Yes.

13 MR. LEE: -- or report on that?

14 MR. TESHAYE: Yes, I do.

15 MR. LEE: And are you willing to take
16 ABC training in the future?

17 MR. TESHAYE: Yes, of course. I need
18 to know more.

19 MR. LEE: How do you access to ABC
20 training --

21 (Simultaneous speaking.)

22 MR. TESHAYE: Of course I do, yeah.
23 Wherever they ask me to, a person or in the ABC
24 website, wherever it is, I'll take it. It's a no
25 brainer.

1 MR. LEE: Okay. Are you willing to
2 cooperate, attend the PSA or ANC meeting? PSA is
3 a Metropolitan meeting, a police meeting, and the
4 ANC is a community meeting.

5 MR. TESHAYE: Yes.

6 (Simultaneous speaking.)

7 MR. TESHAYE: Yes, as soon as they ask
8 me or they invite me to come there, I'll be
9 there, any day, any minute, any time.

10 MR. LEE: Okay. That's for my
11 questions, and thanks very much. And no further
12 question.

13 MR. TESHAYE: Thank you.

14 MR. LEE: Thank you.

15 CHAIRPERSON ANDERSON: All right. Ms.
16 Voorhis, your witness.

17 MS. VOORHIS: Thank you very much.
18 Mr. Sam, just a few questions for you. You
19 describe your efforts as being, quote, safe for
20 the community. Did you willingly know that there
21 was daycare-like services through the Virginia
22 Williams Service Center being offered, a facility
23 where adults under court supervision come and go
24 as they please and are deemed a vulnerable
25 population by the government and a drug and

1 alcohol abuse center at your doorstep before
2 signing the lease for this property?

3 MR. TESFAYE: Yes, but I have to make
4 sure that I'm not going to allow anybody have
5 drug and alcohol problem in my store, period.
6 I'm not going to let --

7 MS. VOORHIS: Do you consider that a
8 safe venture?

9 MR. TESFAYE: The safest thing is not
10 to allow to alcohol and drug in my location.

11 MS. VOORHIS: And you consider
12 yourself a businessperson and an operator --

13 MR. TESFAYE: Yes.

14 MS. VOORHIS: -- albeit hands off.
15 The way you just suggested operating is to,
16 quote, ask the community to provide you a list of
17 people with alcohol problem. Do you willingly
18 try -- are you willing to discriminate against
19 people? Or do you believe that's a successful
20 tactic?

21 MR. TESFAYE: How I'm going to
22 discriminate? Tell me how. I mean, they have a
23 problem. They are not going to allow to come.
24 So I'm not going to discriminate anybody. If
25 anybody have issue, I'm not going to allow to get

1 in.

2 MS. VOORHIS: And how do you
3 specifically -- how are you specifically going to
4 operate?

5 MR. TESHAYE: Can you repeat that
6 again? It's not clear for me.

7 MS. VOORHIS: Of course. How are you
8 specifically going to operate?

9 MR. TESHAYE: I have store manager is
10 going to run the store. I have the security
11 system in front of the store. I have security
12 system in the back of the building. I have great
13 light on the top of the building. So it's going
14 to be safe.

15 MS. VOORHIS: So light is going to
16 distinguish the people that you're --

17 CHAIRPERSON ANDERSON: Ms. Voorhis,
18 let him finish, please, before you ask the other
19 question.

20 MS. VOORHIS: Of course.

21 MR. TESHAYE: Okay. Exactly have to
22 know what's your question, exactly which way
23 you're going. So I didn't get you. You ask me
24 one question, but I don't know how to answer it.
25 You got to tell me exactly your question.

1 MS. VOORHIS: Yes, my question --

2 CHAIRPERSON ANDERSON: Repeat your
3 question, please, ma'am.

4 MS. VOORHIS: Of course. The question
5 I asked was how specifically you are going to
6 operate since you suggested you want a list from
7 the community in order to operate basically.

8 MR. TESFAYE: Yes. People, they have
9 a problem, alcohol problem, I'm not going to
10 allow them to come to the store. That's the way
11 I'm going to ask the community to give me advice
12 which way, which kind of person you have to go in
13 and out to the store. If somebody is alcoholic
14 or doing something in front of the store, I'm not
15 going to allow that person to get in.

16 MS. VOORHIS: And you mentioned that
17 in the report that was recently furnished, the
18 location of the trash receptacle and the large
19 trash bin appear to be in the front of the store
20 by the Metropolis Club. Is that correct?

21 MR. TESFAYE: That's not in front.
22 That's in the side.

23 MS. VOORHIS: And by the said, what do
24 you mean by that? Where specifically?

25 MR. TESFAYE: It's not located in

1 front of the building. If you --

2 (Simultaneous speaking.)

3 MS. VOORHIS: Okay. So where, please?

4 Can you give us more detail?

5 MR. TESFAYE: Yeah, if you see the

6 building, you will see the trash collected.

7 Still there is a trash can for that location, the

8 one in the corner. So we are here in the same

9 location for the trash.

10 MS. VOORHIS: So you're intending to

11 put additional trash right by the apartment

12 complex and the other houses on the secondary

13 street? Is that yes or no?

14 MR. TESFAYE: No.

15 MS. VOORHIS: Where is it then?

16 MR. TESFAYE: That's not in front of

17 the building. That's on the side of the

18 building. Already there is trash collector

19 there, so --

20 MS. VOORHIS: So by the side of the

21 building in sight of the apartment complex?

22 MR. TESFAYE: No, the apartment is in

23 the back. So there is a trash can. You saw the

24 picture.

25 MS. VOORHIS: Right by the Metropolis

1 Club which is on 10th Street.

2 MR. TESHAYE: Yes, on the side.

3 MS. VOORHIS: Which is where the
4 community is located?

5 MR. TESHAYE: Yeah, there is trash can
6 there before. I'm not putting anything new.
7 I'll talk to them, and then we're going to put
8 one big trash can. We're going to --

9 MS. VOORHIS: A higher volume of --

10 CHAIRPERSON ANDERSON: Let him answer.
11 Let him finish before you ask your other
12 question. Okay?

13 MR. TESHAYE: Yeah, so there is two
14 times a week trash collector, maybe the trash can
15 spot. That spot, they left it for to put the
16 trash can there. So that's the location we're
17 going to be having the trash can.

18 MS. VOORHIS: Okay. And I also heard
19 in your record you actually haven't collected a
20 trash company yet. So everything that you are
21 stating right now relative to trash collection,
22 community engagement, et cetera, is all future
23 facing and can't be verified by fact. Would you
24 agree?

25 MR. TESHAYE: Can you repeat again?

1 MS. VOORHIS: Yeah, I said that in the
2 report that our investigator collectively
3 furnished, it mentioned that you have not yet
4 selected trash collection service and have not
5 done anything that you, quote, agreed to relative
6 to things like attending ABRA training,
7 everything else. So everything is future facing
8 and can't today be proven by fact. Is that
9 correct?

10 MR. TESFAYE: It's not future.
11 Already it's in the process. So as soon as the
12 process pass us, I'll give you all the
13 information on the trash company, when they're
14 going to come pick it up, how many days a week.
15 I'll give you all the answer. But right now, we
16 are in the process. So we --

17 (Simultaneous speaking.)

18 MS. VOORHIS: So it cannot yet be
19 validated?

20 MR. TESFAYE: Yes, it's going to be.
21 But still I have to do something before to get
22 there.

23 MS. VOORHIS: Okay. Thank you. And
24 finally, you mentioned that you'll be, quote,
25 outreaching and talking to the community

1 regularly. I just want to let you know that I've
2 asked Mr. Kim on several -- your lawyer on
3 several occasions throughout this process that
4 the members of the community that were quite
5 concerned had wanted to speak with you and share
6 their concerns. And you've never once engaged
7 with us directly. So I'm just asking why would
8 you believe that you're factually going to be
9 taking these actions if you haven't demonstrated
10 that in this store.

11 MR. TESFAYE: You ask me three
12 question. Which one to answer? What's the first
13 question you ask me?

14 MS. VOORHIS: Have you engaged with
15 the community for feedback on the concerns put
16 forward?

17 MR. TESFAYE: I do. I did talk to the
18 building next to me. I did talk to people
19 outside. I tell them it's going to be calm and
20 clean, nice, good quality liquor store here. And
21 you guys, again, I do not have anybody saying,
22 again, it's the liquor store. That's why I
23 decided to get it, to move with the process.

24 MS. VOORHIS: Thank you, Board. I
25 have no further questions.

1 CHAIRPERSON ANDERSON: All right.
2 Thank you. Mr. Tesfaye, you said you owned a
3 convenience store before. So did you have --
4 have you had a liquor license before?

5 MR. TEFAYE: No, it wasn't liquor.
6 It was a convenience store because of across the
7 street in Riggs Road where I am my store, there
8 is a liquor store. And so they are not going to
9 allow me to have liquor to inside the shopping
10 center. That's why I did not have it.

11 CHAIRPERSON ANDERSON: So tell me
12 about the store that you're planning to open up
13 if you were to be granted a license.

14 MR. TEFAYE: Believe me, I was trying
15 to tell the Board. I'm going to put -- already I
16 did invest my saving. I did invest my take it
17 out money from my house.

18 If you come and see that place, you
19 are not going to believe it. I'm going to put
20 the top of the line wine. I'm going to put the
21 top of the line liquors. I'm going to open
22 completely open area.

23 There is no board in front of the cash
24 register. It's going to be clean. Any complaint
25 from the community, I'll accept it. I'll fix it.

1 I'll apologize if anything go wrong.

2 But believe me, it's not easy
3 investment I did. I wasn't thinking the process
4 is going to go this far. I've been paying year
5 and a half for rent. And then this thing happen,
6 COVID come. Everything is slow.

7 I ask the building of the owner. It
8 help me a lot. So it's going to be -- it's not
9 going to be like the way they think the
10 community, the way she think. But it's not.
11 It's going to be the top of the line.

12 CHAIRPERSON ANDERSON: No, what I'm
13 trying to find out are you just going to sell --
14 are you just selling liquor or are you going to
15 sell other products? That's what I'm trying to
16 find out. What are you going to sell in the
17 store?

18 MR. TESFAYE: I'm going to sell
19 packaged food. I'm going to sell, like, what the
20 community they need. I will ask them. I will
21 sell, like, fruit. There is some. But the area
22 is limited. So until I organize it, I cannot
23 promise you because of this case. We have
24 limited space inside the store.

25 CHAIRPERSON ANDERSON: Well, I guess

1 what I'm trying to find out are you just going to
2 sell liquor alone or are you going to sell other
3 products? So that's what I'm trying to find.

4 (Simultaneous speaking.)

5 MR. TESFAYE: -- other products,
6 packaged -- packed product. There is a sandwich.
7 There is food. Anything packed, yes. I'm not
8 going to sell only liquors there.

9 CHAIRPERSON ANDERSON: All right. So
10 what's going to be the difference between this
11 store you're trying to open and the convenience
12 store that you owned before?

13 MR. TESFAYE: Yeah, the difference is
14 -- the only difference is now I'm getting to the
15 liquor. So I just want to know about liquor. I
16 just want to -- because that's why I have one of
17 my family, he have two liquor store in D.C.
18 That's why I'm getting advice from him how to run
19 it, how to be quality place.

20 So that's the way I'm going to go with
21 his experience. But me, right now, I'm just
22 catching up. I know I have, like, experience for
23 the convenience store. Because of the property
24 been sold, I'm out of business. That's why I'm
25 getting now back to the liquor store.

1 CHAIRPERSON ANDERSON: So how long
2 have you been out of business?

3 MR. TESHAYE: From that location, as
4 soon as Wal-Mart, they build that building. Do
5 you know which one I'm talking about, Riggs and
6 South Dakota.

7 (Simultaneous speaking.)

8 CHAIRPERSON ANDERSON: How many years
9 has that been, sir? I don't know. I'm asking
10 you.

11 MR. TESHAYE: That's, like, 2007.
12 That's the last time I moved out from that
13 location. And then I have my own business in
14 Maryland right now.

15 CHAIRPERSON ANDERSON: So do you have
16 an alcohol license in Maryland?

17 MR. TESHAYE: No, it's not alcohol
18 license. I apply for the walking cooler and
19 walking freezer for the supermarket.

20 CHAIRPERSON ANDERSON: All right. All
21 right. Any other questions by any Board -- any
22 other Board member?

23 MEMBER SHORT: Mr. Chair, I do have --
24 I have a question.

25 CHAIRPERSON ANDERSON: Yes, Mr. Short.

1 MEMBER SHORT: Yes, good afternoon,
2 Mr. Tesfaye.

3 MR. TESHAYE: Good afternoon.

4 MEMBER SHORT: You say it was 2007
5 when you left Riggs Road?

6 MR. TESHAYE: Yes.

7 MEMBER SHORT: You say was it 300
8 block or was it the 200 block?

9 MR. TESHAYE: I believe it's 200, but
10 right by the corner of Riggs Road and South
11 Dakota.

12 MEMBER SHORT: Right where the chicken
13 restaurant is, correct?

14 MR. TESHAYE: Yes, yes, yes, yes.

15 MEMBER SHORT: And there's a strip
16 mall behind the chicken place. You were in the
17 strip mall?

18 MR. TESHAYE: Oh, no. Yes, that mall,
19 the mall by the Target market. There is a
20 supermarket there. Exactly where they build now
21 for the Wal-Mart.

22 MEMBER SHORT: Well, the Wal-Mart
23 takes up the whole 300 block.

24 MR. TESHAYE: Yes, it was a shopping
25 center there.

1 MEMBER SHORT: Okay. So where was
2 your convenience store?

3 MR. TESFAYE: 314 Riggs Road.

4 MEMBER SHORT: Sir, I'll just say
5 this. I know that area quite well, and I think
6 that you're not telling us the truth.

7 MR. TESFAYE: I'm telling the truth,
8 314 Riggs Road.

9 MEMBER SHORT: Let me say this to you.
10 I worked at 306 Riggs Road for 20 years. 306
11 Riggs was the barber shop. Do you remember the
12 barber shop?

13 MR. TESFAYE: Yes, yes. Next to
14 barber shop, there is a Home Free USA.

15 MEMBER SHORT: No, sir.

16 (Simultaneous speaking.)

17 MEMBER SHORT: I'm not going to argue
18 with you, sir. I'm just simply saying maybe your
19 memory is not correct. But let me ask you this.
20 Where you're going to put this A-liquor store now
21 on Rhode Island Avenue --

22 MR. TESFAYE: Yes.

23 MEMBER SHORT: -- did you know there
24 was an A-store in that same block when you
25 applied for this license?

1 MR. TESFAYE: Yes, it's --

2 MEMBER SHORT: Did you know there was
3 a license in safekeeping?

4 MR. TESFAYE: Yes, it's been closed,
5 yes.

6 (Simultaneous speaking.)

7 MEMBER SHORT: Okay. So if that
8 safekeeping store were to open back up, how would
9 that affect you?

10 MR. TESFAYE: But I did talk to the
11 owner or to lease that place. And then the
12 owner, he's not going to allow any liquor store
13 in that building. It was for lease, and then I
14 called to the lease company. And then they said
15 they are not going to allow any liquor store in
16 this building.

17 MEMBER SHORT: Okay. Now you are --
18 where you were in the retail business in the 300
19 block of Riggs Road, Northeast, Washington, D.C.
20 --

21 MR. TESFAYE: Yes.

22 MEMBER SHORT: -- 316 you say, right?

23 MR. TESFAYE: 314 Riggs Road.

24 MEMBER SHORT: 314 Riggs Road? Okay.
25 Now let me ask you this. What did you learn

1 while you were in between there?

2 MR. TESFAYE: I learn how to
3 communicate with the customer. I learn how
4 walking the neighborhood is in the area. I learn
5 walking community who was around me. I learn how
6 to treat the community. I learn a lot of things.

7 MEMBER SHORT: Okay. Not questioning
8 anything what you've been telling me right now.
9 I'm questioning was there a hardware store at 314
10 Riggs Road before you had your business?

11 MR. TESFAYE: That's exactly the place
12 I moved in.

13 MEMBER SHORT: Oh, okay. So what was
14 next door to the hardware store?

15 MR. TESFAYE: It was USA Free -- USA
16 Free House or House -- USA House or something
17 like that, the office, real estate.

18 MEMBER SHORT: Again, I was there for
19 20 years. I never saw that. But at any rate,
20 let me ask you this question.

21 (Simultaneous speaking.)

22 MEMBER SHORT: How will you be a good
23 businessman on the new location should this Board
24 grant you a license knowing that you have another
25 A-store within a couple of doors of you? So that

1 means if they take their license out of
2 safekeeping, you will have a competitor in a
3 larger building who has previously had a liquor
4 license. How will you compete against that
5 person?

6 MR. TESFAYE: Treating the customer
7 right, and then take care of the community right.
8 And then drop down the price and just to survive,
9 I have to with the community help. I don't know
10 how I'm going to run it, but I will drop the
11 price down or I'll good quality merchandise on
12 the shelf and try to make it.

13 MEMBER SHORT: Okay. Now you also
14 have a family member who has -- you say two ABC
15 licenses in Washington, D.C.?

16 MR. TESFAYE: Not two. More than
17 that.

18 MEMBER SHORT: More than that?

19 MR. TESFAYE: Yeah.

20 MEMBER SHORT: What are their
21 locations?

22 MR. TESFAYE: One is 9th Street, 9 and
23 T. No, 9 and P, Northeast. Yeah, I --

24 (Simultaneous speaking.)

25 MEMBER SHORT: Northeast or northwest.

1 MR. TESFAYE: Northwest.

2 MEMBER SHORT: Okay. All right.

3 Okay. Where's the other one?

4 MR. TESFAYE: The other one is Benning
5 Road.

6 MEMBER SHORT: What hundred block of
7 Benning Road? Now these are the people you're
8 going to be asking -- you're going to be asking
9 these people to help you with your business
10 because they are the ones who will. So how are
11 they doing on Benning Road?

12 MR. TESFAYE: They doing good. They
13 just little bit -- it's not safe, but they doing
14 good.

15 MEMBER SHORT: Okay. So are they on
16 the northeast side or the southeast side of
17 Benning Road?

18 MR. TESFAYE: Northeast.

19 MEMBER SHORT: You don't know what
20 hundred block? What's the closing thing you
21 could remember close to that store --

22 (Simultaneous speaking.)

23 MR. TESFAYE: There is a gas station
24 across the street, Sunoco gas station. And then
25 --

1 MEMBER SHORT: On Benning Road?

2 MR. TESFAYE: Yeah, Benning Road, by
3 the Metro. You know where is the new bus, like,
4 the train things go onto.

5 MEMBER SHORT: The streetcar?

6 MR. TESFAYE: Yes, before the last
7 stop, like, three block before.

8 MEMBER SHORT: So that's not a Sunoco
9 gasoline station. That's an American gasoline
10 station. 21st and Benning Road is American
11 gasoline station. American Gas, 21st and Benning
12 Road.

13 MR. TESFAYE: I think so. I think so,
14 yeah.

15 (Simultaneous speaking.)

16 MEMBER SHORT: And so get your memory
17 together. But thank you very much. You've been
18 a wonderful witness. Thank you, sir.

19 MR. TESFAYE: Thank you again. Thank
20 you, sir.

21 MEMBER SHORT: That's all I have, Mr.
22 Chair.

23 CHAIRPERSON ANDERSON: Thank you, Mr.
24 Short. Are there any other questions by any of
25 the Board members?

1 MEMBER WAHABZADAH: I do have a
2 question --

3 (Simultaneous speaking.)

4 CHAIRPERSON ANDERSON: Go ahead, Ms.
5 Wahabzadah.

6 MEMBER WAHABZADAH: Sure. Mr.
7 Tesfaye, you said that you previously owned a
8 convenience store. And were you all selling any
9 type of spirits or wine at that convenience
10 store? Or was it just strictly food items and --

11 MR. TESHAYE: Just food. Packaged
12 food.

13 MEMBER WAHABZADAH: I know you
14 mentioned earlier that you planned on doing the
15 alcohol training since this is your first time
16 owning a liquor store. Have you signed up for
17 that yet? Is that something that's sort of on
18 your radar as you move forward?

19 MR. TESHAYE: I just put in my head to
20 do it.

21 MEMBER WAHABZADAH: Great. Thank you.

22 CHAIRPERSON ANDERSON: Any other
23 questions by any of the Board members?

24 MEMBER GRANDIS: Mr. Chairman?

25 (Simultaneous speaking.)

1 MEMBER GRANDIS: Yes, sir. Does your
2 lease include any off-street parking area?

3 MR. TESFAYE: No, the parking is going
4 to be in the street. It is, like, ten parking
5 places in the street, not in the building.

6 MEMBER GRANDIS: So your customers
7 won't have any legal parking in that alleyway or
8 behind your building?

9 MR. TESFAYE: Oh, no, sir.

10 MEMBER GRANDIS: Thank you.

11 CHAIRPERSON ANDERSON: Any other
12 questions by any of the Board members?

13 (No audible response.)

14 CHAIRPERSON ANDERSON: All right. Ms.
15 Voorhis, do you have any questions to ask based
16 on the questions that were asked by the Board?

17 MS. VOORHIS: Thank you for that
18 invitation. I do not. I just want to -- for the
19 record, though, there are no --

20 CHAIRPERSON ANDERSON: No, hold on.
21 Hold on. Hold on. Hold on. Hold on. At this
22 juncture -- when you present your case, you can
23 present whatever you want to do. But at this
24 juncture, you can only ask questions -- follow-up
25 questions to him based on the questions that the

1 Board members asked. So if you don't have any
2 follow-up questions, then you don't have to ask
3 any.

4 MS. VOORHIS: Okay. I appreciate
5 that. Thank you.

6 CHAIRPERSON ANDERSON: All right. Mr.
7 Lee, do you have any follow-up questions of Mr.
8 Tesfaye based on the questions that were asked by
9 the Board?

10 MR. LEE: No more questions. Thank
11 you. No more questions. Can you hear me?

12 CHAIRPERSON ANDERSON: All right.
13 Thank you, Mr. Tesfaye, for your testimony. Mr.
14 Lee, do you have another witness?

15 MR. LEE: Yeah, I have other witness,
16 the landlord, Ms. Nguyen.

17 CHAIRPERSON ANDERSON: All right. Ms.
18 Nguyen, you can unmute your microphone.

19 MS. NGUYEN: Yes, hi.

20 CHAIRPERSON ANDERSON: Hold on. Can
21 you raise your right hand, please?

22 WHEREUPON,

23 EVELYN NGUYEN

24 was called for examination by Counsel for the
25 Applicant, having been first duly sworn, assumed

1 the witness stand, was examined and testified as
2 follows:

3 CHAIRPERSON ANDERSON: Mr. Lee, your
4 witness.

5 MR. LEE: Yeah. Thanks for coming
6 today to testify. For the record, please just
7 state your name and spell.

8 MS. NGUYEN: My name is Evelyn, E-V-E-
9 L-Y-N. Last name, Nguyen, N-G-U-Y-E-N.

10 CHAIRPERSON ANDERSON: Hold on.

11 (Simultaneous speaking.)

12 CHAIRPERSON ANDERSON: Mr. Lee?

13 MR. LEE: Yes?

14 CHAIRPERSON ANDERSON: If you can mute
15 your microphone. And Ms. Nguyen, when you're not
16 speaking, please mute your microphone. Okay?

17 MS. NGUYEN: Okay.

18 CHAIRPERSON ANDERSON: All right. Go
19 ahead, Mr. Lee.

20 MR. LEE: And how are you related to
21 the store?

22 MS. NGUYEN: I'm a property manager --

23 CHAIRPERSON ANDERSON: Hold on a
24 minute, please. Ms. Nguyen, I think that --

25 (Simultaneous speaking.)

1 MS. NGUYEN: -- in Bethesda, 6931
2 Arlington Road, Bethesda, Maryland.

3 CHAIRPERSON ANDERSON: Ms. Nguyen, we
4 have some problem with your internet connection.
5 So I can hardly --

6 MS. NGUYEN: Looks like the connection
7 is not good.

8 CHAIRPERSON ANDERSON: I know that.

9 MS. NGUYEN: Yes.

10 CHAIRPERSON ANDERSON: All right.

11 Let's start -- go back -- let's --

12 (Simultaneous speaking.)

13 MS. NGUYEN: Yeah. Can you hear me
14 now?

15 CHAIRPERSON ANDERSON: It's poor, but
16 we'll try to see.

17 MS. NGUYEN: Can you hear me now?

18 CHAIRPERSON ANDERSON: Yes, ma'am. I
19 can hear you.

20 MS. NGUYEN: I didn't change anything,
21 so either way. Should I repeat my name then?

22 CHAIRPERSON ANDERSON: Yes, ma'am. Go
23 ahead.

24 MS. NGUYEN: Evelyn, E-V-E-L-Y-N.
25 Last name, Nguyen, N-G-U-Y-E-N. And I work for

1 Capital Management as agent for the landlord at
2 6931 Arlington Road, Bethesda, Maryland.

3 MR. LEE: Okay. Thank you. Next
4 question is, how did you decide to testify today?
5 Can you hear me?

6 MS. NGUYEN: Yes. I was asked by Sam
7 Tesfaye to help him with to have his liquor
8 license. He signed the lease around May 2020 and
9 decided to have a liquor license there. And our
10 -- the owner of the property did not contest or
11 force Sam to get this liquor license here. So
12 this is where we are.

13 MR. LEE: Okay. Are you familiar with
14 the business? Ms. Nguyen?

15 MS. NGUYEN: Can you hear me?

16 MR. LEE: Ms. Nguyen?

17 MS. NGUYEN: I cannot hear you.

18 MR. LEE: Ms. Nguyen? Hello?

19 MS. NGUYEN: I can't hear anything.

20 MR. LEE: Can you hear me now? Can
21 you hear me?

22 MS. NGUYEN: Okay.

23 MR. LEE: Can you hear me now?

24 CHAIRPERSON ANDERSON: All right.

25 Hold on. Let's go off the record for --

1 (Simultaneous speaking.)

2 CHAIRPERSON ANDERSON: Okay. We're
3 off the record.

4 (Whereupon, the above-entitled matter
5 went off the record at 3:21 p.m. and resumed at
6 3:23 p.m.)

7 CHAIRPERSON ANDERSON: Okay. Go
8 ahead, Mr. Lee.

9 MR. LEE: Yes. Ms. Nguyen?

10 MS. NGUYEN: Yes.

11 MR. LEE: Yes. So are you familiar
12 with the business that Mr. Tesfaye applied for?

13 MS. NGUYEN: Yes.

14 MR. LEE: Are you --

15 MS. NGUYEN: Yes, I did.

16 MR. LEE: -- support for the
17 applicant? Yeah, are you support for Mr. Tesfaye
18 obtaining ABC license?

19 MS. NGUYEN: Hold on. I have to get
20 off the other speaker. Yeah, can you repeat it,
21 please?

22 MR. LEE: Yeah, are you support for
23 the -- for Mr. Tesfaye obtaining an ABC license?

24 MS. NGUYEN: Yes, the landlord -- as
25 I said, the owner of the property when I present

1 it to them, they agree for Sam Tesfaye to obtain
2 the liquor license.

3 MR. LEE: Okay. Do you have any plan
4 to maintain the property after Mr. Tesfaye have
5 an ABC license?

6 MS. NGUYEN: Yes, this property is
7 called a triple net which mean the landlord is
8 taking care of all the common area to help all
9 the tenants to assure the cleanliness and all
10 around for the community, including every area
11 around the building. With the snow, we have a
12 snow crew that's coming in every time. We clean
13 up all the snow. And we do all the roof and all
14 the light outside and also the painting of the
15 facade.

16 MR. LEE: Yeah. As we heard about
17 that, the community consider it trash dumpster
18 location of the building.

19 (Simultaneous speaking.)

20 MR. LEE: So actually, I saw -- yeah,
21 the state of the building there is trash cans.
22 Would you explain about the specification trash
23 dumpster location?

24 MS. NGUYEN: Yes, the trash location
25 has been there since 20 years. There's nothing

1 new that the trash will be in that location
2 forever. The thing that the community wants me
3 to do a gate. I can do that to look better or
4 anything like that. But since I manage the
5 building, the trash area, that's where every of
6 my tenants have the trash contractor to come
7 there and pick it up twice a week and plus
8 recycle. There's nothing new or any change for
9 that trash location.

10 MR. LEE: So just briefly, you said
11 that the community wanted to gate. So how can
12 you communicate with the community? Do we have
13 any plan?

14 MS. NGUYEN: So right now, I don't
15 have because I did not have anyone complain so
16 far since I took care of this property. But I'm
17 willing to talk to the community and see what to
18 improve and for the building to look good for the
19 area. And also the real estate going up for
20 them, all kinds -- all of this, yeah.

21 MR. LEE: So are you okay ABC Board
22 provide your contact information to community
23 members so in the future if there is any
24 community concerns, you are willing to meet or
25 communicate in some way to resolve their

1 community concerns?

2 MS. NGUYEN: Yes, I will.

3 MR. LEE: Okay.

4 MS. NGUYEN: As a --

5 MR. LEE: That's good.

6 MS. NGUYEN: -- part of my job, I will
7 do that.

8 MR. LEE: Okay. Thank you. And can
9 you describe the change before and after Mr.
10 Tesfaye took over that space?

11 MS. NGUYEN: Yes. We have previous
12 tenant that was in there before my time. And he
13 was not doing a good job for the cleaning and for
14 the sales of their product. And it's pretty --
15 kind of when I visit, it's kind of dirty. And so
16 when the lease expire, I have -- I met with Sam.
17 So I will get approve from the owner and get Sam
18 to lease our premises.

19 MR. LEE: Okay. So do you think Mr.
20 Tesfaye is a responsible owner tenant?

21 MS. NGUYEN: Yes. So far, I feel
22 sorry because he -- since he pay the rent monthly
23 and on time since May of 2020. And then he could
24 not open and make any money, I feel that I'm
25 responsible and guilty to help him as much as I

1 can.

2 MR. LEE: Thank you. Do you believe
3 that granting ABC license would support our local
4 business?

5 MS. NGUYEN: I believe so, especially
6 in this time. He will be an add to the community
7 as I believe because he's not -- he's
8 responsible. First of all, I have to say that
9 Sam is a responsible person. And of course, he
10 will do a good job there.

11 And trust me. If he doesn't, I'm
12 really behind all my tenants for their cleanness
13 and their good sales and all those things. We
14 have to make all the tenants -- we have to help
15 all the tenants. And I will be there to help
16 them also.

17 MR. LEE: Okay. My last question
18 would be, do you believe if Mr. Tesfaye has a
19 license that would cause increase in crime public
20 safety or decrease the quality of life in the
21 neighborhood?

22 MS. NGUYEN: I don't think so. I
23 think it would be the same or it will be more
24 safe because he's a responsible person. That's
25 what I think.

1 MR. LEE: Thank you very much. No
2 further question.

3 MS. NGUYEN: Thank you.

4 CHAIRPERSON ANDERSON: Now Ms. --
5 don't go away. Ms. Voorhis --

6 MS. NGUYEN: I'm here. I'm here.

7 CHAIRPERSON ANDERSON: Okay. Ms.
8 Voorhis, your witness.

9 MS. VOORHIS: I'd like to just --
10 given the Board had previously asked a question
11 about parking, I'd like to just add on there
12 given that you know and understand that
13 particular location. How many, if any, parking
14 spots are available for patrons at that location?

15 MS. NGUYEN: Okay. As you know, this
16 is the D.C. area and parking is nonexistent. So
17 only -- I told Sam that the only parking is
18 around the street. And also, he expressed it to
19 me that all of his clients will come and go.
20 They not going to hang around there to drink the
21 liquor.

22 This is a store that you can come and
23 pick up the liquor and then go home. It's not a
24 way a sit-down area that attract all the drunk
25 people or something like that. It's just like a

1 drive-in if you go and buy liquor store, and then
2 you just go home and enjoy your liquor.

3 MS. VOORHIS: And have you --

4 (Simultaneous speaking.)

5 MS. VOORHIS: -- observed -- you said
6 you haven't been at that location very long. How
7 long have you been managing that location?

8 MS. NGUYEN: I've been doing this for
9 six years.

10 MS. VOORHIS: At that particular --

11 (Simultaneous speaking.)

12 MS. VOORHIS: -- location?

13 MS. NGUYEN: Yeah. Before that, I
14 worked for Peterson Company. And we have a lot
15 of liquor store around also. And we -- the
16 biggest project that I did was National Harbor.

17 MS. VOORHIS: That's okay. I just
18 wanted to know that particular location. And so
19 have you observed other -- I know you have -- we
20 have the Mid Market there that was non-liquor
21 previously. Did you observe people coming and
22 going from that particular also grab-and-go
23 location?

24 MS. NGUYEN: No. I just manage, and
25 my crew always come there once a month to do

1 inspection. And I have all the pictures as long
2 as everything is fine. But as I see, I don't see
3 a lot of traffic around there as I observe, I
4 believe.

5 MS. VOORHIS: So you're saying that
6 you don't typically come and see. So the basis
7 of what you're describing is mainly on
8 hypothesis?

9 MS. NGUYEN: No, no. I have my
10 building manager coming every month. We do every
11 month there. And I did. I did come, like,
12 quarterly.

13 MS. VOORHIS: The reason I ask is we
14 had had, even with no liquor, a lot of loitering
15 even when the Mid City Market was available.
16 Even though it was a come-and-go location, just
17 given the social services around that area. And
18 so just to verify, you said there are no parking
19 spaces other than the community parking for the
20 houses and the apartments on 10th and no Rhode
21 Island Avenue parking in that location. And it's
22 a come-and-go store, so people would have to
23 either physically be on foot from the community.
24 Or --

25 MS. NGUYEN: Yes.

1 MS. VOORHIS: -- you could only
2 imagine what that location might do if cars were
3 to pile up?

4 MS. NGUYEN: Well, with the client
5 come and go, I don't think there's going to be a
6 lot of traffic. And I often go to D.C. for
7 liquor store. And every time I go to any liquor
8 store, there's, like, two or three client coming
9 in and out.

10 I don't believe that it will be, like,
11 a mob of people that will come. And if we have a
12 mob of people, I think Sam will do a good job.
13 But I don't think so.

14 MS. VOORHIS: Okay. I have no further
15 questions.

16 CHAIRPERSON ANDERSON: Any questions
17 by the Board members?

18 (Simultaneous speaking.)

19 MEMBER SHORT: Mr. Chair, I'd like to
20 ask a question.

21 CHAIRPERSON ANDERSON: I'm sorry.
22 What?

23 MEMBER SHORT: Mr. Short, I'd like to
24 ask a question.

25 CHAIRPERSON ANDERSON: Go ahead, Mr.

1 Short.

2 MEMBER SHORT: Thank you. Good
3 afternoon, Ms. Nguyen.

4 MS. NGUYEN: Yes.

5 MEMBER SHORT: I said good afternoon
6 to you. And let me say this. You say you go
7 there quarterly. Is that four times, three times
8 a year?

9 MS. NGUYEN: Yes. But my building
10 manager is every month.

11 MEMBER SHORT: So --

12 MS. NGUYEN: And my building manager
13 is my right hand.

14 MEMBER SHORT: Okay. I understand.
15 How many tenants --

16 MS. NGUYEN: I have all the picture
17 every month.

18 MEMBER SHORT: How many tenants are on
19 that property? How many different businesses are
20 on that property?

21 MS. NGUYEN: Right now, I only have
22 three.

23 MEMBER SHORT: When it's fully
24 occupied, how many do you have?

25 MS. NGUYEN: When fully --

1 MEMBER SHORT: Or could you have?

2 MS. NGUYEN: -- occupied, I have four.

3 MEMBER SHORT: There are three
4 operating businesses now. Sam will make the
5 fourth?

6 MS. NGUYEN: Yes.

7 MEMBER SHORT: So the other three
8 businesses, how are they making out now on that
9 property?

10 MS. NGUYEN: Well, I just sign a lease
11 with 932. I also sign -- and then they are in
12 the construction is a chicken -- like, a fast
13 food carry-out with chicken and fish. And then
14 the next door, 934, I also just sign a lease.

15 But they will be using as a storage
16 for the chicken place. And they are doing some
17 renovation, yes. So that's why. Because of the
18 COVID pandemic, they did not operate it yet
19 because they are still under construction.

20 MEMBER SHORT: Okay. Now at the
21 particular location for this licensee that is
22 applying today before this Board, his particular
23 business, egress, exits. How many exits do you
24 have in that building?

25 MS. NGUYEN: Each premises has their

1 own exit in the front and in the back.

2 MEMBER SHORT: So the customers can
3 exit through the rear of the business into the
4 alley?

5 MS. NGUYEN: No, no. We don't allow
6 that.

7 MEMBER SHORT: Well, let me -- you
8 said there's a front and a back, and we saw
9 pictures from the investigator today. In the
10 back, it looked like it's an alley.

11 MS. NGUYEN: It's, like, an alley to
12 go around the block for us. And no, we not allow
13 any client to come in there. They should need to
14 come from the front door.

15 MEMBER SHORT: I understand that. If
16 there's a fire on the Rhode Island side at the
17 front door, how would people get out the back?

18 MS. NGUYEN: The back is, like, an
19 exit, a fire exit. And it should be -- have a
20 sign -- exit sign that they need to get in the
21 back. They can.

22 MEMBER SHORT: Do they currently have
23 an exit sign at that door?

24 MS. NGUYEN: They have -- there's
25 currently no sign at the door. I need to make

1 sure that they will have a sign.

2 MEMBER SHORT: Thank you. That's all
3 I have, Mr. Chair. I have no more questions.

4 MS. NGUYEN: Thank you.

5 CHAIRPERSON ANDERSON: Any other
6 questions by any other Board members?

7 (No audible response.)

8 CHAIRPERSON ANDERSON: All right. All
9 right. Hearing none, Ms. Voorhis, do you have
10 any questions of her based on the questions that
11 were asked by the Board?

12 MS. VOORHIS: No, sir.

13 CHAIRPERSON ANDERSON: Mr. Lee, do you
14 have any questions of her based on any questions
15 that were asked of the Board?

16 MR. LEE: No, I don't have any
17 question --

18 CHAIRPERSON ANDERSON: All right.
19 Thank you.

20 MR. LEE: -- at this moment.

21 CHAIRPERSON ANDERSON: Ms. Nguyen,
22 thank you very much for your testimony. Have a
23 great day. Thank you very much.

24 MR. LEE: Thank you, Board. Thank you
25 very much. Bye-bye.

1 CHAIRPERSON ANDERSON: You're welcome.
2 Mr. Lee, do you have any other witnesses?

3 MR. LEE: We still have one more, but
4 he just inform that he have conflict working hour
5 now. So he's not available any more. So that's
6 for our witness so far.

7 CHAIRPERSON ANDERSON: So you rest?

8 MR. LEE: Yeah, that's it.

9 CHAIRPERSON ANDERSON: All right. All
10 right. Ms. -- all right. Do you have any
11 witnesses? Or how do you -- the protestant, how
12 do you plan -- so are you the only witness?

13 MS. VOORHIS: Yes, I'm speaking on
14 behalf of the community today.

15 CHAIRPERSON ANDERSON: Can you raise
16 your right hand, please?

17 WHEREUPON,

18 MEGAN VOORHIS

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

23 CHAIRPERSON ANDERSON: Okay. Present
24 your case.

25 MS. VOORHIS: Thank you. And do you

1 mind? I'm not sure of the proceedings. Do you
2 mind I ask a question before stating the case?

3 CHAIRPERSON ANDERSON: Ask question --
4 you want to --

5 (Simultaneous speaking.)

6 CHAIRPERSON ANDERSON: -- ask me a
7 question? No, you can --

8 (Simultaneous speaking.)

9 CHAIRPERSON ANDERSON: -- a question
10 -- you can only ask me a question.

11 MS. VOORHIS: Okay. Can I ask you a
12 question?

13 CHAIRPERSON ANDERSON: What's your
14 question, ma'am?

15 MS. VOORHIS: Have you all read the
16 petition that was signed --

17 (Simultaneous speaking.)

18 MS. VOORHIS: -- that was signed and
19 submitted? Okay.

20 CHAIRPERSON ANDERSON: The Board has
21 that information. That has not been shared. So
22 if you have them, if they're in your PIP and you
23 want to share -- you want us to -- you want the
24 ability to share your screen, let me know and
25 I'll have the IT person give you the ability to

1 share your screen if you want to share with the
2 Board.

3 MS. VOORHIS: Sure. I would like to
4 share the petition, and it's also an exhibit in
5 the case.

6 CHAIRPERSON ANDERSON: I haven't seen
7 any of them. So Ms. Andrews, can you give her
8 the opportunity to share her screen, please?

9 MS. ANDREWS: Sure. Stand by. Ms.
10 Voorhis, you can now share your screen.

11 MS. VOORHIS: Wonderful. Thank you.

12 CHAIRPERSON ANDERSON: All right. Go
13 ahead, ma'am.

14 MS. VOORHIS: All right. So thank
15 you, everybody, for today. I would just like to
16 submit this as a formal exhibit as part of the
17 concerns from the broader community, including
18 multiple people that are within 400 feet of this
19 potential establishment. And I think the
20 community's concerns are multifaceted as I
21 mentioned before.

22 The first of the concerns -- and
23 again, I won't read this word for word. I'll
24 invite you to read it later on, but just as a
25 summary of the concerns stated therein. I think

1 concern number one is the overabundance of liquor
2 stores, and I know there's some definitional
3 differences that we may have in terms of what we
4 think proximate really look like.

5 I speak on behalf of the community
6 members that signed this petition by saying that
7 we typically walk more than across the street
8 when we go buy our groceries, when we purchase
9 liquor, when we purchase other things that the
10 community has and affords, including Rhode Island
11 Avenue is really just a walk across the block for
12 people that live here. And so we measured
13 proximity in terms of if I were to put a pin
14 where that store would be and walk within about
15 five blocks in any of the directions in the
16 surrounding area. How many other options would
17 we have?

18 And I'm here to tell you that both the
19 current demand and expected future demand,
20 community members that I've talked to across the
21 board have said not only does the community
22 already have what they need in terms of the
23 variety of liquor in the current locations. But
24 there is a long held belief that it's already in
25 service to both our needs today and future needs

1 as well. So we do not need yet another liquor
2 store in that particular location and area from a
3 demand -- an economic perspective.

4 And there's several exhibits that also
5 look at a bit wider range than 1,200 square feet
6 in service to the concentration of liquor, not
7 just Class A but a variety of liquor in the area.
8 And that was also confirmed with the
9 investigator's claims of several additional
10 locations right outside that zone that was in her
11 reference exhibit as well.

12 The second and very important is the
13 argument around the at-risk populations on that
14 very same block. The government has already made
15 a very important set of decisions that that block
16 will be a social services block. And the
17 community is in no way claiming that will crime
18 will be higher or lower or any other
19 justification or claim that's not set in fact.

20 What is factually accurate is that
21 there are a variety of different vulnerable
22 populations, some of which due to COVID are
23 currently not operating but expected to re-
24 operate in a future time and some that are
25 continuously operating even today, including as

1 the inspector verified a family homeless center
2 that does have services like daycare-related
3 services for children within two shops and on the
4 same block as well as several other services
5 which I won't reiterate but as you know include
6 court-related vulnerable population services that
7 were affirmed as higher levels of substance abuse
8 related facilities within -- as well as a
9 facility that the ANC Commissioner has
10 articulated he does expect to reopen which is the
11 Metropolis Club which would be literally abutting
12 the liquor location and often results in people
13 at that location for -- during the servicing
14 operating hours. That is a drug rehab center and
15 location.

16 The third and final arguments are
17 regarding community inclusivity, job growth, and
18 trash and noise and litter provisions. So there
19 was a claim made that noise didn't sound loud. I
20 will tell you that on that particular block
21 during COVID we expect less traffic. We would
22 expect less noise at this time.

23 That's not always going to be the
24 case. Once COVID subsides, businesses and the
25 vulnerable centers reopen full time, we're going

1 to see a very different dynamic than the dynamic
2 that's observed through the evidence brought
3 forth by the investigator today in terms of
4 accumulated trash pileup, in terms of the people
5 kind of centered in that area coming in and out
6 of the location, and the ability for a more
7 diverse group of businesses to be sustainable,
8 especially if the liquor location is set to go
9 through.

10 While I did not include in this
11 petition the concern of parking, given it was
12 raised here today as new evidence, I would like
13 to also bring forward my personal concern that
14 parking will become even more of an issue in the
15 community itself, especially since it was
16 validated that there are zero parking spots that
17 are afforded for this particular location on a
18 major avenue as well. Thank you.

19 CHAIRPERSON ANDERSON: All right. You
20 can close your screen, please, ma'am.

21 MS. VOORHIS: Yes.

22 CHAIRPERSON ANDERSON: Mr. Lee, do you
23 have any questions of her?

24 MR. LEE: Yes, a couple of them.

25 Thanks for coming today. Are you familiar with

1 this area?

2 MS. VOORHIS: I live in the community,
3 sir.

4 MR. LEE: Yeah, how long have you been
5 in this community?

6 MS. VOORHIS: I've lived in the
7 northeast for well over a decade, and I've lived
8 in my most recent house which is several blocks
9 away for well over six years.

10 MR. LEE: So did you see the rest of
11 the difference from the previous owner and Mr.
12 Tesfaye?

13 MS. VOORHIS: Sorry. Can you --
14 (Simultaneous speaking.)

15 MR. LEE: -- operating the business is
16 clean or they have new stuff. Do you have any
17 difference to notify?

18 MS. VOORHIS: So if your question is
19 does the business look clean, I'll state my
20 personal perspective is no. But again, he hasn't
21 opened yet. So it's hard for me to create a
22 justifiable plan.

23 MR. LEE: So you didn't have any
24 chance to look inside the establishment, right?

25 MS. VOORHIS: No. I mean, I walk by

1 that establishment daily. It's not open yet.

2 MR. LEE: Yeah, I know. But if you
3 look through the window. Quite of time he open
4 it and then to clean the inside and do something
5 renovation work inside. So did you have any
6 chance to look into it?

7 MS. VOORHIS: So -- okay. I'm happy
8 to answer your question. Let me be clear that
9 the community concerns are outside the context of
10 this question. However, if you'd like my
11 personal opinion, I think it still looks like a
12 very -- like, a business that has not been well
13 kept. But again, that is not the context of the
14 community concerns that we brought forward today.

15 MR. LEE: If you look into the exhibit
16 photo by the investigator report, and you said
17 the inside is still dirty? This is --

18 (Simultaneous speaking.)

19 MS. VOORHIS: I mean, again, I don't
20 really understand what the logic is given the
21 community concerns. However --

22 (Simultaneous speaking.)

23 MS. VOORHIS: -- I will say that my
24 personal opinion on this question is if you look
25 at the photos, there's still, like, pieces of

1 debris on the floor. The windows are very dark.
2 It doesn't look like an inviting place either.

3 MR. LEE: Okay. When did you observe
4 any kind of violation? Did you report to the
5 police? Have you, any issues around that area?

6 MS. VOORHIS: I'm concerning you're
7 being biased here. Our community is very
8 supportive of our social services in our
9 neighborhood and including vulnerable populations
10 once it's subject to undo harm. I don't really
11 understand the nature of your question.

12 MR. LEE: Okay. Do (audio
13 interference)? The reason why I ask you -- can
14 you hear me?

15 MS. VOORHIS: I'm sorry, sir. Could
16 you repeat?

17 (Simultaneous speaking.)

18 MS. VOORHIS: You're breaking up.

19 MR. LEE: Yeah, yeah, yeah. Do you
20 know where most the community gets alcohol?

21 MS. VOORHIS: I mean, a variety of
22 places up and down Rhode Island Avenue. So as
23 you know from either the testimony, from the
24 investigator, there was an Exotic Wine and Liquor
25 Store which is in some ways likely a very

1 comparable door directly across the street. That
2 recently opened and is already serving the
3 demand.

4 There's a location on 400 block of
5 Rhode Island Avenue that was recently renovated
6 that's slightly larger. A lot of people,
7 although mainly beer and wine, less spirits, go
8 to Giant for the majority of their demand. And
9 then further up, there are several others,
10 including the Woodbridge, two of the Woodbridge
11 locations and within about five to eight blocks,
12 again, servicing --

13 (Simultaneous speaking.)

14 MR. LEE: You're just saying liquor
15 stores. So I just ask you the liquor store on
16 Washington Place that how are they operating?
17 Did you watch that? Did you observe any
18 violation from that place and then to impact on
19 your community?

20 MS. VOORHIS: It's a good question.
21 They opened just right before COVID hit. So I
22 think the context of the answer may change over
23 time. They appear to have a well-established
24 operation, but it's only been a short period of
25 time. So it could be hard for me to comment on

1 the long term.

2 MR. LEE: Okay. You heard Mr.
3 Tesfaye's testimony. And do you still think Mr.
4 Tesfaye, he will have same issues with the other
5 liquor store? You never met him before, right?

6 MS. VOORHIS: Let me look.

7 (Laughter.)

8 (Simultaneous speaking.)

9 MS. VOORHIS: It sounds like he has --

10 MR. LEE: -- testimony today, right?

11 MS. VOORHIS: Look, if you're -- let
12 me just make sure I understand your question. If
13 you're asking do I think he'll be an effective
14 operator, I mean, we can look at his track record
15 of he has never operated a liquor store before.
16 He has claimed to bring the community's
17 perspective into view.

18 But as you know, you and I have
19 conversed several times. And I've specifically
20 said that we would like to speak with him about
21 our concerns. He never once contacted anyone on
22 the petitioned list around those concerns up
23 until this point in time. So I do not see
24 evidence that he would be an effective operator.
25 And I do not see evidence on his claim in working

1 with the community.

2 MR. LEE: Yeah. Let me clear this
3 because we talk at the mediation and the status
4 hearing before, right? And at the time, I just
5 voluntarily ask for you contacting me by my email
6 so I would arrange a meeting because I talk to
7 Mr. Tesfaye. And the want to talk to the
8 community.

9 He waited for it. Eventually, there
10 is no meeting with you. That's unfortunate. But
11 that was kind of a clarification about our
12 meeting schedule.

13 CHAIRPERSON ANDERSON: Mr. Lee, is
14 there a question, sir? Is there a question?

15 MR. LEE: I understand that. I
16 understand that. So have you talked to raise the
17 issue at the community meeting? You raise the
18 question to say issues --

19 MS. VOORHIS: Yes, through the ABRA 5C
20 Commissioner.

21 MR. LEE: ANC you mean?

22 MS. VOORHIS: The ANC, sorry.

23 MR. LEE: ANC.

24 MS. VOORHIS: ANC. And for the
25 record, that's ANC.

1 MR. LEE: Yes.

2 MS. VOORHIS: Any other questions,
3 sir?

4 CHAIRPERSON ANDERSON: Ms. Voorhis --

5 MR. LEE: Hold on. I'll just look at
6 my things. And okay. No further question for
7 Ms. Voorhis. Thank you.

8 MS. VOORHIS: Okay.

9 CHAIRPERSON ANDERSON: Hold on. Are
10 there any questions by any Board members?

11 MEMBER GRANDIS: Mr. Chairman?

12 CHAIRPERSON ANDERSON: Yes, Mr.
13 Grandis.

14 MEMBER GRANDIS: Thank you. Ms.
15 Voorhis, I want to thank you for your testimony
16 today. Just so I have clarity, you've lived in
17 your current home six years.

18 MS. VOORHIS: Yes.

19 MEMBER GRANDIS: Is that correct?

20 MS. VOORHIS: A little over six years.
21 I've been in northeast for 13.

22 MEMBER GRANDIS: Okay. And when we
23 saw the pictures that the inspector showed --

24 MS. VOORHIS: Yes.

25 MEMBER GRANDIS: -- there was a

1 signage of some type of market or something.
2 During the six years you've lived there, was that
3 ever open?

4 MS. VOORHIS: It was. It was
5 operational for a number of years. It was a
6 store that primarily sold, like, non-alcoholic
7 beverages, like, water and juices and things as
8 well as packaged goods. It was like a mini-mart.

9 MEMBER GRANDIS: Okay. And how long
10 -- just your recollection, how long has that been
11 vacant, that location?

12 MS. VOORHIS: I think that was part of
13 the testimony. I want to say maybe, like, eight
14 to ten months. It was about a little less than a
15 year back I want to say, give or take. But it
16 closed.

17 MEMBER GRANDIS: Thank you very much.
18 Thank you --

19 MS. VOORHIS: Of course.

20 MEMBER GRANDIS: -- Mr. Chairman.

21 CHAIRPERSON ANDERSON: Thank you. Any
22 other questions by any of the Board members?

23 (No audible response.)

24 CHAIRPERSON ANDERSON: Mr. Lee -- are
25 you there, Mr. Lee?

1 MR. LEE: Yes, I'm here.

2 CHAIRPERSON ANDERSON: Any questions
3 of Ms. Voorhis based on the questions that was
4 asked by Mr. --

5 (Simultaneous speaking.)

6 CHAIRPERSON ANDERSON: -- Grandis?
7 All right. Any clarification -- any further
8 clarification that you need to make, Ms. Voorhis,
9 based on the questions that were asked of you?

10 MS. VOORHIS: I don't believe so, sir.

11 CHAIRPERSON ANDERSON: Do you have any
12 other witnesses, or are you -- have you rested?

13 MS. VOORHIS: I've spoken on behalf of
14 the petition and the community.

15 CHAIRPERSON ANDERSON: Are there any
16 documents that -- what are the documents that you
17 had disclosed for this hearing and do you want
18 them to be a part of the record?

19 MS. VOORHIS: Yes, sir. It's
20 primarily the petition that I showed on the
21 screen as well as two of the attachments in the
22 petition which are the community's definition of
23 the concentration of the availability of the
24 area.

25 (Whereupon, the above-referred to

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

3 CHAIRPERSON ANDERSON: Mr. Lee, do you
4 have any objection to the documents that Ms.
5 Voorhis wants --

6 MR. LEE: No.

7 CHAIRPERSON ANDERSON: -- to put in
8 the record? No?

9 CHAIRPERSON ANDERSON: Okay. So
10 moved.

11 MR. LEE: No, I don't have any
12 objections.

13 CHAIRPERSON ANDERSON: All right. So
14 moved.

15 (Whereupon, the above-referred to
16 document was received into evidence as Protestant
17 Exhibit No. 1.)

18 CHAIRPERSON ANDERSON: Mr. Lee, what
19 documents, if any, did you disclose for this
20 hearing today?

21 MR. LEE: So I attach Exhibit 1 as
22 pictures of exterior and interior.

23 (Simultaneous speaking.)

24 CHAIRPERSON ANDERSON: Are you able --
25 hold on, Mr. Lee. Mr. Lee, are you able to share

1 your screen?

2 MR. LEE: Oh, boy.

3 CHAIRPERSON ANDERSON: I'm not -- all
4 right. So tell me what -- let me ask you, Ms.
5 Voorhis. Have you seen the documents that he
6 disclosed?

7 MS. VOORHIS: No, sir. I have not
8 visually seen them.

9 CHAIRPERSON ANDERSON: So -- I'm
10 sorry. So no documents were shared with you
11 seven days before the hearing?

12 MS. VOORHIS: It's possible that they
13 were shared. I have not visually seen them.

14 MR. LEE: Before seven days before the
15 hearing, I have to submit a PIP and exhibit list
16 with my exhibit. So I already submit it to you
17 and it's --

18 CHAIRPERSON ANDERSON: So what are the
19 documents that are in your PIP, sir?

20 MR. LEE: That's (audio interference)
21 and then exhibit list. And --

22 CHAIRPERSON ANDERSON: So tell me what
23 the documents are.

24 MR. LEE: Yeah. And then Exhibit 1 is
25 the front picture, exterior and interior.

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

4 CHAIRPERSON ANDERSON: Mr. Lee, I mean
5 -- Mr. Lee, your internet connection --

6 (Simultaneous speaking.)

7 CHAIRPERSON ANDERSON: Mr. Lee --

8 MR. LEE: I'm sorry about that.

9 CHAIRPERSON ANDERSON: -- your
10 internet --

11 (Simultaneous speaking.)

12 CHAIRPERSON ANDERSON: -- connection
13 is poor. And I think this is something that you
14 need to work on, sir. I mean, you're going to do
15 a lot of these hearings, and you need to boost
16 your internet connection because you can't do
17 these hearings that we cannot hear you. All
18 right. So what are the documents again that are
19 in your PIP?

20 MR. LEE: Yeah, it's five or six
21 pictures of exterior-interior dumpster area and
22 the security camera, flood lights, and the trash
23 area, and the traffic on the Rhode Island Avenue.
24 Exhibit 2 is Rodman's Discount Spirits.

25 (Whereupon, the above-referred to

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

3 MR. LEE: It's the same block, almost
4 the same block as safekeeping A-license place.
5 So it's closed now. So I want to make sure. And
6 then Exhibit 3 is supporters list to sign on the
7 new A-license for my client.

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

11 MR. LEE: That's all in the package.

12 CHAIRPERSON ANDERSON: All right.

13 MR. LEE: I provide a month ago, yeah.

14 (Simultaneous speaking.)

15 CHAIRPERSON ANDERSON: What did you
16 say you did, sir? I didn't hear what you said,
17 Mr. Lee.

18 MR. LEE: Oh, this is a procedural
19 request to file and supplement upkeep with
20 exhibit list.

21 CHAIRPERSON ANDERSON: All right.

22 MR. LEE: So I did -- yeah, to the
23 Board and Ms. Voorhis and Ms. Randall.

24 CHAIRPERSON ANDERSON: All right. Mr.
25 Lee, I know that you're an attorney. And so as a

1 member of the bar, so you're saying that seven
2 days before the hearing, you disclosed these
3 documents to ABRA and the protestant?

4 MR. LEE: That's correct.

5 CHAIRPERSON ANDERSON: All right. All
6 right. I'm going to move those documents in
7 evidence then.

8 (Whereupon, the above-referred to
9 documents were received into evidence as
10 Applicant Exhibit Nos. 1 through 3.)

11 CHAIRPERSON ANDERSON: All right. So
12 I'll move your PIP in evidence and I'll also move
13 Ms. Voorhis' PIP into evidence. All right.

14 MR. LEE: Thank you very much.

15 CHAIRPERSON ANDERSON: All right. You
16 have -- I'll give you five minutes to do a
17 closing statement. In your closing statement,
18 each side will have five minutes to do a closing
19 statement. In your closing statement, what I
20 want you to do is to tell us what it is that you
21 want the Board to do. So Mr. Lee, what is it
22 that you're requesting from the Board?

23 MR. LEE: Okay. As my conclusion, in
24 D.C., there are around 250 liquor stores which
25 most of them are well maintained. There is no

1 convincing evidence that the establishment will
2 have adverse effect on community safety for
3 peace, order, and quiet in the neighborhood. The
4 establishment maintain the area in a clean and
5 orderly manner.

6 It is mere speculation that granting
7 the license will relate to more crimes and more
8 issues. According to D.C. Title 25, 12 -- 321 --
9 312 which states the Board shall determine on a
10 case-by-case basis. In making this
11 determination, the Board shall consider the
12 overall characteristic of the area including
13 population, density and general commercial and
14 residential activities.

15 Fair credit should be given to the
16 applicant's testimony about the steps the
17 applicant would take to mitigate potential
18 impacts on the peace, order, and quiet over the
19 community. We are confident that applicant
20 operating plan would allow the establishment to
21 coexist peacefully with its neighbors. There are
22 no convincing evidence that the community
23 concerns are closely linked to the operation of a
24 liquor store.

25 According to the protestant report and

1 the ABRA investigator's testimony today. ABRA
2 investigator was unable to substantiate the
3 protestant's claims. Even the fact applicant
4 strongly believes you need substantive cause for
5 the granting the license or I personally suggest
6 with some conditions or restriction the Board may
7 impose with the license.

8 We believe that based on the Board
9 review the application of the liquor, the Board
10 will find that the applicant is of good character
11 and is fit for license and has satisfied all
12 requirement imposed by Title 25 of the District
13 of Columbia Official Code and the Title 23 of the
14 District of Columbia Municipal Regulations. The
15 applicant will remain hopeful that the Board
16 makes a favorable decision to the application.
17 Thanks for your time today. Thanks very much.

18 CHAIRPERSON ANDERSON: Thank you. Ms.
19 Voorhis?

20 MS. VOORHIS: Yes, sir. The ask today
21 is to ballot against a liquor license in this 900
22 block location. The community that I'm
23 representing today is telling the Board that
24 another liquor store is not needed in this area
25 and is actually very concerned about this

1 location in particular.

2 The ABRA investigator used the data of
3 1,200-foot radius. But I urge you to consider
4 what the community would deem as the definition
5 of a reasonable walking distance to liquor stores
6 that meet and also exceed at this time the
7 demand. The assumption is from -- from the other
8 side is that folks will mainly come on foot given
9 that's there no parking in the area. And it's a
10 community that's saying their liquor needs are
11 already met.

12 In addition, on this block in
13 particular, there are multiple vulnerable
14 populations as we've already seen, including what
15 the investigator on record deemed a daycare-like
16 service within the family homelessness center, a
17 drug treatment rehab center and a court drop-in
18 center on that same very block. There is no
19 parking. And there is no future facing guarantee
20 that trash will not further accumulate and pile
21 up with this operator model.

22 Sam himself has said that he connects
23 with the community and that you should trust him
24 without facts that actually back these claims.
25 He doesn't have a sense of the community he

1 served previously. He demonstrated that by
2 saying he didn't even remember exactly what was
3 going on in the Riggs Road location, and his
4 disinterest in engaging directly with the protest
5 group in conversations, even after multiple
6 attempts to request communication from him during
7 this process which just further backs the claim
8 that the operation model is really (audio
9 interference).

10 CHAIRPERSON ANDERSON: That's it? So
11 you're basically saying that we should deny the
12 license. Is that what you're saying?

13 MS. VOORHIS: Yes, sir. That was the
14 first sentence in the claim. She would deny --

15 CHAIRPERSON ANDERSON: All right.

16 MS. VOORHIS: -- at this time.

17 CHAIRPERSON ANDERSON: All right. All
18 right. Thank you. All right. Do the parties
19 wish to file proposed findings of fact and
20 conclusion of law or waive that? Normally, it's
21 waived in these proceedings.

22 What it is, is that you want to write
23 a legal brief to say this is what the evidence
24 showed today. Or just do you want the Board to
25 make the decision based on your presentation?

1 This would not be an opportunity for you to bring
2 anything outside. It would be what was presented
3 today.

4 MR. LEE: I will let the Board have a
5 decision about it.

6 CHAIRPERSON ANDERSON: All right.
7 You're fine with that. Ms. Voorhis?

8 MS. VOORHIS: Yeah, as long as
9 everything here is on record and you can refer
10 back to both petition and the facts -- the
11 claims, then please go ahead and take a look at
12 the findings.

13 CHAIRPERSON ANDERSON: Everything is
14 on record. That's why when I start the process,
15 I ask everybody to spell their name because we
16 have a court reporter so everything is
17 transcribed. So you can get a transcript of
18 everything that was done today. So that's fine.

19 (Simultaneous speaking.)

20 CHAIRPERSON ANDERSON: All right. So
21 thank you very much for your presentation then.
22 As -- oh, hold on. As -- I have too many papers
23 here.

24 As Chairperson of the Alcoholic
25 Beverage Control Board for the District of

1 Columbia in accordance with D.C. Official Code
2 Section 2574B of the Open Meetings Act, I move
3 that ABC Board hold a closed meeting for the
4 purpose of seeking legal advice from our counsel
5 on Case No. 20-PRO-00034, Mart Liquor, License
6 No. 116822 pursuant to D.C. Official Code Section
7 2574B4 of the Open Meetings Act and deliberate
8 upon Case No. 20-PRO-00034, JS Mart Liquor,
9 License No. 116822 for the reasons cited in D.C.
10 Official Code Section 2574B13 of the Open
11 Meetings Act. Is there a second?

12 MEMBER SHORT: Mr. Short, I second.

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

17 MEMBER SHORT: Mr. Short, I agree.

18 CHAIRPERSON ANDERSON: Mr. Cato?

19 COMMISSIONER BURNS: Bobby Cato, I
20 agree.

21 CHAIRPERSON ANDERSON: Ms. Wahabzadah?

22 MEMBER WAHABZADAH: Rema Wahabzadah,
23 I agree.

24 CHAIRPERSON ANDERSON: Ms. Hansen?

25 MEMBER HANSEN: Jeni Hansen, I agree.

1 CHAIRPERSON ANDERSON: Mr. Grandis?

2 MEMBER GRANDIS: Edward Grandis, I
3 agree.

4 CHAIRPERSON ANDERSON: Mr. Anderson,
5 I agree. As it appears that the motion has
6 passed, I hereby give notice that the ABC Board
7 will recess these proceedings to hold a closed
8 meeting in the ABC Board conference room pursuant
9 to Section 574B of the Open Meetings Act. The
10 Board will issue a decision.

11 Thank you very much for your
12 presentation today. And the Board will issue a
13 decision in, I think, the next 90 days. All
14 right. Thank you. Have a great day.

15 MR. LEE: Thank you very much.

16 CHAIRPERSON ANDERSON: All right.

17 MS. VOORHIS: Thank you, everybody.

18 CHAIRPERSON ANDERSON: Thank you. All
19 right.

20 MR. TESFAYE: Thank you.

21 CHAIRPERSON ANDERSON: You're welcome,
22 sir. Have a great day.

23 MR. TESFAYE: And same to you.

24 CHAIRPERSON ANDERSON: All right. It
25 is 4:14. We had a 3:30 protest hearing. I had

1 put in the chat that we will start 4:15, 4:20.
2 How much break -- how much time -- how much
3 break? Is it a five-minute break? Do you want
4 to take a five-minute break to ten-minute break?

5 It's 4:14. Or do you want to take a
6 -- all right. All right. So we can take -- all
7 right. So it's 4:15. So we'll take a ten-minute
8 break. So we'll stay off the record.

9 We'll be off the record until 4:25 and
10 we will start the 3:30 hearing at 4:25. So I
11 don't want anyone to log off. We're just in
12 recess for ten minutes. And then we'll start the
13 hearing at 4:25.

14 (Whereupon, the above-entitled matter
15 went off the record at 4:15 p.m.)
16
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18
19
20
21
22
23
24
25

A

A's 30:20,20,23
A- 37:5
A-establishments 44:1
A-license 45:19 111:4,7
A-liquor 67:20
A-N-T 15:23
A-store 44:10 45:22
 67:24 69:25
A-stores 22:12,15
a.m 32:21,22 50:8,8
ABC 2:10,12 3:5,8
 15:10 20:2,14,16
 27:23 29:4,7 30:11
 34:2 36:18 38:1 44:5
 46:2 49:25 50:21,23
 53:16,19,23 70:14
 79:18,23 80:5 81:21
 83:3 118:3 119:6,8
ability 3:24 17:15 93:24
 93:25 98:6
able 10:11 12:19 17:11
 18:2,11,22 19:2,6
 23:4,19,25 31:15
 41:19,24 108:24,25
above-entitled 79:4
 120:14
above-referred 30:10
 107:25 108:15 110:1
 110:25 111:8 112:8
ABRA 1:21,22 16:25
 19:12,15 25:10 36:15
 45:25 46:3,24 60:6
 104:19 112:3 114:1,1
 115:2
abroad 23:24
abundance 22:12
abuse 24:25 41:8 43:6
 43:6,13 55:1 97:7
abutting 21:24 42:11
 43:7,13 97:11
Academy 20:6 25:6
accept 62:25
access 23:13 53:19
accumulate 115:20
accumulated 98:4
accurate 96:20
Act 118:2,7,11 119:9
actions 61:9
activities 113:14
activity 53:10
actual 27:7,22 32:15
add 83:6 84:11
addiction 43:7
addition 115:12
additional 20:20 22:15
 24:2 26:24 29:12
 58:11 96:9

address 25:8 30:8
addressed 45:12
Administration 16:4
adult 38:5,6 41:3
adults 24:15,15 29:25
 54:23
advanced 48:20
advantage 40:1
adverse 113:2
adversity 46:6
advice 53:5 57:11 64:18
 118:4
advise 25:13
advised 23:14
affect 39:14,17 68:9
affirmed 97:7
afforded 47:5 98:17
affords 95:10
afternoon 3:3,4,18 7:1
 7:13 10:19 66:1,3
 88:3,5
age 23:6
Agency 16:6,22 23:1
agent 78:1
ago 38:15 50:17 111:13
agree 40:16 59:24 80:1
 118:17,20,23,25
 119:3,5
agreed 60:5
ahead 15:20 73:4 76:19
 77:23 79:8 87:25
 94:13 117:11
albeit 55:14
alcohol 16:24 21:12
 24:25 32:25 43:13
 49:4 52:24 53:1,7
 55:1,5,10,17 57:9
 65:16,17 73:15
 101:20
alcoholic 1:2,13 16:3
 26:6 43:25 57:13
 117:24
alcoholic-based 43:18
alley 90:4,10,11
alleyway 74:7
allow 12:8 13:6 22:1
 48:17 52:24 53:2 55:4
 55:10,23,25 57:10,15
 62:9 68:12,15 90:5,12
 113:20
allowed 23:9 32:20 53:6
American 72:9,10,11
ample 43:18 46:22
ANC 1:8 54:2,4 97:9
 104:21,22,23,24,25
Andrews 1:21 4:12,15
 4:17 17:14,17 94:7,9
answer 56:24 59:10

60:15 61:12 100:8
 102:22
answered 35:14
answers 13:7
anybody 52:24 55:4,24
 55:25 61:21
apartment 29:19 58:11
 58:21,22
apartments 21:24
 29:22 30:3 86:20
apologize 45:2,7 63:1
appear 57:19 102:23
appears 119:5
applicant 1:23,24 2:2,4
 2:18 7:16 10:25 11:2
 11:5,7,23 12:1,8,12
 13:11,12,22,25 14:2
 14:11 45:11 46:1,9,11
 47:17,23 75:25 79:17
 110:2 111:1,9 112:10
 113:17,19 114:3,10
 114:15
applicant's 1:22 13:13
 13:15 113:16
application 1:9 27:13
 46:14 49:20 114:9,16
applied 45:11 67:25
 79:12
apply 65:18
applying 89:22
appreciate 75:4
approve 82:17
approved 20:14 49:20
approximately 16:16
 16:18 22:4 23:1 31:22
 38:21
area 19:17 21:9 22:15
 27:24 28:1 29:17,17
 30:5 31:8 34:5,25
 43:17,22 48:17,18,25
 49:15,23 50:18,25
 51:24 52:16 62:22
 63:21 67:5 69:4 74:2
 80:8,10 81:5,19 84:16
 84:24 86:17 95:16
 96:2,7 98:5 99:1
 101:5 107:24 110:21
 110:23 113:4,12
 114:24 115:9
areas 30:3
argue 67:17
argument 96:13
arguments 14:15 97:16
Arlington 77:2 78:2
arrange 104:6
articulated 97:10
aside 39:7
asked 12:11 20:1 24:20

57:5 61:2 74:16 75:1
 75:8 78:6 84:10 91:11
 91:15 107:4,9
asking 5:24 6:1 11:15
 23:11 51:14 61:7 65:9
 71:8,8 103:13
aspect 24:14
assessment 41:14
asset 26:5
assigned 17:6
assistance 4:7 50:21
assume 6:6
assumed 15:11 47:23
 75:25 92:20
assumption 115:7
assure 9:8 80:9
at- 19:17
at-risk 23:5 41:2 52:18
 52:19 96:13
attach 38:8 45:22
 108:21
attached 42:11
attachments 2:24
 107:21
attempts 116:6
attend 54:2
attending 46:3 60:6
attention 25:10
attorney 111:25
attract 84:24
attribute 22:8
audible 35:18,20 36:1,3
 36:22 44:16 74:13
 91:7 106:23
audio 36:9,11 37:13
 50:3 101:12 109:20
 116:8
availability 107:23
available 43:19 84:14
 86:15 92:5
Ave 1:7
avenue 20:7 31:7 38:24
 38:25 45:12 47:6
 67:21 86:21 95:11
 98:18 101:22 102:5
 110:23
aware 46:1

B

B 44:8
B-store 44:9
back 22:2,9,13 25:11
 30:15 34:14 35:24
 36:6 38:16 43:16 49:6
 52:14 56:12 58:23
 64:25 68:8 77:11 90:1
 90:8,10,17,18,21
 106:15 115:24 117:10

backs 116:7
ballot 114:21
banner 27:12
bar 112:1
barber 67:11,12,14
based 42:3 46:6 74:15
 74:25 75:8 91:10,14
 107:3,9 114:8 116:25
basically 32:24 33:6
 57:7 116:11
basing 43:17
basis 24:23 47:7 86:6
 113:10
battery 34:17,18
BBC 49:25
bearings 31:18
beer 44:9,10 102:7
beginning 28:14
behalf 92:14 95:5
 107:13
belief 95:24
believe 12:16 21:18
 32:5 38:23 46:14
 55:19 61:8 62:14,19
 63:2 66:9 83:2,5,7,18
 86:4 87:10 107:10
 114:8
believed 29:22
believes 114:4
Benning 71:4,7,11,17
 72:1,2,10,11
best 51:9 52:10
Bethesda 77:1,2 78:2
better 81:3
beverage 1:2,13 16:3
 43:19 117:25
beverages 26:6,7 106:7
beyond 26:15 29:18
biased 101:7
big 40:6,6,7 59:8
biggest 85:16
bin 57:19
bit 71:13 96:5
block 24:7,10,10 31:14
 31:25 39:23 40:3
 41:10 45:18 47:6 66:8
 66:8,23 67:24 68:19
 71:6,20 72:7 90:12
 95:11 96:14,15,16
 97:4,20 102:4 111:3,4
 114:22 115:12,18
blocks 43:21 95:15
 99:8 102:11
board 1:2,13 2:10 3:5,6
 3:8,11 7:13 11:9,12
 11:12,17,19,21,21
 12:5,10,11 13:19 14:3
 14:9 15:4,5,11 30:11

35:4 36:21 39:9 42:24
 44:15 46:24 49:25,25
 50:9,21 51:18 61:24
 62:15,23 65:21,22
 69:23 72:25 73:23
 74:12,16 75:1,9 81:21
 84:10 87:17 89:22
 91:6,11,15,24 93:20
 94:2 95:21 105:10
 106:22 111:23 112:21
 112:22 113:9,11
 114:6,8,9,15,23
 116:24 117:4,25
 118:3 119:6,8,10,12
Board's 11:10,18,20,24
 12:2,4,9,12
Bobby 1:17 3:9 118:19
boost 110:15
boy 109:2
brainer 53:25
brand-new 49:9,10
break 120:2,3,3,4,4,8
breaking 37:19 101:18
brief 34:7,8 116:23
briefly 46:22 81:10
bring 20:17 98:13
 103:16 117:1
broader 94:17
brought 98:2 100:14
build 65:4 66:20
building 24:9 25:17
 26:14 31:20 33:21
 35:15,16 37:9 38:1,10
 43:13 50:18 51:21
 52:12,13 56:12,13
 58:1,6,17,18,21 61:18
 63:7 65:4 68:13,16
 70:3 74:5,8 80:11,18
 80:21 81:5,18 86:10
 88:9,12 89:24
buildings 21:17 22:1
 27:17
bullet-proof 49:12
BURNS 118:19
bus 21:8,9 72:3
business 4:10 21:11
 32:17 34:24 36:15
 42:18,21 43:2,9 48:12
 48:19 49:20 50:15,19
 51:14 64:24 65:2,13
 68:18 69:10 71:9
 78:14 79:12 83:4
 89:23 90:3 99:15,19
 100:12
businesses 88:19 89:4
 89:8 97:24 98:7
businessman 69:23
businessperson 55:12

buy 85:1 95:8
Bye-bye 91:25

C

C 2:1
calendar 3:13
call 11:9,17 12:19 14:9
 15:5 47:10,16 53:3
 118:14
called 3:20 13:5 14:8
 15:10 31:9 47:22
 68:14 75:24 80:7
 92:19
calls 2:17 25:8,9 30:8
calm 61:19
Calvary 20:6 24:11 25:5
 28:2
camera 4:1 5:3,3,4,8,9
 5:16,24,25 6:7,9,15
 6:24 14:22 37:18
 52:11 110:22
cameras 3:22 4:3
cans 80:21
Capital 78:1
care 70:7 80:8 81:16
Carolina 40:10
carry-out 89:13
cars 87:2
case 1:8 3:18,19,20,24
 4:2,4,11,14 12:14,21
 12:24 13:12,23,24,25
 14:7,12,14 46:20
 47:10 63:23 74:22
 92:24 93:2 94:5 97:24
 118:5,8
case-by-case 113:10
cash 62:23
catching 64:22
category 41:9
caters 23:5
Cato 1:17 3:10 118:18
 118:19
cause 83:19 114:4
cell 40:10
center 20:7,10,11 23:22
 24:11 29:3 38:5,6
 41:12,16,22,25 42:5
 45:25 54:22 55:1
 62:10 66:25 97:1,14
 115:16,17,18
centered 98:5
centers 24:4 97:25
cetera 59:22
Chair 4:25 65:23 72:22
 87:19 91:3
Chairman 3:6 35:6
 36:19 73:24 105:11
 106:20

chance 39:6 99:24
 100:6
change 77:20 81:8 82:9
 102:22
character 114:10
characteristic 113:12
characteristics 19:23
chat 120:1
check 35:17 51:3
chicken 66:12,16 89:12
 89:13,16
children 42:4 97:3
Chips 20:17
choose 40:11 48:18
chooses 4:3
chose 48:22
Christian 20:6 24:11
 25:6 28:2
circle 29:8
cited 118:9
City 86:15
claim 43:18 96:19 97:19
 103:25 116:7,14
claimed 103:16
claiming 96:17
claims 96:9 114:3
 115:24 117:11
clarification 104:11
 107:7,8
clarity 105:16
Class 7:4 45:11,18 96:7
clean 21:21 26:18 48:19
 48:21 51:22 52:8,8
 61:20 62:24 80:12
 99:16,19 100:4 113:4
cleaning 51:15 82:13
cleanliness 80:9
cleanness 83:12
clear 3:14 43:8 56:6
 100:8 104:2
client 7:11,16 38:10
 45:20 87:4,8 90:13
 111:7
clients 84:19
close 14:11,14 19:17
 20:15 21:10 30:20,22
 31:25 33:11,17 71:21
 98:20
close-up 2:14 27:1,19
 29:14
closed 23:25 25:6
 41:19 42:19 46:1 68:4
 106:16 111:5 118:3
 119:7
closely 113:23
closer 37:6 38:6
closing 2:3 14:15 71:20
 112:17,17,18,19

Club 42:12,13 57:20
59:1 97:11
Code 114:13 118:1,6,10
coexist 113:21
collected 26:1 58:6
59:19
collection 59:21 60:4
collectively 60:2
collector 58:18 59:14
Columbia 1:1 114:13
114:14 118:1
come 17:8 24:17 25:2
27:5 34:22 38:16 39:1
41:7 51:2 52:5,7,24
53:2 54:8,23 55:23
57:10 60:14 62:18
63:6 81:6 84:19,22
85:25 86:6,11 87:5,11
90:13,14 115:8
come-and-go 86:16,22
comes 46:2
coming 37:1 76:5 80:12
85:21 86:10 87:8 98:5
98:25
commence 12:23
comment 30:1,2 102:25
commercial 113:13
Commissioner 97:9
104:20 118:19
common 80:8
communicate 69:3
81:12,25
communication 116:6
community 8:5,17
19:19 22:13,21 23:24
26:5 38:17 39:14,17
39:19 43:19,20 44:3
46:12,13,15,25 47:2
48:20,21 51:2,2,6,8
51:16 52:17,25 53:5
54:4,20 55:16 57:7,11
59:4,22 60:25 61:4,15
62:25 63:10,20 69:5,6
70:7,9 80:10,17 81:2
81:11,12,17,22,24
82:1 83:6 86:19,23
92:14 94:17 95:5,10
95:20,21 96:17 97:17
98:15 99:2,5 100:9,14
100:21 101:7,20
102:19 104:1,8,17
107:14 113:2,19,22
114:22 115:4,10,23
115:25
community's 94:20
103:16 107:22
community-wise 39:16
company 25:24 52:2,3

59:20 60:13 68:14
85:14
comparable 102:1
compete 70:4
competitor 70:2
complain 81:15
complaint 62:24
completely 62:22
complex 58:12,21
concentration 96:6
107:23
concern 22:11 24:20
38:19 52:17 95:1
98:11,13
concerned 61:5 114:25
concerning 101:6
concerns 2:10,11 19:21
21:7,23 22:20 23:12
28:6,20,25 43:14
46:25 47:4 61:6,15
81:24 82:1 94:17,20
94:22,25 100:9,14,21
103:21,22 113:23
concluded 14:6
concludes 30:9
conclusion 4:1 112:23
116:20
conditions 114:6
conduct 3:15 16:24
conference 119:8
confident 113:19
confirm 42:22
confirmed 45:20 96:8
conflict 92:4
connection 9:17 35:23
37:18 77:4,6 110:5,12
110:16
connects 115:22
consider 55:7,11 80:17
113:11 115:3
consideration 6:13
constitutes 3:12
construction 89:12,19
contact 81:22
contacted 103:21
contacting 104:5
contest 78:10
context 100:9,13
102:22
continue 6:19 21:5 24:6
31:22
continuously 96:25
contractor 81:6
control 1:2,13 25:3
117:25
controlled 23:15
convenience 50:16
62:3,6 64:11,23 67:2

73:8,9
convenient 40:2,8
conversation 21:20
conversations 116:5
conversed 103:19
convincing 113:1,22
cooler 26:21 27:20
49:10 65:18
coolers 2:14 27:2 29:14
cooperate 46:12 54:2
corner 31:24 58:8 66:10
corporation 48:9
correct 34:1,3 42:2
57:20 60:9 66:13
67:19 105:19 112:4
correctly 29:21
counsel 1:22 15:10
47:22 75:24 92:19
118:4
counter 19:19 49:11
couple 69:25 98:24
course 50:24 53:17,22
56:7,20 57:4 83:9
106:19
court 22:23,24,25 23:6
24:8,14,16 27:3 31:20
41:1,2,3 54:23 115:17
117:16
court- 27:5
court-related 97:6
cover 49:12
COVID 42:20,23 63:6
89:18 96:22 97:21,24
102:21
create 99:21
creations 19:20
credit 113:15
crew 80:12 85:25
crime 83:19 96:17
crimes 113:7
criminal 53:10
critical 19:17 47:4
cross 2:6 31:6,8 40:5,7
cross- 13:14,16
cross-examine 13:18
13:20 14:1
cross-examined 14:2
cross-examining 13:1
crossing 40:12
current 25:23 38:12
95:19,23 105:17
currently 16:1 32:3,8
42:19 45:16,23 90:22
90:25 96:23
cursor 21:2
customer 40:9 69:3
70:6
customers 74:6 90:2

D

D 15:22
D.C. 9:7 45:17 46:5
49:23 64:17 68:19
70:15 84:16 87:6
112:24 113:8 118:1,6
118:9
D.C.'s 20:12
daily 100:1
Dakota 65:6 66:11
Dantzer 1:22 2:6 4:17
10:16,18,20 11:10,13
15:6,6,9,15,17,18,20
15:21,25 16:2,7,14,18
16:23 17:3,6,10,13,15
17:18,21,23 18:4,7,9
18:14,18,24 19:8
20:21,23 21:3 28:11
28:18 30:25 31:4 32:4
32:12,19 33:1,4,9,11
33:12,23 34:4,10,15
34:16,20 35:19,22,25
36:2,4,5,9,13,17,24
36:25 37:10,23 38:3
38:18 39:8,18,22
40:17,23 41:24 42:3,6
42:15,25 44:4,18,21
dark 101:1
data 115:2
David 15:23
day 16:10,11,12 54:9
91:23 119:14,22
daycare 20:6,10 24:11
29:3 41:18,19 42:5
45:25
daycare-like 41:20
43:12 54:21 115:15
daycare-related 97:2
daycares 2:12
days 60:14 109:11,14
112:2 119:13
DC 1:21,22
deal 24:15
deals 24:14
debris 22:7 101:1
decade 99:7
decide 78:4
decided 52:2 61:23
78:9
decision 114:16 116:25
117:5 119:10,13
decisions 96:15
declined 30:1
decrease 83:20
deem 44:3 115:4
deemed 54:24 115:15
definition 107:22 115:4
definitional 95:2

degree 42:16
deliberate 118:7
demand 95:19,19 96:3
 102:3,8 115:7
demonstrated 61:9
 116:1
density 113:13
deny 116:11,14
depicting 27:15
depicts 30:5
describe 48:11 51:13
 54:19 82:9
describing 86:7
Description 2:9
desire 11:13,23 12:6
 14:10
detail 58:4
determination 39:10
 113:11
determine 113:9
detrimentally 46:15
difference 64:10,13,14
 99:11,17
differences 95:3
different 22:4 31:11
 42:20 88:19 96:21
 98:1
difficulties 36:7
Direct 2:6
direction 31:19
directions 95:15
directly 61:7 102:1
 116:4
dirty 82:15 100:17
disabled 4:1,4
disclose 108:19
disclosed 107:17 109:6
 112:2
Discount 2:20 22:18
 37:6,24 110:24
discriminate 55:18,22
 55:24
discussions 19:6
disinterest 116:4
distance 21:10 31:16
 115:5
distance-wide 39:15
distinguish 56:16
District 1:1 114:12,14
 117:25
diverse 98:7
document 19:14 38:9
 108:1,16 110:2 111:1
 111:9
documents 30:11
 107:16,16 108:4,19
 109:5,10,19,23
 110:18 112:3,6,9

doing 41:1 51:22 57:14
 71:11,12,13 73:14
 82:13 85:8 89:16
Donovan 1:14,17 3:5
door 31:23 34:22 69:14
 89:14 90:14,17,23,25
 102:1
doors 23:2 34:23 38:7
 69:25
doorstep 55:1
doubt 12:6
drained 34:18
drink 84:20
drive-in 85:1
drop 70:8,10
drop-in 115:17
dropped 23:8
drug 43:6,12 53:7 54:25
 55:5,10 97:14 115:17
drunk 84:24
due 96:22
duly 15:11 47:23 75:25
 92:20
dumpster 52:4 80:17
 80:23 110:21
duties 16:21
dynamic 98:1,1

E

E 2:1
E-G-A-N 8:3
E-L-I-C-I-A 15:22
E-V-E- 76:8
E-V-E-L-Y-N 10:1 77:24
E-X-H-I-B-I-T-S 2:9
earlier 73:14
early 32:21
easy 63:2
economic 96:3
educational 43:4
Edward 1:18 3:11 119:2
effect 113:2
effective 16:8 103:13
 103:24
efforts 54:19
egress 89:23
eight 102:11 106:13
either 52:20 77:21
 86:23 101:2,23
elevate 3:21 4:13
elevated 4:18,19,20,22
 4:24 5:2
email 4:9 104:5
emanating 22:5
employed 16:1,2,6
employee 51:15
empty 33:7,7
enable 3:22,24

enforce 16:23
engaged 61:6,14
engagement 59:22
engaging 116:4
enjoy 85:2
enter 28:9
environment 23:14
 48:22
equipment 3:24
error 6:15
especially 83:5 98:8,15
establishment 2:13,14
 2:15,15,16 7:2 17:2,5
 21:14,15,16,18,21,23
 22:3,6,8 25:12,14
 26:4,13,18 27:12,17
 29:11,13,16,17,20
 30:24 31:24 33:3,7,8
 33:20,22 34:1 41:23
 42:17,24 45:14,18
 46:10 94:19 99:24
 100:1 113:1,4,20
establishments 2:12
 20:2,16,19 21:4 27:24
 29:4,7 30:19 31:11
 39:25 40:9 43:17 44:5
 44:8
estate 69:17 81:19
et 59:22
Evelyn 1:23 2:7 4:22
 9:5,25 75:23 76:8
 77:24
evening 44:19
Eventually 104:9
everybody 94:15
 117:15 119:17
evidence 30:13 46:8
 98:2,12 103:24,25
 108:16 112:7,9,12,13
 113:1,22 116:23
exact 22:10 25:24
exactly 53:6 56:21,22
 56:25 66:20 69:11
 116:2
examination 15:10
 47:22 75:24 92:19
examine 13:15,17
examined 15:12 47:24
 76:1 92:21
exceed 115:6
excited 10:11
excuse 4:23
exhibit 25:19,20,21,21
 26:12,16,23,25,25
 27:3,6,6,14,20,21,21
 27:24 28:19,22 29:1,3
 29:10,12,13,15,16,19
 30:5,7,11,15 31:1,17

43:16 45:23 94:4,16
 96:11 100:15 108:1
 108:17,21 109:15,16
 109:21,24 110:2,24
 111:1,6,9,20 112:10
exhibits 26:11 28:8,9
 28:15,16 30:9 96:4
existing 19:16 37:4
exit 29:19 90:1,3,19,19
 90:20,23
exits 89:23,23
Exotic 22:17 30:21 31:6
 32:10 39:13 40:1,11
 101:24
expect 97:10,21,22
expected 42:21,22
 95:19 96:23
experience 50:15,20
 64:21,22
expire 82:16
explain 51:17 80:22
expressed 84:18
exterior 2:13,14 27:7,15
 29:10,12 108:22
 109:25
exterior-interior 110:21

F

F 15:21
facade 80:15
facilities 30:23 97:8
facility 23:5,16,17
 24:13 43:7 54:22 97:9
facing 59:23 60:7
 115:19
fact 41:20 59:23 60:8
 96:19 114:3 116:19
factor 46:6
facts 115:24 117:10
factually 43:9 61:8
 96:20
Fair 113:15
familiar 10:8,9,10 17:2
 17:5 31:7 42:13,15
 78:13 79:11 98:25
family 23:22 41:11,16
 41:17,21,22 49:22
 64:17 70:14 97:1
 115:16
family-like 41:25
far 25:17 30:17 63:4
 81:16 82:21 92:6
fast 34:18 89:12
favorable 114:16
feature 4:9
February 1:12 16:8,9
feedback 61:15
feel 82:21,24

feet 2:13 20:2,5,14
 22:16 29:5 30:19,21
 94:18 96:5
Felicia 1:22 2:6 10:19
 15:5,9,17
felonious 24:17
file 111:19 116:19
final 97:16
finally 60:24
find 18:2 30:17 35:23
 63:13,16 64:1,3
 114:10
findings 17:22 22:20
 116:19 117:12
fine 6:11 8:25 12:15
 18:9 48:1 86:2 117:7
 117:18
finish 56:18 59:11
fire 90:16,19
first 3:18 4:10,10 9:23
 15:4,11,21 47:15,23
 61:12 73:15 75:25
 83:8 92:20 94:22
 116:14
fish 89:13
fit 114:11
five 7:6 8:5 11:6 12:19
 12:22 14:11,13 22:4
 28:22,23 38:15,21
 45:14 95:15 102:11
 110:20 112:16,18
five-minute 120:3,4
fix 51:11 62:25
fleshed 26:9
Fletcher 20:1
flexible 50:12
flood 110:22
floor 26:19 101:1
focus 37:3
folks 5:22 115:8
follow 20:18
follow-up 12:5,9 74:24
 75:2,7
follows 15:13 47:25
 76:2 92:22
food 23:18 26:8 34:21
 63:19 64:7 73:10,11
 73:12 89:13
foot 86:23 115:8
force 78:11
forever 81:2
formal 94:16
forth 98:3
forward 61:16 73:18
 98:13 100:14
found 20:10 21:21 34:5
 34:25 45:25
four 88:7 89:2

fourth 89:5
Frank 15:22
free 25:1 67:14 69:15
 69:16
freezer 65:19
front 27:7 49:8,11 51:23
 51:23 52:11 56:11
 57:14,19,21 58:1,16
 62:23 90:1,8,14,17
 109:25
fruit 63:21
full 32:20 34:17,18
 97:25
fully 50:1 88:23,25
furnished 57:17 60:3
further 40:19 54:11
 61:25 84:2 87:14
 102:9 105:6 107:7
 115:20 116:7
future 46:3 53:16 59:22
 60:7,10 81:23 95:19
 95:25 96:24 115:19
FYI 14:21

G

gain 24:2
gas 71:23,24 72:11
gasoline 72:9,9,11
gate 81:3,11
gather 18:11 19:2,6
gathered 40:25
general 20:12 43:22
 113:13
geographic 2:11 20:12
 20:12 27:22
geographical 29:1
getting 64:14,18,25
Giant 102:8
GIS 30:15 44:5 45:17
give 5:5 11:5 14:11
 17:15 53:1 57:11 58:4
 60:12,15 93:25 94:7
 106:15 112:16 119:6
given 11:8 84:10,12
 86:17 98:11 100:20
 113:15 115:8
gives 20:20
goods 106:8
government 54:25
 96:14
grab-and-go 85:22
Grandis 1:18 3:11 4:5
 35:6,8,9,13 36:11,14
 36:18 73:24 74:1,6,10
 105:11,13,14,19,22
 105:25 106:9,17,20
 107:6 119:1,2,2
grant 69:24

granted 62:13
granting 46:14 83:3
 113:6 114:5
grass 21:25
Greetings 8:2
groceries 95:8
group 7:5 8:5,17 28:22
 28:23 45:14 98:7
 116:5
growth 19:19 97:17
guarantee 115:19
guess 12:20,22 19:4
 30:16 63:25
guilty 82:25

H

H-W-A-N 7:14
half 63:5
hand 15:7 47:19 75:21
 88:13 92:16
hands 55:14
hang 84:20
Hansen 1:18 3:10
 118:24,25,25
happen 63:5
happened 6:16
happy 100:7
Harbor 85:16
hard 40:23 99:21
 102:25
hardware 69:9,14
harm 101:10
he'll 103:13
head 73:19
health 52:20
hear 37:15,16 50:4
 75:11 77:13,17,19
 78:5,15,17,19,20,21
 78:23 101:14 110:17
 111:16
heard 3:25 13:9 59:18
 80:16 103:2
hearing 1:7 3:13 4:7,11
 5:20 7:2,3 10:15,23
 44:18 91:9 104:4
 107:17 108:20 109:11
 109:15 112:2 119:25
 120:10,13
hearings 3:15,17 16:13
 16:16 110:15,17
held 95:24
Hello 78:18
help 51:6 63:8 70:9
 71:9 78:7 80:8 82:25
 83:14,15
helping 43:3
hi 75:19
higher 59:9 96:18 97:7

hire 50:23
hiring 51:15
hit 102:21
hold 5:5 9:9,9,13,13,13
 34:11 74:20,21,21,21
 74:21 75:20 76:10,23
 78:25 79:19 105:5,9
 108:25 117:22 118:3
 119:7
home 67:14 84:23 85:2
 105:17
homeless 41:22 52:20
 97:1
homelessness 115:16
honorable 46:23
hopeful 114:15
hopes 24:24
hoping 14:17 28:4
hosting 49:15
hour 12:23 13:3,4,10,23
 47:10 92:4
hours 21:11 22:4 32:15
 32:16,17,20,24,25
 50:5,10,11 97:14
house 62:17 69:16,16
 69:16 99:8
houses 58:12 86:20
hundred 52:15 71:6,20
hypothesis 86:8

I

Idaho 38:25
identification 30:12
 108:2 110:3 111:2,10
identified 23:4
identify 7:22 9:4 10:17
 28:16
imagine 87:2
impact 46:15 102:18
impacts 113:18
important 5:19,21
 96:12,15
impose 114:7
imposed 114:12
improve 81:18
include 29:8 43:25 44:6
 74:2 97:5 98:10
including 43:12 80:10
 94:17 95:10 96:25
 101:9 102:10 113:12
 115:14
inclusive 19:19
inclusivity 97:17
increase 83:19
individual 23:3
individuals 18:12 23:13
 24:21,22 25:1 30:3
 41:6

indulgence 34:7,8
inform 92:4
information 2:11 18:2
 18:10,22 19:2,5 20:13
 20:20 24:2,3 29:2
 40:25 60:13 81:22
 93:21
inside 49:6,6 53:3 62:9
 63:24 99:24 100:4,5
 100:17
inspection 86:1
inspections 16:25
inspector 35:10 36:25
 37:23 97:1 105:23
instance 41:5
instructions 3:14
intending 58:10
interest 51:7,8
interested 51:22
interesting 49:13
interference 36:10,11
 37:13 50:3 101:13
 109:20 116:9
interior 2:15,15 26:17
 29:15,17 108:22
 109:25
internet 77:4 110:5,10
 110:16
intersection 40:7
introduce 7:8,11
invest 62:16,16
investigation 17:7 18:3
investigator 1:22 10:18
 10:20 15:17,21 16:2,7
 16:14,18,23 17:3,6,10
 17:13,23 18:4,7,14,18
 18:24 19:8 20:23 21:3
 28:11,18 30:25 31:4
 32:4,12,19 33:1,4,9
 33:12,23 34:4,10,16
 34:20 36:5,9,13,17
 37:10 38:3,18 39:8,18
 39:22 40:17 41:24
 42:3,6,15,25 44:4,21
 45:5,25 60:2 90:9
 98:3 100:16 101:24
 114:2 115:2,15
investigator's 96:9
 114:1
investment 63:3
invitation 74:18
invite 46:24 47:1 54:8
 94:24
inviting 101:2
Island 1:7 9:7 20:7 31:6
 31:9,10 45:12 47:6
 67:21 86:21 90:16
 95:10 101:22 102:5

110:23
issue 12:7,21 13:8
 38:17 55:25 98:14
 104:17 119:10,12
issues 19:15 24:18,18
 46:13 101:5 103:4
 104:18 113:8
items 26:9 73:10

J

James 1:19 3:9
January 21:18
Jeni 1:18 3:10 118:25
JJ 43:25 44:1
job 19:20 51:8,25 52:10
 82:6,13 83:10 87:12
 97:17
joining 3:9
JR 1:17,19
JS 1:6,6 4:11 7:15,16
 20:3,5,15 21:10,13
 22:16 23:2,13,20
 24:21 25:3 26:15,17
 27:7,15 29:5,11 30:6
 31:5,14 39:14 40:12
 45:11 118:8
juices 106:7
junction 74:22,24
justice 30:4
justifiable 99:22
justification 96:19
juvenile 38:5,6
juveniles 23:15,19 27:5
 29:23,25

K

K-Y-U-N-G 7:14
kept 100:13
kids 52:19
Kim 61:2
kinds 81:20
Kitchen 40:10
knowing 69:24
KYUNGHWAN 1:22

L

L-E-R 15:23
L-Y-N 76:9
laid 26:19
landlord 38:11,12 45:21
 75:16 78:1 79:24 80:7
large 57:18
larger 27:14 70:3 102:6
Laughter 103:7
LaVerne 19:25
law 116:20
lawyer 61:2
lead 10:20

leads 29:19
learn 68:25 69:2,3,4,5,6
lease 38:11,13 45:21
 55:2 68:11,13,14 74:2
 78:8 82:16,18 89:10
 89:14
leave 4:3 23:10,16
left 21:15 27:16 52:6,14
 59:15 66:5
legal 74:7 116:23 118:4
legend 27:22
let's 28:13,14 33:3
 77:11,11 78:25
letting 14:20,21 27:25
levels 97:7
license 1:7,10 4:12 8:6
 19:12,13 32:5,18
 36:16,18 37:6 39:2
 45:11 46:2 47:5 48:15
 49:3 62:4,13 65:16,18
 67:25 68:3 69:24 70:1
 70:4 78:8,9,11 79:18
 79:23 80:2,5 83:3,19
 113:7 114:5,7,11,21
 116:12 118:5,9
licensee 7:9 89:21
licensee's 19:11
licenses 20:14 70:15
life 83:20
light 26:14 52:13 56:13
 56:15 80:14
lights 26:22 110:22
limited 63:22,24
line 8:14,20,23 62:20,21
 63:11
linked 113:23
liquor 1:6 4:12 7:15 8:6
 19:16,19 21:13 22:16
 23:13,20 25:4 27:8
 30:7,22 37:2,4,5
 38:13,14,16 39:6,12
 39:13,15 40:13 44:1
 45:12,21 46:4,6,7
 47:5 48:15,17,22 49:2
 49:8,22 51:20 61:20
 61:22 62:4,5,8,9
 63:14 64:2,15,15,17
 64:25 68:12,15 70:3
 73:16 78:7,9,11 80:2
 84:21,23 85:1,2,15
 86:14 87:7,7 95:1,9
 95:23 96:1,6,7 97:12
 98:8 101:24 102:14
 102:15 103:5,15
 112:24 113:24 114:9
 114:21,24 115:5,10
 118:5,8
liquors 22:17 40:1,15

62:21 64:8
list 2:21 30:18 53:1
 55:16 57:6 103:22
 109:15,21 111:6,20
listed 20:6,16 28:3 29:7
 31:20
literally 97:11
litter 97:18
little 34:5 35:1 71:13
 105:20 106:14
live 95:12 99:2
lived 99:6,7 105:16
 106:2
living 30:3
LLC 1:6 7:16 19:11
local 83:3
located 20:7 22:16,24
 23:1 25:17,23 28:1
 30:6 39:15 45:14
 57:25 59:4
location 19:11 25:9,16
 27:4 31:14 34:21
 36:15 38:4,6,20 39:25
 42:12 48:16 55:10
 57:18 58:7,9 59:16
 65:3,13 69:23 80:18
 80:23,24 81:1,9 84:13
 84:14 85:6,7,12,18,23
 86:16,21 87:2 89:21
 96:2 97:12,13,15 98:6
 98:8,17 102:4 106:11
 114:22 115:1 116:3
locations 20:19 70:21
 95:23 96:10 102:11
locked 49:15,17
log 53:11 120:11
logic 100:20
loitering 22:6 86:14
long 16:5 35:16 43:9
 45:20 65:1 85:6,7
 86:1 95:24 99:4 103:1
 106:9,10 117:8
longer 20:11
look 10:6 20:3 22:13
 25:18 26:11,14,16
 31:17 37:25 43:22
 81:3,18 95:4 96:5
 99:19,24 100:3,6,15
 100:24 101:2 103:6
 103:11,14 105:5
 117:11
looked 42:17 90:10
looking 10:5
looks 77:6 100:11
lose 34:11
lost 35:23
lot 51:23 63:8 69:6
 85:14 86:3,14 87:6

102:6 110:15
loud 97:19
lower 96:18

M

ma'am 8:8 36:8 44:12
 57:3 77:18,22 93:14
 94:13 98:20
main 19:20
maintain 80:4 113:4
maintained 46:11
 112:25
major 21:22 98:18
majority 102:8
making 89:8 113:10
mall 66:16,17,18,19
manage 49:24 81:4
 85:24
management 50:1 78:1
manager 9:6 50:23 56:9
 76:22 86:10 88:10,12
managing 85:7
manner 113:5
Mark 2:9
marked 30:11 108:1
 110:2 111:1,9
market 20:3,5,15 21:10
 27:10,15 66:19 85:20
 86:15 106:1
Mart 1:6 4:11 7:15
 21:13 22:16 23:2,13
 23:20 24:21 25:4
 26:15,17 27:7 29:5,11
 30:6 31:5,14 39:15
 44:1 45:12 118:5,8
Maryland 65:14,16 77:2
 78:2
match 27:12
matter 1:5 7:4 10:21
 18:3 79:4 120:14
matters 43:4
mean 33:14 55:22
 57:24 80:7 99:25
 100:19 101:21 103:14
 104:21 110:4,14
means 70:1
measured 95:12
measures 52:19
mediation 104:3
mediator 19:25
meet 81:24 115:6
meeting 1:3 54:2,3,3,4
 104:6,10,12,17 118:3
 119:8
Meetings 118:2,7,11
 119:9
Megan 1:25 2:8 8:3
 92:18

member 1:17,18,18,19
 1:19 24:12 35:6,9,13
 36:11,14,18 65:22,23
 66:1,4,7,12,15,22
 67:1,4,9,15,17,23
 68:2,7,17,22,24 69:7
 69:13,18,22 70:13,14
 70:18,20,25 71:2,6,15
 71:19 72:1,5,8,16,21
 73:1,6,13,21,24 74:1
 74:6,10 87:19,23 88:2
 88:5,11,14,18,23 89:1
 89:3,7,20 90:2,7,15
 90:22 91:2 105:11,14
 105:19,22,25 106:9
 106:17,20 112:1
 118:12,17,22,25
 119:2
members 3:6,8,11 7:14
 8:5,17 11:12,18,21
 12:5,11 13:19 35:5
 36:21 44:15 47:2 61:4
 72:25 73:23 74:12
 75:1 81:23 87:17 91:6
 95:6,20 105:10
 106:22
memory 67:19 72:16
mental 52:20
mentioned 41:1,10
 57:16 60:3,24 73:14
 94:21
menu 26:9
merchandise 70:11
mere 113:6
merely 46:5
met 1:14 21:19 82:16
 103:5 115:11
Metro 21:9 72:3
Metropolis 42:12,13
 57:20 58:25 97:11
Metropolitan 54:3
microphone 3:22 4:5
 6:21,22,25 75:18
 76:15,16
microphones 4:4 5:9
 5:10
Mid 85:20 86:15
Midtown 27:10
mind 93:1,2
mini-mart 106:8
minute 43:16 54:9
 76:24
minutes 11:6 12:13
 14:11,13 112:16,18
 120:12
mistake 51:12 52:8
mitigate 113:17
mixed-use 45:15

mob 87:11,12
model 115:21 116:8
moderate 35:2
moment 3:20 33:15,17
 33:18 91:20
money 62:17 82:24
monitor 34:1
monitored 23:17
month 85:25 86:10,11
 88:10,17 111:13
monthly 82:22
months 106:14
motion 118:14,15 119:5
move 6:1 20:22 61:23
 73:18 112:6,12,12
 118:2
moved 65:12 69:12
 108:10,14
moving 21:2
MPD 53:10
multifaceted 47:4 94:20
multiple 94:18 115:13
 116:5
Municipal 114:14
mute 3:25 4:5 5:8,10
 6:21,22,24 9:16 11:14
 11:16 76:14,16

N

N 2:1,1
N-G-U-Y-E-N 9:6 10:1
 76:9 77:25
name 2:6 3:5 4:23 7:14
 7:15,17,23 8:3,9 9:5
 9:24 10:1,5,6,9,10,12
 10:19 15:15,20,21,22
 19:10,11 20:18 27:12
 33:20 48:4,5,6 76:7,8
 76:9 77:21,25 117:15
names 28:21,24 29:6
 43:25
National 85:16
nature 101:11
NE 1:7
need 3:13 5:20,22
 23:18 51:5 53:17
 63:20 90:13,20,25
 95:22 96:1 107:8
 110:14,15 114:4
needed 114:24
needs 14:8 95:25,25
 115:10
negative 24:24
neighborhood 19:23
 51:1,7,20 69:4 83:21
 101:9 113:3
neighboring 47:3
neighbors 113:21

net 80:7
never 61:6 69:19 103:5
 103:15,21
new 1:9 7:4 19:12 26:19
 26:20 30:23 45:11
 59:6 69:23 72:3 81:1
 81:8 98:12 99:16
 111:7
Nguyen 1:23 2:7 5:4,5
 5:11 6:5,8,12,20,23
 6:24 9:3,5,6,12,14,15
 9:17,22,25 10:3,3,13
 14:18,19 75:16,18,19
 75:23 76:8,9,15,17,22
 76:24 77:1,3,6,9,13
 77:17,20,24,25 78:6
 78:14,15,16,17,18,19
 78:22 79:9,10,13,15
 79:19,24 80:6,24
 81:14 82:2,4,6,11,21
 83:5,22 84:3,6,15
 85:8,13,24 86:9,25
 87:4 88:3,4,9,12,16
 88:21,25 89:2,6,10,25
 90:5,11,18,24 91:4,21
nice 21:19 48:19,21
 61:20
night 49:16
noise 22:5 97:18,19,22
non-alcoholic 26:7
 106:6
non-Board 20:14
non-liquor 85:20
nonexistent 84:16
Normally 116:20
northeast 45:13 68:19
 70:23,25 71:16,18
 99:7 105:21
northwest 20:8 38:25
 70:25 71:1
Nos 30:11 112:10
notice 119:6
notify 99:17
number 20:18 27:23
 29:4 41:15 43:10 95:1
 106:5

O

O 2:1
O-O-R-H-I-S 8:4
objection 108:4
objections 108:12
observe 85:21 86:3
 101:3 102:17
observed 85:5,19 98:2
obtain 80:1
obtaining 79:18,23
occasions 61:3

occupied 88:24 89:2
off-street 74:2
offenders 22:25 24:17
offered 54:22
office 69:17
Official 114:13 118:1,6
 118:10
once 3:19 11:7,18,20
 11:21 12:1,10,23
 13:11,12,12,15,17,22
 13:24 14:2,6 23:8,15
 42:23 52:21 61:6
 85:25 97:24 101:10
 103:21
one-story 21:13
ones 71:10
open 5:3,24 32:2,3 33:3
 39:7 49:10,11 62:12
 62:21,22 64:11 68:8
 82:24 100:1,3 106:3
 118:2,7,10 119:9
opened 31:13 99:21
 102:2,21
opening 2:1 11:1,2,4,6
 11:8 45:1,3,8 46:16
operate 34:25 48:14
 49:19 50:23 56:4,8
 57:6,7 89:18 96:24
operated 103:15
operating 20:11 39:21
 45:15 46:5 55:15 89:4
 96:23,25 97:14 99:15
 102:16 113:20
operation 21:11 32:24
 46:7 50:6,10,11
 102:24 113:23 116:8
operational 32:10
 106:5
operations 25:11
operator 26:3 55:12
 103:14,24 115:21
operators 46:9
opinion 100:11,24
opportunity 11:3,19,22
 11:24 12:2,4 13:14,16
 13:18,20 14:1,4 18:12
 35:12 94:8 117:1
option 4:2
options 95:16
order 4:10 26:8 57:7
 113:3,18
ordered 27:6
orderly 21:22 26:18
 113:5
organize 63:22
outreaching 60:25
outside 29:8 43:23 44:2
 44:4 61:19 80:14

96:10 100:9 117:2
overabundance 19:16
 37:4 95:1
overall 40:14 113:12
owned 62:2 64:12 73:7
owner 18:19 34:24 63:7
 68:11,12 78:10 79:25
 82:17,20 99:11
owning 73:16

P

P 70:23
P-R-O-C-E-E-D-I-N-G-S
 3:1
p.m 3:2 79:5,6 120:15
package 111:11
packaged 63:19 64:6
 73:11 106:8
packed 64:6,7
page 2:1 20:22,25 21:2
 22:13,19
painting 80:14
pandemic 89:18
papers 117:22
parking 21:6 22:1 51:23
 74:2,3,4,7 84:11,13
 84:16,17 86:18,19,21
 98:11,14,16 115:9,19
parole 24:18,18 41:4
part 21:6 41:15 47:1
 51:13 82:6 94:16
 106:12 107:18
particular 12:21 20:9
 22:21 25:8 30:8 38:23
 41:5 84:13 85:10,18
 85:22 89:21,22 96:2
 97:20 98:17 115:1,13
parties 4:2,13 116:18
party 3:21 4:3 7:8
pass 49:13 60:12
passed 119:6
patrons 24:21 39:24
 84:14
Pause 6:4 34:12 35:21
pay 82:22
paying 63:4
peace 113:3,18
peacefully 113:21
pedestrian 34:6 35:1
people 43:6 52:21
 55:17,19 56:16 57:8
 61:18 71:7,9 84:25
 85:21 86:22 87:11,12
 90:17 94:18 95:12
 97:12 98:4 102:6
percent 49:17 52:15
perimeter 43:23
period 14:22 55:5

102:24
permanently 46:1
person 8:21 51:21
 53:23 57:12,15 70:5
 83:9,24 93:25
person's 13:2
personal 98:13 99:20
 100:11,24
personally 114:5
personnel 50:2
perspective 96:3 99:20
 103:17
Peterson 85:14
petition 2:24 47:2 93:16
 94:4 95:6 98:11
 107:14,20,22 117:10
petitioned 103:22
phone 7:18 8:8 9:16,16
 11:14 40:10 41:13
photo 2:13,14,14,15,15
 2:16,16,20 45:22
 100:16
photograph 29:11,13
 29:16,20 42:16
photographs 26:24
photos 2:19 42:14
 100:25
physical 41:18
physically 86:23
pick 52:5 60:14 81:7
 84:23
picked 23:8
pickup 25:14 52:7
picture 27:14 33:6 38:9
 52:9 58:24 88:16
 109:25
pictures 86:1 90:9
 105:23 108:22 110:21
piece 43:15
pieces 40:24 100:25
pile 87:3 115:20
pileup 98:4
pin 95:13
PIP 38:9 93:22 109:15
 109:19 110:19 112:12
 112:13
place 38:12 48:23 49:7
 49:24 62:18 64:19
 66:16 68:11 69:11
 89:16 101:2 102:16
 102:18 111:4
placed 19:10
places 74:5 101:22
plan 51:14,15,17 80:3
 81:13 92:12 99:22
 113:20
planned 73:14
planning 62:12

plans 50:23
please 4:5,8,13,23 5:2,4
 5:8,10,10,24 6:20,20
 6:22,23,23,24 7:22
 8:9 9:4,16,23,24
 10:17 11:14,15 12:25
 15:6,7,16,20 17:15,16
 20:17 25:2 28:17
 37:22 41:7 43:24
 47:19 48:4 54:24
 56:18 57:3 58:3 75:21
 76:6,16,24 79:21
 92:16 94:8 98:20
 117:11
pleasure 44:21
plus 81:7
point 103:23
police 53:4,11 54:3
 101:5
poor 9:17 77:15 110:13
pop 14:23
population 22:22 41:9
 52:18,20 54:25 97:6
 113:13
populations 19:18 43:3
 96:13,22 101:9
 115:14
possible 109:12
potential 94:19 113:17
power 34:11,18
preliminary 10:24
premises 23:9 36:12
 82:18 89:25
prepared 45:4
present 1:16,20 12:14
 12:24 13:24 46:20
 47:10 74:22,23 79:25
 92:23
presentation 116:25
 117:21 119:12
presented 13:11,22,25
 19:15 117:2
president 48:9
presiding 1:14
pressing 12:7
pretty 23:7 24:9 28:3
 31:24 82:14
previous 82:11 99:11
previously 70:3 73:7
 84:10 85:21 116:1
price 70:8,11
primarily 106:6 107:20
printout 29:6 30:7
probably 12:16
problem 52:24 53:1,7,8
 55:5,17,23 57:9,9
 77:4
problems 46:8

procedural 111:18
proceedings 93:1
 116:21 119:7
process 60:11,12,16
 61:3,23 63:3 116:7
 117:14
product 51:10 64:6
 82:14
products 63:15 64:3,5
professionally 25:25
project 85:16
promise 63:23
pronounce 4:23 8:9
 10:5,11
pronounced 10:7
proof 46:8
proper 46:14
properly 118:15
property 9:6 55:2 64:23
 76:22 78:10 79:25
 80:4,6 81:16 88:19,20
 89:9
proposed 21:11 116:19
protect 52:19
protest 1:7 3:17 4:11
 5:20 7:2,3 10:15,16
 10:21,23 16:13,16
 17:7 18:13 19:15
 28:21,25 116:4
 119:25
protestant 1:25 2:2,4
 2:23 8:1 11:3,6,8 12:3
 12:8 13:14,16,17,23
 13:24 14:3,6,13 18:23
 19:3,5,7 92:11,20
 108:1,16 112:3
 113:25
protestant's 13:19 14:4
 21:7 114:3
protestants 2:10,11
 14:1 19:21 22:11
 23:12 28:19,23 37:3
 40:15 46:5
protested 7:5 45:13
protesting 8:6
proud 10:4
proven 60:8
provide 20:1 23:17 24:5
 26:6,7 51:9 52:4,10
 55:16 81:22 111:13
provisions 97:18
proximate 95:4
proximity 19:17 20:15
 95:13
PSA 54:2,2
public 83:19
purchase 95:8,9
purpose 118:4

purposes 31:19
pursuant 118:6 119:8
put 9:15 52:12,14 58:11
 59:7,15 61:15 62:15
 62:19,20 67:20 73:19
 95:13 108:7 120:1
putting 59:6

Q

quality 51:10 61:20
 64:19 70:11 83:20
quarterly 86:12 88:7
question 11:19 33:16
 35:10 37:2,22 39:11
 40:19 43:10 54:12
 56:19,22,24,25 57:1,3
 57:4 59:12 61:12,13
 65:24 69:20 73:2 78:4
 83:17 84:2,10 87:20
 87:24 91:17 93:2,3,7
 93:9,10,12,14 99:18
 100:8,10,24 101:11
 102:20 103:12 104:14
 104:14,18 105:6
question-and-answer
 4:8
questioning 69:7,9
questions 4:6 11:13,22
 11:24 12:2,4,6,9,11
 13:7 14:4 28:5 35:4
 36:21,24 41:13 44:13
 44:14 54:11,18 61:25
 65:21 72:24 73:23
 74:12,15,16,24,25,25
 75:2,7,8,10,11 87:15
 87:16 91:3,6,10,10,14
 91:14 98:23 105:2,10
 106:22 107:2,3,9
quick 37:2
quiet 35:1 113:3,18
quite 61:4 67:5 100:3
quorum 3:12
quote 54:19 55:16 60:5
 60:24

R

radar 73:18
radius 43:20 115:3
raise 15:6 47:19 75:21
 92:15 104:16,17
raised 46:25 98:12
Randall 111:23
range 44:2 96:5
rate 69:19
re- 96:23
reached 19:25
read 19:9 47:1 93:15
 94:23,24

reading 19:14
ready 51:25
real 69:17 81:19
rear 2:16 21:23,24
 26:12,15 29:20 90:3
reason 50:10 86:13
 101:13
reasonable 115:5
reasons 5:23 10:4
 118:9
rebuttal 14:7,9,10
Rec'd 2:9
received 30:12 108:16
 112:9
receptacle 57:18
receptacles 2:16 25:16
 25:22 30:6
recess 119:7 120:12
recollection 106:10
record 7:9,12,22 9:4,24
 10:17 15:16 19:10
 25:7 26:25 27:14,19
 28:16 43:8 45:10 48:4
 59:19 74:19 76:6
 78:25 79:3,5 103:14
 104:25 107:18 108:8
 115:15 117:9,14
 120:8,9,15
recycle 81:8
Redirect 2:6
redundant 13:6
refer 117:9
reference 28:20 96:11
regarding 18:12 97:17
register 62:24
regular 24:23 25:14
regularly 61:1
Regulation 16:3
regulations 16:24
 32:21 114:14
regulatory 16:24
rehab 97:14 115:17
reiterate 97:5
relate 113:7
related 76:20 97:8
relates 22:9,20 23:23
 26:2 29:2
relative 59:21 60:5
relieved 44:25
Rema 1:19 3:10 118:22
remain 3:25 114:15
remember 29:21 38:20
 67:11 71:21 116:2
reminded 12:25
renovated 102:5
renovation 45:16 89:17
 100:5
rent 63:5 82:22

reopen 42:23 97:10,25
repeat 37:22 51:17 56:5
 57:2 59:25 77:21
 79:20 101:16
repetitive 13:6
report 17:9,21 18:7
 19:3,9,22 20:3 28:4,9
 28:10,17 29:9 32:14
 51:11 53:4,10,13
 57:17 60:2 100:16
 101:4 113:25
reporter 117:16
represent 7:15
representative 22:23
 29:24
representing 8:4,16
 114:23
request 111:19 116:6
requesting 32:16,17,20
 112:22
require 4:7
required 25:10
requirement 114:12
requirements 24:19
 41:4
research 37:5 41:1
residential 29:23
 113:14
residents 47:3
resolve 81:25
resource 23:22 24:4
 41:12,16,21
resources 41:21
response 35:18,20 36:1
 36:3,22 44:16 74:13
 91:7 106:23
responsibility 16:21
 46:2
responsible 82:20,25
 83:8,9,24
rest 92:7 99:10
restaurant 66:13
rested 107:12
restrict 50:9
restriction 114:6
result 18:3
results 97:12
resumed 79:5
retail 7:4 44:7 68:18
Retailer 1:8
review 114:9
revisit 40:24
Rhode 1:7 9:7 20:7 31:6
 31:9,9 45:12 47:6
 67:21 86:20 90:16
 95:10 101:22 102:5
 110:23
Riggs 50:17 62:7 65:5

66:5,10 67:3,8,10,11
68:19,23,24 69:10
116:3
rights 3:21 4:13,18,19
4:19,21,24 5:2
risk 19:18
road 40:12 50:17 62:7
66:5,10 67:3,8,10
68:19,23,24 69:10
71:5,7,11,17 72:1,2
72:10,12 77:2 78:2
116:3
Rodman's 2:20 22:18
30:22 31:12,12,22
32:2 37:6,24 38:22,23
39:1,6 110:24
roll 118:14
roof 80:13
room 119:8
Row 31:10
run 48:19 56:10 64:18
70:10
running 49:22 50:19
runs 19:19

S

S 1:18 2:1
S-A-M-U-E-L 7:17,24
48:7
safe 39:5 48:20 52:15
52:15 54:19 55:8
56:14 71:13 83:24
safekeeping 32:5 37:7
38:2,15 39:2 45:19,23
68:3,8 70:2 111:4
safest 55:9
safety 83:20 113:2
sales 21:12 32:25 82:14
83:13
Sam 9:8 54:18 78:6,11
80:1 82:16,17 83:9
84:17 87:12 89:4
115:22
Samuel 1:24 2:7 7:16
7:23,24 18:20 21:19
25:13,13,23 26:3,5,20
27:9 34:6,21 38:20
47:21 48:6,7
sandwich 64:6
sandwiches 26:8
satisfied 114:11
saturation 22:10
saving 62:16
saw 22:6,7 33:19 58:23
69:19 80:20 90:8
105:23
saying 8:19,19 32:2,3,8
61:21 67:18 86:5 95:6

102:14 112:1 115:10
116:2,11,12
schedule 104:12
scheduled 3:19 34:22
school 20:9
schools 2:11 20:4 28:1
29:2 45:24
screen 17:12,16,19
18:5 21:1 33:11,17,18
93:24 94:1,8,10 98:20
107:21 109:1
search 25:7
second 5:6 96:12
118:11,12,14,15
secondary 58:12
Section 118:2,6,10
119:9
secured 49:16,18
security 51:15 56:10,11
110:22
seeing 53:3
seeking 118:4
seen 94:6 109:5,8,13
115:14
selected 60:4
sell 63:13,15,16,18,19
63:21 64:2,2,8
selling 63:14 73:8
sells 44:9,10
sense 115:25
sentence 116:14
seriously 46:25
served 116:1
service 2:17 24:8 25:9
30:8 38:5 54:22 60:4
95:25 96:6 115:16
services 22:23 23:23
24:4 27:4 41:2,3 42:1
43:11,12,19,25 54:21
86:17 96:16 97:2,3,4
97:6 101:8
servicing 97:13 102:12
serving 102:2
session 3:4
set 5:17 6:3,8 96:15,19
98:8
seven 109:11,14 112:1
share 17:12,16,18 18:1
20:24 23:4 24:22 61:5
93:23,24 94:1,1,4,8
94:10 108:25
shared 93:21 109:10,13
sharing 33:13,16
shelf 49:10 70:12
shelving 26:20
shop 67:11,12,14
shopping 62:9 66:24
shops 97:3

short 1:19 3:9 65:23,25
66:1,4,7,12,15,22
67:1,4,9,15,17,23
68:2,7,17,22,24 69:7
69:13,18,22 70:13,18
70:20,25 71:2,6,15,19
72:1,5,8,16,21,24
87:19,23,23 88:1,2,5
88:11,14,18,23 89:1,3
89:7,20 90:2,7,15,22
91:2 102:24 118:12
118:12,13,16,16,17
118:17
show 20:25 25:18
showed 33:6 105:23
107:20 116:24
showing 27:3
shown 33:20
shows 27:1,17
side 12:13,18,22 31:21
57:22 58:17,20 59:2
71:16,16 90:16
112:18 115:8
sight 58:21
sign 89:10,11,14 90:20
90:20,23,25 91:1
111:6
signage 27:11 35:15
106:1
signal 19:18
signatures 28:22,24
signed 73:16 78:8
93:16,18 95:6
signing 55:2
SIMONE 1:21
simone.andrews2@d...
4:9
simply 67:18
Simultaneous 9:11,20
31:3 34:13 42:9 45:6
45:9 47:13 48:13 49:1
53:21 54:6 58:2 60:17
64:4 65:7 67:16 68:6
69:21 70:24 71:22
72:15 73:3,25 76:11
76:25 77:12 79:1
80:19 85:4,11 87:18
93:5,8,17 99:14
100:18,22 101:17
102:13 103:8 107:5
108:23 110:6,11
111:14 117:19
sir 5:16 6:19,22 16:14
17:3,10,13,23 18:14
28:18 32:12 33:4,23
35:12 36:13,17 37:22
40:17,22 45:8 48:2
65:9 67:4,15,18 72:18

72:20 74:1,9 91:12
99:3 101:15 104:14
105:3 107:10,19
109:7,19 110:14
111:16 114:20 116:13
119:22
sit-down 84:24
site 23:8,25
six 3:6,11 85:9 99:9
105:17,20 106:2
110:20
slightly 102:6
slow 63:6
snow 80:11,12,13
social 86:17 96:16
101:8
sold 37:9 64:24 106:6
somebody 50:25 51:1
57:13
soon 53:3 54:7 60:11
65:4
sorry 10:16 13:17 22:25
34:7,16 82:22 87:21
99:13 101:15 104:22
109:10 110:8
sort 73:17
sound 41:6 97:19
sounds 103:9
South 65:6 66:10
southeast 71:16
space 39:2 49:11 63:24
82:10
spaces 86:19
speak 18:12,17,23
22:21,22 23:22,25
26:2 38:22 44:7 61:5
95:5 103:20
speaker 79:20
speaking 9:11,20 11:15
21:5 25:12 29:24 31:3
34:13 42:9 45:6,9
47:13 48:13 49:1
53:21 54:6 58:2 60:17
64:4 65:7 67:16 68:6
69:21 70:24 71:22
72:15 73:3,25 76:11
76:16,25 77:12 79:1
80:19 85:4,11 87:18
92:13 93:5,8,17 99:14
100:18,22 101:17
102:13 103:8 107:5
108:23 110:6,11
111:14 117:19
special 16:10,11,12
specialist 3:21
specifically 47:6 56:3,3
56:8 57:5,24 103:19
specification 80:22

speculating 46:5
speculation 113:6
spell 9:23 15:19 76:7
 117:15
spelled 9:25
spelling 48:5
spend 13:1
spirits 2:20 22:18 37:7
 37:24 44:11 73:9
 102:7 110:24
spoke 18:18,19,24 23:3
 24:11
spoken 107:13
spot 39:4 59:15,15
spots 84:14 98:16
square 96:5
Staff 1:21
stand 4:15 15:12 17:17
 47:24 76:1 92:21 94:9
start 7:9,10 12:23 15:3
 15:4 19:4 28:14 77:11
 117:14 120:1,10,12
started 34:17
starting 20:17 32:21
state 9:23 13:8 15:15
 27:11 37:8 48:4 76:7
 80:21 99:19
stated 19:12 20:13
 24:13 25:1,5 26:4
 94:25
statement 11:1,2,4,7,8
 45:3,8 112:17,17,19
 112:19
statements 2:1,3 10:25
 14:15 45:2
states 27:10 28:20
 113:9
stating 59:21 93:2
station 71:23,24 72:9
 72:10,11
status 37:25 104:3
stay 4:3 39:7 120:8
steps 52:22 113:16
stop 21:9 33:12,16 72:7
stops 21:8 29:18
storage 48:25 49:7,15
 89:15
store 37:3,5 38:13,16
 39:12 45:21 46:6 47:5
 48:17,22 49:3,5,6,6,8
 49:8,13,22 50:2,16
 51:20,24 52:25 53:3
 55:5 56:9,10,11 57:10
 57:13,14,19 61:10,20
 61:22 62:3,6,7,8,12
 63:17,24 64:11,12,17
 64:23,25 67:2,20 68:8
 68:12,15 69:9,14

71:21 73:8,10,16
 76:21 84:22 85:1,15
 86:22 87:7,8 95:14
 96:2 101:25 102:15
 103:5,15 106:6
 113:24 114:24
stores 19:16 37:4 40:10
 43:22,24 46:4,7 95:2
 102:15 112:24 115:5
street 37:12 40:3,4
 58:13 59:1 62:7 70:22
 71:24 74:4,5 84:18
 95:7 102:1
streetcar 72:5
strictly 73:10
strip 31:10 66:15,17
strongly 46:13 114:4
study 49:24
stuff 51:16 52:21 99:16
subject 101:10
submit 4:8 94:16
 109:15,16
submitted 47:3 93:19
subsided 42:23
subsides 97:24
substance 24:25 41:8
 43:5,6 97:7
substantiate 114:2
substantive 114:4
successful 55:19
sudden 14:23
suggest 114:5
suggested 55:15 57:6
summary 94:25
sums 28:3
Sunoco 71:24 72:8
Superior 22:23,24,25
 24:8 31:20 41:1,2
supermarket 65:19
 66:20
supervised 23:7
supervision 22:25
 24:16 41:3 54:23
supplement 111:19
support 79:16,17,22
 83:3
supporters 2:21 111:6
supportive 101:8
surfaced 47:4
surrounding 95:16
survive 70:8
sustainable 98:7
swear 5:21
sworn 15:11 47:23
 75:25 92:20
system 20:13 27:20
 30:4 39:13 44:5 45:17
 56:11,12

T

T 2:1,1 70:23
T-E-S-F-A-Y-E 7:17,24
 48:7
t/a 1:6
tactic 55:20
takes 66:23
talk 46:23 51:5,19,21
 52:1 59:7 61:17,18
 68:10 81:17 104:3,6,7
talked 32:14 95:20
 104:16
talking 20:25 21:1
 60:25 65:5
talks 19:22 24:3
Target 66:19
technical 4:7
telephone 11:16
tell 18:10,22 19:2,5
 34:21 42:23 52:3 53:5
 55:22 56:25 61:19
 62:11,15 95:18 97:20
 109:4,22 112:20
telling 38:20 52:7 67:6
 67:7 69:8 114:23
tells 29:3 30:16
ten 50:17,19 74:4
 106:14 120:12
ten-minute 120:4,7
tenant 82:12,20
tenants 80:9 81:6 83:12
 83:14,15 88:15,18
term 43:9 103:1
terms 95:3,13,22 98:3,4
Tesfaye's 103:3
tested 24:23,24,24 41:7
testified 11:18 13:13
 15:12 16:13,17 47:24
 76:1 92:21
testify 5:23 7:18 8:15
 8:20,25 11:11 12:13
 37:1 47:17 76:6 78:4
testimony 11:20 32:11
 35:14 44:19 47:7
 75:13 91:22 101:23
 103:3,10 105:15
 106:13 113:16 114:1
tests 49:13
thank 4:16 6:12 7:21
 9:1,2 10:2,12,13,22
 15:15 35:13,13 36:19
 36:19 40:22,23 42:8
 44:12,18,20,22 46:18
 47:9 48:8,24 50:14
 54:13,14,17 60:23
 61:24 62:2 72:17,18
 72:19,19,23 73:21
 74:10,17 75:5,10,13

78:3 82:8 83:2 84:1,3
 88:2 91:2,4,19,22,23
 91:24,24 92:25 94:11
 94:14 98:18 105:7,14
 105:15 106:17,18,21
 112:14 114:18 116:18
 117:21 119:11,14,15
 119:17,18,20
thanks 36:20,25 37:1
 40:18 46:16 54:11
 76:5 98:25 114:17,17
themselves 7:11
things 44:24 60:6 69:6
 72:4 83:13 95:9 105:6
 106:7
third 31:23,23 97:16
three 19:20 23:2 43:21
 51:21,22 52:12 61:11
 72:7 87:8 88:7,22
 89:3,7
Thursday 1:11
till 46:19
timer 13:4
times 22:4 51:22 52:6
 59:14 88:7,7 103:19
Title 113:8 114:12,13
today 3:7,9 4:10 8:15
 10:24 37:1 40:24
 44:19 46:24 47:7 60:8
 76:6 78:4 89:22 90:9
 92:14 94:15 95:25
 96:25 98:3,12,25
 100:14 103:10 105:16
 108:20 114:1,17,20
 114:23 116:24 117:3
 117:18 119:12
today's 3:13
told 84:17
top 43:14 52:13 56:13
 62:20,21 63:11
track 103:14
traffic 34:6 35:1,2 86:3
 87:6 97:21 110:23
train 72:4
training 43:3 46:3 53:16
 53:20 60:6 73:15
trainings 27:6
transcribed 117:17
transcript 117:17
trash 2:16 25:14,16,22
 25:24 30:6 51:15,24
 52:1,6 57:18,19 58:6
 58:7,9,11,18,23 59:5
 59:8,14,14,16,17,20
 59:21 60:4,13 80:17
 80:21,22,24 81:1,5,6
 81:9 97:18 98:4
 110:22 115:20

treat 69:6
Treating 70:6
treatment 115:17
trekking 40:3
tried 6:14
triple 80:7
truck 52:7
truly 26:9
trust 83:11 115:23
truth 67:6,7
try 38:10 55:18 70:12
 77:16
trying 6:17,19 30:17
 31:18 39:1 62:14
 63:13,15 64:1,3,11
turn 5:9
twice 25:15 81:7
two 3:17 12:16 22:14
 23:1 27:17 34:23 37:5
 38:7 41:13 51:21,24
 52:6 59:13 64:17
 70:14,16 87:8 97:3
 102:10 107:21
type 33:21 44:7 73:9
 106:1
typically 86:6 95:7

U

unable 41:13 114:2
underscore 41:17
understand 84:12
 88:14 90:15 100:20
 101:11 103:12 104:15
 104:16
understanding 7:3,5
 25:18 38:19
understands 34:24
understood 3:15
underway 3:13
undo 101:10
unexpected 14:25
unfortunate 104:10
unfortunately 23:24
 26:22
unit 26:22
units 26:21 29:22,23,23
unmute 75:18
unoccupied 21:17
 27:18
upkeep 111:19
urge 115:3
USA 67:14 69:15,15,16
usage 24:25
use 39:13 52:3

V

V 8:3
vacant 35:16 36:12

38:21 106:11
validate 41:20,25 43:24
validated 41:6,11 60:19
 98:16
variety 95:23 96:7,21
 101:21
vehicular 35:2
venture 55:8
verbatim 19:9
verified 59:23 97:1
verify 86:18
victory 8:3
videoconference 1:14
view 31:15 39:23
 103:17
violation 101:4 102:18
violations 34:2
Virginia 23:21 41:11,16
 41:21,25 54:21
visit 25:3 26:23 39:20
 82:15
visited 21:17 22:2
 23:21 39:25
visually 109:8,13
volume 59:9
voluntarily 104:5
Voor 8:11
Voorhis' 112:13
vote 118:15
vulnerable 22:22 41:9
 42:4 43:3,11 54:24
 96:21 97:6,25 101:9
 115:13

W

W 1:14,17
W-I-T-N-E-S-S-E-S 2:5
w/in 2:12
Wahabzadah 1:19 3:10
 73:1,5,6,13,21 118:21
 118:22,22
wait 46:19
waited 104:9
waive 116:20
waived 116:21
Wal-Mart 50:18 65:4
 66:21,22
walk 24:6 31:5 43:21
 95:7,11,14 99:25
walk-in 49:9
walkability 44:3
walking 21:10 31:16,19
 31:22 65:18,19 69:4,5
 115:5
walks 43:20
wall 29:18
wanted 23:22 61:5
 81:11 85:18

wants 81:2 108:5
Ward 45:13
Washington 9:7 37:8
 68:19 70:15 102:16
wasn't 62:5 63:3
watch 102:17
watching 15:1
water 106:7
way 10:6,15,23 19:3
 48:18 53:6 55:15
 56:22 57:10,12 63:9
 63:10 64:20 77:21
 81:25 84:24 96:17
ways 101:25
WebEx 1:14
website 24:1 42:18 43:1
 53:24
week 25:15 51:23 52:6
 59:14 60:14 81:7
welcome 3:4 92:1
 119:21
well-established
 102:23
went 6:16,16 38:4 45:5
 79:5 120:15
wider 96:5
Williams 23:21 41:11
 41:16,21 54:22
willing 46:11 53:15 54:1
 55:18 81:17,24
willingly 54:20 55:17
window 100:3
windows 101:1
wine 39:13 44:9,10
 62:20 73:9 101:24
 102:7
Wines 22:17 30:21
 32:11
Wisconsin 38:24,25
wish 46:18 47:10
 116:19
witness 1:23 7:19 9:18
 11:10,17,18,20,22,25
 12:3,9,12,15 13:2,15
 13:19,21 14:5,10 15:5
 15:12 40:21 47:11,15
 47:24 48:2 54:16
 72:18 75:14,15 76:1,4
 84:8 92:6,12,21
witnesses 5:21 11:9
 12:5,17,20,22 13:5,7
 13:13 14:8,9 92:2,11
 107:12
wonderful 72:18 94:11
Woodbridge 102:10,10
word 22:10 41:17 94:23
 94:23
work 6:2,23 37:2 40:24

77:25 100:5 110:14
worked 67:10 85:14
working 92:4 103:25
worst 46:7,9
write 17:21 116:22
written 19:4 24:3
wrong 37:18 63:1
wrote 17:9

X

Y

year 63:4 88:8 106:15
years 16:8 38:15,21
 50:17,19 65:8 67:10
 69:19 80:25 85:9 99:9
 105:17,20 106:2,5
youth 23:6 41:2

Z

Z 15:23
Zebra 15:23
zero 98:16
zone 45:15 96:10

0

1

1,200 2:13 20:13 22:16
 29:5 30:19,21 39:12
 96:5
1,200-foot 43:20,23
 44:2 115:3
1:30 3:18
1:37 3:2
10 2:16 25:22 30:5
100 49:17
102 2:8
10th 59:1 86:20
11 1:12 2:17 30:7,12
112 2:24,24
114 2:19
115 2:20,21
116 2:19,20,21
116822 1:7 4:12 19:13
 118:6,9
117 2:4
119 2:4
12 113:8
12:00 32:22 50:8
13 105:21
14 16:7
14th 21:18
15 2:6
16 25:8
18 23:6

2

2 2:11,20 28:23 30:20
 30:20 110:24 111:1
20 16:19 67:10 69:19
 80:25
20-PRO-00034 1:8 4:11
 118:5,8
200 66:8,9
2007 65:11 66:4
2020 78:8 82:23
2021 1:12 16:8
21st 16:8,9 72:10,11
23 114:13
25 113:8 114:12
250 46:4 112:24
2574B 118:2
2574B13 118:10
2574B4 118:7

3

3 2:11,21 27:25 29:1
 30:15 111:6,9 112:10
3:21 79:5
3:23 79:6
3:30 3:19 119:25 120:10
300 66:7,23 68:18
306 67:10,10
31 2:10,10,11,11,12,12
 2:13,13,13,13,14,14
 2:14,14,15,15,15,15
 2:16,16,16,16,17,17
312 113:9
314 50:17 67:3,8 68:23
 68:24 69:9
316 68:22
321 113:8
38 2:6

4

4 2:12 22:14 27:6,22
 29:3 31:1
4:14 119:25 120:5
4:15 120:1,7,15
4:20 120:1
4:25 120:9,10,13
400 20:2,4 94:18 102:4
46 2:2
48 2:2
49 2:7

5

5 2:13 27:3,7,21 29:10
 43:16 45:14
56 2:7
574B 119:9
5A 2:14 27:14 29:12
 31:17
5B 1:8
5C 104:19

6

6 2:14 22:19 27:1,20
 29:13
60 12:13
600 30:16
6931 77:1 78:2

7

7 2:15 26:17 29:15
7:00 32:21 50:8
78 2:7

8

8 2:15 29:16
806 20:7
87 2:7

9

9 2:16 20:18 26:12
 29:19 70:22,23
90 119:13
900 24:6 47:6 114:21
932 89:11
932-938 9:7
934 89:14
936 1:7 45:12
96 2:8
9th 70:22

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This is to certify that the foregoing transcript

In the matter of: JS Mart

Before: DCABRA

Date: 02-11-21

Place: teleconference

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