

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE AND CANNABIS BOARD  
+ + + + +  
MEETING

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IN THE MATTER OF: :  
 :  
Iraklion, LLC :  
t/a Iraklion :  
1412 I Street NW : Protest  
Retailer CN - ANC 2C : Hearing  
License No. 116082 :  
Case #23-PRO-00078 :  
 :  
(Transfer of License :  
to New Location) :  
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Friday  
February 23, 2024

The Alcoholic Beverage and Cannabis Board met via Webex videoconference, Chairperson Donovan W. Anderson presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson  
SILAS GRANT, JR., Member  
JAMES SHORT, JR., Member

ALSO PRESENT:

RICHARD BIANCO, Applicant Counsel  
LYLE BLANCHARD, Protestant, Group of 5+  
JAMESON CHARLES, DC ABCA Staff  
CHRISTOPHER COHEN, JP Morgan  
JESSICA FARMER, JP Morgan  
JOHN FIORITO, Applicant  
JOSHUA LEE, Witness  
ROBERT LELAND, Witness  
JOSEPH MASSEY, Witness  
D'JUAN O'DONALD, JP Morgan  
VINCENT PARKER, Witness  
MICHAEL REESE, Witness

MARK RUIZ, ABCA Investigator  
ADAM SCHINDLER, Witness  
ALEXANDRIA SMITH, Protestant, Group of 5+  
REBECCA STRAUSS, ANC 2C

## I-N-D-E-X

Opening Statements	Page
Applicant	28
Protestant	31
JP Morgan	33

WITNESS	DIRECT	CROSS
Mark Ruiz	58	62
John Fiorito	72	99
Adam Schindler	123	133
Vincent Parker	144	159
Robert Leland	163	175
Michael Reese	196	207
Joseph Massey	214	225

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

Protestant			
Exhibit Nos.	Document	Page	
			MARK RECD
1	Copy of the ANC 2C Action Letter to Protest	46	
2	Protest letter from JP Morgan Chase Bank provided by Holland and Knight	46	
3	Copy of protest letter from the group of five or more	46	
4	Copy of the zoning map indicating it's in a D6 Zone	46	
5	GIS map for ABC Establishments within 1200 feet	47	
6	Zoomed in view of the same map for 1200 feet	47	
7	GIS map for schools, rec centers, etc. within 400 feet	47	
8	Photo of the current front exterior of the establishment	47	

9	Another photo of the current front exterior of the establishment	47
10	Exterior building from the end of the alley by I Street Northwest	48
11	Photo of the parking garage across the alley	48
12	Photo of the summer garden	48
13	Copy of floor plans for the lower level, level 1	48
14	Copy of floor plans for level 2 and 3	48
15	Calls for service chronology of a single incident not related to the establishment	49
16	Security plan that was originally submitted with the application	49

#### Applicant

1	Photo, Building Entrance	89	92
2	Photo, Side Shot Parking Garage	92	93
3	Photo, Egress Side and Alley	93	94
6	Google Map Screenshot	80	81
8	Joshua Lee's Resume	237	238
9	Lee Wall Drawing	241	244
10	R. Leland Resume	165	166
11	Fire Safety Report	174	174
12	V. Parker Resume	146	147
13	Investigative Histories	155	156
14	Joseph Massey's Resume	215	216

15	Physical Security Review by Mr. Massey	218	220
16	Photos taken by Mr. Massey	219	220
19	Michael Reese's Resume	198	198
20	A. Schindler Profile	124	125
21	Washington Business Article	127	129
22	Washington Business Article	128	129
23	Washington Business Article	128	129

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

(10:02 a.m.)

CHAIRPERSON ANDERSON: Good morning.

As Chairperson of The Alcoholic Beverage and Cannabis Board for the District of Columbia, and in accordance with D.C. Code Section 2571 et seq. And through the Open Meetings Act, OMA, I'm welcoming you to a regular scheduled meeting of the Alcohol Beverage and Cannabis Board.

This meeting is being conducted pursuant to guidance made available by the District of Columbia's Office of Open Government regarding electronic meetings held by public bodies. Electronic meetings by the ABC Board are authorized pursuant to Section 2-577(a) of the D.C. Code.

Pursuant to the OMA requirements, notice of today's meeting was provided 48 hours in advance of the meeting and on the District's central meeting calendar. The notice included the time, date, agenda, and call-in or log-in information for public participation. This electronic meeting is being hosted by a Webex account provided by the District of Columbia Government. Please address any questions or

1 complaints to the OOG at opengovoffice@dc.gov.

2 My name is Donovan Anderson. I'm  
3 Chairperson of the Board. I would like to  
4 introduce the other members of the ABC Board who  
5 are also participating electronically. Please  
6 respond when I announce your name. Mr. James  
7 Short.

8 MEMBER SHORT: Mr. James Short,  
9 present.

10 CHAIRPERSON ANDERSON: Mr. Silas  
11 Grant.

12 MEMBER GRANT: Good morning. Mr.  
13 Silas Grant, present.

14 CHAIRPERSON ANDERSON: The Board has  
15 three members for the attendance -- in attendance  
16 for the conduct of business today and that  
17 constitutes a quorum. Before we get underway  
18 with today's hearing calendar, I need to make a  
19 few instructions very clear so that the conduct  
20 of these hearings is understood by everyone.  
21 There's just one case on our calendar today.

22 Once your case is called, I will take  
23 a moment for IT specialist to elevate the rights  
24 for each person to enable their camera and  
25 microphone. Then and only then will you have the

1 ability to enable your equipment. If your case  
2 has not been heard, you will remain -- you will  
3 remain mute and your camera will be disabled.  
4 Should you have any questions or require  
5 technical assistance during the hearing, please  
6 submit them using the question and answer  
7 feature.

8 Our first and only order of business  
9 today is a protest hearing, Case No. 23-PRO-  
10 00078, Iraklion, License No. 116082. Good  
11 morning, Mr. Charles. Can you please elevate the  
12 rights of the participants in this case?

13 MR. CHARLES: Yes, Mr. Chairman.

14 CHAIRPERSON ANDERSON: Thank you, sir.

15 MR. CHARLES: We have Richard Bianco.  
16 Sorry, Mr. Chairman. Some of the names weren't  
17 matching the list, so I'm just making sure.

18 CHAIRPERSON ANDERSON: All right.  
19 Fine, thanks.

20 MR. CHARLES: Mark, Josh, Joseph,  
21 John.

22 CHAIRPERSON ANDERSON: I think I'll  
23 just -- These are the folks that I need you to  
24 elevate. Jessica Farmer and Christopher Cohen of  
25 Holland and Knight. Jessica Farmer and I see



1 Holland and Knight. They're fine, which is JP  
2 Morgan Chase. I see Mark Ruiz. Michael Shankle.  
3 We need Michael Shankle and we also need Lyle  
4 Blanchard. Those are the -- Those are the only  
5 people that you need to elevate at this time.  
6 You don't need to elevate anyone else. I don't  
7 know where Lyle Blanchard is -- Attorney  
8 Blanchard. So we need to elevate his group and  
9 we also need to elevate Michael Shankle.

10 MR. CHARLES: I see GDL as the name  
11 for Cohen and then John, but no one else.

12 CHAIRPERSON ANDERSON: All right.  
13 There are witnesses. We need to -- I think Mr.  
14 Massey, I'm probably going to -- He's not going  
15 to testify anytime soon, so he doesn't  
16 necessarily need to be here. But we need to find  
17 Michael Shankle and we also need to find Lyle  
18 Blanchard.

19 MR. CHARLES: Okay, here we go. GDL  
20 is Lyle Blanchard.

21 CHAIRPERSON ANDERSON: Okay, thank  
22 you. And then we need to find Michael Shankle.

23 MR. CHARLES: Who is still not  
24 available in the chat. Is there anyone here from  
25 ANC 2B? So I guess it's Becky Strauss from ANC

1 2B, so you can -- so I guess you can -- so you  
2 can elevate Ms. Strauss from ANC 2B please.

3 MR. CHARLES: Yes, sir. Becky -- I do  
4 not see Becky as an attendee.

5 CHAIRPERSON ANDERSON: She just  
6 responded in the chat, so I don't know where she  
7 is. Were you able to find her?

8 MR. CHARLES: One second. I do see  
9 her in the --

10 CHAIRPERSON ANDERSON: Okay.

11 MR. CHARLES: And here she is. There  
12 we go. Becky is elevated.

13 CHAIRPERSON ANDERSON: All right,  
14 thank you. So I need -- So I see Mr. Blanchard.  
15 I see JP Morgan. Ms. Strauss from ANC 2B, can  
16 you please turn your camera on if you have a  
17 camera please? Okay, all right. Okay, good  
18 morning.

19 Good morning, everyone. We're here  
20 today for a protest hearing that was originally  
21 scheduled for January 31st, 2024. With the  
22 parties consent, the hearing was continued to  
23 today based on the thinking that giving a full  
24 day dedicated to this one hearing, the hearing  
25 can be concluded today, at least that's the

1 Board's objective. And we encourage the parties  
2 to aim for the same goal. This is not to say  
3 that we would be in session until late evening.  
4 If it appears late afternoon that the hearing  
5 will not conclude today, the Board will recess  
6 this matter and find another date to finish the  
7 hearing. We do need to give consideration to  
8 APCA's IT staff and the court reporter will  
9 determine how long we will work today.

10  
11 With that said, I will put a bit of  
12 case background into the record now. The matter  
13 comes before the Board as a protest on the  
14 application to transfer a license from  
15 safekeeping to a new location. This license is  
16 held by Iraklion, Retailer Class CN, License  
17 A116082, located at 1412 I Street NW. And the  
18 Applicant is represented by Mr. Richard Bianco.

19 The license has a nude endorsement and  
20 a summer garden endorsement. The interior  
21 occupancy is 1,200 with seating for 675 patrons.  
22 The summer garden is 65 patrons with a total  
23 occupancy of 100. The hours of operation are  
24 Sunday through Thursday from 8:00 a.m. to 3:00  
25 a.m., Friday and Saturday from 8:00 a.m. to 4:00

1 a.m. The Board's official licensing record  
2 reflects the following: This license has been in  
3 safekeeping.

4 Could I have everyone if you're not  
5 speaking -- I need everyone to mute their line  
6 please.

7 The Board's official licensing record  
8 reflects the following: The license has been in  
9 safekeeping since October 1st, 2012. The license  
10 application was placarded on August 18th, 2023.  
11 ANC 2B represented by Chairperson Michael Shankle  
12 filed a protest on September 29th, 2023. A  
13 second protest was filed by a group of five or  
14 more individuals on September 21st, 2023  
15 represented by Lyle Blanchard, esquire. A third  
16 protest was filed on September 29th, 2023 by JP  
17 Morgan and Chase as an abutting property owner  
18 and they are represented by Jessica Farmer and  
19 Christopher Cohen of Holland and Knight.

20 My only remarks on January 31st, 2024  
21 set forth the procedural history and rulings  
22 issued by the Board on December 6th, 2023 so I  
23 will not revisit them now. With regards to the  
24 protest motion to dismiss, you may recall that  
25 the Board verbally communicated its denial of the

1 motion on January 31st, 2024 at the originally  
2 scheduled hearing. I remind you of this because  
3 the Board will not be issuing a separate order on  
4 that denial, but rather the denial of the motion  
5 to dismiss will be incorporated into the Board's  
6 order following the conclusion of this hearing.

7 So let's now turn our attention to the  
8 hearing at hand. You may recall that I raised  
9 Section 24-444 at a status hearing and again last  
10 month. The Board desires to limit repetitive  
11 examination and testimony amongst the groups. Is  
12 there is any reason that the protestants cannot  
13 prosecute their case with one lead attorney? So  
14 before I have an answer to that question, I'll  
15 have the parties identify themselves. So I would  
16 like -- I'm just going to call the attorneys to  
17 represent themselves and if the client is here. So  
18 what I would like you to do is to spell and state  
19 your name for the record and your representation  
20 in this matter. So I will start with the  
21 Applicant -- with you, Mr. Bianco. Good morning.

22 MR. BIANCO: To the Chair, members of  
23 the Board, my name is Richard Bianco, R-I-C-H-A-  
24 R-D, B-I-A-N-C-O. I represent the Applicant in  
25 this matter. The Applicant's representative is

1 John Fiorito. He's the Director of Operations.  
2 His status has not been elevated, but I do see  
3 Michael Reese who's actually -- Commander Reese  
4 who's actually one of our witnesses. So he  
5 should probably not be elevated.

6 CHAIRPERSON ANDERSON: I'm sorry.  
7 Who's the Applicant -- the license holder?  
8 What's his name?

9 MR. BIANCO: John Fiorito. He's our  
10 Applicant representative. He's the Director of  
11 Operations.

12 CHAIRPERSON ANDERSON: Mr. Charles, do  
13 you see a John Fiorito there please?

14 MR. CHARLES: Yes, sir. He's been  
15 elevated.

16 CHAIRPERSON ANDERSON: All right. Mr.  
17 Fiorito, can you turn your camera on please spell  
18 and state your name for the record?

19 MR. FIORITO: Can you hear me now,  
20 sir?

21 CHAIRPERSON ANDERSON: I can hear you,  
22 but I cannot see you, sir. But you can spell and  
23 state your name for the record and then you can -  
24 - you can work on your microphone -- your camera  
25 as we move forward.

1 MR. FIORITO: I'm sorry. My name is  
2 John, J-O-H-N, last name Fiorito, F-I-O-R-I-T-O.

3 CHAIRPERSON ANDERSON: Good morning,  
4 sir. Yes, I can see you. Good morning.

5 MR. FIORITO: Good morning, Mr.  
6 Chairman.

7 CHAIRPERSON ANDERSON: All right,  
8 perfect. Let's go to the ANC. Who's represented  
9 in the ANC? I'm sorry, ma'am. You're on mute.

10 MS. STRAUSS: I'm sorry. I am the ANC  
11 Commissioner.

12 CHAIRPERSON ANDERSON: Can you spell  
13 and state your name for the record?

14 MS. STRAUSS: Sure. Rebecca Strauss,  
15 R-E-B-E-C-C-A S-T-R-A-U-S-S representing ANC 2C.

16 CHAIRPERSON ANDERSON: Good morning,  
17 ma'am. Mr. Blanchard, can you please and state  
18 your name for the record? You're on mute, Mr.  
19 Blanchard.

20 MR. BLANCHARD: Can you hear me now?

21 CHAIRPERSON ANDERSON: Yes, sir.

22 MR. BLANCHARD: Okay, all right. Good  
23 morning. My name is Lyle Blanchard. That's  
24 spelled L-Y-L-E B-L-A-N-C-H-A-R-D and I'm  
25 representing the group of five protestants. I'm

1 here this morning with my colleague, Alexandria  
2 A-L-E-X-A-N-D-R-I-A Smith, S-M-I-T-H. She's off  
3 camera, but she's here unless you want us to --  
4 Do you want her to be on screen?

5 CHAIRPERSON ANDERSON: So tell me, how  
6 many colleagues do you have and what are they  
7 going to be doing today?

8 MR. BLANCHARD: I have one colleague,  
9 Ms. Smith. And what I'd intended to do is to  
10 divide up some of the cross-examination questions  
11 and direct.

12 CHAIRPERSON ANDERSON: Have her on  
13 come camera please and identify herself for the  
14 record.

15 MS. SMITH: Good morning, Mr.  
16 Chairman.

17 CHAIRPERSON ANDERSON: Good morning.

18 MS. SMITH: Alexandria Smith.

19 CHAIRPERSON ANDERSON: And you are an  
20 attorney representing the protestant -- the group  
21 of five. Is that correct?

22 MS. SMITH: Yes, Mr. Chairman.

23 CHAIRPERSON ANDERSON: Thank you,  
24 ma'am.

25 MS. SMITH: Thank you.



1 MR. BLANCHARD: And so Mr. Chairman,  
2 we have some of our witnesses in the room here.  
3 They will come and sit in this chair when they  
4 present their direct or appear for cross  
5 examination questions so the court can see them.

6 CHAIRPERSON ANDERSON: Thank you, Mr.  
7 Blanchard. And I see that you have made some  
8 changes because you're now close to the camera,  
9 but now I'm not seeing anyone. But we'll work on  
10 that as the -- as the day goes by. I'm seeing  
11 you well, but I'm not seeing the whole room. All  
12 right, fine.

13 We have Ms. Farmer and Mr. Cohen, can  
14 you please identify yourself for the record?  
15 You're on mute, ma'am.

16 MS. FARMER: Can you hear me now?

17 CHAIRPERSON ANDERSON: Yes, ma'am.

18 MS. FARMER: Great. Good morning.  
19 Jessica Farmer of Holland and Knight on behalf of  
20 protestant, JP Morgan Chase. And with me is --

21 MR. COHEN: Hi, there. Good morning,  
22 Mr. Chair. Christopher Cohen with Holland and  
23 Knight, also representing protestant, JP Morgan  
24 Chase. I can spell it for the record, C-H-R-I-S-  
25 T-O-P-H-E-R Cohen, C-O-H-E-N.

1 CHAIRPERSON ANDERSON: Thank you.

2 MS. FARMER: And our client is in the  
3 room with us as well.

4 CHAIRPERSON ANDERSON: We can have the  
5 client identify themselves for the record also  
6 please.

7 MR. O'DONALD: All right, good  
8 morning. D'Juan O'Donald, D-J-U-A-N O-D-O-N-A-  
9 L-D.

10 CHAIRPERSON ANDERSON: And what's your  
11 -- what's your role with the establishment, sir?

12 MR. O'DONALD: I represent JP Morgan  
13 Chase as a real estate officer.

14 CHAIRPERSON ANDERSON: The reason why  
15 I ask these questions, we have a court reporter,  
16 so therefore I want when we have the transcript  
17 that everyone is properly identified and their  
18 names are properly spelled, so that's why I go  
19 through this exercise. Okay? Thank you.

20 All right, as I stated the last time,  
21 there are three protestant groups here. And  
22 pursuant to the Board it's requiring pursuant to  
23 -- I'm sorry, hold on -- Section 25-444 that the  
24 protestants can identify one individual who  
25 should be able to represent the protestant group.

1 Is there agreement to that? Let me -- I would  
2 like to hear from the protestants how it is that  
3 they plan to represent the protest today.

4 Whoever wants to speak. And please when you're  
5 speaking, please identify yourself so the court  
6 reporter will know who's speaking.

7 Mr. Blanchard, I'll start with you.  
8 Who's representing the protestant or how are we  
9 planning to -- how do the protestants plan to  
10 move forward today?

11 MR. BLANCHARD: Mr. Chairman, the  
12 protestants, they're respective clients are  
13 somewhat diverse, but I will be representing the  
14 group of five on its witnesses and Ms. Farmer and  
15 Mr. Cohen will represent the JP Morgan witness.  
16 And I'm going to also into the breach, represent  
17 Ms. Farmer and put her on the stand. And then  
18 each of us, meaning Ms. Farmer and Mr. Cohen will  
19 ask cross examination questions of certain  
20 witnesses that the Applicant is going to put on,  
21 so that there's not overlap. And likewise, we  
22 will ask cross examinations of certain of the  
23 Applicant's witnesses, so there's not overlap  
24 there. So only one protestant attorney will be  
25 asking cross examination questions for each of

1 the Applicant's witnesses and only one attorney  
2 will put on their respective direct examination  
3 witnesses. And then I know Ms. Farmer has an  
4 opening statement and I'll have a very brief  
5 addition to that. And then I have a closing  
6 statement and she may have a small closing as  
7 well if that's acceptable.

8 CHAIRPERSON ANDERSON: All right. I  
9 think that can work. How many witnesses do you  
10 plan on calling today, Mr. Blanchard?

11 MR. BLANCHARD: Well, I plan on  
12 calling six witnesses. Those same witnesses that  
13 appear on our witness list. Most of those  
14 witnesses will be relatively short as far as  
15 their time on direct. (Audio interference)  
16 expert witness may need two hours. So  
17 collectively -- and I know Ms. Farmer has one  
18 witness that I believe -- and I don't want to  
19 speak for her, but my understanding is that her  
20 witness will only be about 15 minutes as well.

21 CHAIRPERSON ANDERSON: All right. So  
22 Ms. Farmer, you're only calling one witness. Is  
23 that correct or do you have more?

24 MS. FARMER: That's correct. One  
25 witness, our representative of JP Morgan.

1 CHAIRPERSON ANDERSON: What about the  
2 ANC -- what does the ANC -- Ms. Strauss, do you  
3 plan to call any witnesses today? Ms. Strauss,  
4 do you want to -- do you plan to make an opening  
5 statement, closing statement? I'm just trying to  
6 find out.

7 MS. STRAUSS: No, I'm not.

8 CHAIRPERSON ANDERSON: Okay, that's  
9 fine. All right. So we're --

10 (Simultaneous speaking.)

11 CHAIRPERSON ANDERSON: I'm sorry.  
12 Yes, Mr. Blanchard.

13 MR. BLANCHARD: I apologize. So I  
14 will be calling Ms. Strauss as a witness.

15 (Simultaneous speaking.)

16 MR. BLANCHARD: And I'm not putting  
17 Ms. Farmer on the stand just to clarify.

18 CHAIRPERSON ANDERSON: All right. I  
19 just -- I just wanted to get some clarification  
20 because there's three protestants. I had to make  
21 sure that all the protestants are represented.

22 MR. BLANCHARD: Understood.

23 CHAIRPERSON ANDERSON: It appears that  
24 we're talking about seven witnesses today. My  
25 intent is to have this hearing done within -- by

1 close of business, whichever -- whatever we call  
2 close of business. I think reasonable people  
3 know. So I would say that I don't think -- maybe  
4 by 6 o'clock at the latest-- that is the outside  
5 date -- the outside time that I believe. So I  
6 want us to speed this along.

7 One of things I'm going to do, we're  
8 going to have a lunch break sometime between 12 -  
9 - a half an hour lunch break sometime between  
10 12:00 and 1:00. I'll see where it is, how the  
11 case is progressing. And so sometime between  
12 12:00 and 1:00, we'll have a half an hour lunch  
13 break. I will also after lunch, try to take --  
14 every two hours, try to take a ten minute break.  
15 There's a court reporter, there's a lot of things  
16 going on. I know we might need a bathroom break.  
17 I can't leave I have to stay here. So I will  
18 try to -- maybe every two hours, depending on how  
19 the case is, to take a ten minute break for  
20 everyone. You can let me know how it is that you  
21 want to proceed.

22 All right, so the process -- the  
23 process is that each side will be given no more  
24 than 5 minutes to make an opening statement.  
25 Then after the parties make an opening statement,

1 then the Board will call its first witness. The  
2 Board has one witness, the investigator. The  
3 investigator will go through his report. The  
4 Board will ask questions of the investigator, and  
5 then both attorneys will have an opportunity to  
6 ask questions of the investigator. Once the  
7 parties have -- once the attorneys have asked  
8 questions of the investigator, then -- I'm sorry.  
9 Where are you, Mr. Bianco? Are you on - I need  
10 to make sure that at least, Mr. Bianco, you are  
11 -- you appear on camera because I need to make  
12 sure that I know who's on camera.

13 MR. BIANCO: I did want to do the  
14 Board the courtesy of at least laying out, what  
15 we think our case was going to look like as you  
16 inquired of the protestant. So I'm glad to do  
17 that and raise whatever issues I have of how the  
18 protestants intend to proceed.

19 CHAIRPERSON ANDERSON: Yeah. I'm  
20 going to -- I'm going to give you an opportunity  
21 to do that. And so we'll also -- Yeah, as I  
22 stated before, so after the Board presents its  
23 case, then the Applicant who has the burden --  
24 the Applicant will present his case. The  
25 protestant will have an opportunity to cross

1 examine. And then the Board will ask questions  
2 of the protestant's witness. And once the  
3 protestant has presented its case -- I'm sorry --  
4 Once the Applicant has presented its case, then  
5 the protestant will have an opportunity to  
6 present its case.

7 As I stated before, it's the Board --  
8 the Board's intention to finish this case at a  
9 reasonable hour today. And if the Board  
10 determines as the afternoon progresses that --  
11 say if we're going to go beyond 6 o'clock, that  
12 we then are going to reschedule the rest of the  
13 case for another day. But I want us to -- As  
14 attorneys here, I want us to do our best to be  
15 brief, not repetitive, and complete this case  
16 today.

17 Any preliminary matters, that we need  
18 to address we start? We'll start with you, Mr.  
19 Bianco.

20 MR. BIANCO: Yes. So there are a  
21 couple related to what the protestant raised as  
22 to how they're going to proceed or what the  
23 protestants raise to how they're going to  
24 proceed. As you indicated, Mr. Chair, the Board  
25 within its discretion can direct the protestants



1 to have one lead attorney. And it looks like  
2 they intend to proceed with as many as three at  
3 different times. So I think it's -- I don't  
4 object to them using one attorney to do cross  
5 examination per Applicant witness. I think that  
6 is probably appropriate. But having them --  
7 having protestants cross examine each other's  
8 witnesses, as well as multiple closings, I think  
9 is problematic, repetitive, and would take an  
10 unnecessary amount of time for not necessarily  
11 any new information.

12 The second piece, which I think is a  
13 bigger problem is the representation that one of  
14 the protestants witnesses is going to take two  
15 hours. The Board limits in these cases, the  
16 presentation of each side to an hour or to 90  
17 days in some cases. So to have one witness  
18 taking up two hours and then five or six other  
19 witnesses beyond that, we see as problematic. We  
20 have seven witnesses and we've gone to fairly  
21 diligent lengths to limit the testimony of each  
22 to keep us within the time allotment that the  
23 Board imposes in these cases. So we prepared our  
24 case based on the manner in which the Board  
25 handles these and would object to the protestants

1 going well -- well beyond those limitations.

2 CHAIRPERSON ANDERSON: Well, although  
3 -- although neither party had requested extra  
4 witnesses, I mean, because normally you're only -  
5 - you can only have four witnesses and you only  
6 have an hour to present your case. But the Board  
7 -- one of the reasons why we're having this  
8 hearing today, which is a non-Wednesday. So the  
9 Board members have extended themselves to work an  
10 additional day.

11 And also, this is a holiday week so  
12 the Board typically would not work this week  
13 because Monday was a holiday. So the Board has  
14 extended itself to be available to work today.  
15 And the Board extended itself knowing that --  
16 because of the importance of this case to the  
17 Applicant and to the community, that we would  
18 dedicate this day. So we believe that -- we've  
19 extended the timeline for our formal discussion  
20 so we can -- this case can be concluded within  
21 this day.

22 Again, because it's an administrative  
23 hearing, the formal rules of evidence is not  
24 applicable, but the attorneys can object and I  
25 will rule on the objections -- the nature of the

1 objections. If you believe, Mr. Bianco, that we  
2 have repetitive -- repetitive or information that  
3 is not relevant to this matter, please subject.  
4 I will make a ruling on that because I'm going to  
5 move this case along. And if I believe that  
6 we're hearing repetitive testimony, I will impose  
7 myself to make sure that we move forward. Okay?

8 So I've heard you objection, sir. I  
9 think you're -- I think you're just objecting for  
10 the record here -- putting your position on the  
11 record. But in this particular case, I'm going  
12 to allow -- Since the protestants have made it  
13 known that we're going to have one attorney who's  
14 going to do cross examination, that's fine.  
15 We're not going to have multiple attorneys do  
16 cross examination. It's going to be -- It's  
17 going to be attorney that's going to cross  
18 examine the witness. And that is -- that's  
19 appropriate. Because again, the protestants  
20 might have diverging views, I will allow them to  
21 -- I'll allow each of the protestants to do an  
22 opening statement and also a closing statement if  
23 they so desire. But that's where -- So I will  
24 allow that to occur. Okay?

25 Ms. Farmer, do you have any

1 preliminary matters that you need to raise,  
2 ma'am?

3 MS. FARMER: No, we do not. Thank  
4 you.

CHAIRPERSON ANDERSON: And  
5 Mr. Blanchard, do you have any preliminary  
6 matters that you wish to raise, sir?

7 MR. BLANCHARD: They've already been  
8 covered. Thank you.

9 CHAIRPERSON ANDERSON: All right,  
10 thank you. So with that said, we're going to  
11 start the case. And so Mr. Bianco, I'll give you  
12 five minutes to make an opening statement.

13 OPENING STATEMENT - APPLICANT

14 MR. BIANCO: Very well. Thank you,  
15 Mr. Chair and good morning, members of the Board.  
16 It's nice to see you all. I want to be as brief  
17 as I can and pretty clear about where we're going  
18 with this case. The case is about peace, order,  
19 quiet vehicular and pedestrian safety, parking  
20 and real estate values. That's it. What it's  
21 not is a referendum on nightclubs that offer nude  
22 dancing. It's not a zoning hearing. It doesn't  
23 call for the Board to make determinations about  
24 sexually oriented businesses despite the  
25 protestants efforts to make it about that. Those

1 are decisions within the purview of different  
2 administrative agencies.

3 Like all new applications or location  
4 transfers, the Board is making determinations on  
5 the appropriateness standards based on intentions  
6 and speculation because there are no -- there's  
7 no operating history here. And it's a double  
8 edged sword. One, we don't have solid  
9 information to go on based on how this operator  
10 operates his establishment. But two, it also  
11 gives the operator flexibility to change intended  
12 operations because that's what we have at this  
13 point, intended operations.

14 At this point, the building is not  
15 even built out. We anticipate a long legal  
16 battle as I intimated before with respect to  
17 other issues that are not before this Board  
18 before the Applicant can even open his door.  
19 Were that not the case, built-out would be well  
20 underway and operations could be detailed further  
21 and more specifically.

22 Of the concerns that are actually  
23 before the Board, we're going to show proof on  
24 each. You'll hear from our operations directors  
25 about the intended operations, expected built-

1 out, and how the front line team will be staffed  
2 and trained when we get that point. You'll hear  
3 from our two security experts. One, the former  
4 commander of 2D, which is the district within the  
5 property falls. The other is a sergeant who is  
6 both boots on the ground in this area and is now  
7 a consultant for the Applicant on an ongoing  
8 basis. They'll share with you the history of the  
9 area, policing challenges, recommended solutions.  
10 And for Sergeant Massey, his ongoing role as the  
11 security program evolves.

12 You'll hear from our emergency  
13 services expert, a former D.C. fire captain who  
14 has inspected the area with respect to fire  
15 safety and accessibility, as well as how the  
16 building is presently equipped. And his ongoing  
17 role with the business regarding fire safety and  
18 emergency services.

19 You'll hear from Vince Parker, someone  
20 who's well known to the Board. He's a former  
21 APCA supervisory investor. He was the head of  
22 business licensing for DCRA. And he will  
23 directly address some of the appropriateness  
24 factors based on his investigation experience  
25 with other establishments in the area. And he

1 will also address how some of the operational  
2 concerns are going to be dealt with. You'll hear  
3 from our real estate expert about downtown market  
4 trends, sales, and why this establishment will  
5 not adversely impact real estate values.

6 After hearing all the evidence in this  
7 case, we are confident that you will find that  
8 the Petitioner has met its burden on all of the  
9 appropriateness factors and that the license  
10 should be transferred without restriction or  
11 condition. Thank you very much.

12 CHAIRPERSON ANDERSON: Thank you, Mr.  
13 Bianco. Mr. Blanchard.

14 OPENING STATEMENT - PROTESTANT

15 MR. BLANCHARD: Good morning. As you  
16 know, my name is Lyle Blanchard with Greenstein,  
17 DeLorme, and Luchs and I'm here with my  
18 colleague, Alexandria Smith. We represent the  
19 group of five or more protestants. The group of  
20 five includes the owners of the adjoining  
21 properties located at 805 15th St. NW owned by  
22 the Southern Building Associates, 733 15th St.  
23 owned by the 15th and 8th Street Associates  
24 Limited Partnership, 1401 I Street, owned by ZG  
25 1400 I, LLC, 1425 New York Avenue owned by New

1 York Avenue Titleholder, LLC, and 1445 New York  
2 Avenue NW owned by Ponte Gadea of Washington,  
3 LLC.

4 The group of five opposes the license  
5 transfer on the same grounds as you'll hear from  
6 its co-protestant, JP Morgan. A proposed license  
7 transfer will adversely impact the real property  
8 values of the group of five's property -- each of  
9 the group of five's properties, the peace, order,  
10 and quiet of the building's tenants, employees  
11 and visitors for all of those buildings, and  
12 pedestrian and vehicular safety for those same  
13 categories of individuals from those buildings  
14 who use the alleys and adjoining streets and  
15 public spaces, including such vital functions as  
16 ingress and egress for deliveries, loading,  
17 maintenance, sanitation collection, and access by  
18 emergency services.

19 The Applicant has the burden to  
20 demonstrate that its establishment as proposed is  
21 appropriate for this alley location. We intend  
22 to question the Applicant about the shortcomings  
23 of its nightclub operation, whether or not it  
24 includes nude dancing. And therefore we will  
25 continue to request the Board deny the license



1 transfer to this location. Thank you.

2 CHAIRPERSON ANDERSON: Thank you. Ms.  
3 Farmer, do you wish to make an opening statement?

4 OPENING STATEMENT - JP MORGAN

5 MR. COHEN: Good morning. I'll go  
6 ahead and make an opening on behalf of both of  
7 us. And good morning to the members of the  
8 Board. Thank you for your time and for taking  
9 this off calendar day.

10 For the record again, my name is  
11 Christopher Cohen with Holland and Knight, along  
12 with my colleague, Jessica Farmer. We represent  
13 JP Morgan Chase Bank National Association. JP  
14 Morgan owns the property located at 875 15th St.  
15 NW, which is improved with historic bone  
16 building. JP Morgan brings this protest as the  
17 abutting property owner.

18 I'd also like to take an opportunity  
19 just once more to introduce our co-protestants.  
20 You've heard from Mr. Lyle Blanchard on behalf of  
21 the group of five and Commissioner Rebecca  
22 Strauss, the Vice Chair of ANC 2C also is  
23 protesting this matter, along with JP Morgan.

24 In light of the Board's decision that  
25 was -- that was communicated during the hearing

1 that began on January 31st, we will not spend  
2 time arguing the application deficiencies with  
3 respect to zoning, nor we will spend time arguing  
4 the application deficiencies under 405.1. We  
5 recognize and appreciate that the Board has ruled  
6 that the application can be amended and/or  
7 supplemented prior to approval and that those  
8 deficiencies are not fatal. But what is fatal to  
9 the Applicant's request is that the proposed  
10 transfer of the license, which includes a new  
11 dancing endorsement fails to satisfy the  
12 appropriateness standard under 25-313.

13 As the abutting property owner, JP  
14 Morgan has three main concerns. One, the  
15 proposed license transfer will impact the real  
16 property value of JP Morgan's property. Second,  
17 the proposed license transfer will adversely  
18 impact the peace, order, and quiet currently  
19 enjoyed by JP Morgan's employees and visits. And  
20 third, the proposed transfer will adversely  
21 impact vehicular and pedestrian safety,  
22 especially given that access to the premises will  
23 depend entirely on the shared alley, which is  
24 partially owned by JP Morgan. And said alley is  
25 only 10 feet wide. Thus, in order to operate,

1       Applicant and its patrons will need to use  
2       property owned by JP Morgan. And we have not  
3       seen any materials within the application or in  
4       the exhibits to show how the operations will be  
5       conducted in a safe manner.

6               JP Morgan and its co-protestants  
7       intend to raise each of these issues through the  
8       direct examination of the witnesses and the  
9       potential cross examination of any other  
10      witnesses called to testify today. Fundamentally  
11      -- and this was alluded to a little bit earlier -  
12      - the Applicant's request is still a bit  
13      premature. The application submitted to APCA is  
14      premised upon what needs to happen in order to  
15      comply with the law, not what actually will  
16      happen if a license transfer is approved and the  
17      establishment is up and running.

18             The Applicant has failed to put forth  
19      any substantial location-based plans for its  
20      operations or security measures, any drawings or  
21      renderings that reveal the extent of future  
22      renovations that may impact the abutting property  
23      owner, and strategies for ingress or egress of  
24      its patrons, and protocols for queuing, or any  
25      description of how say ride share drop-offs

1 and/or pick-ups will be conducted, amongst  
2 several other items.

3 As such, JP Morgan, its co-  
4 protestants, and the Board are compelled to  
5 assess the impacts of a hypothetical situation,  
6 thus shifting the burden of proof to the  
7 protestants and the general public. It bears  
8 reiterating that pursuant to 25.313, it is  
9 incumbent upon the Applicant to demonstrate to  
10 the satisfaction of the Board that it would be  
11 appropriate to transfer the subject license to  
12 the premises.

13 Furthermore in a particular note,  
14 Councilmember Brooke Pinto has urged the Board  
15 not to approve this license. A copy of the  
16 Councilmember's letter is marked as Exhibit 16 in  
17 JP Morgan's fifth exhibit packet. Councilmember  
18 Pinto correctly noted that the proposed use under  
19 license is not an allowable use for the zone. I  
20 addressed because we don't want to focus on that  
21 today. But she also expressed her concern that  
22 with the capacity of up to 1,200 patrons that are  
23 requested, the proposed venue would attract  
24 substantial vehicular traffic, particularly from  
25 for-hire vehicles and pedestrian traffic.

1 Councilmember Pinto urges the Board --  
2 and I quote -- "Consider how emergency response  
3 vehicles would access the property via the alley  
4 and should consider how emergency response  
5 vehicles would access the property via the alley,  
6 and how regular vehicular traffic and the  
7 presence of any emergency vehicles would affect  
8 patrons and JP Morgan's employees ability to exit  
9 this and other buildings, both under normal  
10 operations and in the event of an emergency  
11 evacuation."

12 In conclusion, as detailed in the  
13 protestant's pleadings and as will become clear  
14 today, the Applicant's request is a case of  
15 putting the cart before the horse. The premises  
16 is not capable of accommodation, nor is the  
17 Applicant prepared to bear the responsibility of  
18 operating a nightclub, whether or not it consists  
19 of new dancing activities. The protestants  
20 concerns, including adverse impacts to safety,  
21 peace, order, and quiet, land values merits  
22 significant consideration. And the Applicant has  
23 done little to this point to address any of its  
24 concerns. Because we still have more questions  
25 than we have answers, we respectfully request

1       that the Board deny the request for license  
2       transfer. Thank you very much for your time.

3               CHAIRPERSON ANDERSON: Thank you, Mr.  
4       Cohen. So the Board will call its first witness  
5       and that is Investigator Mark Ruiz. Mr. Ruiz,  
6       can you raise your right hand, sir? Do you swear  
7       or affirm to tell the truth and nothing but the  
8       truth?

9               (Witness sworn.)

10              CHAIRPERSON ANDERSON: Can you spell  
11       and state your name for the record?

12              INVESTIGATOR RUIZ: Mark Ruiz, M-A-R-K  
13       R-U-I-Z.

14              CHAIRPERSON ANDERSON: Good morning,  
15       sir. Where are you currently employed?

16              INVESTIGATOR RUIZ: The Alcoholic  
17       Beverage and Cannabis Administration.

18              CHAIRPERSON ANDERSON: And how long  
19       you have been employed at this agency?

20              INVESTIGATOR RUIZ: Five years.

21              CHAIRPERSON ANDERSON: And what are  
22       your duties and responsibilities?

23              INVESTIGATOR RUIZ: To conduct  
24       investigations and inspections of ABC licensed  
25       establishments within the District of Columbia.

1 CHAIRPERSON ANDERSON: Are you  
2 familiar with this Applicant, Iraklion?

3 INVESTIGATOR RUIZ: Yes.

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

6 INVESTIGATOR RUIZ: I was assigned to  
7 conduct a protest investigation.

8 CHAIRPERSON ANDERSON: And did there  
9 come a time that you drafted a case report  
10 regarding this establishment?

11 INVESTIGATOR RUIZ: Yes.

12 CHAIRPERSON ANDERSON: Do you have a  
13 copy of this report so I can ask Mr. Charles to  
14 provide you access to share your screen if you so  
15 desire?

16 INVESTIGATOR RUIZ: Yes.

17 CHAIRPERSON ANDERSON: I don't feel  
18 like I have that ability. All right. So who are  
19 the protestant -- Who are the parties protesting  
20 the application -- the transfer application, sir?

21 INVESTIGATOR RUIZ: ANC 2C, a group of  
22 five or more, and abutting property owner, JP  
23 Morgan Bank.

24 CHAIRPERSON ANDERSON: So did you or  
25 ABCA have an opportunity or another investigator

1 have an opportunity to speak to any of the  
2 protestants in this case?

3 INVESTIGATOR RUIZ: We were able to  
4 speak to the representative for the five or more.

5 CHAIRPERSON ANDERSON: The group of  
6 five or more?

7 INVESTIGATOR RUIZ: Yes.

8 CHAIRPERSON ANDERSON: And so what  
9 information were you able to gather from the --  
10 from the representative from the group of five or  
11 more?

12 INVESTIGATOR RUIZ: A statement which  
13 was received by Applicant Investigator, Felicia  
14 Dantzler from Mr. Lyle Blanchard stated the  
15 protestants consist of seven building owners,  
16 consist in existing commercial and residential in  
17 a building, which was a commercial building is  
18 now under construction to develop approximately  
19 200+ residential units. Mr. Blanchard stated the  
20 Applicant's property would be situated right in  
21 the middle of the seven buildings. Mr. Blanchard  
22 stated that the primary concern is safety since  
23 the establishment is not designed like most  
24 businesses, whereas upon exiting, you're on the  
25 sidewalk. This is not an option for this



1 property. Due its design, it sits out of site  
2 making it a target for would-be criminals.

3 Mr. Blanchard stated the previous ABC  
4 establishment known as Izay Nightclub and this  
5 establishment had numerous incidents to include  
6 shootings. Mr. Blanchard also stated that a  
7 patron was beaten so severely that he suffered  
8 brain damage. Mr. Blanchard emphasized that the  
9 location is a perfect setup for suspects to lie  
10 in wait on victims because of how the buildings  
11 are designed. Mr. Blanchard also stated that due  
12 to the city's high crime coupled with a deficit  
13 of police officers in the city, they believe that  
14 the establishment would be unable to provide  
15 adequate protection.

16 Mr. Blanchard also stated that the  
17 parking would be a concern because of the alley  
18 being narrow, approximately 20 feet on one end,  
19 less than 20 feet on the other. This alley will  
20 be shared by delivery trucks, car services, and  
21 patrons leading to a constant congestion. That  
22 concludes his statement.

23 CHAIRPERSON ANDERSON: Was any member  
24 of the APCA staff able to speak to any of the  
25 other two protestants?

1                   INVESTIGATOR RUIZ: No. Investigator  
2 Mikea Nelson attempted to contact ANC, Michael  
3 Shankle on January 26th, 2024 via email and  
4 telephonically, but was unsuccessful. And also  
5 on Friday, January 26th, Investigator Dantzler  
6 attempted to contact a representative for JP  
7 Morgan and was unsuccessful with her attempt.

8                   CHAIRPERSON ANDERSON: Was a member of  
9 APCA staff able to speak with the Applicant?

10                  INVESTIGATOR RUIZ: Yes. Investigator  
11 Mikea Nelson was able to reach out to Mr. Bianco,  
12 which Mr. Bianco emailed a statement regarding --

13                               (Simultaneous speaking.)

14                  CHAIRPERSON ANDERSON: Can you just  
15 briefly summarize the Applicant's position in  
16 this case, sir?

17                  INVESTIGATOR RUIZ: So the Applicant's  
18 position is the establishment will not have an  
19 adverse impact on peace, order, and quiet,  
20 vehicular and pedestrian safety, and parking or  
21 to real estate values in the relevant area for  
22 the proposed nightclub, which is an area that has  
23 other nightclubs and very few residents. The  
24 surrounding buildings are offices with peak  
25 occupancy times during normal business hours in

1 which the Applicant will operate mostly busy on  
2 nights and weekends when the buildings are empty.  
3 And so their basic position is that they will not  
4 have no effect on the community in those  
5 respects.

6 CHAIRPERSON ANDERSON: Okay. And tell  
7 us a little bit about the characteristics of the  
8 neighborhood.

9 INVESTIGATOR RUIZ: So the  
10 characteristics of the neighborhood, it's located  
11 in the downtown zone, specifically the D6 zone,  
12 which permits high density development and mixed  
13 uses, generally bounded by New York Avenue and M  
14 Street, between 12th and 19th Streets. It's  
15 commercially -- mostly commercially with other  
16 nightclubs in the area and businesses. Very few  
17 residential buildings with the nearest  
18 approximately a block away.

19 CHAIRPERSON ANDERSON: Okay. Are  
20 there any APCA -- any other APCA licensed  
21 establishments within -- within the 1,200 feet  
22 radius of this address?

23 INVESTIGATOR RUIZ: Yeah. According  
24 to the District of Columbia Geographic  
25 Information System, GIS, we located 36 licensed

1 ABC establishments operating within 1,200 feet,  
2 1412 I Street NW. Out of those 36  
3 establishments, six are licensed as a nightclub,  
4 Class C.

5 CHAIRPERSON ANDERSON: Do you know  
6 whether -- are there any other establishments --  
7 any other establishments within the 36 if they  
8 have a nude dancing endorsement?

9 INVESTIGATOR RUIZ: No, I don't  
10 believe any of them have.

11 CHAIRPERSON ANDERSON: Out of the 36  
12 establishments, what type of endorsements do  
13 these -- the establishments have, if any?

14 INVESTIGATOR RUIZ: Three have cover  
15 charge, 13 have an entertainment endorsement, and  
16 six of them include dancing endorsements as well.

17 CHAIRPERSON ANDERSON: Okay. What are  
18 the hours of operation? What are the potential  
19 hours of operation for this establishment?

20 INVESTIGATOR RUIZ: So proposed hours  
21 of operation would be Sunday through Thursday,  
22 8:00 a.m. to 3:00 a.m. Friday and Saturday, 8:00  
23 a.m. to 4:00 a.m. for the operation. Hours of  
24 sales, it looks like the legal hours to 2:00 a.m.  
25 Sunday through Thursday, 3:00 a.m. Friday and

1 Saturday. Includes additional hours for --  
2 includes hours for a summer garden as well.

3 CHAIRPERSON ANDERSON: Is this  
4 establishment currently open?

5 INVESTIGATOR RUIZ: No, the  
6 establishment is not currently open.

7 CHAIRPERSON ANDERSON: It is correct  
8 to say that there is -- in monitoring the  
9 establishment that there is nothing to see since  
10 the establishment is not open. Is that correct?

11 INVESTIGATOR RUIZ: That's correct.

12 CHAIRPERSON ANDERSON: And it's also  
13 correct to say that because the establishment is  
14 not open, were you able to find any calls for  
15 service from this area?

16 (Simultaneous speaking.)

17 INVESTIGATOR RUIZ: -- to the  
18 establishment, correct.

19 CHAIRPERSON ANDERSON: And it's the  
20 same about noise complaints?

21 INVESTIGATOR RUIZ: Correct. No noise  
22 complaints.

23 CHAIRPERSON ANDERSON: Can you  
24 identify the exhibits that are in the record that  
25 are included in your -- maybe you can show us the

1 exhibits that are -- that are attached to your  
2 report please.

3 INVESTIGATOR RUIZ: Sure. So Exhibit  
4 No. 1 is going to be the copy of the ANC 2C  
5 action letter to protest.

6 (Whereupon, the document referred to  
7 was marked as Exhibit 1 for identification.)

8 INVESTIGATOR RUIZ: Exhibit No. 2 will  
9 be the protest letter from JP Morgan Chase Bank  
10 provided by Holland and Knight.

11 (Whereupon, the document referred to  
12 was marked as Exhibit 2 for identification.)

13 INVESTIGATOR RUIZ: Copy of protest  
14 letter from the group of five or more is Exhibit  
15 No. 3.

16 (Whereupon, the document referred to  
17 was marked as Exhibit 3 for identification.)

18 INVESTIGATOR RUIZ: Exhibit No. 4 is  
19 a copy of the zoning map, indicating it being in  
20 a D6 zone.

21 (Whereupon, the document referred to  
22 was marked as Exhibit 4 for identification.)

23 INVESTIGATOR RUIZ: Exhibit No. 5 is  
24 a copy of our GIS map for ABC establishments  
25 within 1,200 feet.

1                   (Whereupon, the document referred to  
2 was marked as Exhibit 5 for identification.)

3                   INVESTIGATOR RUIZ: Exhibit No. 6 is  
4 a zoomed in view of the same map for 1,200 feet.

5                   (Whereupon, the document referred to  
6 was marked as Exhibit 6 for identification.)

7                   INVESTIGATOR RUIZ: Exhibit No. 7 is  
8 our GIS map for schools, rec. centers, et cetera  
9 within 400 feet.

10                  (Whereupon, the document referred to  
11 was marked as Exhibit 7 for identification.)

12                  INVESTIGATOR RUIZ: Exhibit No. 8 is  
13 the photo of the current front exterior of the  
14 establishment.

15                  (Whereupon, the document referred to  
16 was marked as Exhibit 8 for identification.)

17                  INVESTIGATOR RUIZ: Exhibit No. 9 is  
18 another photo of the exterior -- front exterior  
19 of the establishment.

20                  (Whereupon, the document referred to  
21 was marked as Exhibit 9 for identification.)

22                  INVESTIGATOR RUIZ: Exhibit No. 10 is  
23 the exterior building from the end of the alley  
24 by I Street NW. And this shoots down towards the  
25 establishment located on the far right-hand side.

1                   (Whereupon, the document referred to  
2 was marked as Exhibit 10 for identification.)

3                   INVESTIGATOR RUIZ: Exhibit No. 11 is  
4 a photo of the parking garage across the alley  
5 and garage entrance within that area.

6                   (Whereupon, the document referred to  
7 was marked as Exhibit 11 for identification.)

8                   INVESTIGATOR RUIZ: Exhibit No. 12 is  
9 just a photo of the summer garden, which is the  
10 roof deck on top that was provided with the  
11 application.

12                   (Whereupon, the document referred to  
13 was marked as Exhibit 12 for identification.)

14                   INVESTIGATOR RUIZ: Exhibit No. 13 is  
15 a copy of floor plans for the lower level, Level  
16 1, current building. It was included with the  
17 application.

18                   (Whereupon, the document referred to  
19 was marked as Exhibit 13 for identification.)

20                   INVESTIGATOR RUIZ: Exhibit No. 14 is  
21 a copy of the floor plans for level 2 and 3,  
22 which was included with the application.

23                   (Whereupon, the document referred to  
24 was marked as Exhibit 14 for identification.)

25                   INVESTIGATOR RUIZ: Exhibit 15 was a



1 cause for service chronology of a single incident  
2 not related to the establishment.

3 (Whereupon, the document referred to  
4 was marked as Exhibit 15 for identification.)

5 INVESTIGATOR RUIZ: Exhibit No. 16 if  
6 the security plan that was originally submitted  
7 with the Applicant's application for their  
8 initial plan for security.

9 (Whereupon, the document referred to  
10 was marked as Exhibit 16 for identification.)

11 INVESTIGATOR RUIZ: And that concludes  
12 the exhibits.

13 CHAIRPERSON ANDERSON: Mr. Ruiz, I  
14 want you to go back to Exhibit No. 10. I need to  
15 -- I need you to explain -- I'm looking at an  
16 alley. So I need you to more so explain this  
17 business and its location.

18 INVESTIGATOR RUIZ: So this is from I  
19 Street NW. It's of course a narrow alley. Let  
20 me see if I can -- So I'm going to just zoom in  
21 just a little bit. So from the end of this  
22 alley, the establishment is located to the right  
23 of the vehicle -- to our right, where the sign  
24 states 1412 I Street. And this is off -- off the  
25 street -- I Street NW.

1                   CHAIRPERSON ANDERSON: So the alley is  
2 from I Street to -- So where does the alley --  
3 Does that -- Like the car that's actually  
4 traveling through the alley, does it run through  
5 -- to what street would that car after it passes  
6 the establishment, what street would that car  
7 drive until?

8                   INVESTIGATOR RUIZ: That street is --

9                   CHAIRPERSON ANDERSON: I guess what  
10 I'm trying to figure out --

11                  INVESTIGATOR RUIZ: I believe it was  
12 from I and K Street, I believe.

13                  CHAIRPERSON ANDERSON: But that car  
14 can drive through the alley to get -- to go to  
15 another -- so if there's --

16                  INVESTIGATOR RUIZ: Yeah. That goes  
17 through, yes.

18                  CHAIRPERSON ANDERSON: And so does --  
19 is there any portion of this establishment -- Is  
20 it contained within the alley or is it -- does it  
21 buttress K Street or I Street? It has an I  
22 Street address, so the establishment -- It's not  
23 on I Street. It's in the alley. Is that  
24 correct?

25                  INVESTIGATOR RUIZ: Correct.

1 Contained with the alley.

2 CHAIRPERSON ANDERSON: Okay. So the  
3 entrances -- the entrances and exits are within -  
4 - are located within the alley -- this alley?

5 INVESTIGATOR RUIZ: Yes. So the  
6 entrance is located within -- below that white  
7 sign, like a narrow -- and then the exit is  
8 around the building within the alley.

9 CHAIRPERSON ANDERSON: Okay. All  
10 right. You can close your screen, sir. Thank  
11 you.

12 INVESTIGATOR RUIZ: You're welcome.

13 CHAIRPERSON ANDERSON: Do any of the  
14 Board members have any questions for the  
15 Investigator? Go ahead, Mr. Short.

16 MEMBER SHORT: Thank you, Mr.  
17 Chairman. Good morning, Investigator Ruiz.

18 INVESTIGATOR RUIZ: Good morning, Mr.  
19 Short.

20 MEMBER SHORT: Thank you for your  
21 excellent report. Going back to the exhibit that  
22 the Chairman just asked you about concerning the  
23 alley itself.

24 INVESTIGATOR RUIZ: Mm-hmm.

25 MEMBER SHORT: Would it be true to say

1 it starts at the alley on 14th Street and goes  
2 over to 15th Street?

3 INVESTIGATOR RUIZ: That's correct.  
4 Yes, correct. That's my understanding.

5 MEMBER SHORT: So there are no outlets  
6 on K Street or I Street. Is that correct?

7 INVESTIGATOR RUIZ: I believe the  
8 outlets from I does come from (audio  
9 interference) street.

10 CHAIRPERSON ANDERSON: Mr. Ruiz, if  
11 you don't know, you don't know please. I don't  
12 want, "I believe". If you don't know, say you  
13 don't know please. Okay?

14 INVESTIGATOR RUIZ: I'm not 100  
15 percent sure, no.

16 MEMBER SHORT: Did you physically walk  
17 and see this alley yourself when you were doing  
18 this report?

19 INVESTIGATOR RUIZ: No, I drove by the  
20 alley -- by the area.

21 MEMBER SHORT: Did you drive past the  
22 -- Did you drive past the address for this  
23 Applicant's --

24 INVESTIGATOR RUIZ: Yes, I just drove  
25 past the alley. Yes and looked down.

1                   MEMBER SHORT: Just very briefly, we  
2 know that you're not a real estate person or  
3 whatever, but how wide was that alley that you  
4 drove through?

5                   INVESTIGATOR RUIZ: I drove past -- It  
6 was approximately under 20 feet, enough for the  
7 car to go through.

8                   MEMBER SHORT: Could two cars  
9 traveling in different directions, could they  
10 drive at the same time through this alley?

11                  INVESTIGATOR RUIZ: No.

12                  MEMBER SHORT: Two regular cars?

13                  INVESTIGATOR RUIZ: No.

14                  MEMBER SHORT: Did you observe any  
15 deliveries being made or any trucks or any of  
16 those things that normally would happen in a  
17 business district?

18                  INVESTIGATOR RUIZ: I did not. No, I  
19 did not.

20                  MEMBER SHORT: So when you drove  
21 through, was there much traffic or were you the  
22 only car? What time of day was that also?

23                  INVESTIGATOR RUIZ: I drove by the  
24 alley, it was about 7 o'clock p.m.

25                  MEMBER SHORT: 7 o'clock when?

1 INVESTIGATOR RUIZ: About 7 o'clock  
2 p.m.

3 MEMBER SHORT: 7:00 p.m.?

4 INVESTIGATOR RUIZ: Yes.

5 MEMBER SHORT: And what month -- what  
6 month was it?

7 INVESTIGATOR RUIZ: That was in  
8 January. Hold on one second. Let me pull my  
9 report back up. I'm pretty sure it was January.  
10 It was the end of the month. So it was a Friday,  
11 January 26th.

12 MEMBER SHORT: And at 7:00 p.m., it  
13 was dark I would take it in January. Correct?

14 INVESTIGATOR RUIZ: Correct.

15 MEMBER SHORT: How was the lighting in  
16 the alley?

17 INVESTIGATOR RUIZ: It was dark.

18 MEMBER SHORT: So was there any  
19 lighting at all? And if so, was it private or  
20 city or -- I mean, would you know that? I mean,  
21 I'm just asking what you observed.

22 INVESTIGATOR RUIZ: I wouldn't know  
23 that, no.

24 MEMBER SHORT: Excuse me?

25 INVESTIGATOR RUIZ: I said the light

1 -- I don't know exactly what the lighting was  
2 coming from. I didn't really take a good look at  
3 that.

4 MEMBER SHORT: The lighting was coming  
5 from off of the buildings?

6 INVESTIGATOR RUIZ: I believe so, yes.

7 MEMBER SHORT: So there was no city  
8 lights back there or could you tell?

9 INVESTIGATOR RUIZ: I could not tell.  
10 I do not know.

11 MEMBER SHORT: Now visibility, so if  
12 you were just coming in -- So let's just say  
13 this, which way did you come in and which way did  
14 you exit that alley?

15 INVESTIGATOR RUIZ: I drove by the  
16 alley, 14th Street.

17 MEMBER SHORT: And you entered the  
18 alley off of 14th Street?

19 INVESTIGATOR RUIZ: I didn't enter the  
20 alley at all? I drove by and looked at it.

21 MEMBER SHORT: So you never drove a  
22 car or you never was in a vehicle and drove past  
23 the location?

24 INVESTIGATOR RUIZ: Not in the alley,  
25 correct.

1                   MEMBER SHORT: Where is the front  
2 entrance to this club?

3                   INVESTIGATOR RUIZ: In the alley.

4                   MEMBER SHORT: It's in the alley. So  
5 you didn't drive -- you didn't drive past it?

6                   INVESTIGATOR RUIZ: No.

7                   MEMBER SHORT: Is there a rear do you  
8 know or don't know to this location?

9                   INVESTIGATOR RUIZ: I don't know.

10                  MEMBER SHORT: You have no idea?

11                  INVESTIGATOR RUIZ: I don't know.

12                  MEMBER SHORT: What other clubs are  
13 very close? You said there were other -- You  
14 said there -- In your testimony, you said there  
15 were 36 other ABC establishments?

16                  INVESTIGATOR RUIZ: Correct.

17                  MEMBER SHORT: And how many  
18 nightclubs?

19                  INVESTIGATOR RUIZ: Six.

20                  MEMBER SHORT: Six nightclubs. And  
21 which is the closet one to this location?

22                  INVESTIGATOR RUIZ: I want to say it  
23 was Sachi's Nightclub. I think that was the  
24 closest one.

25                  MEMBER SHORT: Do you know that



1 address or what street this location is on?

2 INVESTIGATOR RUIZ: That's 727 15th  
3 Street Northwest.

4 MEMBER SHORT: It sounds like you did  
5 the best you could with your investigation. We  
6 thank you for your report and thank you very  
7 much. That's all I have, Mr. Chair.

8 CHAIRPERSON ANDERSON: Thank you, Mr.  
9 Short. Any other questions by any other Board  
10 members?

11 MEMBER GRANT: A question from me.  
12 Investigator Ruiz, thank you for the  
13 investigation. Just a question about the alley  
14 as well. Have you or any other members of the  
15 Agency received any complaints or any information  
16 from agencies such as MPD or FEMS about the size  
17 of (audio interference)?

18 INVESTIGATOR RUIZ: No.

19 MEMBER GRANT: That's my only  
20 question, Mr. Chair.

21 CHAIRPERSON ANDERSON: Thank you, Mr.  
22 Grant. Mr. Bianco, any questions?

23 MR. BIANCO: I do have a few. Good  
24 morning, Investigator Ruiz. How are you this  
25 morning?

1                   INVESTIGATOR RUIZ: I'm good. How are  
2 you, Mr. Bianco?

3                   DIRECT EXAMINATION

4                   BY MR. BIANCO:

5                   Q       I'm doing well. I have a couple of  
6 questions. In response to one of Mr. Anderson's  
7 questions about other licensees that have nude  
8 dancing endorsements. You answered no to that.  
9 Now in your capacity as an investigator over the  
10 last several years, are you familiar with this  
11 area?

12                  A       Relative familiarity.

13                  Q       Okay. Are you familiar with or have  
14 you had an occasion to go to an establishment  
15 called Archibald's/Fast Eddie's?

16                  A       Yes, Archibald's.

17                  Q       Okay. And is that an establishment  
18 with a nude dancing endorsement?

19                  A       That is.

20                  Q       Okay. And if we look at Exhibit No.  
21 5 to your report, which is the GIS system  
22 printout --

23                  A       Number five, okay.

24                  Q       Correct. So would Archibald's be  
25 inside of that 1,200 foot radius that we see

1 drawn there?

2 A It is on K Street.

3 Q If you don't remember --

4 A I can't recall by looking at this map,  
5 no.

6 MR. BIANCO: Okay. I could -- Mr.  
7 Chair, if I could share my screen, I'd like to  
8 show the witness a document to refresh his  
9 recollection as to the address of the  
10 establishment.

11 CHAIRPERSON ANDERSON: Mr. Charles,  
12 can you please allow Mr. Bianco to share his  
13 screen please?

14 MR. CHARLES: Yes, Mr. Chairman. He's  
15 allowed.

16 CHAIRPERSON ANDERSON: Go ahead, Mr.  
17 Bianco.

18 BY MR. BIANCO:

19 Q Okay. So are you able to see my  
20 screen, Investigator?

21 A Yes, the placard?

22 Q Correct. That's the ABC's placarding  
23 notice for Archibald's/Fast Eddie's. Top third  
24 of the page, you'll see the address there for the  
25 establishment. Do you see that there?

1           A       Yes.

2           Q       Okay. And now having reviewed that,  
3 is your recollection refreshed as to where that  
4 establishment is?

5           A       Yes.

6           Q       Okay. And based on that, can you say  
7 that it is within that 1,200 foot radius shown on  
8 your Exhibit No. 5?

9           A       Yes, I would say it is.

10          Q       Okay. Second question I have as to  
11 the nearest nightclub, I think you testified it  
12 was Sachi, which is one of the clubs on 15th  
13 Street. Isn't there also a nightclub at 1400 I  
14 Street called Opera Ultra?

15          A       Yes.

16          Q       And that's directly on the corner of  
17 14th and I. Correct?

18          A       Correct.

19          Q       Okay. Now just one more -- one more  
20 thing I want to cover with respect to your  
21 report. It seemed to me that there was some  
22 confusion about the layout and the alley, so I  
23 want to address that briefly. And if we could  
24 look at your Exhibit No. 4 to your report.

25          A       Would that be the zoning?

1           Q       Yes, that's the -- it looks like the  
2 zoning map.

3           A       Okay.

4           Q       Okay. So the dot in the middle  
5 represents where this establishment is proposed  
6 to be placed. Right?

7           A       Correct.

8           Q       Okay. And from this map, it looks to  
9 me like there are alleys going east and west  
10 between 14th and 15th.

11          A       14th and 15th, yes. And then off of  
12 I Street to --

13          Q       Correct.

14          A       -- another alley.

15          Q       Yeah. Now are you able to describe  
16 for the Board -- Oh, I'm sorry. Let me just ask  
17 you this first, did you access both of those  
18 alleys in the course of your investigation?

19          A       I did not access both of them, no.

20          Q       Okay. Which one did you access, the  
21 north south or the east west?

22          A       14th Street, I believe is the south --  
23 south side. And I didn't access, I just drove by  
24 and looked at -- down the alley.

25               MR. BIANCO: Okay. Thank you very

1 much, Investigator. I appreciate your testimony.

2 INVESTIGATOR RUIZ: You're welcome.

3 CHAIRPERSON ANDERSON: All right.

4 That's it, sir. So who will be cross examining  
5 the witness -- one person? Go ahead, Mr.  
6 Blanchard.

7 MR. BLANCHARD: Good morning,  
8 Investigator Ruiz. What is the typical timeframe  
9 for conducting an investigation from start to  
10 finish?

11 INVESTIGATOR RUIZ: A typical  
12 timeframe?

13 MR. BLANCHARD: Yeah.

14 INVESTIGATOR RUIZ: We're a 24-hour  
15 agency, so it could be anytime.

16 CROSS EXAMINATION

17 BY MR. BLANCHARD:

18 Q No, I mean when you're assigned to do  
19 this kind of license report, does it take a week  
20 or a month?

21 A Normally, a couple weeks' time pass  
22 for investigation.

23 Q And did you or Investigator Dantzler  
24 review the protest file before conducting -- as  
25 part of your investigation? I'm sorry, not

1 before, but as part of conducting your  
2 investigation?

3 A I reviewed the letters that were  
4 submitted.

5 Q Okay. And how much time in advance  
6 typically before completing a report, does an  
7 investigator typically contact the protestants?

8 A Normally when we're assigned the  
9 investigation, we make contact with all  
10 participants immediately. This investigation was  
11 turned around within three days.

12 Q Within three days? Okay. According  
13 to the report, Investigator Dantzler interviewed  
14 myself, the group of five or more on January  
15 26th. The report summarizes -- does the report  
16 summarize that interview?

17 A Yes, that's the interview.

18 Q Okay. And then did the investigator  
19 interview the Applicant?

20 A It was another investigator that  
21 received a statement from the Applicant  
22 representative, Mr. Bianco.

23 Q Okay. So the Applicant just submitted  
24 a statement?

25 A Correct.

1 Q Okay. So that was -- And was that  
2 copied and pasted into the report?

3 A Yes.

4 Q Okay. So the only protestant party  
5 that any investigator formally interviewed was  
6 the group of five or more?

7 A That's correct.

8 Q Is that right? Okay. Can you -- Can  
9 you say why Investigator Dantzler waited until  
10 Friday morning, the 28th to send an email to the  
11 protestants?

12 A Was it the 28th or 26th? I have the  
13 26th was when the contact was -- attempt to  
14 contact.

15 Q Okay. I'm sorry, the 26th.

16 A Because we were assigned the -- That  
17 was the day it was assigned to her and we were  
18 assigned the protest Thursday --

19 Q Okay.

20 A -- Thursday afternoon.

21 MR. BLANCHARD: Thursday evening,  
22 okay. Are you aware that JP Morgan's attorney,  
23 Ms. Farmer attempted three times to respond to  
24 Investigator Dantzler, twice by phone and once by  
25 email, but by the time she responded, she was



1 told the report was already submitted?

2 MR. BIANCO: Objection, assumes --  
3 Objection, assumes facts not in evidence.  
4 Speculation.

5 CHAIRPERSON ANDERSON: I'm going to  
6 overrule the objection for -- Yeah, I'm going to  
7 overrule the objection. If the witness can  
8 answer the question, he can. And if not, we'll  
9 move on.

10 INVESTIGATOR RUIZ: No, I'm not aware.

11 BY MR. BLANCHARD:

12 Q All right. Did you -- Did you --  
13 Either you -- As part of the investigation, did  
14 you see Councilmember's Pinto's letter, which was  
15 submitted for the record back on 10-06-'23 asking  
16 the Board to talk with DDOT, FEMS, and MPD?

17 A I did not, no.

18 Q Do you know if your office contacted  
19 any of those three agencies?

20 A No.

21 Q Are you aware that there's a covenant  
22 in the deed that prohibits use of the property as  
23 a nightclub?

24 A No.

25 MR. BIANCO: I'm going -- Well, I

1 guess he answered already --

2 INVESTIGATOR RUIZ: I'm sorry.

3 MR. BIANCO: -- but I'm going to  
4 object on relevance grounds to private agreements  
5 between parties. That's not what the Board is  
6 here to consider.

7 CHAIRPERSON ANDERSON: And Mr.  
8 Blanchard, that's not an issue that this Board  
9 can determine, so I need you to ask questions  
10 that are relevant to what this Board can do.

11 (Simultaneous speaking.)

12 BY MR. BLANCHARD:

13 Q I was trying to get at whether or not  
14 as part of the investigation, they look at the  
15 real estate records or not. I'll move on. Your  
16 report indicates that the area immediately  
17 surrounding Iraklion is commercial properties,  
18 including office buildings, restaurants, and  
19 nightclubs. Is that correct?

20 A That's correct.

21 Q And are you -- Are you aware that  
22 there's another residential building that's under  
23 construction?

24 A Yes. Yes, I was made aware of that  
25 through the investigation.

1           Q       Are you aware that there are hotels in  
2       the area?

3           A       Yes.

4           MR. BLANCHARD:   Okay.   Did you or  
5       Inspector Dantzler talk to the managers of the  
6       two hotels located at either end of the East West  
7       Zei alley, specifically the Sofitel Hotel at 806  
8       15th Street and the Hilton Garden Hotel at 815  
9       14th Street about a proposed nightclub?

10          MR. BIANCO:   Objection, relevance.  
11       The hotel's feeling doesn't weigh in here.  
12       They're not a protestant.

13          MR. BLANCHARD:   My point is that  
14       they're -- they have short-term residential  
15       tenants.

16          CHAIRPERSON ANDERSON:   All right,  
17       let's move on.   Go ahead.

18          BY MR. BLANCHARD:

19          Q       All right.   When you -- On Page 8 of  
20       your report, Inspector Davis visited the premises  
21       on January 25th from 11:20 p.m. to 1:00 a.m.   Is  
22       that correct?

23          A       Correct.

24          Q       And you visited the premises on the  
25       26th?

1           A       Correct.

2           Q       And the photos in your report, did you  
3 take those photos?

4           A       I did not take those photos, no.

5           Q       And then you -- you testified earlier  
6 that you didn't go through the alley at all. You  
7 just -- You drove by on 14th Street. Is that  
8 correct?

9           A       Correct.

10                  MR. BLANCHARD: And you also testified  
11 in response to Board Member Short's question that  
12 vehicles could not pass each other moving in  
13 different directions down the alley?

14                  CHAIRPERSON ANDERSON: Mr. Blanchard  
15 -- Mr. Blanchard, there is a lot of interference  
16 and I believe it's coming from your end, so can  
17 you please ask your colleagues to be quiet? I  
18 think people are looking at their paper, so we're  
19 getting feedback.

20                  MR. BLANCHARD: I'm sorry.

21                  CHAIRPERSON ANDERSON: All right,  
22 thank you.

23                  BY MR. BLANCHARD:

24           Q       I'd also like to ask you about the  
25 security plan. You indicated that the Applicant

1 had submitted a security plan, but the plan is  
2 not final. Is that correct?

3 A Correct. It's my understanding it's  
4 still -- revisions are being made as time goes  
5 on.

6 Q And one final question. When you --  
7 When you drove by the alley, did you notice any  
8 damage to the alley walls from vehicles hitting  
9 the alley -- hitting the buildings?

10 A No, I did not.

11 MR. BLANCHARD: All right. That's all  
12 of my questions. Thank you.

13 CHAIRPERSON ANDERSON: All right,  
14 thank you. Go ahead, Mr. Short.

15 MEMBER SHORT: Investigator Ruiz, just  
16 for the record, GPS would indicate that 14th  
17 Street and 15th Street run north and south. Is  
18 that correct?

19 INVESTIGATOR RUIZ: North and south,  
20 yes. Yes.

21 MEMBER SHORT: Okay. So which means  
22 that K Street and I Street would run east and  
23 west. Correct?

24 INVESTIGATOR RUIZ: Yes, that's my  
25 understanding.

1                   MEMBER SHORT: I wanted to get that  
2 straight for the record with the questions I'd  
3 asked you previously. So again -- I guess  
4 lastly, you drove past the 14th Street side, is  
5 the alley one way or two way? Is there any  
6 indication that there's a one way to get into the  
7 alley or one way to get out or can you come in  
8 from either direction or did you notice that?

9                   INVESTIGATOR RUIZ: I didn't notice  
10 any one way signage, no.

11                  MEMBER SHORT: And I know you're not  
12 a traffic person, but in your opinion after  
13 driving past 14th Street, would it help if that  
14 alley was one way -- one way east or one way west  
15 -- one way or the other, so people couldn't come  
16 in, in both directions?

17                  INVESTIGATOR RUIZ: I can't make that  
18 opinion.

19                  MEMBER SHORT: Okay. Thank you very  
20 much. That's all I have, Mr. Chair. Thank you.

21                  CHAIRPERSON ANDERSON: All right,  
22 thank you. Mr. Ruiz, thank you very much for  
23 your testimony.

24                  INVESTIGATOR RUIZ: You're welcome.

25                  CHAIRPERSON ANDERSON: You're free to

1 go. Thank you.

2 INVESTIGATOR RUIZ: Thank you.

3 CHAIRPERSON ANDERSON: Mr. Bianco, do  
4 you have a witness you wish to call, sir?

5 MR. BIANCO: I do. Our first witness  
6 is John Fiorito and I believe his status has  
7 already been elevated.

8 CHAIRPERSON ANDERSON: All right,  
9 fine. Mr. Fiorito, can you raise -- can you  
10 raise your right hand please?

11 MR. FIORITO: Can you see me?

12 CHAIRPERSON ANDERSON: Yes, sir. I  
13 can see you. I can't see your hand though, but I  
14 can see -- Yes, that's better. Do you swear or  
15 affirm to tell the truth and nothing but the  
16 truth?

17 MR. FIORITO: Yes, I do.

18 CHAIRPERSON ANDERSON: Your witness,  
19 sir.

20 MR. BIANCO: Okay. Actually, Mr.  
21 Anderson, before we get started, I just wanted to  
22 note something for the Board and parties. On our  
23 PIF, we listed Mr. Fiorito as an expert and we  
24 did provide his CV. But for the purposes of  
25 today's testimony, we're going to not be relying

1 on him as an expert witness, so we're not going  
2 to go through -- we're not going to walk through  
3 his qualifications with the level of detail that  
4 we would of an expert.

5 CHAIRPERSON ANDERSON: All right,  
6 thank you.

8 DIRECT EXAMINATION

9 BY MR. BIANCO:

10 Q Okay. Mr. Fiorito, what is your  
11 relationship to the Applicant in this case,  
12 Iraklion, LLC?

13 A I have been retained to handle the  
14 operations and direct it, and oversee the  
15 construction, and bring the project to a  
16 completed state to turn over to management.

17 Q Okay. And do you have an official  
18 title with the company?

19 A Operations and Technical Director  
20 representing owners.

21 Q Okay. And, do you have any positions  
22 with the entity as a director or officer?

23 A Yes. I am appointed as an officer of  
24 the company.

25 Q Okay. And as the Director of



1 Operations, what are your responsibilities?

2 A I am to consult and design, be part of  
3 the design team to ensure an excellent operation  
4 is turned out from safety, to beverage, to  
5 customer service. And to turn over a state of  
6 the art hospitality venue that will only  
7 contribute to better jobs in the District. And  
8 then, bring in the highest qualified people to  
9 consult for security and leadership positions.

10 Q Okay. And what qualifies you to do  
11 that job for the owner?

12 A I have 25-plus years' experience in  
13 the hospitality industry. I possess a master's  
14 in strategic leadership and management and  
15 business from Black Hill State University. My  
16 undergraduate is in criminal justice. I worked  
17 for Walt Disney World Worldwide Hospitality  
18 Corporation. And I have probably been involved  
19 in over a hundred nightclubs, bars, restaurants  
20 and large hotel resort openings.

21 Q Okay. Any of those in the District of  
22 Columbia?

23 A Yes.

24 Q Okay. Approximately how many?

25 A Currently, I probably do 75 percent of

1 the audio and have been involved in at least 50  
2 percent of the buildouts of nightclubs since  
3 1995.

4 Q Okay. And thank you for that, I  
5 appreciate that. So you spoke generally about  
6 what your qualifications are and your  
7 responsibilities for the company. What does that  
8 look like from date of licensing forward? What's  
9 the next thing that happens in the process?

10 A Well, there's the logistical order.  
11 Before you can proceed and start investing money  
12 and finalizing your plans to build, there's a lot  
13 of research and diligence that goes on. But the  
14 first part is, of course, applying for the liquor  
15 license that they already had in safekeeping,  
16 transferring it, and having Board approval to  
17 move on to the next legal issues that, you know,  
18 will be contingent down the road.

19 Q Okay. And how about from a  
20 development standpoint, once licensure is in  
21 place, what's the next thing that happens?

22 A Once license is in place, we start  
23 looking at the entire design and functionality to  
24 ensure that the most important thing is customer  
25 safety and security; whereas, the entrance and

1 the exits will be safe, proper lighting.

2 We intend to have the best security  
3 cameras that you can buy at the time because we  
4 may not get to the purchasing part of that for 16  
5 months, two years, we don't know. The technology  
6 will be much greater. So at that point, final  
7 security plans and what we will be purchasing  
8 will be made at that time to ensure we have the  
9 latest equipment.

10 The Metropolitan Police has a  
11 partnership and a program that encourages  
12 businesses and homeowners to have security  
13 equipment and closed circuit TV so that it helps  
14 the community as a partnership with community  
15 policing to deter crime, when you have it.

16 And also, if a crime is committed, you  
17 can help solve that crime. And on closed circuit  
18 TV, we didn't have it years ago, and now it  
19 really leads to a lot of case closures when  
20 detectives come around who are Alcohol Beverage  
21 Control Board investigators when they need to  
22 review things.

23 There's also detection equipment that  
24 you don't have to pat people down anymore that  
25 can be tech weapons, that are being tested now

1 and used throughout agencies, which I will let  
2 our security specialist consultants provide more  
3 information about that when they speak.

4 Q Okay. And that was really my next  
5 question, so I think you already testified that  
6 you don't have the specific personnel in place  
7 for the day-to-days, but who is in place on your  
8 team right now to move this project forward?

9 A Right now, we have Lee Designs, Josh  
10 Lee, who is an excellent architect and designer.  
11 He's done several venues in Washington, D.C. He  
12 is also an expert in keeping sound, soundproofing  
13 buildings, and keeping sound inside the building,  
14 which is a major goal. One thing that we're  
15 focusing on, is we do not want to hear any noise  
16 or music outside the venue.

17 So the entrances, he's been directed  
18 to create, will have a vestibule where when one  
19 door closes and customers enter, the next door  
20 will not open until the first door is closed.  
21 And then they proceed into the venue, and then  
22 there is no noise coming out to disturb anybody.

23 Q Okay. And how did you decide to use  
24 Mr. Lee for this project?

25 A Past projects in D.C., did an

1       excellent job with the renovation of Soundcheck,  
2       Decades nightclub, several -- he did a hotel with  
3       me with sound mitigation in Miami, the SLF Brick,  
4       having huge noise problems and he came down and  
5       solved the problem at a very fair price for the  
6       hotel operator and they're very happy with him.

7               Q       Okay. And in your prior testimony, we  
8       talked a little bit about security. Are you  
9       handling that personally, or have you brought  
10      people in for that?

11             A       Well, we have brought in retired  
12      Police Commander Michael Reese from the  
13      Metropolitan Police Department, and retired  
14      Sargent Joseph Massey, who has an extensive  
15      experience also boots on the ground running club  
16      zone and managing the troops.

17             Q       And when you say club zone, what do  
18      you mean?

19             A       The reimbursable detail that you  
20      employ Metropolitan police officers off duty to  
21      enhance the security. The one thing that we  
22      intend on doing is having a large police presence  
23      when the club is open, for safety and provide off  
24      duty employment through their reimbursable  
25      detail.

1           Q       Okay. And so I think you just said  
2       you intend to have reimbursable detail. What  
3       about the other security measures recommended by  
4       your consultants, do you intend to employ those?

5           A       Absolutely. We are a by-the-book  
6       organization. And the reason we are bringing in  
7       such highly qualified people with outstanding  
8       reputations, is we're going to follow their  
9       policies to the "T", with what they write up and  
10      recommend.

11          Q       Okay. And one of the things that's  
12      been discussed a little bit already, and I'm sure  
13      it's going to be discussed more, is alley  
14      lighting, or the light or visibility in the  
15      alley. Do you have any intentions with respect  
16      to that?

17          A       Absolutely. That's part of security  
18      lighting and for cameras, where the lights are  
19      going to also be on a timer so that even when our  
20      business is closed, the alley will be illuminated  
21      so that it's safe at any time for someone to walk  
22      down.

23          Q       Okay. And that's another piece that  
24      I think has been raised already that I want you  
25      to talk a little bit about, which is ingress and

1 egress. How do you intend to get patrons to and  
2 from the street through the alleyways?

3 A Okay. Well, you have the wide alley  
4 will fit two vehicles to pass, and that wide  
5 alley is where the sign that says "Zei Alley" by  
6 the McPherson Square Metro, it's starts at 14th,  
7 and it goes east and west, and it ends at Bobby  
8 Van's Steakhouse on the other side.

9 Two vehicles can go down that alley,  
10 we've tested it, and I've gone there myself  
11 during the day. You can have a truck parked in  
12 the alley close up to one building doing  
13 deliveries, and vehicles can still pass down.  
14 And it has to be that way for fire apparatus to  
15 get in.

16 The other two alleys that go north and  
17 south, are one vehicle only. And they were one  
18 way at one time, one that came in and one that  
19 came out that leads out by Opera Nightclub.  
20 That's right on the corner -- right at the end of  
21 the alley, there's Opera Nightclub on I Street  
22 Northwest, in between the Five Guys. The  
23 location entrance is --

24 Q Hang on. Once second, Mr. Fiorito.  
25 I have an Exhibit up on the screen and I want to

1 talk about it for a minute.

2 A Good.

3 Q With respect to these alleyways.

4 Okay. So I'm going to show you a document on the  
5 screen that has been marked as Applicant Exhibit  
6 6. I can represent to you that this is a  
7 printout from Google Maps. Have you seen that  
8 document before?

9 (Whereupon, the above-referred to  
10 document was marked as Applicant Exhibit No. 6  
11 for identification.)

12 A Yes.

13 Q Okay. And does it truly and  
14 accurately depict the layout of the subject  
15 property and surrounding area?

16 A Yes.

17 Q Okay. So there has been some  
18 discussion or let me say that a different way,  
19 strike that.

20 You have testified about a wide alley  
21 versus a narrow alley. When you say a wide  
22 alley, where are you speaking of in relation to  
23 the subject property in the middle of the page  
24 there?

25 A Okay. I'm unable to zoom, but I'm



1 referring to the alley entrance that you can  
2 enter on 14th Street. So if you're coming north  
3 on 14th, you would turn left. And I Street is  
4 one way, you would turn left on I Street. So if  
5 you turn into the alley at where the McPherson,  
6 there's the Five Guys showing, it's before the  
7 Five Guys. So right where it says street on the  
8 map, "St", you can turn left into the alley and  
9 two vehicles can fit down that alleyway. There's  
10 also a valet garage before you get to the  
11 application property.

12 Q Okay. So that's, and the alley that  
13 you are describing now, that's Zei Alley?

14 A Correct. It wasn't -- it's -- the sign  
15 is still there, they named it that.

16 MR. BIANCO: Okay. All right. At  
17 this time I would move admission of Applicant No.  
18 6.

19 CHAIRPERSON ANDERSON: Any objections?  
20 Without objection.

21 (Whereupon, the above-referred to  
22 document was received into evidence as Applicant  
23 Exhibit No. 6.)

24 BY MR. BIANCO:

25 Q Okay. And there is a second alley

1       that provides access to the property as well?

2       Correct?

3               A       Yes, there are two more alleys,  
4       there's one that when you come in and make, let's  
5       say you are going down 14th Street northbound and  
6       you make a left into the alley, right before you  
7       get to the building, there is an alley, you can  
8       turn right and then that would lead you out to I  
9       Street Northwest, and you would be able to make a  
10      left turn only because it's one way.

11             Q       Okay. And are two cars able to fit  
12      down that alley?

13             A       No.

14             Q       Okay. Now okay, so keeping with the  
15      theme of getting people from street to alley,  
16      from a security standpoint, what are you going to  
17      do with personnel to ensure that happens as  
18      safely as possible?

19             A       Well, we are going to have an Uber  
20      staging area, but it's too soon in the planning  
21      to be able to do that. And retired Commander  
22      Reese and retired Sargent Massey will be hired to  
23      develop that plan and ensure it's implemented  
24      before opening.

25             Q       Okay. How about escorts of employees

1 and patrons? Is that anything that you're  
2 considering for this process?

3 A Absolutely. We will have guardians  
4 that escort customers out. We will be offering  
5 every customer at the exit door, we will have  
6 multiple staff members to walk them to their  
7 cars, to their Uber. We find today, most people  
8 take Uber or Lyft, they don't park their cars.  
9 Because, you know, they're trying to go out and  
10 have a nice time.

11 They will not be -- it will be a slow  
12 exit of the patrons going out of the club. It's  
13 not going to be an immediate stop and start  
14 pushing people out, it's going to be a staggered  
15 so that it's safe.

16 Q Okay. Let's stay with security. So  
17 could you walk me through, as a patron, what my  
18 entrance looks like. I get from one of the  
19 streets to the front door of the establishment or  
20 near the front door of the establishment, walk me  
21 through what happens?

22 A Normally, I would give you the typical  
23 nightclub setup and it has to be fine-tuned and  
24 tweaked, based on each venue that you're  
25 designing, and that will have the security

1 consultants.

2 But usually there's velvet ropes or  
3 some type of protective stanchions now that you  
4 use that are more heavy duty to control lines.  
5 As the standard guest approaches the door, there  
6 will be screening equipment in place that screens  
7 for weapons.

8 Because we are looking not to have to  
9 do pat downs providing that, or individual  
10 wandings. We're trying to do it more less  
11 intrusive and run a very classy venue. So we're  
12 going to have the best screening equipment  
13 possible.

14 Then the next step will be the ID  
15 scanning and ensuring that all identifications  
16 are logged and scanned in with the time that they  
17 came in; and then if the photo matches the person  
18 on the identification.

19 Providing all of that, they will, they  
20 clear that part of the screening, they will be  
21 proceeding into the cashier booth area or into  
22 the venue of the club through the first door.

23 A certain amount of customers will be  
24 let in first, and the door will be closed. And  
25 then once they clear the area, then the door will

1 be opened, because they have to go through  
2 another door in the design to ensure noise  
3 doesn't come out.

4 Q Okay. And you couched that process as  
5 typical. Is that something that you intend to  
6 implement here?

7 A Absolutely.

8 Q Okay. And what changes might there be  
9 as you go through the process?

10 A Well, it's the same as, the security  
11 is constantly evolving. In the 90s, you didn't  
12 have cameras and closed circuit TV, now we have  
13 such sophisticated cameras, law enforcement has  
14 body cameras even.

15 As things progress, we want to have  
16 the best equipment possible to provide the safety  
17 of your customer. And we also want it to be able  
18 to be used by investigators or law enforcement to  
19 recover information and close cases.

20 I would be willing to bet that our  
21 security equipment is so good, that anything that  
22 happens in the day, they will be recovering, the  
23 cameras, the digital video, from our cameras in  
24 that alley. So the only thing we're doing is  
25 enhancing the security of that alley.

1           Q       Okay. And you mentioned something  
2 when you were discussing the entry procedures, I  
3 think the word you used is stanchions. Are we  
4 talking about a magnetometer like you would see  
5 at many places, or are we talking about something  
6 else?

7           A       Stanchions with velvet ropes at the  
8 front to control where people stand.

9           Q       Okay. And how about the weapon  
10 screening technology? What are you referring to  
11 there, specifically?

12          A       I will let the retired police  
13 officials that we have explain all of that to  
14 you.

15          Q       Okay, great. Now another concern that  
16 was raised in the opening statements anyway, is  
17 parking. How are you handling people getting  
18 from wherever they live or are, to this  
19 particular property?

20          A       Okay. We've done lots of studies and  
21 based on my 25-plus years' experience in  
22 nightclubs in Miami, Las Vegas, Washington, D.C.,  
23 New York, Toronto, your larger percentage of  
24 people Uber today. So they get dropped off  
25 usually on the corners and entrance.

1                   So for the people that decide to  
2                   drive, there is a garage next door that we intend  
3                   to valet with and contract for that purpose.

4                   Q       Okay. And do you have somebody on  
5                   your team at this point handling the planning for  
6                   traffic and parking?

7                   A       We have the retired police consultants  
8                   for that. And they will be heavily involved in  
9                   the planning for traffic, parking. And they will  
10                  also be involved in the planning for people that  
11                  drive vehicles will be given a ticket when they  
12                  enter the venue, so we will know they drove.

13                  And that way the cocktail service or  
14                  bartenders also alerted for extra monitoring so  
15                  that we ensure they do not leave and attempt to  
16                  operate a motor vehicle impaired. And that  
17                  they're not served to an impaired level either,  
18                  which is another requirement.

19                  So we have several monitoring things  
20                  that are going to be in place to ensure again,  
21                  the safety of our customers. And to be, you  
22                  know, a good well-run business within the law.

23                  Q       Okay. What clientele do you intend to  
24                  cater to?

25                  A       We are looking for always a quality

1 clientele, upscale. We don't want to overpack  
2 the venue, we want people to be able to move  
3 freely and comfortably in it.

4 And we intend to screen very carefully  
5 and ensure that we're delivering a nightclub  
6 experience that Washington, D.C. has not  
7 experienced yet. Something on a Vegas scale,  
8 with shows and other things that go on inside the  
9 venue.

10 Q Okay. And so let's talk about that  
11 for a moment, the occupancy. The occupancy  
12 applied for is 1,200. And I know there's no CO  
13 yet, so where does that come from?

14 A When you, it's based on square footage  
15 and standing room. So when you apply for  
16 something, it doesn't mean you're always going to  
17 be granted that amount, because the buildout is  
18 not done yet and the final plans have not been  
19 approved by the city.

20 But you always want to request the  
21 maximum occupancy to the venue. And you let the  
22 government decide what they're going to issue  
23 based on the fire marshal's inspection and other  
24 inspections that go along with reviewing the  
25 plans.



1           Q       Is this going to be a seven-day a week  
2 operation or is it going to be something less,  
3 like other nightclubs?

4           A       Unfortunately, I can't comment on that  
5 yet. I could definitely say Thursday, Friday,  
6 Saturdays. But I don't know yet, because I'm not  
7 going to be handling the marketing promotions.

8                   There's a lot of things you can do  
9 with a space. Just because it's a nightclub, it  
10 can be used for party functions, private  
11 bookings, many types of things. There's been  
12 political events that get held during, you know,  
13 sort of off nights when a club is closed.

14                   So I can't really provide a hundred  
15 percent of what it's going to be used for every  
16 night.

17           Q       That's actually what I was driving at  
18 was my next question, which was what is it going  
19 to be used for. But we'll move on from there.

20                   Okay. So I'm going to bring up on my  
21 screen what I have marked as Applicant Exhibit  
22 No. 1.

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

1                   And the photo might be a little bit  
2 small, so let me see if I can zoom in so that you  
3 can better sense. All right. Are you able to  
4 see that reasonably on your screen?

5           A       Yes.

6           Q       Okay. And what is that?

7           A       That is the -- that's the current  
8 entrance of the building. And that as you get to  
9 that entrance by walking, that would be, I  
10 believe, west going into the alley, that alley  
11 runs, that's the wider alley and then the  
12 narrower alley is the one to the right of the  
13 front door.

14          Q       Okay. So the alley shown on the left  
15 here, that's what we've been calling Zei Alley?  
16 Correct?

17          A       Correct.

18          Q       And the alley on the right here is  
19 the, I guess what we've been referring to as the  
20 narrower alley? Correct?

21          A       Yes. And just for correct spelling,  
22 it's Zulu, Echo, India, Z E I, for Zei Alley.

23          Q       Okay. And if we follow Zei Alley out  
24 towards the street as depicted here, about  
25 halfway up the photo, I see another what appears

1 to be driveway or alley there. Can you tell me  
2 what that is?

3 A That's another alley that's narrow for  
4 one vehicle only.

5 Q Okay. And does this photo truly and  
6 accurately depict the conditions at the property  
7 today?

8 A Yes.

9 Q Okay. And I see a sign there on the  
10 front of the property that has the address and  
11 then above it, it says "Dexis," do you see that?

12 A Yes.

13 Q Is that your trade name?

14 A No.

15 Q Okay. So why is that there?

16 A That's previous owners of the  
17 building, I believe, the business that was there.

18 Q Okay. And what was the previous use,  
19 if you know?

20 A I think it was an IT company.

21 Q Okay. And in terms of your signage,  
22 at this point, what's your intention as to  
23 signage?

24 A Signage is very small in nightclubs.  
25 It wouldn't be any bigger than that, if there's

1 going to be a sign at all. That hasn't been  
2 decided, but it would not be larger than that  
3 sign.

4 MR. BIANCO: Okay. Move admission of  
5 Applicant's No. 1.

6 CHAIRPERSON ANDERSON: Any objections?  
7 Without objection.

8 (Whereupon, the above-referred to  
9 document was received into evidence as Applicant  
10 Exhibit No. 1.)

11 BY MR. BIANCO:

12 Q Okay. Moving on to what I've marked  
13 as Applicant's No. 2. Do you recognize that?

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

17 A Yes.

18 Q And what does that show?

19 A A side shot looking at the valet  
20 garage where people park cars. That's a large  
21 garage for valet or, my guess, monthly pass  
22 holders.

23 Q Okay. So yeah, that was my next  
24 question, what is shown on the righthand side of  
25 the picture where it says "Clearance." And your

1 testimony is that's a garage?

2 A Yes.

3 MR. BIANCO: Okay. And so I would  
4 move admission of Applicant No. 2.

5 CHAIRPERSON ANDERSON: Any objection?

6 MS. FARMER: No objection.

7 CHAIRPERSON ANDERSON: Without  
8 objection.

9 (Whereupon, the above-referred to  
10 document was received into evidence as Applicant  
11 Exhibit No. 2.)

12 BY MR. BIANCO:

13 Q Right. So now I've brought up on my  
14 screen what has been marked as Applicant No. 3.  
15 I maybe made it too big there. And what does  
16 that show?

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

20 A Can you back it up a little bit,  
21 Richard? I want to make sure.

22 Q Of course.

23 A I can, all right, it doesn't go down  
24 to the street. Yeah, that's the side of the  
25 building, there's an egress on that side and then

1 it shows the alley in there. I can vaguely see  
2 the, based on the photo, it's the alleyway on the  
3 other end of the building. And it's showing,  
4 you're looking -- you're looking straight ahead  
5 at 14th Street is where the alley ends.

6 MR. BIANCO: Okay. Great. Move  
7 admission of Applicant's No. 3.

8  
9 CHAIRPERSON ANDERSON: Any objection?

10 MS. FARMER: Nope, no objection.

11 CHAIRPERSON ANDERSON: Without  
12 objection.

13 (Whereupon, the above-referred to  
14 document was received into evidence as Applicant  
15 Exhibit No. 3.)

16 BY MR. BIANCO:

17 Q Now I want to talk for a moment about  
18 your plans for sound mitigation. What are your  
19 plans there?

20 A Okay. I will get in it, at one point  
21 I see there's a car at the end there, it gives  
22 you an idea, it shows you how wide the alley is  
23 that it's more than enough room for two cars to  
24 pass down, I just want to point that out.

25 Q Okay. Thank you, Mr. Fiorito. Moving

1 on to sound mitigation. What are the plans  
2 there?

3 A Well, Josh Lee has been instructed  
4 that I don't want to hear any music outside that  
5 club for the design purposes. And he is to  
6 soundproof the venue, and he is to acoustically  
7 treat the venue.

8 And there's two different types of  
9 mitigations when you are talking with sound.  
10 Sound proofing stops the sound from going out of  
11 the space that you intend to keep it in.

12 And acoustic treatment is to make the  
13 room sound good, so that you get the best quality  
14 sound out of all of your speakers and the guest  
15 has the best experience.

16 Q Okay. And what, if any, controls are  
17 going to be put in place to make sure internally  
18 that the volume does not get too loud?

19 A We use specialized processing that has  
20 lockable limiters, it's just like a computer, you  
21 can't access it if you don't have the password,  
22 and the password is not given to anybody. And it  
23 requires special, highly-trained individuals to  
24 use that type of signal processing.

25 So it will be locked and limited, and

1 it will also be tuned by a program developed by  
2 Rational Acoustics, it's called Smaart, spelled  
3 with two "As." And that measures and identifies  
4 frequencies that are harsh or that are going to  
5 travel.

6 So when the room is tuned by  
7 professionals, the doors are closed, and the  
8 readings are taken outside to make sure, with  
9 microphones, that the sound is not coming outside  
10 and disturbing anyone else.

11 Q Okay. So if you have a, let's say for  
12 example, a guest DJ come in and play at the  
13 establishment, would that person have the ability  
14 to adjust the volume?

15 A Well, the DJ has a master volume on  
16 the mixer because usually when a club is empty,  
17 the music is very low, you're just letting people  
18 gather, come in and socialize, and the volume  
19 goes up. But there will be a limit how high he  
20 can turn it. Once he turns it to the maximum  
21 volume on the mixer, the processor is blocking it  
22 from going any louder.

23 Q Okay. And have you employed that  
24 technology in any other businesses you worked  
25 with?



1           A       Every club today from Miami to New  
2           York due to noise restrictions and being a good  
3           neighbor.

4           Q       Okay. And, Mr. Fiorito, there was  
5           some discussion, and I expect that there's going  
6           to be more, about the Zei Club. Are you familiar  
7           with that?

8           A       Yes, I am.

9           Q       Okay. And what connection, if any,  
10          did you have to that establishment?

11          A       I worked there part-time. I was  
12          involved in the buildout. I was involved in  
13          setup construction, and then later I was in  
14          charge of inventory, beverage bar management.  
15          That was it.

16          Q       And when was that?

17          A       Very early, '90, I believe it was  
18          December of '92 we opened, that I remember.

19          Q       And are you familiar with this  
20          particular neighborhood?

21          A       Yes.

22          Q       And has it changed since the Zei Club  
23          opened in 1991?

24          A       Absolutely. Everything has changed  
25          and involved with technology. You didn't -- the

1 whole area has changed. If you remember there  
2 was a large amount of prostitution on 14th Street  
3 back then in the late 80s, early 90s, you had  
4 seedy movie theaters. The entire place, area,  
5 has developed into a beautiful city.

6 Q Okay. Great. In terms of  
7 entertainment at this particular establishment,  
8 there is a nude dancing endorsement. Can you  
9 tell the Board what type of entertainment you  
10 intend to offer?

11 A It does have a nude dancing  
12 endorsement, but that's still undecided. I  
13 believe that's a legal matter with that part of  
14 the license.

15 Q Okay. And what other entertainment  
16 are you offering at this particular  
17 establishment?

18 A Live DJs, cocktail service, light hors  
19 d'oeuvres, there will be a kitchen. The food  
20 menu, it's too early to decide what type of food.  
21 There will be performance acts, such as shows  
22 that stop in the middle of the night. If you've  
23 ever seen a Cirque du Soleil show, referring to a  
24 performer like that.

25 Q Great. Thank you, very much, Mr.

1 Fiorito. I don't have any more questions for you  
2 at this time. I'm sure the Board and Counsel are  
3 going to have some things that they want to ask  
4 you about.

5 A Thank you.

6 CHAIRPERSON ANDERSON: Who will be  
7 cross-examining the witness? Ms. Farmer?

8 CROSS-EXAMINATION

9 BY MS. FARMER:

10 Q Mr. Fiorito, you are not employed by  
11 Iraklion? Correct?

12 A They don't have any employees yet.

13 Q And you are also not a member of the  
14 LLC? Is that correct?

15 A No, I'm just an officer of the  
16 company.

17 Q What do you mean by you're an officer  
18 of the company?

19 A I'm appointed an officer to have  
20 decision making authority and represent the  
21 owner.

22 Q And who appointed you as an officer?

23 A The owner.

24 Q Who's the owner?

25 A Lambros.

1 Q And what is your relationship with  
2 Lambros? Do you have a contract in place?

3 A No, right now it's verbal.

4 Q Have you entered into any sort of  
5 agreement for the work that you are going to be  
6 doing for Iraklion?

7 A Only verbally and preliminary.

8 Q And what do you mean by preliminarily?

9 A There's nothing to do until the  
10 license is transferred.

11 Q So and when you say that you've had a  
12 verbal agreement, what does that verbal agreement  
13 consist of?

14 A To provide the proper consulting and  
15 everything that I previously stated in my duties  
16 and responsibilities.

17 Q Are you being paid for those services?

18 A No, I will be compensated later.

19 Q Your current employer is DAS Audio of  
20 America? Is that right?

21 A Yes.

22 Q Okay. Is the agreement that is going  
23 to come into play later with that company or with  
24 you individually?

25 A Me individually.

1 Q Objection. Relevance.

2 CHAIRPERSON ANDERSON: Yeah, where are  
3 we going with this, ma'am?

4 MS. FARMER: This is going to our  
5 entire point that this entire operation is  
6 speculative and that there are not contracts,  
7 this is not a situation where ABCA is looking at  
8 an operation that is ready to open.

9 CHAIRPERSON ANDERSON: Well, but Ms.  
10 Farmer, this is an, I think we've had objection  
11 motions raised regarding 451 status. And they  
12 are trying to move their establishment to a  
13 location. Why am I going to spend millions of  
14 dollars to buildout, to have a club if I'm not  
15 going to have a license.

16 So I don't have a problem that they're  
17 still in the formative state, because once they  
18 have a license, then they can go and do whatever  
19 is necessary.

20 But we're not going to issue a license  
21 until they have complied with all the  
22 regulations. So historically, we have issued, we  
23 have approved license for just on the concept.  
24 And once they have gone through the process and  
25 gotten a certificate of occupancy, then the

1 license will be issued.

2 So if that's the nature of your  
3 questioning, then those questions are not  
4 relevant for these proceedings.

5 MS. FARMER: Sure. Let me ask a  
6 question in a different way then, and hopefully  
7 we'll not draw an objection.

8 BY MS. FARMER:

9 Q You indicated in your testimony, that  
10 you are going to be involved until you hand it  
11 off to management. Do you recall that testimony?

12 A Yes.

13 Q What did you mean by that?

14 A What I mean is I will build exactly  
15 what I said. That I will build and oversee the  
16 project and ensure that it's set up operationally  
17 correct, and the right people are brought in and  
18 selected to ensure.

19 The reason you don't release  
20 management in this business now, is because you  
21 don't want to jeopardize their current positions  
22 with other employers and have them terminated  
23 because that employer knows they are going to  
24 leave them.

25 So we have extremely qualified people

1       that have 25-plus years' experience operating  
2       very capable venues in Las Vegas and Miami,  
3       intended to be offered positions. But when  
4       you're dealing with something that is not  
5       transferred yet, just as the Chair said, you're  
6       not going to invest money.

7                It's not like retaining a lawyer where  
8       you're signing a contract and paying for a fee.  
9       Relationships in the hospitality business are  
10      done on handshakes and you help people to achieve  
11      their goals, and move forward.

12               And when the goals become a reality,  
13      then you engage in contracts to do the job and  
14      become more formal in business practices.

15              Q       You testified about how the  
16      neighborhood has changed. Do you recall that  
17      testimony?

18              A       Yes.

19              Q       Is it fair to say that you have not  
20      lived in D.C. for the past nine years?

21              A       Yes, I have not lived in D.C., but I  
22      come there at least three times a month and spend  
23      a lot of time in D.C.

24              Q       Do you spend time at the 14th and I  
25      area?

1           A       Absolutely.

2           Q       You indicated also that you were  
3 involved with the initial opening and operations  
4 of the Zei Nightclub. Is that right?

5           A       Yes. But operations in a very limited  
6 affect.

7           Q       When the Zei Nightclub opened in 1992,  
8 was it hoping to have a high class of club goers?

9           A       I was not part of the concept  
10 development and that's 30 years ago. So I cannot  
11 tell you or answer or speculate what their  
12 concept was.

13          Q       Do you know if in your time with the  
14 Zei Nightclub, there were ever any fights in the  
15 alley?

16          A       I would say yes. But there was also  
17 the Spy Club right across the street, Notte Luna  
18 Restaurant right at the end that had fights at  
19 their bar. I would say there were fights on the  
20 corner of the streets there at the end of the  
21 alley, too, that might not have been related to  
22 Zei Club.

23          Q       And I believe your testimony earlier  
24 was that one of the alleys that we've discussed  
25 exits by the Opera Nightclub. Is that right?



1           A       It exits straight out into the alley  
2       that would lead to the Opera Nightclub, where you  
3       would turn left to go down towards I Street in  
4       between the Five Guys.

5           Q       Do you know if the Opera Nightclub  
6       does any queuing in that alley?

7           A       Well, Opera Nightclub was just  
8       recently sold, so I was familiar with the prior  
9       operators, I don't know what the current operator  
10      is doing. It was just recently sold.

11          Q       Do you know who DTLD is?

12          A       DTLD?

13          Q       Mm-hmm.

14          A       I'm not familiar with those initials,  
15      ma'am.

16          Q       Okay. And you talked in your  
17      testimony a little bit about Lee Design. Is that  
18      right?

19          A       Yes.

20          Q       Okay. And will it be you who is going  
21      to hire Lee Design or Iraklion?

22          A       No. The company would hire them, I am  
23      recommending them.

24          Q       Understood. And you mentioned that  
25      there was going to be this doorway system that

1 had essentially two doors. Is that right?

2 A Yes. Correct.

3 Q Have you seen any schematics of that  
4 or drawings of what that looks like?

5 A No. Because it's, once again, you're  
6 not going to invest, you know, hundreds of  
7 thousands of dollars in design work. But it's  
8 pretty standard. You have a door, you go through  
9 it, there's a certain amount of space given in a  
10 vestibule.

11 And then the next door is designed,  
12 and it's all designed to code, you know, for fire  
13 code and how an entrance or an exit has to be  
14 designed. And that's what I entrust the  
15 architect and the designers to know.

16 Q How many entrances will the nightclub  
17 have?

18 A At least one.

19 Q Do you know how many exits it will  
20 have?

21 A Well, it has -- it has two already.

22 Q Do you know if the exits will also  
23 have that soundproofing door system?

24 A Every door in the club will be  
25 acoustically treated soundproof doors. You will

1 not hear, and I say this again, so that we don't  
2 have to go back and forth, you will not hear  
3 music outside that club, that's a pet peeve of  
4 mine when I design something and work with a  
5 group.

6 Q You mentioned in your prior testimony  
7 that this nightclub is going to be something that  
8 hasn't been experienced yet in D.C. Do you  
9 remember that?

10 A Yes.

11 Q What do you mean by that?

12 A The level of service. If you've ever  
13 been to a restaurant in Las Vegas or a venue in  
14 Las Vegas that serves any type of liquor, a  
15 nightclub, you just don't see that service level  
16 anywhere else.

17 It's that constant attention,  
18 constantly changing the ice at the table, super  
19 polite service where service staff is trained to  
20 say thank you and please. You just don't see  
21 that today in most venues.

22 Q You also mentioned that there will be  
23 queuing and some security measures. Right?

24 A I'm sorry, you used the word  
25 "queuing"?

1           Q       Yeah, like lining up of people to  
2 enter the club?

3           A       Yes, absolutely. You have to control  
4 your line and ensure safety, that they're close  
5 against the building, that you are protecting  
6 them at all times.

7           Q       Where will that line take place?

8           A       That will be determined later by the  
9 security consultants after we study everything  
10 much more thoroughly to ensure we pick the best  
11 location.

12          Q       You also mentioned that there is going  
13 to be a valet. Is that right?

14          A       We have every intention of contracting  
15 with the garage next door to provide that  
16 service.

17          Q       And if I can share my screen to pull  
18 up an exhibit.

19                   CHAIRPERSON ANDERSON: Mr. Charles,  
20 can you please allow Ms. Farmer to share her  
21 screen?

22                   MS. FARMER: I actually don't know if  
23 I'm going to be able to share my screen because  
24 it's not seeming to allow me to on my laptop, but  
25 it's okay.

1 CHAIRPERSON ANDERSON: Hold on. Well,  
2 we have to give you the -- we have to give you  
3 the --

4 MS. FARMER: Sure.

5 CHAIRPERSON ANDERSON: The opportunity  
6 to do that so once Mr. Charles has informed me  
7 then you can check your screen to see if you are  
8 able to do that.

9 MR. CHARLES: She has it.

10 MS. FARMER: Yeah. So even though I  
11 have the ability now, it's not letting me on my  
12 laptop here. What I was going to ask about, and  
13 I don't know if Mr. Bianco, you can humor me and  
14 put up Exhibit 2 again that you used?

15 MR. BIANCO: Sure. Yeah.

16 MS. FARMER: Yeah.

17 MR. BIANCO: That's fine.

18 MS. FARMER: And then we'll try to fix  
19 this before the next witness.

20 MR. BIANCO: You should be able to see  
21 that on your screen now.

22 MS. FARMER: Thank you so much, I  
23 really appreciate it.

24 BY MS. FARMER:

25 Q Is that the garage that you are

1 referring to?

2 A (No audible response)

3 Q Okay. Are you aware that that garage  
4 is operated by one of the protestants in this  
5 matter?

6 A No.

7 Q We can take that down now.

8 You mentioned that you were planning  
9 to hire Reese and Massey. Do you recall that  
10 testimony?

11 A Yes, the company is retaining them for  
12 that purpose of security people.

13 Q And I believe your testimony was that  
14 they will be responsible for dealing with any MPD  
15 reimbursable details. Is that right?

16 A They will organize, coordinate it and  
17 do what their skill level, which they are very  
18 high, retired Commander Reese is very high  
19 ranking and educated. And Sargent Massey is also  
20 very educated with extensive experience.

21 So they will be writing policy as well  
22 and we will be following their directions. And  
23 they will be liaisoning and ensuring that the  
24 details and all the reimbursable details are set  
25 up correctly, and that we're following every law

1 possible.

2 Q Understood. Have you reached out to  
3 anybody at MPD to learn if they can even  
4 accommodate a reimbursable detail at the  
5 location?

6 A It's based on my prior experience with  
7 doing lots of clubs in Washington, D.C., that the  
8 answer is yes. And that I've never been rejected  
9 that with proper planning before. When you  
10 provide no notice to someone, you just can't get  
11 service.

12 All of these types of things have to  
13 be planned and coordinated. Letters have to be  
14 written, it has to be approved, and it has to go  
15 up through the chain of command of MPD.

16 Q Understood. You've also mentioned  
17 regarding security, I believe, and correct me if  
18 I'm wrong, that you do not plan to do individual  
19 wandings or pat downs. Is that right?

20 A No. What I said is we hope not to do  
21 invasive type of searching like that using wands,  
22 we hope to have better technology. Because if  
23 you're, example is if you are a female coming to  
24 the door, you really don't want to be patted  
25 down, especially if you've ever gone through

1 airport security, women do not like that.

2 There's better ways of technology out  
3 there. There's much more classier ways to do  
4 things, so we want to explore having the best  
5 possible equipment, and we don't care what it  
6 costs, we're going to have it.

7 Q Understood. Will that take place  
8 outside, whatever security measures that you're  
9 planning on?

10 A Absolutely. Because the last thing  
11 you want to have is someone enter the club who  
12 hasn't been properly screened.

13 Q You also testified about lighting that  
14 you're planning. And you said that there's going  
15 to be lighting in the alley. Is that right?

16 A Yes, correct.

17 Q Are those lights going to need to be  
18 attached to neighboring buildings?

19 A No.

20 Q Where will they be located?

21 A They will be located properly,  
22 strategically planned on the roof and sides of  
23 our building, absolutely. Unless a neighbor  
24 wants to work with us and likes what we are  
25 doing, and wants to enhance the security, we will



1 be offering to pay for that to have it done,  
2 because we certainly want to make sure everyone  
3 is safe.

4 Q You indicated that one of the alleys  
5 can accommodate up to two vehicles. Is that  
6 right?

7 A Correct.

8 Q Do you believe that alley could  
9 accommodate two vehicles and pedestrians in the  
10 alley?

11 A Well, that's already proven when it  
12 was the Zei Club, it did it with no problems.  
13 And I've seen fire trucks and EMS vehicles in  
14 that alley with no problems, so yes, on that  
15 question, ma'am.

16 Q Sorry. I want to make sure that you  
17 understood my question. Could two vehicles go by  
18 at the same time as there are pedestrians in the  
19 alley?

20 MR. BIANCO: Objection. Asked and  
21 answered.

22 CHAIRPERSON ANDERSON: I'm going to  
23 overrule the objection just for this moment. But  
24 just let's move ahead.

25 MR. FIORITO: Yes, Mr. Chair, the

1 answer is yes, sir. Two vehicles can pass that  
2 alley and you can still have a proper line  
3 because I've seen it done before.

4 Now I'm not saying two fire trucks or  
5 two tractor trailers can pass, but I can tell you  
6 that two MPD Crown Victorias in the 90s, will fit  
7 down that alley going opposite directions with a  
8 line.

9 BY MS. FARMER:

10 Q Understood. And going back to the  
11 security for a moment. Is there generally a  
12 backup plan in the event of some technology  
13 failure? For example, yesterday's cell phone  
14 outage?

15 A Absolutely. One hundred percent.  
16 It's the same as your point of sale system, or  
17 same as any computer, you will have backup hard  
18 drives. And we also have generators in the  
19 building already that we intend to use. And most  
20 of these new technology devices that are being  
21 used are not being relied on the Internet. So  
22 it's all self-sustained from your hotspot and  
23 everything being used in your building.

24 Q And when you testified about  
25 occupancy, I believe your testimony was that you

1 asked for the maximum amount that's allowable.

2 Is that right?

3 A Correct.

4 Q Okay. And that's 1,200 standing room?

5 A Yes, and if that's what the final  
6 plans are. As I said, the final plans are not  
7 done on this project and still have a lot more  
8 work to be done on them.

9 Q And your proposed location has a  
10 rooftop. Is that right?

11 A Yes, it does have a very small  
12 rooftop.

13 Q Do you know if the rooftop, if you  
14 intend to use it for any nude dancing?

15 A Absolutely not.

16 Q All of that would take place within  
17 the interior of the building?

18 A Yes.

19 Q All right. And just to confirm,  
20 Iraklion has not entered into any contract at  
21 this point for soundproofing or security?  
22 Correct?

23 A No, because we don't have permits to  
24 build and we can't do anything yet without all  
25 the license transfers. You have to get, before

1       you build anything, you have to get a demo permit  
2       first.

3                   And there's procedures and fees that  
4       have to be paid with the D.C. government, and it  
5       takes a while to do that. But you cannot even  
6       apply for that until you're past this point.

7           Q       Are you planning to just demo on the  
8       interior or anything on the exterior of the  
9       building?

10          A       No, we're not going to demo the  
11       exterior walls and the brick has to stay there,  
12       you're not going to touch it. Other than the,  
13       let me correct one thing, other than the windows  
14       might be sealed for sound mitigation.

15          Q       Do you know if Iraklion has any  
16       present intentions to sell this liquor license if  
17       it's granted?

18          A       No.

19          Q       And then, I believe this is my final  
20       question here, and I think we've covered it.

21                   But have you applied for any other  
22       license or was the app the license put first in  
23       the process going towards your opening of this  
24       nightclub?

25          A       No. I haven't applied for any license

1 myself. Maybe Rich can answer that question.

2 Q I don't need to ask Rich questions,  
3 he's not our witness here. You can just say you  
4 don't know.

5 A I don't understand what you're asking  
6 me then. That's the only license that I know  
7 about.

8 Q Understood. Fair enough. Does your  
9 application include an entertainment endorsement  
10 or anything related to DJs or live music?

11 A Yes, it does.

12 MS. FARMER: Okay. Great. I think  
13 that is it for the protestants on cross. Thank  
14 you, Mr. Chairman and thank you Mr. Fiorito, for  
15 your time.

16 MR. FIORITO: You're welcome.

17 CHAIRPERSON ANDERSON: Thank you. Any  
18 questions by any Board members?

19 MEMBER GRANT: I have two questions.

20 CHAIRPERSON ANDERSON: Go ahead, Mr.  
21 Grant.

22 MEMBER GRANT: Mr. Fiorito, you don't  
23 have any plans to utilize external promoters for  
24 events at the establishment?

25 MR. FIORITO: That's not, we haven't

1 gone, that would go back to promotions. I do not  
2 think so. For this type of establishment, we  
3 would not be using the regular promoters that you  
4 see in D.C. doing the regular clubs.

5 Because they tend to just move the  
6 crowds from one club to another, it's a younger  
7 crowd. And that's not what we are going for,  
8 we're going for a much more mature audience. And  
9 with what we're creating there, we believe we can  
10 have the marketing done properly internally.

11 MEMBER GRANT: Okay. As I guess, a  
12 connecting question, in your 25-plus years of  
13 experience with building out concepts and clubs,  
14 in the instances where it started out with this  
15 sort of mindset of having more mature audiences,  
16 can you give us an example of a transition from  
17 that concept to another and whether or not that's  
18 been successful?

19 MR. FIORITO: Yes. It's all about the  
20 financials that the owners have. A lot of a  
21 lot of clubs open in D.C. on minimal budget, and  
22 they don't care what comes in their club, they're  
23 not looking for quality, they're just looking to  
24 make money. And that's not the best way to run a  
25 club.

1                   If you look at like E11EVEN Miami,  
2                   it's been running 10 years, it's a credit to the  
3                   community with donations to homeless, and all the  
4                   things that it does to give back to the  
5                   community.

6                   But they maintain a very high standard  
7                   and have since they've opened, and that's the key  
8                   success to a nightclub. And bringing something  
9                   like this to Washington, D.C., you're going to  
10                  see a whole different level of operators and  
11                  you're going to see a whole different level of  
12                  entertainment.

13                  And people that stopped going to  
14                  nightclubs, you're going to see come back.  
15                  Anybody that's on this meeting now, I guarantee  
16                  would feel comfortable coming in there and  
17                  receive the best service. And they'll probably  
18                  change their mind about having it there once they  
19                  see it, if we get the opportunity.

20                  MEMBER GRANT: Final question from me.  
21                  A big point for me has been the security and  
22                  wandering process, and you spoke to that in your  
23                  testimony. In the event that you all decided to  
24                  move away from your intended approach to this,  
25                  will you all be relaying that change proactively

1 to the community or any of the other parties that  
2 are adjacent to the property?

3 MR. FIORITO: Absolutely. It's very  
4 -- it's very important to me in anything we do is  
5 very transparent. Every rule will be followed.  
6 If there is a substantial change, applications  
7 will be filed. But the most important thing is  
8 to be a good neighbor and work with everybody.

9 Because, just because the license is  
10 transferred, we're going to be going through a  
11 renewal part later. So we want to build a  
12 relationship with everyone, work things out. And  
13 ensure that we're cleaning up the alley, that  
14 we're helping, and that we're not causing anybody  
15 inconvenience or, you know, hurting their  
16 businesses, too.

17 It's just a partnership if people work  
18 together to do it correctly. And we will have a  
19 liaison person inside the club, where they can  
20 get in touch with someone at any time. I'm  
21 perfectly willing to give my phone number and  
22 email to anybody that wants it. And it's  
23 basically we're starting with building a bridge.

24 But I'm known for my history of doing  
25 this as an honest, reputable person. And I don't



1 want to create any enemies and not have a good  
2 working relationship.

3 MEMBER GRANT: Thank you, Mr. Fiorito,  
4 and thank you, Mr. Chair.

5 CHAIRPERSON ANDERSON: Thank you, Mr.  
6 Grant. Any other questions by any of the Board  
7 members? Ms. Farmer, do you have any recross off  
8 the witness based on the questions that were  
9 asked by Mr. Grant?

10 MS. FARMER: I do not.

11 CHAIRPERSON ANDERSON: Mr. Bianco, any  
12 recross?

13 MR. BIANCO: No recross.

14 CHAIRPERSON ANDERSON: All right.  
15 Thank you very much for your testimony. All  
16 right. This appears to be, it's 12:22, so this  
17 appears to be the perfect time to take a lunch  
18 break because I don't believe that the next  
19 witness we're going to have can be done within  
20 the next eight minutes. So we will, it's now  
21 12:22, we're going to take a 30-minute lunch  
22 break and that will take us to 12:52. Is that  
23 correct?

24 So I will let the parties know that we  
25 will come back on the record at 12:52 and then

1       you will have your additional witness to call,  
2       Mr. Bianco.

3                   MR. BIANCO:   Perfect, thanks.

4                   CHAIRPERSON ANDERSON:   So we are in  
5       recess until 12:52.

6                   (Whereupon, the above-entitled matter  
7       went off the record at 12:22 p.m. and resumed at  
8       12:52 p.m.)

9                   CHAIRPERSON ANDERSON:   We are back on  
10      the record.   All right, good afternoon everyone,  
11      we're back.   Let me make sure that I see that all  
12      the attorneys are there.   I'm waiting for Mr.  
13      Blanchard to come back.   Okay, he's here.

14                   All right, Mr. Bianco, do you have  
15      another witness we should call?

16                   And it is now afternoon and it is my  
17      intent that I want to wrap this hearing up today  
18      by close of business.

19                   MR. BIANCO:   Thank you, Mr. Anderson.  
20      Yes, I'm going to go much more quickly --

21                   CHAIRPERSON ANDERSON:   All right.

22                   MR. BIANCO:   Through my witnesses,  
23      especially this next one, who does have some time  
24      constraints.   So I'm going to move breakneck  
25      speed here.

1 CHAIRPERSON ANDERSON: All right. So  
2 who's your next witness?

3 MR. BIANCO: Adam Schindler.

4 CHAIRPERSON ANDERSON: Do we need to,  
5 Mr. Charles, is there a Mr. Schindler online that  
6 you need to elevate, sir?

7 MR. CHARLES: Elevated.

8 CHAIRPERSON ANDERSON: Thank you. So,  
9 Mr. Schindler, can you raise your right hand,  
10 please?

11 (Witness Sworn.)

12 A Yes, sir.

13 CHAIRPERSON ANDERSON: Your witness,  
14 sir.

15 DIRECT EXAMINATION

16 BY MR. BIANCO:

17 Q Okay, Mr. Schindler, could you state  
18 your name and spell it for the record, please?

19 A Adam Schindler, A D A M, S C H I N D  
20 L E R.

21 Q And what do you do for a living, Mr.  
22 Schindler?

23 A I'm a commercial real estate advisor,  
24 employed by Colliers International.

25 Q Okay. And as a real estate advisor,

1       what do you do with what specificity?

2               A       I assist, my primary business is  
3       tenant representation. I assist occupiers in  
4       space and identifying space solutions to support  
5       their business needs.

6               Q       Okay. How about sale transactions,  
7       have you been involved in many of those?

8               A       Yes, that also includes, a solution  
9       could include a sale or a purchase of property.

10              Q       And how long have you been doing that?

11              A       Twenty years.

12              Q       Okay. And --

13              A       Approximately 20 years, sir.

14              Q       Okay. And I am going to share my  
15       screen. And I'm going to show you a document  
16       that we have marked as Applicant's Exhibit No.  
17       20. And do you recognize that document?

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

21              A       I do.

22              Q       And what is that?

23              A       That would be my profile from the  
24       website of Colliers International, I believe.

25              Q       Okay. And does it truly and

1 accurately describe your education, experience,  
2 and accomplishments in commercial real estate?

3 A Yes, it does.

4 MR. BIANCO: All right. At this time,  
5 Mr. Chair, we would move admission of Applicant's  
6 Exhibit 20, and for Mr. Schindler to testify as  
7 an expert witness on real estate values in the  
8 relevant area.

9 CHAIRPERSON ANDERSON: Any objection  
10 by the protesting? I'm sorry?

11 MS. FARMER: Nope.

12 MR. COHEN: We don't have an  
13 objection, Mr. Chair, thank you.

14 CHAIRPERSON ANDERSON: Thank you. So  
15 the Exhibit 20 is moved and Mr. Schindler is  
16 qualified for an expert. All right. Let's go  
17 ahead.

18 (Whereupon, the document previously  
19 marked as Applicant Exhibit No. 20 for  
20 identification was received into evidence.)

21 BY MR. BIANCO:

22 Q Okay. Great. So Mr. Schindler, can  
23 you describe the real estate market trends in the  
24 area based on your experience and expertise?

25 A The D.C. real estate trends or current

1 market is about as soft and as challenging as it  
2 has been since I have been in the real estate  
3 business. COVID combined with lack of return to  
4 work has significantly impacted the overall D.C.  
5 metropolitan area.

6 I think it's fair to say, based upon  
7 a number of articles, transaction, volume,  
8 vacancy, all of the above that we're probably in  
9 the softest market that we've ever seen.

10 Q Okay. And, I'm sorry, and did you  
11 just testify with respect to available inventory?  
12 Do you have any insight into how that impacts  
13 values?

14 A In terms of available inventory,  
15 candidly, I would say the inventory availability  
16 is probably also at all-time high and vacancy is,  
17 with vacancy as high as it is, as well at this  
18 point. Probably, I would peg vacancy in the low  
19 20s, 20 percent, low 20s.

20 Q Okay. And did you review any sources  
21 in order to make that determination other than  
22 your experience?

23 A Part of my role is to continuously be  
24 up-to-date on the market. So in terms of  
25 reviewing sources on a daily basis, I review

1 market reports from not only my company that is  
2 produced by our research department, but other  
3 companies in the same commercial real estate  
4 field.

5 So I guess my answer to that question  
6 would be yes. I mean, I continuously review  
7 these market reports to keep myself up to date on  
8 the state of the marketplace.

9 MR. BIANCO: Okay. I want to take our  
10 next three exhibits all at the same time, so I'm  
11 just going to go through them one at a time and  
12 then move at the end for admission.

13 BY MR. BIANCO:

14 Q So I have a document on the screen.  
15 It is a 3-page article from Washington Business  
16 Journal. Do you recognize that?

17 (Whereupon, the document referred to  
18 was marked as Applicant's Exhibit No. 21 for  
19 identification.)

20 A Yes, I do.

21 Q And did you review that document in  
22 formulating your opinion for your testimony  
23 today?

24 A Yes, I did.

25 Q Okay. And I'm moving to what is

1 marked as Applicant's No. 22, a second article  
2 from Washington Business Journal. Did you review  
3 that article in preparation for your testimony  
4 today?

5 (Whereupon, the document referred to  
6 was marked as Applicant Exhibit No. 22 for  
7 identification.)

8 A Yes, I did.

9 Q And then third, marked as Applicant's  
10 No. 23, a third Washington Business Journal  
11 article on commercial real estate. Did you  
12 review that article in preparation for your  
13 testimony today?

14 (Whereupon, the document referred to  
15 was marked as Applicant Exhibit No. 23 for  
16 identification.)

17 A Yes, I did.

18 MR. BIANCO: Mr. Chair, I'd move in  
19 Applicant Exhibits 21 through 23.

20 CHAIRPERSON ANDERSON: Any objections?

21 MR. COHEN: Mr. Chair, sort of. We  
22 don't object to the extent that the witness  
23 reviewed all of these articles. But we do object  
24 to the extent that they're relying upon these  
25 articles for the truth of them. To our



1 understanding from what we can see, they weren't  
2 prepared by the witness himself.

3 MR. BIANCO: They --

4 CHAIRPERSON ANDERSON: Go ahead, Mr.  
5 Bianco.

6 MR. BIANCO: They form part of the  
7 basis for his opinion, that's the only reason  
8 we're offering them.

9 CHAIRPERSON ANDERSON: As I stated  
10 before, this is not necessarily, we don't  
11 necessarily follow the Rules of Evidence like the  
12 court of law so we are more relaxed here. But so  
13 I will admit them for what they, for what it's  
14 worth, I'll say it that way. So I will admit  
15 them. But again, yeah, thank you. Go ahead.

16 (Whereupon, the documents previously  
17 marked as Applicant Exhibit No. 21, Exhibit No.  
18 22, and Exhibit No. 23 for identification were  
19 received into evidence.)

20 MR. BIANCO: Okay.

21 BY MR. BIANCO:

22 Q So, Mr. Schindler, do you have any  
23 knowledge or experience as to whether proximity  
24 to a nude dancing establishment adversely impacts  
25 real estate values?

1           A       In my day-to-day, I do have experience  
2       in terms of whether proximity of a -- I would say  
3       -- I would yes to that question.

4           Q       Okay. And does it adversely impact  
5       real estate values, in your opinion?

6           A       No, it does not.

7           Q       Okay. And in order to form that  
8       conclusion, what information did you review  
9       relevant to this case?

10          A       The information reviewed in addition  
11       to the articles, I, you know, I'd probably say I  
12       reviewed comps as well as kind of availabilities  
13       and market information regarding, I would say  
14       comparable properties.

15                   Comparables with comparable  
16       properties, specifically related to the Archibald  
17       situation at 15th and K. And my opinion is that  
18       that type of a occupancy or presence does not  
19       impact real estate valuations and does not impact  
20       one client's desire to respace in a certain  
21       location or not.

22          Q       Okay. And is there a particular  
23       transaction that you could point to that bolsters  
24       that conclusion?

25          A       The transaction I would point to is

1 the sale of 1500 K Street, which is located  
2 literally adjacent to Archibald's location. And  
3 that occurred, I believe it was in 2018 at pretty  
4 much an all-time market high of about \$800 a  
5 square foot.

6 So I find it hard to, from a market  
7 perspective, think that that would be a  
8 significant deterrent for an institutional  
9 quality real estate investor if they were willing  
10 to pay that amount of money and be knowingly  
11 co-located essentially or adjacent.

12 Q Okay. And I want to bring up on my  
13 screen what has previously been marked as Exhibit  
14 No. 6. Are you able to see that?

15 A Yes.

16 Q Okay. And you'll see in the middle of  
17 this Exhibit, there is a square marked "Subject  
18 Property," which is the address that we're  
19 dealing with here. And for purposes of this  
20 question, I will represent to you that 733 15th  
21 Street, Northwest, where I am pointing now, at  
22 the corner of 15th and H, is the nearest  
23 residential property.

24 And based on that layout, do you think  
25 that the proximity of the residence to a nude

1 dancing establishment would adversely impact the  
2 real estate value there?

3 A I don't believe so. It's a condition  
4 of being located in a dense, urban environment,  
5 in my opinion.

6 Q Okay. And is there anything about the  
7 physical layout that makes it less likely to  
8 impact that particular building?

9 A The subject property is really kind of  
10 in the back of the alley. And there is, you know  
11 an entire block, completely and totally  
12 separating the residential property from the  
13 subject property.

14 Q Okay. And when you were dealing in  
15 transactions of large office buildings like the  
16 ones shown here, is proximate retail use  
17 something that gets considered?

18 A Typically, no. But I would -- I would  
19 qualify and say sometimes, dependent.

20 Q Okay. What would it be dependent on?

21 A It would be dependent on if there is  
22 a certain retailer that is in the property that  
23 could potentially have an impact on value, but in  
24 my experience it typically doesn't.

25 It's kind of a known downtown, urban

1 environment. And I'd also probably say the  
2 credit of the tenancy does, the credit of that  
3 tenancy would potentially impact value.

4 MR. BIANCO: Great. Thank you very  
5 much, Mr. Schindler. I don't have any further  
6 questions.

7 CHAIRPERSON ANDERSON: Who will be  
8 doing cross-examination of this witness? You can  
9 close your screen, please, sir.

10 MR. COHEN: I will, yes, sir.

11 CHAIRPERSON ANDERSON: All right, sir.

12 MR. COHEN: All right, thank you, sir.

13 CROSS-EXAMINATION

14 BY MR. COHEN:

15 Q Mr. Schindler, I thank you for your  
16 time today, I really appreciate it. A few  
17 questions for you. I wanted to start off, you  
18 said that you had reviewed and analyzed comps in  
19 supporting your conclusion that a nightclub with  
20 nude dancing would not impact the public,  
21 specifically looking at Archibald's. Could you  
22 describe exactly where and how that property is  
23 located?

24 A The 1500 K Street property that I  
25 referenced?

1 Q Yes, sir.

2 A It is -- it is proximate to the  
3 location, it is not directly adjacent, on the  
4 same block.

5 Q Isn't it correct that that property is  
6 street facing now on 15th Street?

7 A That is correct.

8 Q Okay. When we admitted the exhibits  
9 into the record, those articles, it's true that  
10 you reviewed those articles to form your opinion?  
11 Correct?

12 A That is correct.

13 Q And it's true that those articles  
14 didn't really discuss or summarize the effects of  
15 having a nightclub? Correct?

16 A That's correct, as well.

17 Q Okay. Early on you said that you're  
18 involved with identifying opportunities for  
19 tenants, and that part of your role is also  
20 involves sales transactions. Could you just  
21 explain or, you know, what the percentages you  
22 work off of? Does that question make sense?

23 A Yeah. That makes sense. So I would  
24 say, are you asking a question directly relating  
25 to leasing versus sales? Or are you asking --

1           Q       Yes, thank you for improving my  
2       question. I'm curious to know what percentage of  
3       your line of work involves the sales side, and  
4       then the leasing side?

5           A       Okay. That's, thank you. I would say  
6       the split is probably, if I do approximately 100  
7       transactions a year, I would probably say 75, 70  
8       to 75 percent are leasing and 25 to 30 percent  
9       are sales.

10          Q       Thank you. Were you involved at all  
11       in the sale of the premises, the 1412 I Street,  
12       Northwest premises?

13          A       I was not.

14          Q       Okay. Going back to the impacts,  
15       obviously it's why we're here. On the property  
16       values, do you have any experience with assessing  
17       residential properties in the surrounding area?

18          A       I do not.

19          Q       Okay.

20          A       Well, I would say I have limited, my  
21       primary practice is office, industrial plex  
22       retail space.

23          Q       You stated that this wouldn't  
24       necessarily have an impact. And the basis of  
25       that opinion is currently we're in a state where

1 the D.C. real estate market is unfavorable and  
2 the indices are at an all-time high? Correct?

3 A Correct. And valuations, frankly, are  
4 at all-time, I don't want to say all-time low,  
5 but valuations are challenged at this point in  
6 time.

7 Q You also testified that when the  
8 Archibald's property got sold, real estate values  
9 were at an all-time high, and the market was much  
10 more favorable? Correct?

11 MR. BIANCO: Objection to the  
12 characterization of the testimony.

13 CHAIRPERSON ANDERSON: I'm going to  
14 overrule the objection. Go ahead. Go ahead, Mr.  
15 Cohen.

16 MR. COHEN: Okay. My apologies. And  
17 I will just rephrase the question.

18 BY MR. COHEN:

19 Q Can you remind us of your testimony of  
20 the situation of the market conditions in D.C.  
21 when Archibald's was sold?

22 A Sure. I would say, just to be clear,  
23 1500 K was the reference I was giving. At that  
24 point in time, I don't think it's a fair  
25 statement to say that I said it was at all-time



1 high. I would say that it traded at a very high  
2 basis, which in my opinion indicates that the  
3 having that establishment nearby or next door,  
4 did not impact value. Well, in my opinion, it  
5 did not impact value.

6 Q In your expert opinion, would it be  
7 fair to say that when market conditions are as  
8 such, then that wouldn't affect the property  
9 values either? Let me rephrase. When the  
10 market, sorry, because I even confused myself.

11 When the market values are favorable  
12 and the valuations are higher, and in your  
13 experience having dealt with sales transactions,  
14 isn't there a higher urgency to get in? So isn't  
15 there an argument that you would be less  
16 deterred?

17 A No, my opinion --

18 MR. BIANCO: Hang on, hang on.

19 CHAIRPERSON ANDERSON: Hold on.

20 MR. BIANCO: I'm going to object to  
21 the form. I don't even understand what the  
22 question was.

23 BY MR. COHEN:

24 Q When the market is high and the  
25 valuations are higher, is there an elevated

1 urgency, have you seen an elevated urgency to get  
2 into the market?

3 A To understand the question better,  
4 you're asking if valuations are higher, you are  
5 making the suggestion that there's more activity  
6 in terms of investment sale activity and people  
7 are -- I'm not sure I understand the line of  
8 question to a certain extent.

9 But what I can say is I don't -- I  
10 don't think I don't think it matters, if I can  
11 answer that succinctly. That I don't think that  
12 having more sales activity impacts the overall  
13 situation here, I think it's a non-factor.

14 Q That's fair. Let's move on for a  
15 second. What's the single issue you think is  
16 impacting the real estate market today?

17 A I'm sorry, what is impacting the real  
18 estate market today?

19 Q Yeah. Just what are some factors that  
20 are affecting --

21 A Well, I think if you are speaking  
22 specifically to D.C., it's lack of return to  
23 work, it's federal government not back in the  
24 office. It's still COVID related. I mean those  
25 are the primary drivers. The capital markets are

1       also a factor as well. That's what I would  
2       probably say are the top indicating factors  
3       impacting D.C. real estate right now.

4               Q       You mentioned that return to office  
5       could be a factor. Isn't it true that the  
6       abutting property owner in this instance is an  
7       office, or uses that building as an office?

8               A       That is correct.

9               Q       Okay. Isn't it also true that if you  
10      recall the testimony earlier from Mr. Fiorito,  
11      that in the surrounding area where there are  
12      other nightclubs, that something like crime could  
13      affect property values?

14              A       Your question is could something like  
15      crime impact property values?

16              Q       Yeah, that's what I mean.

17              A       Okay. I would say -- I would say in  
18      my opinion, I don't -- in my general dealings, I  
19      don't ascribe a certain area to be specifically,  
20      at least in the area we're talking about, I don't  
21      describe a certain area to say specifically this  
22      is a crime, you know, this impacting -- the  
23      valuations are impacted because of crime.

24                      But I think it's probably a fair  
25      statement if we're talking sub-market to

1 sub-market to say some sub-markets could  
2 potentially be challenged more than others from a  
3 crime perspective. And therefore building  
4 valuations from, I would say, sub-market to  
5 sub-market could be impacted.

6 Q So if I'm a perspective land, you  
7 know, land purchaser or tenant, I'm -- isn't it  
8 true that I'm going to look at surrounding crime  
9 and uses that could contribute to that, to  
10 surrounding crime numbers?

11 A As a tenant/investor buyer, you're  
12 going to look at all factors. So again, I kind  
13 of throw that into the -- you're going to look at  
14 all of the factors, whether one factor weighs  
15 more than another is really a matter of opinion  
16 more than anything else.

17 Q I thank you for that. One second,  
18 please. So thank you for that, sorry about that.  
19 We just have a couple more questions.

20 You mentioned that, you know, it's up  
21 to the buyer to evaluate those factors. Based on  
22 the -- like say you have a non-residential buyer.  
23

24 What are the factors that they are  
25 typically looking at, for someone that wants to

1 use the property for non-residential purposes?

2 A For non-residential, and I guess  
3 there's another set of questions there. Is it an  
4 investor buyer, is it a user buyer, what's the --

5 Q If you have an investor buyer who  
6 intends to lease for non-residential purposes,  
7 what are the factors that they should be  
8 considering?

9 A Age of building, quality of building  
10 systems, obviously underlying tenancy, credit of  
11 tenancy at this point in time, those are -- those  
12 are the primary factors, I would say.

13 Q So you wouldn't suggest that that  
14 buyer look at any of the surrounding uses?

15 A Typically no. I mean, if it's a, I  
16 would say in certain situations, yes. But  
17 typically at least in direct connection to the  
18 CBD, I don't think so, generally speaking.  
19 Because the CBD is the CBD, you're in an urban  
20 environment and there's all sorts of alternative  
21 uses that are going to be present in that  
22 environment.

23 You would caution your buyer to  
24 basically say make sure you explore the  
25 neighborhood, because that's general due

1 diligence that you would do.

2 But the other thing that I would say  
3 is for any instance, adjacent property owners,  
4 you can't control what other adjacent property  
5 owners do with their property to a certain  
6 extent. And that's just an eyes wide open factor  
7 when you're underwriting a property.

8 Q So if I'm an investor looking to use  
9 it for residential purposes, do those factors  
10 change at all that we just discussed?

11 A I can't directly speak to, again, I  
12 can't really directly speak to a residential  
13 buyer, that's not my primary business.

14 Q Okay. That's fine. Going, circling  
15 back, and I promise I'm almost done here. What  
16 you talked about looking at comps to support your  
17 conclusion that this wouldn't have any impact,  
18 did you look at any other comparables other than  
19 the property sold at 1500 K?

20 A Yes, I looked at other comparables in  
21 the marketplace. I can't specifically speak to  
22 the exact numbers on the other properties. And  
23 in preparation, I was just specifically looking  
24 for, at least in my line of work, an office  
25 property that was immediately adjacent.

1 I could also probably make the same  
2 statement for the office building that I office  
3 in, which is 1625 I Street, which is within  
4 direct proximity to a certain extent to the  
5 Archibald's establishment.

6 And that traded, I think in 2020 as  
7 well at a very high basis. So I mean, I didn't  
8 -- I can't give you a direct comparable, but yes,  
9 I did look at other comps, at market analysis on  
10 the comps.

11 Q Were those comparables that you looked  
12 at all in the District of Columbia?

13 A Yes.

14 Q Did all of those comps involve an  
15 office or non-residential use in close proximity  
16 to -- because there's only so many nightclubs, so  
17 did it involve a direct or were you drawing in  
18 analogs?

19 A It was direct, direct.

20 MR. COHEN: Okay. Thank you very  
21 much. I don't think we have anything further,  
22 but I do appreciate your time. Thank you again.

23 MR. SCHINDLER: Thank you.

24 CHAIRPERSON ANDERSON: Any questions  
25 by any Board members? Mr. Bianco, any redirect?

1 MR. BIANCO: No redirect.

2 CHAIRPERSON ANDERSON: Mr. Schindler,  
3 thank you very much for your testimony. Have a  
4 great day, sir.

5 MR. SCHINDLER: Thank you.

6 CHAIRPERSON ANDERSON: Do you have  
7 another witness, sir?

8 MR. BIANCO: Yes, Vince Parker.

9 CHAIRPERSON ANDERSON: Mr. Charles,  
10 can you please elevate Mr. Parker, please? Mr.  
11 Parker, can you turn the camera on, please? Mr.  
12 Parker, can you raise your right hand?

13 (Witness sworn.)

14 MR. PARKER: Yes.

15 CHAIRPERSON ANDERSON: Your witness,  
16 sir.

17 DIRECT EXAMINATION

18 BY MR. BIANCO:

19 Q Thank you, very much. Mr. Parker, can  
20 you state your name and spell it for the record,  
21 please?

22 A My name is Vincent Parker, V I N C E  
23 N T, last name Parker, P A R K E R.

24 Q And, Mr. Parker, can you tell the  
25 Board what your connection is to the Applicant in



1 this case, Iraklion, LLC?

2 A I was hired by the proposed Applicant  
3 to conduct an investigation, review the proposed  
4 plan, and advise on operation moving forward as  
5 it relates to the operation of the proposed  
6 nightclub.

7 Q Okay. And what experience or  
8 qualifications do you have that would allow you  
9 to do that?

10 A I previously served for about four and  
11 a half years as an ABRA at the time,  
12 investigator. I worked in the field at ABRA for  
13 four years, from 2008 to 2012.

14 I've been transitioned to DCRA at the  
15 time where I work very closely with public space  
16 as the Special Events Program Manager for D.C.  
17 Then moved on to become the Business Compliance  
18 Manager, at which time my primary role was to  
19 assure that all the businesses of the city were  
20 operating in compliance with their stated use and  
21 approved license category.

22 And then my last role with DCRA until  
23 2021, I was the Business Licensing Administrator,  
24 responsible for all of the issuance of  
25 corporations' business licenses as well as the

1 compliance efforts across the city or the agency.

2 Q Okay. And in your capacity working  
3 for those agencies, have you conducted  
4 investigations for protest hearings?

5 A Yes, I have.

6 Q And for show cause hearings on  
7 compliance issues?

8 A Yes, I have.

9 Q Okay. I'm going to share with you  
10 what I have marked as Applicant Exhibit No. 12.  
11 Do you recognize that?

12 (Whereupon, the document referred to  
13 was marked as Applicant Exhibit No. 12 for  
14 identification.)

15 A Yes.

16 Q And what is that?

17 A That is my resume.

18 Q Okay. And does that truly and  
19 accurately detail your education and experience  
20 as is relevant to your testimony?

21 A Yes.

22 MR. BIANCO: Okay. Mr. Chair, we  
23 would move admission of Applicant Exhibit No. 12  
24 and Vincent Parker as an expert witness on the  
25 licensing and ABRA appropriateness standards.

1 CHAIRPERSON ANDERSON: Any objections?  
2 Mr. Cohen, Ms. Farmer, Mr. Blanchard?

3 MR. BLANCHARD: I know Mr. Parker, I'm  
4 not sure he's an expert on appropriateness  
5 standards, but his resume I'm fine with.

6 CHAIRPERSON ANDERSON: Do you wish to  
7 voir dire, if you want to further explore that  
8 issue?

9 MR. BLANCHARD: No, I'm just putting  
10 it on the record.

11 CHAIRPERSON ANDERSON: All right.  
12 Fine. Without objection. Go ahead, Mr. Bianco.

13 (Whereupon, the document previously  
14 marked as Applicant Exhibit No. 12 for  
15 identification was received into evidence.)

16 MR. BIANCO: Thank you very much.

17 BY MR. BIANCO:

18 Q Okay. Mr. Parker, so you're familiar  
19 with this particular establishment?

20 A Yes.

21 Q Okay. And how are you familiar with  
22 it?

23 A I have visited the area in the last  
24 month about three or four times at various times  
25 of the day. I also have extensive experience in

1 the area from working as an ABRA investigator.  
2 This was a primary area, as it still is today,  
3 for a lot of ABC licensees. I'm very familiar  
4 with the area, the other businesses in the area  
5 and the location itself.

6 Q So I have up on the screen, what is  
7 marked as Applicant's Exhibit No. 6, which is a  
8 Google map. Does that fairly and accurately  
9 depict the layout of the area surrounding the  
10 establishment?

11 A Yes, it does.

12 Q Okay. And you will also note that  
13 there are five stars on the map signifying where  
14 approximate nightclubs are located. Does that  
15 accurately depict where those nightclubs are  
16 located based on your experience?

17 A Yes.

18 Q Okay. And I want to talk for a moment  
19 about specifically what your role is now with  
20 this particular Applicant and what it's going to  
21 be going forward. What specific services are you  
22 going to provide here?

23 A I'm going to advise on operations to  
24 ensure that the establishment operates in the  
25 best way. I mean, we start a couple different

1 ways. The first way we're going to give advice  
2 is on some suggested plans as it relates to  
3 parking and traffic patterns, things that they  
4 should pursue.

5 Moving on, the next point will be kind  
6 of the overall operational plan as it relates to  
7 ensuring the peace and quiet of the neighborhood  
8 is maintained.

9 Q Okay. So let's talk about parking  
10 first. What information do you have about  
11 parking in the vicinity and the parking plan for  
12 this location?

13 A So the parking garage that is off of  
14 Zei Alley, it's actually directly across from the  
15 current entrance to the building. In speaking to  
16 the Applicant, we discussed that that would  
17 primarily used for valet parking.

18 The idea with that is that  
19 professional drivers would be the primary people  
20 who would be driving vehicles into that parking  
21 garage and retrieving them. There are also nine  
22 parking garages in the vicinity that could be  
23 contracted and used as well to allow for  
24 individuals who drive to park in those garages  
25 and then walk to the establishment in Zei Alley.

1           Q       Okay. What, if any, measures do you  
2 think need to be put in place with respect -- I'm  
3 sorry, before we get there, strike that.

4                   What about metro accessibility? What  
5 can you tell me about that?

6           A       The McPherson Square Metro is at the  
7 corner of -- or entrance and exits at the corner  
8 of 14th and I, very short walk to the subject  
9 property. A major metro line or multiple lines,  
10 I'm not sure, it's easily accessible.

11           Q       Okay. Are there bus routes as well?

12           A       There are along both number streets as  
13 well as I Street.

14           Q       Okay. Now what, if any, measures do  
15 you think need to be put in place with respect to  
16 alley traffic?

17           A       Well, in conjunction with the  
18 Department of Transportation, I suggested to the  
19 establishment that they should pursue one-way  
20 traffic on Zei Alley between 14th and 15th. I  
21 think that, especially for peak hours of  
22 operation for the establishment.

23                   Although the alley is wide enough to  
24 facilitate two vehicles going in opposite  
25 directions, I think it would be prudent to have

1 one-way traffic flowing westbound on Zei Alley  
2 during peak operation.

3 I also think that the unnamed alley  
4 that exits on I Street, should be closed to  
5 vehicular traffic past the back of, well past the  
6 entrance to the parking garage that I referenced.  
7 That would again, just allow an extra layer of  
8 protection.

9 Actually the alley on both sides of  
10 the building, the unnamed alley on both sides of  
11 the property that exit on I Street, I believe  
12 should be closed to vehicular traffic.

13 Q Okay. And what plans are there for  
14 dealing with Rideshare?

15 A Yes, so Rideshare, some establishments  
16 in the city report that up to 60 to 65 percent of  
17 their patrons arrive via Rideshare. So for an  
18 establishment of this size, that would be a lot  
19 of Rideshare traffic.

20 I've encouraged the establishment to  
21 pursue a pick-up, drop-off location not  
22 immediately at the entrance of the establishment,  
23 but on 14th Street would make the most sense in  
24 the block, nearer towards I Street.

25 This would eliminate the possibility

1 of Uber drivers or Lyft drivers driving down Zei  
2 Alley looking for their pick-ups, people trying  
3 to find them. They would all be directed towards  
4 the corner of 14th and I Street on 14th, on the  
5 west side of the street.

6 Q Okay.

7 A And all of that's contingent with the  
8 proposals and approvals that are pending.

9 Q Okay. And you mentioned that you  
10 visited the property several times for our  
11 purposes here today. Correct?

12 A Yes, sir.

13 Q And have you ever been there in your  
14 capacity as an ABCA investigator?

15 A I have not been to this establishment,  
16 but I've been in this vicinity a lot.

17 Q Okay. And have you been there both  
18 during the day and at night?

19 A Yes, sir.

20 Q Okay.

21 A I visited at 12:00 noon, approximately  
22 7:00 p.m., and 12:30 or so a.m.

23 Q Okay. What can you tell me about the  
24 foot traffic or people present during different  
25 times?



1           A       Twelve noon, it is a downtown bustling  
2 office, business district. With a lot of people  
3 who are in and out of the office buildings,  
4 frequenting the restaurants and hotels in the  
5 area. A lot of vehicular traffic in all  
6 directions, bus lines running, pedestrians on all  
7 sidewalks, a lot of bicycle traffic, et cetera,  
8 that's mid-day.

9                       Seven p.m., the traffic is starting to  
10 decrease as it relates to pedestrians. There  
11 appear to be less people in the buildings and on  
12 the sidewalks as well as the streets. Still  
13 quite busy, but not necessary how it as at the  
14 middle of the day during the middle of the week.

15                      At night, 12:30 or so, there's much  
16 less traffic in the area. And the traffic that's  
17 in the area appears to be related to either the  
18 hotels and/or the ABC establishments that are in  
19 the area. I also conducted a weekend visit  
20 during the day, and there's very limited traffic  
21 in the area as well.

22           Q       Okay. Do you know where the nearest  
23 residence is to this particular location?

24           A       Yes. The nearest residence is on 15th  
25 Street down at New York Avenue or near New York

1 Avenue.

2 Q Is it shown here on Applicant's  
3 Exhibit 6, the map?

4 A I believe it's 14, or it's listed as  
5 735 15th Street.

6 Q Okay. And are you familiar with that  
7 property?

8 A Yes. I've seen it.

9 Q Okay. And what characteristics are  
10 there of that, if it's relevant to ABC, for the  
11 Board's consideration?

12 A It is a residential building. On the  
13 ground floor of the building, there's a very  
14 large restaurant, The Cheesecake Factory. And  
15 then I believe it's in the basement level,  
16 there's a nightclub establishment called Sachi.

17 Q Okay. And in preparing for your  
18 testimony today, did you review any public  
19 records with respect to ABC compliance in the  
20 area?

21 A So yes, I reviewed the investigative  
22 history of the five ABC establishments listed  
23 here.

24 Q Okay. I'm going to bring up a  
25 document that we have marked as Applicant's No.

1 13. And I am going to scroll down to the  
2 relevant portion of it. Do you recognize that?

3 (Whereupon, the document referred to  
4 was marked as Applicant Exhibit No. 13 for  
5 identification.)

6 A Yes.

7 Q And what is that?

8 A That is the Investigative History for  
9 Opera Ultra Lounge.

10 Q Okay. And scrolling down to the next  
11 page, do you recognize that?

12 A That is the Investigative History for  
13 Archibald Fast Eddy's Billiards/Cafe.

14 Q Okay. And scrolling down to the third  
15 page, do you recognize that?

16 A That is the Investigative History for  
17 Living Room.

18 MR. BIANCO: I think, Mr. Chair, the  
19 Board could take judicial notice of its own  
20 records, but I would move in at this time,  
21 Applicant's No. 13.

22 CHAIRPERSON ANDERSON: Any objections?

23 MR. BLANCHARD: No objection.

24 MR. COHEN: No objection.

25 CHAIRPERSON ANDERSON: Without

1 objection.

2 (Whereupon, the document previously  
3 marked as Applicant Exhibit No. 13 for  
4 identification was received into evidence.)

5 MR. BIANCO: Okay.

6 BY MR. BIANCO:

7 Q Now let's start with the Living Room  
8 here, Mr. Parker. How would you characterize, I  
9 don't want to call them violations, because  
10 they're not all violations, but the incidents  
11 that have taken place in this Investigative  
12 History?

13 A There have been, or there's six  
14 documented incidents here with the most recent in  
15 the fourth quarter, 2022. None of them, as far  
16 as I can tell, resulted in a decisive action by  
17 the Board or finding of guilt based on conduct of  
18 the establishment.

19 Q Okay. And would you say that any of  
20 these, would you characterize any of these  
21 incidents as violent?

22 A I think the assaults would be  
23 identified as violent acts that occurred in the  
24 establishment. The findings of the Board in  
25 those matters identified that they were not. The

1 establishment itself was not, I guess, the root  
2 cause or at fault in these issues.

3 Q Okay. And then moving up to  
4 Archibald's, are you familiar with that  
5 establishment?

6 A Yes, sir.

7 Q And can you describe that  
8 establishment, please?

9 A That establishment is a nude dancing  
10 nightclub similar to the Applicant here, located  
11 at 15th and K Street in the neighborhood of this  
12 establishment.

13 Q Okay. And looking at the  
14 Investigative History of that establishment, does  
15 it show any violent incidents at that particular  
16 place?

17 A No, it does not.

18 Q Okay. And then finally, Opera Ultra  
19 Lounge, are you familiar with that establishment?

20 A Yes, I am.

21 Q And where is that located in relation  
22 to the subject property here?

23 A This is the closest ABC establishment  
24 to the subject property in distance. And it is  
25 located at the corner, very near the corner of

1 14th and I, actually adjacent to the alleyway  
2 that I propose closing to vehicular traffic on I  
3 Street.

4 Q Okay. And have you reviewed any other  
5 materials in preparing for your testimony today?

6 A I reviewed the Investigative Report  
7 from Investigator Ruiz.

8 Q Okay. And what comments do you have  
9 with respect to the Investigative Report as is  
10 relevant here?

11 A I don't dispute any of the facts that  
12 Investigator Ruiz identified in his report.

13 Q Okay. And as you know, ABCA  
14 investigators don't come to conclusions in those  
15 reports. But based on all the information that  
16 you reviewed in the report and independently, do  
17 you think this establishment will have an adverse  
18 impact on peace, order, and quiet in the area?

19 A I do not think this establishment will  
20 have an adverse impact on peace, order, and quiet  
21 in the area.

22 Q Right.

23 MR. BIANCO: Thank you very much, Mr.  
24 Parker. I don't have any more questions for you  
25 at this time. Counsel and the Board may.

1 CHAIRPERSON ANDERSON: Mr. Blanchard,  
2 do you have any questions, I believe if you are  
3 the one who is going to cross examine?

4 MR. BLANCHARD: Yes, just a few  
5 questions.

6 CROSS EXAMINATION

7 Good afternoon, Mr. Parker.

8 MR. PARKER: Hello, how are you, Mr.  
9 Blanchard?

10 MR. BLANCHARD: I am well. I hope  
11 you're doing well, also.

12 MR. PARKER: Likewise.

13 MR. BLANCHARD: Well, on the parking  
14 concept, the nearby location, are you aware if  
15 the Applicant has any contract with that parking  
16 garage?

17 MR. PARKER: I know there have been  
18 discussions with the operator of the garage  
19 themselves. I don't believe a contract is in  
20 place, but there have been discussions about a  
21 plan moving forward.

22 MR. BLANCHARD: Okay. And as to the  
23 other, I guess, the eight other out of the nine  
24 parking garages in the area, are any of those  
25 open at night or on the weekends to your

1 knowledge?

2 MR. PARKER: Yes, some are open at  
3 night and weekends. I would have to confirm the  
4 hours that they close, I'm not familiar.

5 MR. BLANCHARD: Okay. And then is  
6 there going to be valet parking?

7 MR. PARKER: Yes, sir. I think valet  
8 parking is part of the plan, at least at this  
9 point it's been proposed.

10 MR. BLANCHARD: Okay. And I think you  
11 testified that one way that the idea of making  
12 the Zei Alley, the east/west alley between 14th  
13 and 15th a one-way alley, that requires DDOT  
14 approval? Is that correct?

15 MR. PARKER: Yes, sir.

16 MR. BLANCHARD: Yeah. And the same  
17 with a valet operation?

18 MR. PARKER: Yes, sir.

19 MR. BLANCHARD: Does that require  
20 DDOT?

21 MR. PARKER: Yes, sir.

22 MR. BLANCHARD: Okay. And then you  
23 mentioned the, that was an interesting comment  
24 about the number of Rideshare, and with a club  
25 this big, that would be the idea, is to put that,



1 some Rideshare, I guess temporary parking or  
2 lay-by or something like that on 14th Street, is  
3 that the idea?

4 MR. PARKER: Yes, sir. That's what's  
5 proposed now. Obviously, a plan of this size  
6 would require a lot of coordination with DDOT, to  
7 evaluate all the public space uses. But yes,  
8 that would be ideal, either above the alley, Zei  
9 Alley or south of the alley. But I initially  
10 said close to the corner.

11 MR. BLANCHARD: And has anybody  
12 discussed it with the A&C about that, since the  
13 A&C would be involved, I believe, as well?

14 MR. PARKER: I don't believe so, I  
15 haven't had any discussion with the A&C. I think  
16 it's a little premature because the process for  
17 that would be quite a bit of time away from now.  
18 But -- yes.

19 MR. BLANCHARD: Okay. And then just  
20 one last, not one last, not the last one yet.  
21 But are you aware that there are bus lanes on  
22 14th Street?

23 MR. PARKER: Yes, sir.

24 MR. BLANCHARD: And would bus lanes  
25 present a DDOT planning issue as far as creating

1 a lay-by?

2 MR. PARKER: I think they would need  
3 to be evaluated as part of a bigger  
4 transportation plan that is established. We  
5 could come up with a plan to address bus lanes,  
6 address bike lanes, as well, of course, the  
7 vehicular traffic.

8 MR. BLANCHARD: And then the  
9 alternative ways of getting there, are you aware  
10 of when Metro closes in the evenings?

11 MR. PARKER: I don't remember, no,  
12 sir.

13 MR. BLANCHARD: I don't either. But  
14 the Applicant's hours of operation are until like  
15 2:00 and 3:00. Is that correct?

16 MR. PARKER: Yes, sir. The proposed  
17 hours are.

18 MR. BLANCHARD: In the evening. All  
19 right. On the four Investigative Histories, are  
20 any of these other establishments located in an  
21 alley?

22 MR. PARKER: No, sir.

23 MR. BLANCHARD: Okay. Those are all  
24 of my questions. Thank you.

25 CHAIRPERSON ANDERSON: Thank you, Mr.

1 Blanchard. Any questions by any of the Board  
2 members? Mr. Bianco, any redirect?

3 MR. BIANCO: No, sir.

4 CHAIRPERSON ANDERSON: Mr. Parker,  
5 thank you very much for your testimony. You are  
6 free to go. Do we have another witness, sir?

7 MR. BIANCO: Yes. Our next witness is  
8 Robert Leland.

9 CHAIRPERSON ANDERSON: Mr. Charles,  
10 can you please elevate Mr. Leland, please?

11 MR. CHARLES: I am not seeing Mr.  
12 Leland.

13 CHAIRPERSON ANDERSON: Mr. Bianco --  
14 Mr. Leland, can you turn your camera on, please?  
15 Mr. Leland, do you have a camera to turn on, sir?

16 MR. LELAND: I do have a camera. And  
17 I have to -- there it is.

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

20 (Witness sworn.)

21 MR. LELAND: Yes, I do.

22 CHAIRPERSON ANDERSON: Your witness,  
23 sir.

24 DIRECT EXAMINATION

25 BY MR. BIANCO:

1           Q       Okay. Mr. Leland, can you state your  
2 name again, and spell it so that the court  
3 reporter can have it for the record?

4           A       Yes. Robert Leland, R O B E R T, L E  
5 L A N D.

6           Q       Okay. And Mr. Leland, what is your  
7 relationship with the Applicant in this case,  
8 Iraklion, LLC?

9           A       I've been asked to put a fire safety  
10 report together concerning the property. And  
11 I've done all the review of the fire safety  
12 systems that are present in that building  
13 currently.

14          Q       Okay. And how about going forward,  
15 what's your role with Iraklion?

16          A       I've been asked to help once buildout  
17 has been changed and the building, to do an  
18 evacuation program and overall assessment of the  
19 fire safety program and help train the staff with  
20 fire prevention and evacuation for the building.

21                   And to coordinate, invite the local  
22 firehouses, Engine 16 and Truck 3, to come in and  
23 do a walk-through once buildout has been  
24 completed, so they have some familiarization with  
25 the building.

1           Q       Okay. And what qualifies you to do  
2 all that?

3           A       I am a retired Captain with the  
4 District of Columbia Fire and EMS Department, I  
5 retired with 30 years of service. I have an  
6 overall of 10 years, excuse me, 40 years in the  
7 fire service, the last 22 years with the  
8 District, I was an officer and a company  
9 commander with the District.

10          Q       Okay. So I am putting up on the  
11 screen what we have marked as Applicant Exhibit  
12 No. 10. Do you recognize that document?

13                   (Whereupon, the document referred to  
14 was marked as Applicant Exhibit No. 10 for  
15 identification.)

16          A       Yes, that's my resume.

17          Q       Okay. And does it truly and  
18 accurately describe your education and experience  
19 on the matters you are going to testify about?

20          A       Yes.

21                   MR. BIANCO: Mr. Chair, we would move  
22 admission of Applicant No. 10 and for Mr. Leland  
23 to testify as a expert in fire safety and fire  
24 and emergency response.

25                   CHAIRPERSON ANDERSON: Any objection?

1 MR. BLANCHARD: No objection.

2 CHAIRPERSON ANDERSON: Without  
3 objection. Move forward, please.

4 (Whereupon, the document previously  
5 marked as Applicant No. Exhibit 10 for  
6 identification was received into evidence.)

7 BY MR. BIANCO:

8 Q Okay. So, Mr. Leland, did you  
9 generate a report based on your review of the  
10 premises?

11 A Yes. I put out my, as you have  
12 displayed there, a fire safety report for 1412 I  
13 Street. It's just an overview of the building  
14 and its systems, and fire suppression system  
15 inside the building, as well as alley access to  
16 the building for the fire department.

17 Q Okay. And what did you do to generate  
18 this report?

19 A So I went inside the building and I  
20 went around and assessed the systems and  
21 determined that the building has a full building  
22 sprinkler system, a standpipe system in the  
23 stairwell, as well as a smoke evacuation system.

24 And overall took occupancy  
25 considerations for the building and for the

1 number of exits, it seems to be adequate. And  
2 then I did a report. In the report, I put the  
3 closest fire houses in it, and then response  
4 distances, and I determined that the vehicle  
5 apparatuses can access the alley and the  
6 building.

7 Q Okay. So let's drill down on that for  
8 a moment. Because I think there's been a lot of  
9 questions on that access issue.

10 Can you describe for the Board how you  
11 came to the conclusion that you just stated that  
12 fire and emergency equipment will be able to  
13 access the building?

14 A So Zei Alley is a width of 21 feet and  
15 the side alleys range from 10 to 15 feet. The  
16 width of fire department apparatus is under 10  
17 feet, it's 9.6. It varies between apparatus, but  
18 none of them are over 10. And so they have  
19 access to this building, primarily from 14th and  
20 15th Streets via Zei Alley.

21 The ladder companies can fit down and  
22 put their support jacks out if an aerial ladder  
23 needs to be raised and deployed for that building  
24 as well. There's adequate hydrant protection,  
25 hydrants around the square block, with more than

1 2,000 gallons per minute in the hydrant system  
2 there, which is adequate fire suppression.

3 Q Okay. And what if there are cars in  
4 the alley. How does FEMS, would FEMS be able to  
5 deal with that issue in this particular  
6 situation?

7 A Yes. That is a concern on all alleys  
8 of the city, cars are parked illegally or in the  
9 way. Zei Alley does have a width, if it's a  
10 narrow car parked on the side, they can squeeze  
11 by and get into position.

12 If it is blocking it, we have in the  
13 past, pushed vehicles out of the way if it needs  
14 to be, if emergency dictates that. All the  
15 apparatus are designed to have an impact bumper  
16 to do that. Although that is really rare, it  
17 does not happen, but they do have the capability.

18  
19 If they can't get around it, hose can  
20 be pulled and ladders can be pushed up against  
21 the building no matter what. There's also  
22 multiple, three, ways to get into that building  
23 from the other two. There's ultimately other  
24 ways to get there if one side of the alley is  
25 blocked.



1           Q       Okay. And you, as part of your  
2 report, evaluated the building's fire safety  
3 systems that exist now? Correct?

4           A       Yes. What is currently present.

5           Q       Okay. And there's one thing that I  
6 heard you talk about that I'm not terribly  
7 familiar with it, and I would like you to  
8 describe in greater detail, which is a smoke  
9 evacuation purge system. What is that and what  
10 does it do?

11          A       So if there's a fire within the  
12 building, there is a, in the rooftop area, there  
13 is exhaust fans that are designed to activate if  
14 there's a fire, smoke, alarm system, sprinkler  
15 system goes off, the fans can kick in and they  
16 can pull the smoke out of the building, which  
17 will aid in evacuation of the building.

18                   In most fires, smoke is what kills  
19 people or injures people more so than actual  
20 physical fire. So it will help with the  
21 evacuation as well as the entry for the  
22 firefighters to extinguish the fire.

23                   And like I said earlier, the building  
24 has a whole sprinkler system, which includes the  
25 stairwells and all four floors, the basement as

1 well as the upper three floors throughout the  
2 building. The combination of the two certainly  
3 mitigate any fire within the building rather  
4 quickly.

5 Q Okay. And one of the things that you  
6 talked about in your earlier testimony is  
7 proximity of this establishment to fire stations.  
8 Is the proximity going to be problematic in your  
9 view for emergency response times?

10 A You would have to refer to the report,  
11 I laid out the four closest, excuse me, I'm  
12 opening that report. The four closest  
13 firehouses, Engine 16 and Firehouse 3 are located  
14 at 13th and K Street and they're .3 miles away.

15 The next closest is Engine 2 at 5th  
16 and F Street, Northwest, and they are .8 miles  
17 away. Upon dispatch of any emergency, and once  
18 the company's received the call and they get out  
19 the door, you're talking a couple minutes if not,  
20 you know, two, for any units to get to the scene.

21 The nice thing about the downtown  
22 area, there is plenty of firehouses around to  
23 respond even if Engine 13, I mean, excuse me,  
24 Engine 16 is out of quarters, the next closest  
25 one will pick up that response.

1           Q       Okay. Great. And one thing I did not  
2 notice in your report, is a specific evacuation  
3 plan, is there a reason for that?

4           A       Well, until the buildout and floor  
5 plans are submitted and changed, I can't really  
6 put an evacuation plan in place. But I do plan  
7 to have one created and placed in various  
8 strategic locations throughout the building as  
9 long and as well as go over it with management  
10 and staff so they understand what is the closest  
11 exit route.

12                       And what other assistance they have to  
13 get out of the building at Point A in that floor  
14 to that stairwells. And the building has two  
15 enclosed stairwells which help with an  
16 evacuation. If there is smoke, once again, the  
17 stairwell will be better protected.

18           Q       Okay. And I'm sorry, I want to jump  
19 back to the alley for a moment. In your  
20 experience how does the width of Zei Alley  
21 compare to other alleys you have to deal with in  
22 your firefighting career?

23           A       The alleys are not, I mean, in the  
24 downtown area there are not alleys that are of  
25 this significant width. But for the most part,

1 residential alleys, and older parts of the city  
2 that haven't been renovated, have narrow alleys  
3 and we, the department, knows how to handle it.

4 They get these -- these trucks are  
5 fairly large, but they still manage to squeeze  
6 them down the alley and get in position to the  
7 building, which is important for management of  
8 any emergency in a building. We put units in and  
9 around the building.

10 And if you look in the overall, the  
11 last picture, or the last second picture, there's  
12 a Google overview. And for any of the buildings  
13 in that block, the fire department would have to  
14 respond using those alleys for those buildings as  
15 well. They are very capable of handling this and  
16 any narrow alleys in the city.

17 Q Okay. And so, I guess my last  
18 question would be is can a nightclub with roughly  
19 1,200 occupancy that's being proposed here, be  
20 run safely from an emergency response and fire  
21 safety perspective?

22 A Yes, I believe so. The building is  
23 certainly adequate for any emergencies that are  
24 fire related or inside. As well as the -- it has  
25 four exits that lead out of the building, and so

1 if evacuation is needed, they can get people out.

2 I don't see this building having that  
3 significant of a problem with evacuation. The  
4 fire department knows how to designate areas of  
5 evacuation and it sends people out, along with  
6 coordinating with MPD as well. I don't see a  
7 problem with that at all.

8 MR. BIANCO: Right. And, Mr. Chair,  
9 I may have neglected to move in Applicant's  
10 Exhibit 11; if that's the case, I would move it  
11 in now.

12 CHAIRPERSON ANDERSON: Mr. -- we have  
13 not done Number 11. The only one that you have  
14 not done, what's Number 11?

15 MR. BIANCO: The fire safety report.

16 CHAIRPERSON ANDERSON: You never asked  
17 to -- we do not have to move it, and yeah.

18 (Simultaneous speaking.)

19 MR. BIANCO: We've had testimony about  
20 it, I'm now asking to move it.

21 CHAIRPERSON ANDERSON: All right, any  
22 objection?

23 (No audible response.)

24 CHAIRPERSON ANDERSON: Any objection?

25 PARTICIPANT: He's talking to you.

1 MR. BLANCHARD: Oh, I'm sorry. No  
2 objection.

3 CHAIRPERSON ANDERSON: All right, so  
4 Number 11 is moved into evidence.

5 (Whereupon, the above-referred to  
6 document was marked and received into evidence as  
7 Applicant Exhibit No. 11.)

8 MR. BIANCO: Excellent. I don't have  
9 any further questions. Mr. Leland, thank you.  
10 You'll have to answer some questions from the  
11 Board and counsel.

12 MR. LELAND: Okay.

13 CHAIRPERSON ANDERSON: All right, who  
14 will be doing the cross-examination?

15 MR. BLANCHARD: Yes, may I respond?  
16 Captain Leland?

17 MR. LELAND: Yes?

18 MR. BLANCHARD: Thank you for your  
19 service to the District of Columbia Fire  
20 Department.

21 MR. LELAND: Thank you for saying  
22 that. You're welcome.

23 MR. BLANCHARD: I look forward to Mr.  
24 Short's questions, but I have to ask mine first  
25 unfortunately.

1 MR. LELAND: Okay.

2 MR. BLANCHARD: Because he has more  
3 experience than I do.

4 CROSS EXAMINATION

5 Q You mentioned at one point in your  
6 testimony three exits, and another point is four.  
7 Can you remind us what are those exits?

8 A So, if you have the exhibit in front  
9 of you, and there's an overview of each floor,  
10 the first floor has a diagram of the footprint of  
11 that first floor. And catty-corner of the  
12 building there are two stairwells, enclosed  
13 stairwells, one stairwell exit that goes to Z  
14 alley, and that's Stairwell B, and Stairwell A  
15 has two exits that lead out to the rear of the  
16 building and then the side alley on that side of  
17 the building.

18 And then the main entrance is an exit  
19 as well, that has an open stairwell that leads  
20 from the first floor to the third floor. The  
21 other two stairwells access all the floors.

22 Q And when you visited the property do  
23 those have, like, panic bar releases, or?

24 A The exit stairwells do, but the  
25 Department of Buildings and the Fire Prevention

1 Division will make sure that those are all in  
2 compliance once the buildout does, but yes, they  
3 do.

4 Q Right. And when you do your fire  
5 plan, I mean, there was previous testimony, you  
6 might have heard it, from Mr. Fiorito, talking  
7 about essentially like, a vestibule with double -  
8 - with doors in front and behind so that you have  
9 people come in and then they're checked, and then  
10 the other door or the second door is allowed to  
11 open, but not the outside door so that people  
12 could come in. And it raises a question in my  
13 mind about how do you get people out with double  
14 doors like that?

15 A So I wasn't part of that testimony so  
16 you have to give me a little understanding what  
17 you're talking about. Is that the front door?  
18 And the door --

19 Q I believe they're talking about the  
20 main entrance, yes.

21 A So that is a single width door, a 36  
22 one-swing door and so it opens out, and if you're  
23 having an evacuation of a building people are  
24 going to move outwards instead of inwards. If  
25 you repeat your question I can give you an answer



1 or --

2 (Simultaneous speaking.)

3 MR. BLANCHARD: Okay. I mean, it's  
4 hard to show because the applicant hasn't  
5 provided any plans that show how that's going to  
6 be constructed, but the concern was that it might  
7 be a bottleneck of getting --

8 MR. LELAND: Well, the door -- okay.  
9 I mean, go ahead, and I'm sorry if I interrupted.

10 MR. BLANCHARD: No, it's okay. So  
11 that's -- I just wanted to raise that concern and  
12 I hope the evacuation plan, once it's formulated,  
13 will address those kind of unique security check  
14 type of construction that is intended by the  
15 applicant.

16 MR. LELAND: So each door --

17 MR. BLANCHARD: I hope we will  
18 commence with that.

19 MR. LELAND: Yes. So just to go over,  
20 each floor does have the access to the  
21 stairwells, and that is, again, an evacuation  
22 point as well, and anywhere in the building they  
23 can go to those two stairwells and exit the  
24 building not using the main entrance.

25 CROSS EXAMINATION

1           Q       Right. And you testified that  
2 vehicles and apparatus could access this building  
3 in response to a fire alarm?

4           A       Yes.

5           Q       Through the -- they're really, I  
6 guess, three alleys: one east to west, one and  
7 two --

8                   (Simultaneous speaking.)

9           A       North-south.

10          Q       Yeah, north-south. One of those  
11 north-south alleys actually goes to I Street.

12          A       They both go to I Street.

13          Q       They both go, okay. But there was  
14 talk from the previous -- Mr. Parker just  
15 testified that they're planning to close one of  
16 the north alleys and make the Z alley, the east-  
17 west alley, one way. Well, how will that impact,  
18 and normal and adversely?

19          A       Well, we don't represent --

20                   (Simultaneous speaking.)

21          Q       How will that impact?

22          A       Fire response?

23          Q       Right.

24          A       We have one way -- one way doesn't  
25 mean anything. If we need to get in a block

1 we'll manner it in whatever way is possible.

2 Q Right. So if there was a box alarm at  
3 this location -- and maybe if you could tell us  
4 what a box alarm is?

5 A A box alarm is a dispatch of five  
6 engine companies, two ladder trucks, a rescue  
7 squad, and two battalion chiefs along with an  
8 ambulance or medic unit that responds to it. So  
9 that's the standard size of a box alarm today.  
10 The primary units, the second-due engine  
11 companies along with a first-due truck enter the  
12 area around the building and do an assessment and  
13 determine whether other units are needed that are  
14 staging around the block.

15 Q Right.

16 A The other --

17 Q What kind of fire alarm I guess would  
18 report through 911 or whatever, trigger a box  
19 alarm at a location like this?

20 A Well, so if you had someone in the  
21 building call in and we had a smoke in the  
22 building or, you know, a kitchen fire, or you  
23 know, something of that nature they would  
24 classify it as a box alarm, but the information  
25 given by the caller to the dispatchers would

1 dictate whether it's a full box alarm or whether  
2 it's considered a minor, a lesser response alarm  
3 like a double or triple local depending on the  
4 call in.

5 Q Right. Thank you, that seems like a  
6 lot of equipment responding and in a narrow alley  
7 --

8 A Yes. Right.

9 Q With a narrow alley system and --  
10 running out of the building, would that create a  
11 problem?

12 A Well, not all of that apparatus goes  
13 into the alley, so the engine company that goes  
14 into the front and towards the building, the  
15 first-due lays out hose from either the 15th and  
16 Z alley or 14th and Z alley, and there's hydrants  
17 at each end of each of those alleys right at the  
18 corner of the alley, and the third and fourth-due  
19 engine companies pick up that hose and they  
20 supply additional pressure to it.

21 So those apparatus are not going into  
22 the alley itself, it's the first-due ladder  
23 company and the first-due engine and company  
24 going in. So it sounds like a big response that  
25 goes in there but they are not all jammed into

1 the same block together, I guarantee you.

2 Q No, I understand. And then let me see  
3 here. Not that one. And then one final  
4 question, will the evacuation plan address, or  
5 how does the fire department -- or your plan I  
6 guess, the fire safety plan, is it going to  
7 address the modern conveniences now? A lot of  
8 these Uber drivers and other, and we're talking  
9 about out of a clientele that'll be upscale,  
10 let's say.

11 A Okay.

12 Q Who ever will report on this what  
13 they're going to build, can they deal with  
14 electrical car battery fires now?

15 A Yes, they can.

16 Q Will that be part of your plan?

17 A I mean, that's not part of the plan,  
18 I mean, I'm talking about the building and fire  
19 prevention of a building. You're talking about  
20 an auto fire that's in the alley. Is that what  
21 you're concerned about?

22 Q Yeah, you know, if somebody drops off  
23 a car and they're waiting and --

24 A Yes, this fire department is trained  
25 on, and that's not what I'd be working on. The

1 fire department has its SOG, Standard Operating  
2 Guidelines, that deal with hybrid, full-electric  
3 and regular gasoline cars. You know, that's our  
4 standards procedures for them. Are you  
5 concerned?

6 Q Right.

7 A That's standard. If they start to  
8 have --

9 Q My thing is I think a lot of -- that  
10 could drain a pumper, that could drain an engine  
11 to --

12 A Yeah, but we have three of our -- in  
13 the city and they all hook up to hydrants and  
14 water and stuff like that. I mean, the city has  
15 car fires, you know, all day long in the city.

16 Q Yeah. And then one final question and  
17 that's, given the potentially older patrons,  
18 since there was testimony earlier that they're  
19 not going to have promoters with moving crowds  
20 around from one nightclub to another, that  
21 they're going to try and focus on one particular  
22 I guess section of the patron economy that's  
23 older, will you have defibrillators as well?

24 A So I have not talked to them about  
25 defibrillator program inside the building but it

1 is certainly a recommendation I would encourage,  
2 have one, you know, on each floor and, you know,  
3 the staff can be trained on CPR and AEDs. It's  
4 very simple to operate those, especially ones,  
5 you know, you see in airports and in various  
6 malls and metros and stuff. You pull them off,  
7 they talk to you and they tell you what to do.  
8 So yes, we can certainly do that. But that has  
9 not been talked about with me at this point.

10 Q Okay. So just a final question, so  
11 the plan is in the works, but is there a plan  
12 now, or it's not determined?

13 A So I was asked to do an overview of  
14 what is existing right now, and so I went ahead  
15 and looked at the systems and said this building  
16 has this, as you can see in my report, but the  
17 buildout hasn't started yet and until that  
18 happens I can't give, you know, a report or, you  
19 know, recommendations on that until that happens.

20 Certainly first aid or at least AEDs  
21 placed out throughout the building and have the  
22 staff, you know, claim at least a knowledge of  
23 what's going on would be important to do. Like  
24 any establishment.

25 MR. BLANCHARD: Thank you, that's the

1 end of my questions.

2 MR. LELAND: You're welcome. Okay.

3 CHAIRPERSON ANDERSON: Any questions  
4 by any Board members? Go ahead, Mr. Short.

5 MR. LELAND: Hello, Chief Short. How  
6 are you doing?

7 MEMBER SHORT: How are you doing,  
8 Captain Leland?

9 MR. LELAND: Fine, thank you.

10 MEMBER SHORT: I want everybody to  
11 know I once worked with Captain Leland when I was  
12 a firefighter and --

13 MR. LELAND: We're having trouble  
14 hearing you, Chief.

15 MEMBER SHORT: Can you hear me now?

16 MR. LELAND: Yeah, that's better.

17 MEMBER SHORT: Okay, thank you. Yes,  
18 for the record, I'd just like everyone to know I  
19 did work with Captain Leland when I was a member  
20 of the D.C. Fire Department for 30-plus years.  
21 And Chief Leland, the questions I'll be asking  
22 you are totally based on my experience and  
23 training when I was with the service. Now for  
24 the record, you were a firefighting captain,  
25 correct, Firefighting Division?



1 MR. LELAND: Yes, I was a company  
2 commander -- was my last position, yes, yes sir.

3 MEMBER SHORT: Okay. Now, I didn't  
4 get a chance to look at your resume on the record  
5 but would you explain to the -- to this hearing,  
6 what is the difference between the Firefighting  
7 Division and the Fire Prevention Division?

8 MR. LELAND: So Fire Prevention  
9 Division goes around and inspects buildings for  
10 life safety code compliance and they go out on a  
11 daily basis to inspect buildings, to make sure  
12 that exits are not blocked, suppression systems  
13 are up to date, extinguishers are up to date, and  
14 make sure that there's plans in place. My  
15 position in the fire department was company  
16 commander and operate and responding to  
17 emergencies. That was primarily my duties.

18 MEMBER SHORT: Okay, that's great.  
19 Now --

20 MR. LELAND: And we worked doing that.

21 MEMBER SHORT: I think you explained  
22 that quite well, and thank you for that  
23 explanation you gave --

24 MR. LELAND: Sure.

25 MEMBER SHORT: Of your service and

1 career. Now, did you get any formal training  
2 when you were with the fire department before you  
3 retired with the Fire Prevention Division or Fire  
4 Prevention or do any -- did you take any courses  
5 at any colleges or Emmitsburg or any other places  
6 like that?

7 MR. LELAND: I have taken many --

8 MEMBER SHORT: With that -- yes.

9 (Simultaneous speaking.)

10 MEMBER SHORT: That would make you an  
11 expert on exit, egress, fire prevention planning.  
12 As you know, the Firefighter Marshal's Office --  
13 and I was fire marshal for a couple of years --  
14 has to approve plans for anyone who has  
15 businesses as this licensee wants, and those  
16 plans have to be stamped by the Building  
17 Department and also by the Fire Marshal's Office.  
18 Do you have any experience on that?

19 MR. LELAND: I do not. I did go to --

20 MEMBER SHORT: Not a problem. Now,  
21 also what I'd like to also ask you is how many  
22 exits does this building currently have?

23 MR. LELAND: It has four door exits  
24 going out of the building.

25 MEMBER SHORT: So how many exits would

1 they have to have if they have 1,200 people?

2 (Simultaneous speaking.)

3 MEMBER SHORT: According to the  
4 building code.

5 MR. LELAND: So the International  
6 Building Code states that a building with 500 to  
7 1,000 needs to have three exits per floor.  
8 Anything --

9 MEMBER SHORT: Okay, that's good. So  
10 how many exits again if we have 2 --

11 MR. LELAND: With 500 people, each  
12 floor needs to have --

13 CHAIRPERSON ANDERSON: Hold on. Hold  
14 on, Mr. Short, hold on. Mr. Leland, there's some  
15 delay. I think your wi-fi is probably a little  
16 slow, so I see Mr. Short is speaking and you are  
17 still responding, so just keep that in mind, Mr.  
18 Short, because there's a delay.

19 MEMBER SHORT: Okay, I know.

20 CHAIRPERSON ANDERSON: There's a delay  
21 on his end, yes.

22 MEMBER SHORT: I'm just trying not to  
23 drag this out any longer than it has to be. So  
24 you were saying three exits per floor. There  
25 are two floors in this building, correct?

1 MR. LELAND: Repeat your question,  
2 sir.

3 MEMBER SHORT: Apparently the way this  
4 building is set up, there are two floors,  
5 correct?

6 MR. LELAND: There are three floors  
7 above-grade and one floor below-grade.

8 MEMBER SHORT: Okay, so, and you said  
9 to have 500 to 1,000 people you need to have  
10 three exits per floor. Is that what the building  
11 code says?

12 MR. LELAND: The International  
13 Building Code says.

14 MEMBER SHORT: Okay. Again --

15 MR. LELAND: And there --

16 MEMBER SHORT: Where --

17 MR. LELAND: If I may, the occupancy  
18 load per floors are written and just I ran the  
19 numbers with assistant, you know, looking up  
20 these numbers for the code, 250 per floor is  
21 acceptable with tables and chairs. I am not here  
22 to design a full-on Department of Building  
23 inspection. I was asked to report on what the  
24 systems had, the basic overall occupancy load  
25 that could possibly be in there with reference to

1       how many exits there are.

2               The current building has four exits  
3       that go out. There are three stairwells in the  
4       building, and it can handle up to 250 per floor  
5       with the current occupancy load. This building  
6       was designed prior to anybody occupant -- you  
7       know, the retrofit was with that square footage  
8       in mind. The Department of Buildings will  
9       ultimately review this and refer to it to make  
10      the ultimate ruling on the occupancy load.

11              MEMBER SHORT: Okay.

12              MR. LELAND: Okay?

13              MEMBER SHORT: Yes or no, currently  
14      could this building function with 1,200 people  
15      with the number of exits it has now? Yes or no?  
16      Could it or could not?

17              MR. LELAND: Well, I did not write my  
18      report for 1,200, I wrote it for 1,000.

19              MEMBER SHORT: Could it handle 1,000  
20      with only four exits?

21              MR. LELAND: With 250 per floor, my  
22      research has stated yes.

23              MEMBER SHORT: Okay, so you're saying  
24      1,000 people --

25              (Simultaneous speaking.)

1 MR. LELAND: But, yes. I even  
2 confirmed it, yes. Yes, sir.

3 MEMBER SHORT: I would think that  
4 you're not correct in that, but I won't tally on  
5 that. But I'm going to say --

6 (Simultaneous speaking.)

7 MR. LELAND: Okay, I mean, I did basic  
8 research and I -- again, I'm going to repeat  
9 myself. The Department of Building will  
10 ultimately do the occupancy load per floor and  
11 for the size of the building. I'm not trying to  
12 subvert, you know, do anything against that  
13 ruling or that occupancy load.

14 MEMBER SHORT: Okay, now, oh, there  
15 was a question asked of you about the response of  
16 a box alarm or a firefighter company, should  
17 there be an incident.

18 MR. LELAND: Yes.

19 MEMBER SHORT: And I'd like to premise  
20 this question on based on my experience on this  
21 Board for the last 12 years. And recently, very  
22 recently, very close to this -- where this  
23 licensee wants to open up a business, there have  
24 been shootings downtown on K Street, shootings on  
25 Connecticut Avenue, very close to this place, and

1       what happens when you have a shooting, you have  
2       all of those people exploding out of the exits  
3       that are provided.

4               And so if they're running, the people  
5       are running out of the building up the alley, and  
6       our firefighters are coming in the alley. Would  
7       that cause any problems with us getting to where  
8       the fire is or where the shooting is? So  
9       actually what happened is, what's preferred is  
10      that exits be extremely distant from one another.

11              So of all these exits, can you explain  
12      all four exits, which one leads to a public way?  
13      Which exit out of this building leads to a public  
14      way?

15              MR. LELAND: What is your definition  
16      of a public way?

17              MEMBER SHORT: A public way is a  
18      sidewalk, a sidewalk to the front or rear of a  
19      building or to an alley. So how many of these  
20      exits go to a public way, front and back?

21              MR. LELAND: The front, the main  
22      entrance goes to Z alley, and Stairway B goes to  
23      Z alley, and Stairway A goes to the side alley  
24      that leads from Z alley to 14th to I Street. And  
25      that has two doors on it, that stairwell.

1                   MEMBER SHORT: Again I was asking you,  
2 now are all of these very, very remotely departed  
3 from one another?

4                   MR. LELAND: The two enclosed  
5 stairwells are catty-corner from each other,  
6 meaning that they're at the opposite corners.

7                   MEMBER SHORT: Okay. Well, I'm not  
8 trying to hold anything up. I'll just think that  
9 probably when they redo this building they're  
10 going to have to add exits if they're going to  
11 have 1,200 people. Like --

12                  MR. LELAND: The building --

13                  MEMBER SHORT: That's an unknown right  
14 now.

15                  (Simultaneous speaking.)

16                  MEMBER SHORT: That's an unknown right  
17 now, so if you let me continue.

18                  MR. LELAND: Okay, yes sir.

19                  MEMBER SHORT: All right. What I  
20 wanted to ask, again, Captain Leland, and I  
21 mentioned to you before, these persons who will  
22 be living in this building, the patrons, and if  
23 two of the exits lead to Z alley, and the  
24 firefighters, they'll be coming from 15th Street  
25 or 14th Street and they are the people out



1 panicking and in a hurry who have apparatus,  
2 probably will not pull into the alley because I  
3 don't think that would be advisable.

4 The firefighters will have to get off  
5 of the apparatus and carry the standpipe bags  
6 down the alley as we normally would do, or we'd  
7 have to find some other way to improvise. So the  
8 bottom line is, again, there's going to have to  
9 be -- in my opinion as a retired fireman, there's  
10 going have to be a lot of work done on this  
11 building to hold the number of people that  
12 they're proposing, and again we won't know the  
13 number of people until the plans are submitted  
14 and the building work is done.

15 And with that I'd just like to say  
16 thank you for your service to the D.C. Fire  
17 Department, it was a pleasure working with you,  
18 you were a very sharp firefighter and a very  
19 sharp captain, and again thank you for your  
20 testimony. And that's all I have, Mr. Chairman.

21 CHAIRPERSON ANDERSON: Thank you, Mr.  
22 Short. Any other questions from any other Board  
23 members?

24 (No audible response.)

25 CHAIRPERSON ANDERSON: Mr. Blanchard,

1 any questions of the witness based on the  
2 questions that were asked by Mr. Short?

3 MR. BLANCHARD: No, no further  
4 questions.

5 CHAIRPERSON ANDERSON: Mr. Bianco, any  
6 redirect?

7 MR. BIANCO: No.

8 CHAIRPERSON ANDERSON: Thank you. Mr.  
9 Leland, thank you very much for your testimony  
10 today. Have a great day.

11 MR. LELAND: Thank you.

12 CHAIRPERSON ANDERSON: All right. Mr.  
13 Bianco, how many more witnesses do you have, sir?

14 MR. BIANCO: So I have three more  
15 witnesses.

16 CHAIRPERSON ANDERSON: You have three  
17 more witnesses, sir?

18 MR. BIANCO: Correct.

19 CHAIRPERSON ANDERSON: How long do you  
20 think these three witnesses will take?

21 MR. BIANCO: I expect two of them, I  
22 expect their direct examination to take just over  
23 ten minutes, and the third probably half of that.  
24 I can't speak to cross-examination.

25 CHAIRPERSON ANDERSON: Fine. How many

1 witnesses do the protestants have?

2 MR. BLANCHARD: We still have the  
3 seven.

4 CHAIRPERSON ANDERSON: Seven? All  
5 right. We're not going to finish this hearing  
6 today.

7 MR. BLANCHARD: That would be -- I'm  
8 sorry.

9 CHAIRPERSON ANDERSON: Yeah. So, all  
10 right, we're not going to conclude this hearing  
11 today because it's 2:22. So all right. All  
12 right. It was my intent for us to conclude this  
13 hearing today but if we're talking about ten more  
14 witnesses and it's 2:22 that's not going to  
15 occur. All right, call your next witness, Mr.  
16 Bianco.

17 MR. BIANCO: Our next witness is  
18 Commander Michael Reese.

19 CHAIRPERSON ANDERSON: Mr. Reese, can  
20 you turn your camera on, please? I can hear you  
21 but I can't see you, Mr. Reese.

22 MR. REESE: Okay, hold on one second,  
23 sir. Just getting it turned on here. Give me  
24 one second. I do not know why it's not turning -  
25 - oh, hang on one second. Okay, there we go.

1 CHAIRPERSON ANDERSON: Mr. Reese, can  
2 you raise your right hand?

3 (Witness sworn.)

4 CHAIRPERSON ANDERSON: Thank you, sir.  
5 Your witness, Mr. Bianco.

6 DIRECT EXAMINATION

7 BY MR. BIANCO:

8 Q Good afternoon, Mr. Reese. Could you  
9 please state your name for the record and spell  
10 it?

11 A My name is Michael E. Reese, M-I-C-H-  
12 A-E-L, middle initial E as in Edward, R-E-E-S-E.

13 Q Okay. And Commander Reese, what is  
14 your relationship with the owner of the property  
15 Iraklion LLC?

16 A Just got contacted as a physical  
17 security consultant.

18 Q Okay. And what does a physical  
19 security consultant do?

20 A Just provides advice on a physical  
21 security aspect, several different ways of a  
22 perimeter security internal security.

23 Q Okay. And do you have any role with  
24 the company moving forward after today?

25 A I'll be consulting as needed.

1           Q       Okay. And what qualifies you to be a  
2 physical security consultant?

3           A       Just my previous background. I  
4 started out on the police service side, 29 years,  
5 five months and 21 days and 12 hours with the  
6 Metropolitan Police Department. Went over to the  
7 Housing Authority. And then finished up a career  
8 with the Smithsonian Institution.

9           Q       Okay. And what did you do for the  
10 Smithsonian?

11          A       In charge of Security Operations which  
12 included a component of physical security at  
13 various museums and research facilities, D.C.,  
14 Maryland and Virginia, and Panama, Fort Pierce,  
15 Florida.

16          Q       And other than being the 2D commander  
17 -- I'm sorry, are you familiar with the area that  
18 the proposed establishment is located?

19          A       Yes sir.

20          Q       And how are you familiar with it?

21          A       Just working, started off as being an  
22 officer in that area, 1985. Worked my way up  
23 through the ranks. Was captain in charge of  
24 investigations all over the city, robbery, and I  
25 was First District assistant commander. That was

1 part of my area. And I finished out my career as  
2 a Second District commander, that was also part  
3 of my area.

4 Q Okay. I am putting a document up on  
5 my screen. Do you recognize that document?

6 (Whereupon, the above-referred to  
7 document was marked as Applicant Exhibit No. 19  
8 for identification.)

9 A Yes sir.

10 Q And what is that?

11 A My resume.

12 Q And does it contain true and accurate  
13 representation of your education and experience  
14 in law enforcement?

15 A Affirmative.

16 Q Okay. Mr. Chair, I would move in  
17 Applicant's Number 19 which is on the screen, as  
18 well as Commander Reese as an expert witness for  
19 both security, as well as policing the area at  
20 issue here.

21 CHAIRPERSON ANDERSON: Any objections?

22 MR. BLANCHARD: No objection.

23 CHAIRPERSON ANDERSON: Without  
24 objections, so moved. Thank you.

25 (Whereupon, the above-referred to

1 document was received into evidence as  
2 Applicant Exhibit No. 19.)

3 Q Okay. So Commander Reese, what did  
4 you do to prepare for your testimony here today?

5 A I had several conversations and I did  
6 a walkthrough of the building.

7 Q All right. And how about the area  
8 surrounding the building, did you walk that as  
9 well?

10 A Yes.

11 Q Okay. And based on your walk of the  
12 premises and the area surrounding, what needs to  
13 be done here in terms of operations to  
14 appropriately secure the property?

15 A Several things, several action items  
16 were discussed. We've talked about the egress,  
17 maybe some high-tech screening for patrons prior  
18 to entry, high-intensity lighting, and some high  
19 definition cameras.

20 Q Okay. So let's go through those in  
21 greater detail. So you mentioned some weapon  
22 screening technology. Is there something  
23 specific that you recommended for this particular  
24 establishment?

25 A They have several different weapons

1        abatements, you know, but I think one was -- the  
2        last one we used is called Evolve Technology.  
3        I'm very familiar with that.

4                Q        Okay.

5                A        It's pretty savvy and I'm satisfied  
6        with the screening technology. It is a great  
7        deterrent for weapons abatement.

8                Q        Okay, and what does it do? So when  
9        you say involve screening technology, what does  
10       it look like and what does it do?

11              A        Basically, comes in, you walk through,  
12       it's like two statues and if you walk through  
13       it'll read if you have a weapon on you. You  
14       know, after you mark the sensitivity and it shows  
15       on the laptop, so it calls for two people to  
16       actually look at it. One person is the oversight  
17       person and the other person is looking at a  
18       monitor. And if he comes in and if you say, for  
19       example, if you have a weapon on your hip it'll  
20       alert on the laptop, and it'll show it on the  
21       screen where the item is that you're looking at.

22              Q        Okay. And do you have experience with  
23       that technology?

24              A        Yes sir, we use it. I used it Kaiser  
25       Permanente as well, the same technology, so you



1 see a lot of different agencies are using it now.

2 Q And do you have recommendations as to  
3 where these security screenings should be done?  
4 Go ahead.

5 A I would always suggest that, you know,  
6 to minimize the threats you try to place it  
7 outside of the building before the -- so if you  
8 need to stop someone from coming in, you can stop  
9 that threat outside the building. That's  
10 optimum.

11 Q And another security measure that you  
12 mentioned was high-intensity lighting. What does  
13 that look like?

14 A It's just, well, to keep the area  
15 well-lit, you know, as a deterrent.

16 Q Okay, and where would those lights be  
17 placed?

18 A It could be on the perimeter of the  
19 building primarily.

20 Q Okay, and how about staffing and  
21 training of security. What does that process  
22 look like?

23 A I highly recommend from my previous  
24 duty with Metropolitan, is to engage with  
25 reimbursable detail. I think it allows for full

1 transparency towards a crime deterrent. Several  
2 success stories. I was a strong advocate of it  
3 initially when it came out because it's a -- he  
4 pays a good portion of it and I think for the  
5 amount of money that the city invests I think is  
6 a great event, many nightclubs and the nightlife  
7 area, and I think it allows for full transparency  
8 for issues that may or may not occur directly  
9 related to tourism.

10 (Simultaneous speaking.)

11 Q And in your time at MPD did you have  
12 any involvement with the Reimbursable Detail  
13 Program?

14 A Yeah, I was a strong advocate of it,  
15 yes.

16 Q Okay. Did you implement it anywhere  
17 under your command?

18 A I didn't implement it, but just the  
19 nightclub owners would invite me over and we  
20 talked about it, I would recommend it if they  
21 could, especially in particular some of the  
22 venues that had to be shut down in emergency act  
23 for some crime of violence or something like  
24 that. So the emergency legislation, it allowed  
25 me to, you know -- I basically was the boots on

1 the ground but at the end of the day it was the  
2 chief of police's signature, but I was the direct  
3 contact with the chief of police and the mayor's  
4 office if we had to, you know.

5 Q Okay. And in your time as commander  
6 were you responsible for the area that this  
7 property's located?

8 A Yes.

9 Q Okay. And is there anything about  
10 this particular area that the applicant needs to  
11 address in terms of making this a safe  
12 establishment to go to? Commander?

13 (No audible response.)

14 MR. BIANCO: Did we lose him?

15 CHAIRPERSON ANDERSON: Commander, do  
16 me a favor, please.

17 MR. REESE: Where?

18 CHAIRPERSON ANDERSON: Commander, why  
19 don't you turn off your video, please? There's  
20 an issue with your wi-fi, so I think if you turn  
21 off your video, I think you might come off  
22 clearer. Let's try again.

23 MR. REESE: How about now?

24 CHAIRPERSON ANDERSON: Yeah, go ahead,  
25 if I have a problem I'll let you know. Go ahead,

1 Mr. Bianco.

2 MR. BIANCO: Okay. So based on where  
3 this property is situated what particular  
4 security issues should they be prepared to  
5 address?

6 MR. REESE: I think that, from the  
7 testimony I've heard, it's a pretty robust and  
8 solid plan. I know that a lot of other  
9 businesses of a similar nature don't have a  
10 robust plan as this, so I mean, it's a unique  
11 location and there are some challenges, but I  
12 think that all of the steps outlined, I think  
13 that it's a pretty solid plan.

14 BY MR. BIANCO:

15 Q Okay. What involvement are you to  
16 have in the training of security staff?

17 A Just recommendations, you know, in  
18 particular I could relate back to when Georgetown  
19 implemented their reimbursable detail, I worked  
20 with the security staff on outlining steps, you  
21 know, for being sensitive to everyone's needs,  
22 the community and the students. And I think when  
23 you're customer service-orientated you have to be  
24 sensitive to the patrons that are going to come  
25 and also to the overall security for the

1 neighbors, the business partners, et cetera.

2 Q Okay. And in your time as 2D  
3 commander, did you have any involvement with  
4 allocation of officers for patrol?

5 A That was one of the primary functions,  
6 and yes, looking at patrol daily, in particular I  
7 think that the nightlife area kind of caught the  
8 city by surprise because I think that my  
9 recommendation when Mayor Gray and everybody was  
10 there in particular, that, you know, the  
11 nightlife was just not a police issue, and I  
12 think that it is a public service issue not only  
13 for police resources but you know, ambulance,  
14 that's sanitation, et cetera, parking  
15 enforcement.

16 So I'm a fan of this holistic  
17 approach, but definitely working and working with  
18 the unit, I got invited to some nightlife  
19 meetings, you know, and was able to put input on  
20 some of the different venues on the importance of  
21 a security detail, reimbursable detail, and have  
22 a robust plan, and I'm a strong advocate for any  
23 person, any business owner to have full  
24 transparency working with the government so this  
25 is a great opportunity. Like, when you have

1 police services are right there. It's a great  
2 opportunity.

3 Q Great. So in your time as commander  
4 did you allocate more resources to area that had  
5 nude dancing establishments in them?

6 A No, not necessarily because the bulk  
7 of the resources were along the Connecticut  
8 Avenue quarter and that went onto the 1200 block,  
9 but they fanned out and I think the 1800 block,  
10 so I think 2000 block of M Street, they had a  
11 concentration but nothing necessarily in front of  
12 them, but just in the general area.

13 Q Was that a consideration for you or  
14 was it density of nightlife establishments  
15 generally?

16 A Just the density of nightlife  
17 establishments.

18 Q Okay. And Commander, do you think a  
19 nightclub can be successfully run in the area  
20 that has been proposed based on your experience  
21 and what you reviewed for this hearing today?

22 A Yes.

23 MR. BIANCO: Okay. Great. Commander  
24 Reese, thank you so much for your time. I  
25 sincerely appreciate it. The Board and counsel

1 are going to have some questions for you at this  
2 point.

3 CHAIRPERSON ANDERSON: All right,  
4 thank you. Who will be doing the cross-  
5 examination? Go ahead, Mr. Blanchard.

6 MR. BLANCHARD: Good afternoon,  
7 Commander Reese. Thank you for your service.

8 MR. REESE: Thank you very much, sir.

9 CROSS EXAMINATION

10 BY MR. BLANCHARD:

11 Q I have a few questions. You served as  
12 commander for 2D, the Second District, I believe  
13 from January of 2011 to March of 2015. Is that  
14 correct?

15 A Yes sir.

16 Q All right. And then after your  
17 employment with MPD you began working for the  
18 Smithsonian Institution in October of 2018. Is  
19 that correct?

20 A Yes. And, well, after MPD, it was  
21 Housing Authority, then the Smithsonian.

22 Q Okay, because that was my next  
23 question, was, what happened in the gap between  
24 2015, March 2015 and October 2018?

25 A Yeah, well it should be on my resume,

1 I hope I didn't omit that. It should be on that.

2 Q Okay. And then you testified about  
3 the location, that it was a unique location that  
4 presents challenges. Could you explain what  
5 those challenges are?

6 A Just, you know, when you have a  
7 building -- a business inside of a kind of, like  
8 -- on that alley thoroughfares, it's just unique  
9 in that form, you know? It's not uncommon, but  
10 not too often you see it like that.

11 Q Right. The lighting, the high-  
12 intensity lighting, for the placement of that  
13 take into account the residential and office  
14 buildings around it? Because those lights get  
15 pretty bright and could disrupt residential use  
16 of those buildings. Will it?

17 A Well, that's always a compromise, you  
18 know, the placement of them, you know, and how  
19 bright they are. But I'll tell you, I don't  
20 think that it is a residential building there. I  
21 think it's one block south, but it might be. I  
22 could be wrong on that though.

23 Q Right. But some of those office  
24 buildings might be converted in the future so  
25 that's kind of where I was going.



1           A       Okay, then.

2           Q       So, the high-tech. I wanted to ask  
3 about the high-tech screening. You said that  
4 would take place outside?

5           A       I would recommend it. You can have it  
6 inside or outside, wherever you want to place it,  
7 but I'm always an advocate of screening people on  
8 the outside, that way you can prevent them from  
9 coming in your establishment. But I've seen  
10 both.

11          Q       You've seen both, okay. All right, so  
12 you said you've been inside the building. Is  
13 that correct?

14                   (No audible response.)

15          Q       Did you testify you had been inside  
16 the building as well?

17          A       Yes.

18          Q       When you did your review?

19                   (No audible response.)

20          Q       Commander?

21          A       Yes sir. Yes sir. There's a delay.

22          Q       Okay. And is that -- I think I wrote  
23 down what you called it, Evolve Technology, is  
24 that like what that Homeland Security has at the  
25 airports? Is it big or small or what size is it?

1           A       It's like two statutes but I have not  
2       seen it at Reagan national.

3           Q       Okay. And then you mentioned  
4       reimbursable details and that you'd done some  
5       work with the Georgetown community on that. What  
6       year was that?

7           A       I think they started with the maybe  
8       2012 or 2013. They were having an issue with  
9       students, the student body. As you know,  
10      Georgetown -- you may or may not know, but  
11      Georgetown has a number of residences that they  
12      purchased for student housing, and when some of  
13      the students were going to and from the campus,  
14      they were having an issue with some, you know,  
15      some robberies, et cetera, so we came up with a  
16      plan, strategically placed it.

17          Q       I think they call that the "town and  
18      gown" relationship or something. And you also  
19      talked about allocation of officers during I  
20      guess when Mayor Gray was in office.  
21      Approximately what year was that?

22          A       What year he was in office, or what  
23      year was the --

24          Q       No, what year you were working on the  
25      allocation of officers I guess along the

1 nightclubs of Connecticut Avenue that you  
2 mentioned?

3 A Well, since 2011 when I got there.

4 Q Okay.

5 A And I was reassigned there.

6 Q Right. And then what would you advise  
7 the club to do as far as security if reimbursable  
8 details are not available?

9 A If they're not available, they  
10 would just have a good, a well-trained internal  
11 security team.

12 Q As I'm sure you're -- are you aware of  
13 the staffing problems that MPD is having now?

14 (No audible response.)

15 CHAIRPERSON ANDERSON: Are you there,  
16 Mr. Reese? I think he's -- that's not Mr. Reese.

17 (No audible response.)

18 MR. BLANCHARD: Mr. Reese?

19 CHAIRPERSON ANDERSON: Mr. Reese?

20 (No audible response.)

21 CHAIRPERSON ANDERSON: Mr. Reese?

22 MR. REESE: Yeah, I don't know if you  
23 all can hear me.

24 MR. BLANCHARD: Oh, we can hear you.

25 CHAIRPERSON ANDERSON: Yeah, I thought

1       that was your video off that your service might  
2       be a little better. It was better, but so let's  
3       try again. Did you hear the question, sir?

4               MR. REESE: Yes. I am, yes. I did  
5       hear the question that you asked --

6               (Simultaneous speaking.)

7               MR. BLANCHARD: Are you aware of the  
8       staffing shortages that MPD has now? That's my  
9       question.

10              MR. REESE: I don't know the numbers  
11       but everyone, you know -- just what I hear in the  
12       paper.

13              MR. BLANCHARD: Okay, all right.  
14       Thank you. That's my final question, thank you.

15              MR. REESE: You're welcome.

16              CHAIRPERSON ANDERSON: Hold on, Mr.  
17       Reese, any questions by any Board members?

18              Hearing none, any redirect, Mr.  
19       Bianco?

20              MR. BIANCO: No, sir.

21              CHAIRPERSON ANDERSON: Mr. Reese,  
22       thank you very much for your testimony today.  
23       Have a great day.

24              MR. REESE: You're welcome.

25              CHAIRPERSON ANDERSON: All right,

1       thank you. All right, so you said you have two  
2       more witnesses, Mr. Bianco, right?

3               MR. BIANCO: Correct.

4               CHAIRPERSON ANDERSON: All right, I'm  
5       going to try to move through as much -- we're  
6       going to move as much as possible. I want to  
7       take a break. Is Mr. Massey your next witness?

8               MR. BIANCO: Correct, I have Massey  
9       and Lee. Lee is going to be very fast.

10              CHAIRPERSON ANDERSON: I want to take  
11       another break. So I'm going to take a ten-minute  
12       break. What I'm going to do is that we're not  
13       going to finish today, so I want everyone to look  
14       at their calendar. We could reconvene. And I'm  
15       going to start the protestant's case today  
16       because I want this case to be over.

17              But I would like everyone to look at  
18       their calendar for next Wednesday at 1:30, or if  
19       not next Wednesday at 1:30, then May 6 at 1:30,  
20       okay? Those are the dates that are possible. So  
21       let's take a ten minute break. It's 2:46. Let's  
22       come back at 2:56. Okay? Thank you.

23              (Whereupon, the above-entitled matter  
24       went off the record at 2:46 p.m. and resumed at  
25       2:57 p.m.)

1 CHAIRPERSON ANDERSON: We're back on  
2 the record. Are you there, Mr. Blanchard?

3 (No audible response.)

4 CHAIRPERSON ANDERSON: All right,  
5 okay. Mr. Bianco, do you have another witness,  
6 sir?

7 MR. BIANCO: I do, our next witness is  
8 Sergeant Joseph Massey.

9 CHAIRPERSON ANDERSON: Sergeant  
10 Massey, can you raise your right hand, please?

11 (Witness sworn.)

12 CHAIRPERSON ANDERSON: All right, your  
13 witness, sir.

14 DIRECT EXAMINATION

15 Q Sergeant Massey, can you spell your  
16 name for the record, please?

17 A Certainly. My name is Joseph Massey,  
18 M-A-S-S-E-Y.

19 Q And what do you do for a living, Mr.  
20 Massey?

21 A I'm retired from the Metropolitan  
22 Police Department and a security consultant.

23 Q Okay, and what's your relationship to  
24 Iraklion LLC?

25 A I was contacted by the Director of

1 Operations, Mr. John Fiorito, about providing  
2 some security review for this location.

3 Q Okay, and did you do that security  
4 review for this location?

5 A Yes, I did.

6 Q Okay, and what qualifies you to do a  
7 security review for a nightclub?

8 A Well, I've got over 45 years in the  
9 security background, three years with the United  
10 States Army and the military police. I did 29  
11 years with the Metropolitan Police Department in  
12 Washington, D.C., 12 years with a major fortune  
13 500 company as their corporate security manager  
14 for the Mid-Atlantic region. And now I'm here  
15 today.

16 Q Okay, and Mr. Massey, I'm showing you  
17 up on the screen what has been marked as  
18 Applicant's Number 14.

19 (Whereupon, the above-referred to  
20 document was marked as Applicant Exhibit No. 14  
21 for identification.)

22 BY MR. BIANCO:

23 Q Do you recognize that document?

24 A Yes sir, I do, that's my resume.

25 Q Okay, and does it truly and accurately

1 state your qualifications and experience?

2 A Yes, it does.

3 Q Okay, I move admission of Applicant 14  
4 and Mr. Massey as an expert witness in building  
5 security and policing.

6 CHAIRPERSON ANDERSON: Any objections?

7 MR. BLANCHARD: No objection.

8 CHAIRPERSON ANDERSON: Without  
9 objection, so moved.

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

13 DIRECT EXAMINATION

14 Q Okay. Now, Mr. Massey, I believe you  
15 testified that you were hired as a consultant to  
16 review the security of this location. Did you do  
17 that?

18 A Yes sir, regularly.

19 Q Okay, and what did that review consist  
20 of?

21 A Well, I proceeded to the location.  
22 Once I was given the address and the nature of  
23 the business by Mr. Fiorito, went to that  
24 location. I actually went there during the  
25 evening hours. During my career as a law



1 enforcement officer I've always found that it's  
2 better to go in there during nighttime hours to  
3 get a true and accurate feel of the location and  
4 the activities in the area, and I documented  
5 several things that I found in the area with my  
6 camera.

7 Q Okay. And I am going to show you a  
8 document that we are going to mark as -- or I'm  
9 sorry, that has been marked already as Exhibit  
10 16. And do you recognize that document?

11 A Yes, I do.

12 Q What is that?

13 A That is a physical security review  
14 that I provide to potential clients to give them  
15 an understanding of where I'm coming from that  
16 when we do security reviews, we do it for the  
17 benefit of all personnel, clients, our customers,  
18 our assets, and that we don't go with less than  
19 excellent equipment when we're doing these  
20 reviews for making recommendations. So we want  
21 to know what they're getting into.

22 (Simultaneous speaking.)

23 Q And to what extent were you able to do  
24 that here?

25 A Well, I presented that, and right now,

1       until there's a buildout or a plan for a buildout  
2       I'm somewhat limited on actions that I can take.

3               Q       Okay. And you mentioned that you took  
4       photographs, is that correct?

5               A       Yes, that's correct.

6               Q       Okay, I'm going to show you what has  
7       been marked as Exhibit 15, it is a six page  
8       document. We're going to start with page 1.

9                       (Whereupon, the above-referred to  
10       document was marked as Applicant Exhibit No. 15  
11       for identification.)

12              Q       Do you recognize that?

13              A       Yes sir, I do.

14              Q       Okay, and what is that?

15              A       That is an up photo of the target  
16       location and the circles that you see that are on  
17       the picture that look like little loops, that is  
18       circled high-intensity lighting, which is already  
19       currently in place. I don't know if it's  
20       operational at this time.

21              Q       Okay, is that current --

22              A       But it is already in place.

23              Q       Okay, and at the times you visited at  
24       night did you notice that it was operational?

25              A       I can't recall right now. I know

1       there's photographs of nighttime hours, and that  
2       may refresh my memory.

3               Q       Okay, well let's go to that. So  
4       looking at the next photograph within Exhibit 15,  
5       what does that show?

6               A       That is the alley, the Z alley, and  
7       it's facing westward towards 15th Street. And by  
8       looking at this I can see that the high-intensity  
9       lighting is not activated and the lighting that  
10      is currently visible is standard lighting that is  
11      already currently in place.

12              Q       Okay. And part of your recommendation  
13      is that that lighting be activated. Is that  
14      true?

15              A       That is correct.

16              Q       Okay, moving on to the next photo,  
17      what does this show?

18                      (Whereupon, the above-referred to  
19      document was marked as Applicant Exhibit No. 16  
20      for identification.)

21              A       That is a photo of the same alley.  
22      This is facing in an eastward direction towards  
23      14th Street.

24              Q       Okay, and that's Z alley as well?

25              A       Yes, that is correct.

1 Q Okay. And what does that photo show?

2 A That is the narrow alley that runs  
3 north and south from Z alley to I Street  
4 Northwest.

5 Q Okay. And finally the last  
6 photograph, what does that show?

7 A It's the same alley but it does give  
8 a visual of the parking garage next to the target  
9 location.

10 MR. BIANCO: Okay, thank you very  
11 much, and I will at this time will move admission  
12 of Exhibits 15 and 16.

13 CHAIRPERSON ANDERSON: Any objections?

14 MR. BLANCHARD: No, no objection.

15 CHAIRPERSON ANDERSON: Without  
16 objections.

17 (Whereupon, the above-referred to  
18 documents were received into evidence as  
19 Applicant Exhibit Nos. 15 and 16.)

20 BY MR. BIANCO:

21 Q Okay. Mr. Massey, can you at this  
22 point describe for the Board, in terms of  
23 physical security, what is this particular  
24 establishment going to be in need of?

25 A A lot of the items have already been

1 discussed, along with high-intensity lighting.  
2 I'm a big advocate of -- excuse me -- of camera  
3 equipment, a great CCTV system which will  
4 document true and factual incidents as they occur  
5 that will be able to support any ABRA or city  
6 investigations. They also give management a  
7 chance to review to see if there's any  
8 discrepancies on the behalf of the property and  
9 the staff.

10 Q Okay, and at this time does Iraklion  
11 have any security staff onboard?

12 A None to my knowledge.

13 Q And what, if any, role are you going  
14 to have in that?

15 A I have engaged some former law  
16 enforcement companies that were formally trainers  
17 in the police academy, so they understand current  
18 techniques, they understand how to de-escalate  
19 situations, they understand the laws in the  
20 District of Columbia, so I'll be engaging them  
21 and bringing them onboard to give any security  
22 personnel that we do hire the opportunity to be  
23 well trained in this field.

24 Q Okay, and what, if any, role do you  
25 have in the development of a security plan for

1       this particular location?

2               A       Well, the original security plan was  
3       provided to me to give an overview of what the  
4       company's intentions were. I sort of took that  
5       plan, dissected it, and broke it down into what I  
6       call bite size pieces so that it could be better  
7       understood not only by D.C. officials, but any  
8       staff members and management going forward.

9               Q       Okay. And do you have a role going  
10      forward with how that security plan's going to be  
11      handled?

12              A       Well, like any security plan it will  
13      be tweaked as needed. You know, as we go along  
14      and we find an issue or an issue's brought to our  
15      attention, if it's not addressed in our security  
16      plan, then we'll enter it and make sure that all  
17      of the staff members are trained on how to  
18      address any particular situation that is brought  
19      to our attention.

20              Q       Okay, is the buildout going to affect  
21      that?

22              A       It's going to have a major effect on  
23      what the security plan's going to entail.

24              Q       Okay, excellent. I just want to talk  
25      very briefly about your familiarity with the

1 area. How familiar are you with this particular  
2 area?

3 A I'm very familiar. When I was a young  
4 officer, I started in 1983 walking that area as a  
5 foot beat. I worked in that area from 1983, most  
6 of my entire career. I took a short time  
7 assigned to the Special Operations Division where  
8 I was assigned to the Emergency Response Team but  
9 still maintained a lot of knowledge in that area.  
10 As I became a supervisor, I was reassigned to the  
11 First District, and still encompassed to this  
12 particular area.

13 Q Okay, and in your time with MPD, were  
14 you responsible to patrol or supervise areas that  
15 had gentlemen's clubs in them?

16 A Yes, I did.

17 Q And could you tell the Board whether  
18 the fact that an establishment had nude dancing  
19 or not impacted the amount of resources used?

20 A These clubs did have adult dancing and  
21 nude dancing, and it did not impact manpower  
22 allocations. Matter of fact, calls for service  
23 were significantly less at these clubs as  
24 compared to traditional nightclubs.

25 Q And I think you mentioned that you

1 started on foot patrol in this particular  
2 neighborhood in the 1980s. Could you briefly  
3 describe whether the neighborhood is the same or  
4 if it's changed since then?

5 A Oh, it's changed immensely. The  
6 buildup of the city during the late 90s and the  
7 2000s have really improved the area, it's become  
8 a great commercial area. A lot of the less than  
9 favorable establishments that used to be in the  
10 area have been eliminated. There used to be a  
11 lot of prostitution in that area. That's been  
12 addressed by law enforcement and the development  
13 of the community.

14 Q Great, and in your experience do you  
15 believe that a nightclub like the one proposed  
16 here can be run safely in that location?

17 A Yes, I do.

18 MR. BIANCO: Okay, excellent.  
19 Sergeant Massey, thank you so much for your time,  
20 I appreciate it. I'm going to turn you over to  
21 the Board and counsel.

22 CHAIRPERSON ANDERSON: Any cross  
23 examination?

24 MR. BLANCHARD: Yes.

25 CHAIRPERSON ANDERSON: Go ahead, Mr.



1 Blanchard.

2 MR. BLANCHARD: All right. Mr.  
3 Massey, thank you for your service at MPD.

4 MR. MASSEY: Thank you, sir,  
5 appreciate it.

6 CROSS

EXAMINATION

7 Q You state on page 1 of your security  
8 assessment that the review was conducted at  
9 various distances to capture a true and accurate  
10 assessment of any potential risk factors that may  
11 impact business operations.

12 A That's correct.

13 Q Does your crime report identify what  
14 those potential risk factors are?

15 A I have some ran some statistic reviews  
16 on the DC Crime page for that area, and at the  
17 immediate time there is a low crime report in  
18 that immediate area. And that's been over the  
19 last year.

20 Q In creating this report, did you  
21 consider multiple sources when gathering the data  
22 for your crime report security assessment?

23 MR. BIANCO: I'm going to object. I  
24 believe counsel's talking about an exhibit that  
25 was tendered, but we had not offered that into

1 evidence. There's been no testimony about it.  
2 If he's referring to Exhibit 17, we didn't put  
3 that in.

4 CHAIRPERSON ANDERSON: I don't know  
5 what exhibit has been, and I'm going to overrule  
6 the objection because I don't know where we're  
7 going, so there's no exhibit, so let me hear the  
8 question and we'll see. If you have another  
9 objection you can object, but right now I'm going  
10 to overrule the objection.

11 MR. BLANCHARD: All right, thank you.

12 CROSS-EXAMINATION

13 Q Are you aware that MPD does not  
14 guarantee either expressly or imply the accuracy  
15 and completeness, timeliness, or correct sequence  
16 of information on crimecardsdc.gov?

17 A I am, but that's the best information  
18 that we have currently available through the  
19 public domain.

20 Q Let's see. Did you do a physical  
21 security review of the applicant's proposed use?

22 MR. MASSEY: Excuse me, you broke up  
23 on that last question, sir.

24 MR. BLANCHARD: Oh, pardon me.

25 CROSS-EXAMINATION

1 Q Did you do a physical review of the  
2 building?

3 A I have not been inside the building,  
4 no.

5 Q Okay. And let's see. During your  
6 research on crime cards, you searched all the  
7 crimes reported in the past two years to date  
8 within 1,000 feet of the 1400 block of  
9 Washington, D.C. -- of I Street, I'm sorry. Is  
10 that correct?

11 A Most of them were 1,000 feet but there  
12 was one, and my memory doesn't recall which one  
13 it was, but I did do a 2,000 foot reach-out.

14 Q And I think you stated that 268  
15 crimes were reported during that period of  
16 January 2022 to January 2024. Is that your  
17 recollection?

18 A I noted that on my report, yes.

19 Q Okay. But did you include whether  
20 crime during this period increased or decreased  
21 compared to the previous two year period?

22 A I believe I did, yes.

23 Q Okay. But did you include that crimes  
24 went up by nearly 29 percent near 1400 I Street  
25 during the January 2022 to January 2024 compared

1 to the prior two year period?

2 A I don't recall that, that would be the  
3 document.

4 Q Okay. Moving on to the security plan,  
5 all security personnel must take hospitality  
6 training by a certified or competent provider.  
7 Is that your recommendation?

8 A Yes, that is my recommendation.

9 Q Okay. But the plan doesn't require  
10 that the security personnel all take the same  
11 training, does it?

12 A I believe that was implied.

13 Q Yeah, okay. According to page 7 of  
14 your plan -- and I don't know if that's been  
15 presented as an exhibit, but all -- if an  
16 incident's observed on the outside of the  
17 establishment, exterior staff members should  
18 attempt to investigate the incident. Is that  
19 correct?

20 A A limited investigation, correct.

21 CHAIRPERSON ANDERSON: Mr. Blanchard,  
22 can you please have your colleagues -- it's very  
23 noisy in your background, sir.

24 MR. BLANCHARD: Okay, I'll ask them to  
25 be quiet.

1 CHAIRPERSON ANDERSON: Thank you.

2 CROSS-EXAMINATION

3 Q But would you agree that security  
4 personnel would not have jurisdiction in the  
5 public alleyway?

6 A Absolutely. And when I say  
7 investigate, a lot of times that means go see  
8 what's happening. Do we need to engage law  
9 enforcement, do we need to engage medical for  
10 assistance? To not engage in that manner would  
11 be neglectful.

12 Q Thank you. I think we've already had  
13 some testimony on 1D from the previous witness  
14 for the use of other technology. Does your plan  
15 address what security personnel should do in the  
16 event of a shooting or active shooter?

17 A That's not specified in the plan  
18 itself, but it will be added as time goes on, and  
19 we get additional training from certified law  
20 enforcement training personnel.

21 Q Does your plan include the use of  
22 reimbursable details?

23 A Yes, I'm very much in favor of the  
24 reimbursable details.

25 Q And if reimbursable details were not

1 available, what would you recommend?

2 A Well, the reimbursable details as I  
3 understand it -- and to give you a little further  
4 background, when I was assigned as a supervisor  
5 in the First District, I sort of initiated what  
6 was called a club zone where we had a lot of  
7 downtown clubs in the First District. I worked  
8 with ABRA, the club owners, and a lot of citizens  
9 groups.

10 We initiated this overtime detail, and  
11 this overtime detail is paid for primarily by the  
12 retailer and the officers who do work that are  
13 working on their day off or a shift opposite of  
14 them, so it doesn't impact normal operations for  
15 Metropolitan Police Department, it doesn't pull  
16 resources there. But if those officers were not  
17 available for whatever reason, then I would have  
18 faith that our staff would be trained  
19 sufficiently enough to manage a crowd for a day  
20 or two if law enforcement support wasn't in the  
21 area.

22 Q For a day or two, okay, thank you.

23 A Yeah.

24 Q You mentioned former trainers at the  
25 police academy. Can you identify who those

1 persons might be?

2 A Well I haven't committed to anyone  
3 particular, I've talked to a few, so I don't want  
4 to put out anybody's name right yet for this.  
5 They have not agreed to it and nor have I made a  
6 formal offer.

7 Q Okay. On your photos, which I think  
8 is Exhibit 16 that just got admitted, you  
9 indicated the lighting, it's in your evening  
10 photos, I think it's the second photo, not the  
11 daytime photo. Facing left towards 15th Street,  
12 that the lighting was not operational when you  
13 were there. I mean, it wasn't turned on when you  
14 were --

15 A Yeah, the high-intensity lighting,  
16 yes, that's correct.

17 Q Right. And then the other photos that  
18 are -- I guess they're the three -- the third and  
19 fourth photos where you're facing east towards  
20 14th Street, can you identify the building at the  
21 end of those photos on 14th Street?

22 A I would have to look at the photo.  
23 Are we talking about the end of the alley, across  
24 the street at 14th Street?

25 Q Yeah.

1                   A       I'm not sure what the building is,  
2                   it's on the opposite side of 14th Street now.

3                   Q       Right. Do you know if it's the Hilton  
4                   Garden Hotel?

5                   A       I know the Hilton Garden Hotel is  
6                   within that block, but I do believe it's to the  
7                   right of the alley, opposite side. At least  
8                   their entrance is.

9                   Q       And the high-definition cameras that  
10                  you mentioned, do cameras prevent crime?

11                  A       No sir, they document events.

12                  Q       Yeah.

13                  A       But they all --

14                  Q       And then would you --

15                  A       Are also a deterrent.

16                  Q       Right. And then you testified  
17                  something about nude dancing clubs having kind of  
18                  no impact versus the other nightclubs. Were any  
19                  of those located in an alley?

20                  A       No sir.

21                  Q       Okay. And is the other clubs, like,  
22                  I think the closest one -- there was some  
23                  testimony about the closest nightclub where nude  
24                  dancing is Archibald's, do you know what their  
25                  occupancy is in relation to this, to the proposed



1 nightclub, the Iraklion? A

2 No sir, I don't have the exact  
3 knowledge of that.

4 A Okay. Is it bigger or smaller, or?

5 A I presume it's smaller just from my  
6 experience in agent management there. But here  
7 again, the buildout of this location hasn't been  
8 established yet, so I'm not sure.

9 Q Right, I understand. Hold on one  
10 second. Okay, yes. And then one final question.  
11 What years were you involved with the  
12 reimbursable details at MPD?

13 A I believe I was involved with it and  
14 started it in 2001 and continued until 2011,  
15 which is about a year before I left the police  
16 department.

17 MR. BLANCHARD: Okay. Thank you.

18 CHAIRPERSON ANDERSON: All right, any  
19 questions by any Board members?

20 (No audible response.)

21 CHAIRPERSON ANDERSON: Any redirect,  
22 Mr. Bianco?

23 MR. BIANCO: No sir.

24 CHAIRPERSON ANDERSON: Sergeant  
25 Massey, thank you very much for your testimony.

1                   You're free to go.

2                   MR. MASSEY:   Thank you, sir.   Have a  
3                   good evening.

4                   CHAIRPERSON ANDERSON:   You too, thank  
5                   you.   Another witness, sir?

6                   MR. BIANCO:   Yes, last witness, Joshua  
7                   Lee.

8                   CHAIRPERSON ANDERSON:   Mr. Lee, can  
9                   you turn your camera on, sir?

10                  (No audible response.)

11                  CHAIRPERSON ANDERSON:   Mr. Lee?

12                  (No audible response.)

13                  CHAIRPERSON ANDERSON:   Mr. Lee?

14                  MR. LEE:   Starting video, so.

15                  CHAIRPERSON ANDERSON:   All right, I  
16                  can --

17                  MR. LEE:   Yes, can you hear me?

18                  CHAIRPERSON ANDERSON:   All right,  
19                  good, I can hear and see you.   Mr. Lee, can you  
20                  raise your right hand, please?

21                  (No audible response.)

22                  CHAIRPERSON ANDERSON:   Mr. Lee?

23                  WHEREUPON,

24                  JOSHUA LEE

25                  was called for examination by Counsel for the

1 Applicant, and after having been first duly  
2 sworn, was examined and testified as follows:

3 CHAIRPERSON ANDERSON: I think you're  
4 frozen, but I prefer you on camera so I can  
5 always tell that you're there.

6 MR. LEE: Yes.

7 CHAIRPERSON ANDERSON: But you're gone  
8 from camera now, sir. Can you activate your  
9 camera again, please?

10 MR. LEE: Can you hear me?

11 CHAIRPERSON ANDERSON: I can hear you,  
12 but I think there's some issue with your  
13 connection, but I can hear you. I cannot see you  
14 though, but are you there?

15 (No audible response.)

16 CHAIRPERSON ANDERSON: Mr. Lee?

17 (No audible response.)

18 CHAIRPERSON ANDERSON: Mr. Lee, I need  
19 you to turn your camera on because --

20 MR. LEE: Okay, can you at least --

21 CHAIRPERSON ANDERSON: Can I what,  
22 sir?

23 MR. LEE: Okay.

24 CHAIRPERSON ANDERSON: I can hear you  
25 but I can't see you, and I'm not sure how stable

1 your internet is. So I need to the best of your  
2 ability to see you to know that you're online.

3 MR. LEE: Okay, do you need -- let me  
4 try one thing.

5 CHAIRPERSON ANDERSON: Okay sir. All  
6 right, I can see the back of your room.

7 MR. LEE: Is that --

8 CHAIRPERSON ANDERSON: Yes, that's  
9 fine. All right, your witness, Mr. Bianco.

10 DIRECT EXAMINATION

11 BY MR. BIANCO:

12 Q Thank you. Mr. Lee, could you spell  
13 your name for the record, please?

14 A It's J-O-S-H-U-A, last name is Lee, L-  
15 E-E.

16 Q And what do you do for a living, Mr.  
17 Lee?

18 A I work real estate development,  
19 interior design, architecture, everything real  
20 estate-related, sound acoustics, sound  
21 treatments. Built out nightclubs, general  
22 contractor. So a little bit of everything.

23 Q How long have you been doing that?

24 A The last 12 years.

25 Q Okay, and what about with respect to

1 nightlife specifically, what's your general  
2 experience there?

3 A That was kind of one of our first  
4 projects that I worked on specifically was a  
5 nightclub. It was actually just down the street  
6 from this, it was sound check. And kind of  
7 through and through. Normally I'm brought on to  
8 solve problems or design it from day one and go  
9 all the way into delivering it.

10 Q And what's your role here with  
11 Iraklion?

12 A I'm likely going to be working with  
13 the architect on record as well as doing  
14 acoustics and sound treatments, and also doing a  
15 project manager when the time comes.

16 Q Okay.

17 A From the built-out side of things.

18 Q On the screen you will see what has  
19 been marked as Applicant Exhibit Number 8.

20 (Whereupon, the above-referred to  
21 document was marked as Applicant Exhibit No. 8  
22 for identification.)

23 Q Do you see that?

24 (No audible response.)

25 Q Mr. Lee?

1 A Yes.

2 Q Okay, do you recognize what that is?

3 A That's my resume.

4 Q Okay, does it truly and accurately  
5 reflect your experience and education?

6 A Yes.

7 Q Okay. At this time we move admission  
8 of Applicant's Number 8, as well as Mr. Lee as an  
9 expert in nightlife design, specifically with  
10 respect to acoustics.

11 CHAIRPERSON ANDERSON: Any objection?

12 MS. FARMER: No objection.

13 CHAIRPERSON ANDERSON: Without  
14 objection.

15 (Whereupon, the above-referred to  
16 document was received into evidence as Applicant  
17 Exhibit No. 8.)

18 BY MR. BIANCO:

19 Q Okay, so Mr. Lee, in this particular  
20 project, what is your going to be your role with  
21 respect to acoustics and soundproofing?

22 A So in respect to acoustic and sound  
23 streaming what we're going to be doing is after  
24 the interior design is kind of complete and kind  
25 of through the entire process it's going to be

1 looking at how to make sure that absolutely no  
2 sound escapes from the building envelope at hand.

3 Q Okay, and how are you going to make  
4 sure that that happens?

5 A Well, there's likely going to be a  
6 four-step process. We're going to take a look at  
7 kind of day one from a fluid model once we get  
8 the architectural and design plan kind of at an  
9 early stage, and then that's once we have that  
10 we'll run it through a fluid model to see where  
11 we likely would put sound equipment, how it's  
12 going to be relayed, and that's part one.

13 Once we actually start construction,  
14 that's even before we submit for a permit, and  
15 then once we go through the permit process we may  
16 have to deal with other things, but once we  
17 actually start construction what we'll do is do  
18 an actual sound meter test once we have, we'll  
19 call it the kind of the rough-in. We kind of  
20 start seeing what's happening, what's going to be  
21 the areas of any kind of penetration through the  
22 exterior walls, and that's kind of step two.

23 Then step three is going to be when  
24 the sound equipment arrives kind of rough testing  
25 because we still need to know what's happening,

1 and then actually finetuning it is the fourth  
2 step once we're actually fully -- not operational  
3 yet but getting close to fully operational.

4 Q Okay, and you mentioned sound testing.  
5 Do you do that or does somebody else?

6 A Well, we're fully capable of doing it,  
7 but we like when they also bring on an additional  
8 just third-party just so everything that we're  
9 thinking is going to be verified, but we're  
10 capable of doing that.

11 Q Okay, and when you do nightclub  
12 buildout, are you -- how experienced are you in  
13 the sound mitigation piece of the design and  
14 build?

15 A I think very experienced in this. I  
16 think in order to have a really successful both  
17 building and buildout, and also client experience  
18 you have to be thinking about from day one.

19 Q Okay, and have you done this in D.C.?

20 A Quite a few times.

21 Q Where?

22 A The closest one to this building is  
23 Soundcheck. We've worked on Lay, we've worked on  
24 Decades, Barcode, Ultrabar, Echostage. The  
25 newest one is Mayflower and Zebbie's, and we've



1 worked on Koi. That's the first ones that come  
2 to my mind.

3 Q Okay, and is there specific methods  
4 that you use in terms of the construction for the  
5 purpose of sound mitigation?

6 A Well, it's really up to we're going to  
7 design it in to be the absolute highest quality  
8 we possibly can, and what you're going to be  
9 looking at is the active -- next to your building  
10 envelope is the final kind of component there,  
11 but what we want to do is build an envelope or  
12 we'll call it a building within a building, to  
13 achieve the highest quality, you know, a  
14 soundproof space.

15 Q Okay, and I have up on my screen  
16 what's been marked as Applicant's 9.

17 (Whereupon, the above-referred to  
18 document was marked as Applicant Exhibit No. 9  
19 for identification.)

20 BY MR. BIANCO:

21 Q Could you describe for me what I'm  
22 looking at there?

23 A So I submitted this in terms of just  
24 kind of a reference point. This was a  
25 residential project that we worked on, but the

1 purpose I did is that this was a single-family  
2 standalone home in Alexandria, Virginia, and what  
3 this client wanted us to is create a soundproof  
4 room for a sound studio in his lower level of his  
5 home.

6 And he had a zero lot line home and he  
7 didn't want, you know, any of his neighbors to  
8 know what was going on downstairs, to get, you  
9 know, noise complaints throughout the night.  
10 This is, you know, Old Town Alexandria, so you  
11 can imagine how that was going to be.

12 Q Okay.

13 A So this was the document that was  
14 done.

15 Q Okay. And what method did you use for  
16 this particular buildout?

17 A We did baseline testing so we actually  
18 brought a portable acoustic system and sound  
19 speakers into the space.

20 We ran different frequency sounds  
21 through different areas in this space itself to  
22 get different readings in terms of, you know,  
23 refraction or friction, where the sound was  
24 going, how it was hitting off the walls in  
25 current as-built conditions, and then we were

1           able to create a plan that would be able to, you  
2           know, create this envelope within an envelope  
3           and, you know, make sure that there's no sound  
4           escapement.

5           Q       Okay. And is there a method you use  
6           specifically with respect to windows?

7           A       With windows absolutely. So a window  
8           is a perfect example of outside penetration where  
9           there isn't any opening but it actually is a  
10          different type of material as opposed to an  
11          exterior facade. So with this one, what we did  
12          is actually double encase the windows, added  
13          additional acoustical treatment in the void  
14          between the two sets of windows, so that he would  
15          still have light.

16                 That's what this client wanted because  
17          he didn't want an absolute just, you know, dark  
18          hole. So we were able to maintain a light space,  
19          you know, allowing light emission, but making  
20          sure that they'd be no sound escapement. So  
21          additional acoustical treatments, different  
22          layers of lighting, additional types of windows  
23          and types of glues and types of insulation.

24          Q       Okay, and is that shown here on page  
25          2 of Exhibit 9?

1                   A       Exactly. It's the small little image  
2                   on the right side of the page.

3                   Q       So the piece that I'm now  
4                   highlighting, correct?

5                   A       Correct.

6                   MR. BIANCO: Okay, great. Move  
7                   admission of Applicant's Number 9.

8                   CHAIRPERSON ANDERSON: Any objection?

9                   MS. FARMER: Yeah, I'm going to object  
10                  on relevance to this; this is a residential  
11                  property, it's completely unrelated to a  
12                  nightclub.

13                  MR. BIANCO: The testimony was the  
14                  same methods that he's going to be employing here  
15                  in this particular case, as well as the overall  
16                  step-by-step process.

17                  CHAIRPERSON ANDERSON: I will admit  
18                  this over the objection, so I'll admit No. 9.

19                  (Whereupon, the above-referred to  
20                  document was received into evidence as Applicant  
21                  Exhibit No. 9.)

22                  BY MR. BIANCO:

23                  Q       Okay. Mr. Lee, last thing; there is  
24                  an outdoor component of this particular  
25                  establishment. Are you experienced in noise

1 mitigation measures for outdoor night life  
2 establishments?

3 A I am.

4 Q And how?

5 A Most recently we worked on a project  
6 in Miami, it's for a hospitality called Good  
7 Times Hotel in South Beach of Miami. And there  
8 was an outside upper deck, pool deck called  
9 Strawberry Noon, and I was brought on to solve  
10 the problem, noise mitigation coming off the  
11 deck, coming down onto the street level. This  
12 building in particular it was three stories and  
13 we were trying to basically keep the sound from  
14 coming off of an open deck. And in Miami as  
15 opposed to Washington D.C. is that the way that  
16 they can claim a noise violation is actually just  
17 by "heard" sound, not actually the actual level  
18 of noise frequency, or decibel level.

19 Q Okay, and did you see it in that case?

20 A And we fixed that problem.

21 Q Did --

22 A Yeah, we were successfully able to  
23 come up with a solution.

24 MR. BIANCO: Okay, great. Thank you  
25 very much, Mr. Lee. I have no further questions.

1 The Board and counsel may have some for you.

2 CHAIRPERSON ANDERSON: Ms. Farmer?

3 CROSS EXAMINATION

4 BY MS. FARMER:

5 Q Thank you. Mr. Lee, are you an  
6 acoustical engineer?

7 A I am not.

8 Q What training do you have in  
9 acoustics?

10 A By and large just experience. Because  
11 when we do this from an architectural  
12 perspective, if we incorporate sound and  
13 acoustical treatments from Day 1, and then from  
14 just experience of understanding how sound  
15 systems work, having to access the flow models,  
16 we come up with the same thing. That's why I  
17 said earlier to potentially bring on a third  
18 party to verify what we seen.

19 Q Approximately how much of your work is  
20 related to nightclubs?

21 A Personally, I kind of head up that  
22 division, so probably 60 percent of what I do is  
23 related to nightclubs.

24 Q Okay, and I believe in your testimony  
25 you said that you would work closely with the

1 architect of record. Is that right?

2 A That's correct.

3 Q Is there an architect of record for  
4 this?

5 A Not yet. We haven't quite gotten to  
6 that point.

7 Q Got it. You also testified about a  
8 four-step process. Do you recall that testimony?

9 A Yes.

10 Q Is it fair to say that that four-step  
11 process has not begun at this point?

12 A That's correct; it has not started  
13 yet.

14 Q One of the other things you testified  
15 about is that you'll do testing to make sure that  
16 sound isn't penetrating exterior walls; is that  
17 right?

18 A That's correct.

19 Q What do you do -- what do those tests  
20 entail?

21 A By and large, making a lot of noise  
22 on the inside through bringing in portable sound  
23 systems, and then testing to see where it's  
24 exposed from. And doing it from both the inside  
25 to actually have a decibel reading on the inside

1 and then to verifying what's on the outside, if  
2 there's any transmission.

3 Q And if you recall when you were  
4 discussing the exhibit which is the schematic  
5 that you had for a residential property, do you  
6 recall that?

7 A Yes.

8 Q You have not prepared any schematics  
9 or anything like that for the Iraklion space,  
10 right?

11 A Correct.

12 Q Okay. And were you present for the  
13 testimony earlier that indicated that there was  
14 going to be some sort of special doorway that  
15 you may be helping to design?

16 A The best view that Mr. Fiorito was  
17 mentioning, I believe?

18 Q Yes.

19 A Yes, I was part of that.

20 Q Got it. Could you explain a little  
21 bit more to us how that doorway work and how it  
22 will prevent noise from traveling outside of it  
23 when the door is open?

24 A So, the best way to kind of describe  
25 it, if you go into any kind of hotel and even



1 Washington D.C. where there's a double door  
2 system, the purpose of the double door system in  
3 the hotel is actually to decrease the amount of  
4 cold air transmission between inside and outside  
5 space. So using the temperature as an example  
6 of transmission of something, that vestibule in  
7 our sense is going to be -- you know, it'll  
8 still accomplish a temperature control, but the  
9 purpose of it really is to make sure that sound  
10 doesn't open, because once you open one door, if  
11 the second door is also open, it doesn't matter  
12 what you've done on the inside, you're going to  
13 have transmission.

14 So the design of that space is going  
15 to be larger than what code requirements are so  
16 you can actually open one door, come through in  
17 bringing patrons, close the door behind them,  
18 and then they can open the second door  
19 comfortably without having, you know, any level  
20 of egress issues.

21 Q So you --

22 A So that's how it works; you'd be  
23 using soundproof materials,  
24 soundproof doors, soundproof glass on both the  
25 exterior and also the interior side as well.

1 And that box that you're creating is in essence  
2 an envelope within an envelope, so that one door  
3 is open you still have protected, you know, on  
4 all four sides.

5 Q And do you know how you will prevent  
6 sound escape from any of the other exits or  
7 entrances that there may at the location?

8 A It'll likely be that this will come  
9 up when we're actually designing the space  
10 because in essence if the front door is likely  
11 going to be straight on, so when you open it  
12 you'll likely have sound transmission going  
13 straight into the space.

14 So the side doors and the back  
15 doors, there's possible having hallways, because  
16 we don't have a design yet, we don't quite know,  
17 but likely it'll be the inclusion of soundproof  
18 doors that are, you know, they have certain  
19 types of materials on the inside as opposed to a  
20 standard metal door, all while maintaining code  
21 and fire requirements. The doorways and the  
22 hallways themselves will be treated, all the  
23 flooring will be treated, ceilings will be  
24 treated.

25 So what we're going to be looking to

1 do is, like I said, creating an envelope within  
2 an envelope so that wherever the sound is coming  
3 from, then we're both protecting it and then  
4 also making it acoustically sound.

5 A Do you have a sense at this stage of  
6 where any EJ stand or speakers would be located  
7 with respect to the doors?

8 A Not at this time.

9 Q And one of my final sets of  
10 questions here; you're aware that there is a  
11 rooftop at this location. Is that right?

12 A Yes.

13 Q Will there be any music at all on  
14 the roof?

15 A I can't speak to that. I'm not sure  
16 what the operator is going to entail.

17 Q Would it be fair to say that it's  
18 very difficult to soundproof a roof?

19 A It's very difficult, but not  
20 impossible. That's using the example that we  
21 did in Miami as a perfect one, that even without  
22 a decibel level requirement, we were able to  
23 pass the, you know, sniff test of the inspectors  
24 in Miami Beach.

25 Q And what do you mean by that? What

1 did you do for it?

2 A We created a wall around the  
3 perimeter of the space and then we also worked  
4 with the speaker manufacturer and engineer there  
5 to both point the speakers in a certain way --  
6 so it was kind of a bunch of voodoo tricks. So  
7 we had to create a wall to basically block the  
8 sound, but we also worked with the sound  
9 engineers to direct the sound so that where the  
10 sound and the speaker cones were facing would  
11 hit certain spaces so that as opposed to hitting  
12 a space and then reflecting off and bouncing off  
13 another building and going across the street, it  
14 was hitting that space and then in essence  
15 dying.

16 So that was where the concept of the  
17 soundproofing came in is that even though the  
18 speaker was making a sound, it would hit a space  
19 and then stop. So it isn't impossible to  
20 soundproof an exterior space; just takes a  
21 little more thinking.

22 MS. FARMER: I think that's all of  
23 the questions. Thank you for your time.

24 CHAIRPERSON ANDERSON: Thank you.  
25 Any questions by the Board members?

1 Any redirect, Mr. Bianco?

2 MR. BIANCO: No redirect. We rest.

3 CHAIRPERSON ANDERSON: Mr. Lee,  
4 thank you very much for your testimony.

5 Mr. Bianco, I don't recall you  
6 moving Exhibit -- were you planning to move  
7 Exhibit 6 into evidence?

8 MR. BIANCO: Let me check on that  
9 very quickly, sir.

10 I think we did with our first  
11 witness without objection, but to the extent we  
12 did not, yes we would move that into evidence.  
13 That's the map of the area.

14 CHAIRPERSON ANDERSON: Right, I  
15 don't have any notation that that was moved into  
16 --

17 Actually, you know what; I  
18 apologize. Yes, No. 6 was previously moved into  
19 evidence.

20 All right, so the protestant has now  
21 rested its case. I know we're not going to  
22 finish a protest hearing today, but I want to  
23 start the protestant's case because we have two  
24 afternoons available, and they're afternoons,  
25 and there is no way we're going to get through

1 several witnesses in an afternoon at a  
2 reasonable hour. So that's one of the reasons  
3 why I want to start the protestant's case today,  
4 maybe have two witnesses and maybe reserve.

5 The dates I propose to counsel would  
6 be to do it next Wednesday at 1:30 and the  
7 following Wednesday at 1:30. Those are the two  
8 available dates.

9 Does that date work for you and your  
10 witnesses?

11 MS. FARMER: So I can speak for J.P.  
12 Morgan; we have a slight preference for March  
13 6th because I have another hearing in the  
14 morning of the 28th and I just don't want to be  
15 late.

16 CHAIRPERSON ANDERSON: All right, so  
17 is March 6th available, because I'm definitely  
18 going to schedule. It's a regular Wednesday and  
19 so we are available on a Wednesday to have a  
20 hearing, but I know that we're not going to go  
21 through seven witnesses in an afternoon and be  
22 done by 6 o'clock. That's just not realistic,  
23 so that's one of the reasons why I want to do  
24 some witnesses today. I want to go maybe till  
25 5:00, 5:30 today. So 5:30 today we're going to

1 end, okay. We're not going to go beyond 5:30, a  
2 quarter to 4:00, and so if we're going to do it,  
3 it doesn't look like we're going to go -- so do  
4 you have two witnesses that you wish to call  
5 today that can accommodate?

6 It's now a quarter to 4:00. Or how  
7 many witnesses you can accommodate between now  
8 and 5:30 at the latest. I want to end this  
9 hearing at 5:30.

10 So tell me how you want to -- and  
11 let me ask the question; does March 6 at 1:30  
12 work for the parties?

13 MR. BIANCO: I can make that work,  
14 Mr. Chair.

15 CHAIRPERSON ANDERSON: All right, so  
16 I will let Ms. Jenkins know that we're going to  
17 continue this hearing on March 6th at 1:30.

18 All right, so protestants, who is  
19 your first witness?

20 MR. BLANCHARD: Ms. Strauss,  
21 Commissioner Strauss.

22 CHAIRPERSON ANDERSON: All right,  
23 Ms. Strauss.

24 Ms. Strauss, can you raise your  
25 right hand, please?

1 Do you swear or affirm to tell the  
2 truth and nothing but the truth?

3 MS. STRAUSS: Yes.

4 CHAIRPERSON ANDERSON: All right.  
5 Your witness, sir?

6 MR. BLANCHARD: Thank you. Ms.  
7 Strauss, good afternoon. How long have you been  
8 an ANC commissioner?

9 MS. STRAUSS: For a little over a  
10 year. I started my term in January 2023.

11 MR. BLANCHARD: Thank you. And does  
12 your single member district that you represent,  
13 does that include the Iraklion nightclub  
14 location?

15 MS. STRAUSS: It is not my SMB; it's  
16 Michael Shingles. But I live about four blocks  
17 away and my SMB is maybe, the boundary is a  
18 block away from the building in question. But  
19 I'm representing ANC 2C because Michael could  
20 not be here.

21 MR. BLANCHARD: Right, and you are  
22 authorized by the ANC to represent the ANC.

23 MS. STRAUSS: Yes.

24 MR. BLANCHARD: Thank you.

25 And what is your experience with



1                   nightclubs, generally, in this area -- in the  
2                   geographical area?

3                   MS. STRAUSS:   So, I know that, like,  
4                   barcode, the park -- I also know in a specific  
5                   location there used to be another nightclub.  
6                   Those are the cases that I'm familiar with.   And  
7                   more recently conversion with Moi Moi, but  
8                   that's not really a nightclub; that was a  
9                   restaurant that was open late night.

10                  MR. BLANCHARD:   Right, right.  
11                  Right.   But there was a violent incident at Moi  
12                  Moi; is that correct?

13                  MS. STRAUSS:   That's right.

14                  CHAIRPERSON ANDERSON:   As you are  
15                  aware, the Board has taken action on that  
16                  establishment.   So we don't really --

17                  MR. BLANCHARD:   I'm not going any  
18                  further with that, Mr. Chairman.

19                  CHAIRPERSON ANDERSON:   Thank you.

20                  MR. BLANCHARD:   Okay.   What position  
21                  did ANC 2C take on this particular license  
22                  transfer application?

23                  MS. STRAUSS:   So we voted three  
24                  against and one abstaining to purchase a  
25                  transfer of the Class C license with the dancing

1 establishment. That was on September 12th, 2023.

2 MR. BLANCHARD: Thank you. And did  
3 the ANC receive any communications from any  
4 Councilmembers regarding this nightclub?

5 MS. STRAUSS: I believe Brooke Pinto  
6 was involved or a team -- councilmember. She  
7 had voiced her concerns.

8 MR. BLANCHARD: Okay, okay. I'm  
9 going to go back to the ANC's position on the  
10 license application.

11 There was a filing, a protest  
12 letter; is that correct?

13 I want to show you ANC's Exhibit 1,  
14 if possible.

15 CHAIRPERSON ANDERSON: Mr. Carter,  
16 can you please give Mr. Blanchard the ability to  
17 share a screen?

18 (Pause.)

19 MR. BLANCHARD: If that's not in our  
20 exhibits, I believe it's in the -- which one --  
21 I'm sorry -- there we go.

22 CHAIRPERSON ANDERSON: You're not  
23 sharing your screen, Mr. Blanchard, so I'm not  
24 sure if --

25 PARTICIPANT: Mr. Chairman, we're

1                   having some technical difficulties.

2                   CHAIRPERSON ANDERSON:   Okay, that's  
3                   fine.

4                   (Pause.)

5                   MR. BLANCHARD:   I apologize.   We may  
6                   have to come back with that.

7                   CHAIRPERSON ANDERSON:   All right.

8                   MR. BLANCHARD:   Ms. Strauss, did you  
9                   receive any letters from residents in the  
10                  community?

11                  MS. STRAUSS:   Yes, two letters; one  
12                  from Foulger-Pratt.   They're doing a large  
13                  conversion at 1425 New York Avenue which I think  
14                  is about a block away.   They're converting the  
15                  building to 243 high-quality residences, and  
16                  they wrote a lengthy letter to me and  
17                  Councilmember Brooke Pinto protesting this.

18                  MR. BLANCHARD:   All right.

19                  MS. STRAUSS:   And they specifically  
20                  highlighted how the previous nightclub was a  
21                  magnet for frequent fights, shootings and other  
22                  forms of crime.

23                  MR. BLANCHARD:   Thank you.   And was  
24                  there any letter from the Woodwork Building?

25                  MS. STRAUSS:   There was.   So that's

1 the existing residential building with --

2 MR. BIANCO: I'm going to lodge an  
3 objection at this point; there's certainly  
4 nothing wrong with the question if you received  
5 a letter, but going into the hearsay contents of  
6 a letter that hasn't been admitted into evidence  
7 isn't permissible. There's no way the Board can  
8 even discern reliability from that to make a  
9 determination, so just sort of accusations that  
10 appeared in some letter that we haven't seen  
11 isn't appropriate for testimony.

12 CHAIRPERSON ANDERSON: And the  
13 objection is sustained, so if there

14 MR. BLANCHARD: I may have to come -  
15 -

16 CHAIRPERSON ANDERSON: I'm sorry?

17 MR. BLANCHARD: I'm sorry, Mr.  
18 Chairman. I may have to come back to Ms.  
19 Strauss on our next hearing date due to some  
20 technical difficulty. Apparently those exhibits  
21 weren't uploaded on our end.

22 CHAIRPERSON ANDERSON: Well, I mean  
23 -- all right. Do you want to move away from  
24 this witness and then you'll call the witness on  
25 May 6th so we can move on to another witness

1 today.

2 MS. FARMER: One other option

3 CHAIRPERSON ANDERSON: I'm sorry; go  
4 ahead.

5 MS. FARMER: Sure. Christopher  
6 Cohen is logged in. If you want to give him and  
7 then maybe he can put up the exhibit, and that  
8 way we can keep moving. If we need him promoted  
9 and give him share screen, he should be able to  
10 put up the exhibit that Mr. Blanchard wasn't  
11 using.

12 CHAIRPERSON ANDERSON: Is that what  
13 you want, Mr. Blanchard?

14 I can have --

15 MR. BLANCHARD: Yes, that would be  
16 wonderful. But I believe they have a copy.

17 CHAIRPERSON ANDERSON: All right.  
18 Mr. Carter, please give Mr. Cohen the ability to  
19 share a screen.

20 (Pause.)

21 CHAIRPERSON ANDERSON: Do you have  
22 the ability to share your screen, Mr. Cohen?

23 All right, so what document that  
24 he's --

25 MS. STRAUSS: Yeah, Lyle, which of

1 the ANC exhibits?

2 MR. BLANCHARD: I'd like to take  
3 them in order, the first being Exhibit 1, the  
4 September 29th letter that the ANC submitted to  
5 the Board.

6 MS. STRAUSS: Okay.

7 CHAIRPERSON ANDERSON: That was in  
8 the case reports, so we already --

9 MR. BLANCHARD: It's already in the  
10 record, so without objection I'll move on.

11 CHAIRPERSON ANDERSON: Right,  
12 because it was in the case report for the  
13 investigator. So, if you want to ask questions  
14 about it, fine, but we don't need that document  
15 again because it's already --

16 MR. BLANCHARD: No, let's move on.

17 The second exhibit that the ANC has  
18 -- Ms. Farmer, do you recall filing, or Mr.  
19 Shankle, filing on behalf of the ANC a motion to  
20 narrow the ANC's grounds for objecting?

21 So without objection, I think this  
22 is already in the record as well.

23 I'm sorry; that --

24 CHAIRPERSON ANDERSON: If a motion  
25 was solved, we have already ruled on the motion,

1 so we don't really need to --

2 MR. BLANCHARD: Correct.

3 CHAIRPERSON ANDERSON: Okay, fine.

4 Let's move on.

5 MR. BLANCHARD: So then I would like  
6 to move Exhibit 4 which is the letter that Ms.  
7 Strauss already testified to, and that's a  
8 letter from Ms. Pinto, Councilmember Pinto to  
9 the -- I'm sorry; it's a letter from New York  
10 Avenue Title Holder LLC to Councilmember Pinto  
11 that Ms. Strauss referred to.

12 MR. BIANCO: I'm going to object --

13 CHAIRPERSON ANDERSON: Hold on a  
14 minute, please. Go ahead, Mr. Bianco.

15 MR. BIANCO: So I'm going to object  
16 to this on multiple grounds; one, hearsay and  
17 there's no evidence of liability; two, the ANC  
18 was not even a party to or recipient of this  
19 letter; and then three, relevance, a real estate  
20 developer, non-residence feelings about this  
21 particular club that they think may possibly  
22 interfere with their operations down the road  
23 isn't relevant to these proceedings at all, not  
24 to mention it can't be verified. If they have a  
25 problem, they should show up and testify.

1 CHAIRPERSON ANDERSON: Are you  
2 saying, Mr. Bianco, that the ANC was not copied  
3 on this letter?

4 MR. BIANCO: There's no indication  
5 of that. If you look down at the CC it says --

6 CHAIRPERSON ANDERSON: I don't have  
7 the letter in front of me.

8 MR. BIANCO: Yeah, they're not  
9 copied.

10 MS. STRAUSS: He sent it to me.

11 MR. BIANCO: Who's he?

12 MS. STRAUSS: Mr. Apt, he emailed it  
13 to me.

14 MR. BIANCO: I mean, again, there's  
15 no foundation, there's no authenticity, no  
16 evidentiary basis for this letter whatsoever.

17 MS. STRAUSS: Can you guys show  
18 these letters on the screen?

19 CHAIRPERSON ANDERSON: That's up to  
20 your attorney to do that, ma'am. I've not seen  
21 the letter, so I don't know what it is. I'm  
22 just asking, so.

23 MS. STRAUSS: Yes, right --

24 MR. BLANCHARD: Let me move on then  
25 to another --



1 MS. STRAUSS: There we go.

2 That's it, that's it. It's there.

3 CHAIRPERSON ANDERSON: All right,  
4 but let me ask a question.

5 This is a letter -- why is this  
6 relevant? This is a letter from some non-party  
7 to the Councilmember. I'm not going to admit  
8 this into evidence because I don't get the  
9 relevancy. This is a letter from a non-party to  
10 another individual who is a non-party. I can't  
11 understand if this is a letter from a non-party  
12 to the ANC, and the ANC can say this is the  
13 basis of why we protest this application. But  
14 here's a letter from a non-party to another non-  
15 party and no one can verify anything in this  
16 letter, so I'm not going to admit this exhibit.

17 So let's move on. This is Exhibit  
18 4.

19 So I'm not going to admit Exhibit 4  
20 in the record.

21 MR. BLANCHARD: That's fine. The  
22 signatory of the letter actually is a member of  
23 the group of five, but he is not here to lay the  
24 foundation. So we'll just move to the other  
25 letter which is Exhibit 3.

1 If we could raise that letter.

2 Thank you.

3 Ms. Strauss, do you recognize this  
4 letter?

5 CHAIRPERSON ANDERSON: Hold on. Do  
6 you have an objection, Mr. Bianco?

7 MR. BIANCO: I do, Mr. Chair.

8 CHAIRPERSON ANDERSON: What's the  
9 nature of your objection?

10 MR. BIANCO: So, I'm going to object  
11 to this on relevance grounds. The date of this  
12 letter is January 3rd, 2024. It's signed by a  
13 Ted Brownfield who is actually the  
14 representative of one of the members of the  
15 group of five and listed as a witness, so I  
16 don't know why his letter of January 3rd having  
17 nothing to do with the decision to protest would  
18 be relevant to proceedings if he wants to submit  
19 a written argument as to why this club doesn't  
20 meet the appropriate standards. He's able to do  
21 that, so I don't know why we have this letter  
22 that would be received into evidence from  
23 January 2024, it makes no sense.

24 CHAIRPERSON ANDERSON: Well, is Mr.  
25 Brownfield a witness today in this case?

1 MR. BLANCHARD: Yes.

2 CHAIRPERSON ANDERSON: Then why  
3 don't you have -- when he's called as a witness  
4 you can have him identify this document and we  
5 can make a ruling whether or not this is  
6 relevant to include in the record. All right.

7 MR. BLANCHARD: That is fine.

8 (Pause.)

9 CHAIRPERSON ANDERSON: I would like  
10 everyone to mute their lines, please. If you  
11 are not speaking, please mute your line.

12 MR. BLANCHARD: I believe that's all  
13 the questions I have for Commissioner Strauss.

14 CHAIRPERSON ANDERSON: All right.  
15 Mr. Bianco, do you have any questions for Ms.  
16 Strauss?

17 MR. BIANCO: I do. So, I think your  
18 protest letter was received into evidence, and I  
19 want to talk about a couple of things in the  
20 letter. First, you state that the establishment  
21 is near a residential building on 15th Street  
22 Northwest and 8th Street Northwest; correct?

23 Woodwork Building, right. And  
24 doesn't that building have a nightclub inside of  
25 it?

1 MS. STRAUSS: I don't think so.

2 MR. BIANCO: Okay. Are you familiar  
3 with Sachi Night Club?

4 MS. STRAUSS: I am not.

5 MR. BIANCO: Okay. And you  
6 specifically state in your letter that the  
7 alleyway poses a security risk for patrons of  
8 the establishment in your letter, correct?

9 MS. STRAUSS: Yes. Are you  
10 referring to the letter on September 29th or the  
11 letter on November 14th?

12 MR. BIANCO: I'm referring to the  
13 September 29th protest letter.

14 MS. STRAUSS: Okay. So I know that  
15 we narrowed it on November 14th to the protest  
16 was on the grounds of peace, order and quiet  
17 including noise and litter and residential  
18 parking and vehicular safety.

19 MR. BIANCO: That's correct. Thank  
20 you for that.

21 MS. STRAUSS: Yeah.

22 MR. BIANCO: So I think this is  
23 related to one of the remaining protest issues,  
24 and you can correct me if I'm wrong; it says  
25 additionally the alleyway poses a security risk

1 for patrons to the establishment. Do you see  
2 that there?

3 MS. STRAUSS: Well, we narrowed  
4 that.

5 MR. BIANCO: So you're saying that -  
6 -

7 CHAIRPERSON ANDERSON: Ma'am, hold  
8 on.

9 Court reporter, only one person can  
10 speak at a time. So Mr. Bianco, once he's done  
11 asking a question, you can answer, ma'am. You  
12 can't talk.

13 MS. STRAUSS: Okay.

14 CHAIRPERSON ANDERSON: Thank you.

15 MR. BIANCO: So then am I to  
16 understand that you are no longer raising an  
17 issue about the security risks in the alleyway?

18 MS. STRAUSS: That's correct.

19 MR. BIANCO: Okay, thank you. There  
20 are other nightclubs within the purview of the  
21 ANC, correct?

22 MS. STRAUSS: There are nightclubs,  
23 yes, within the ANC.

24 MR. BIANCO: Okay, and for purposes  
25 of this question, I can proffer to you that

1 nightclub renewal city-wide was in 2022. Were  
2 you on the ANC at that point?

3 MS. STRAUSS: I was not.

4 MR. BIANCO: Okay. Do you know  
5 whether or not the ANC protested any of the  
6 nightclub licenses in this area when they were  
7 up for renewal?

8 MS. STRAUSS: I do not; I was not on  
9 the ANC.

10 MR. BIANCO: Okay. And what is it  
11 that the ANC contends this establishment should  
12 be doing to make it comply with the peace, order  
13 and quiet standard?

14 MS. STRAUSS: I think that there was  
15 a special concern about how large it was and a  
16 number of people going in and out in those  
17 alleys.

18 MR. BIANCO: And --

19 MS. STRAUSS: Go ahead.

20 MR. BIANCO: No, no, no. I didn't  
21 mean to cut off your answer. Please finish.

22 MS. STRAUSS: And our understanding  
23 is that the previous nightclub had a much  
24 smaller capacity, and even then there were a lot  
25 of issues about peace, order and quiet.

1 MR. BIANCO: Okay, so based on that  
2 testimony it would be fair to say that the ANC  
3 would not have a problem if the nightclub  
4 proposed was smaller?

5 MS. STRAUSS: I think that we would  
6 revisit it.

7 MR. BIANCO: Okay. And in the  
8 course of your protest and your meeting, is  
9 there a reason why the ANC never made that  
10 request of us?

11 MS. STRAUSS: It didn't come up at  
12 the ANC meeting.

13 MR. BIANCO: Okay. So other than  
14 the size of the nightclub with respect to the  
15 ANC's concern, were there any other things that  
16 specifically the ANC is concerned about other  
17 than generally peace, order and quiet?

18 MS. STRAUSS: Well, I do know people  
19 are concerned about the nude dancing and the  
20 people who showed up at the meeting and a lot of  
21 the protestants, and to have something this  
22 large.

23 MR. BIANCO: Nude dancing. Okay,  
24 understood. And I realize that throughout the  
25 process there hasn't been any discussions about

1 that, but as we sit here today is there anything  
2 that would mitigate the ANC's concerns on that  
3 front?

4 MS. STRAUSS: No.

5 MR. BIANCO: Okay, and can I ask you  
6 this; why does the ANC care if nude dancing  
7 happens inside this establishment?

8 MS. STRAUSS: I don't think it's the  
9 right use for that neighborhood at this time  
10 when downtown is struggling.

11 MR. BIANCO: Okay, so how does  
12 people dancing with no clothes on inside of the  
13 establishment impact peace, order and quiet?

14 MS. STRAUSS: I think it's more  
15 about the clientele it would attract.

16 MR. BIANCO: Okay, and in your view  
17 what kind of clientele is that?

18 MS. STRAUSS: Can I object?

19 CHAIRPERSON ANDERSON: No, ma'am.  
20 You have to answer the question. The only  
21 person who can object are the lawyers.

22 MS. STRAUSS: Okay. You know, I am  
23 -- I assume that that kind of clientele is maybe  
24 -- especially if it's a destination, nude  
25 dancing establishing at 1,200 person, that it



1 would be a lot of people who would maybe drink  
2 heavily, come in at late hours and cause a  
3 disturbance downtown.

4 MR. BIANCO: And that assumption, is  
5 that based on any data you reviewed?

6 MS. STRAUSS: No.

7 MR. BIANCO: Okay, is it based on  
8 your experience going to such places?

9 MS. STRAUSS: Yes.

10 MR. BIANCO: Okay, and what is your  
11 experience in nude dancing establishments, such  
12 that you formed that opinion?

13 MS. STRAUSS: I mean, I've gone with  
14 friends before and not enjoyed myself and felt  
15 very uncomfortable. And those were all small.

16 MR. BIANCO: Okay. And based on  
17 that experience --

18 MS. STRAUSS: Nothing close to 1,200  
19 person.

20 MR. BIANCO: Sure. And based on  
21 that experience you formed -- a certain  
22 clientele frequency, nude dancing establishments  
23 that would be detrimental to peace, order and  
24 quiet?

25 MR. BLANCHARD: Asked and answered.

1 I'm going to object to this line of questioning.

2 MR. BIANCO: Mr. Chair, this is  
3 their protest that I'm just asking them to  
4 explain the basis or the connection between what  
5 they're alleging and what's before the Board,  
6 and we're not really get any responses on that.

7 CHAIRPERSON ANDERSON: I'm going to  
8 overrule the objection. The witness can answer  
9 the question if she can.

10 MR. BIANCO: So based on your  
11 personal experience patronizing nude dancing  
12 establishments, you formed the type of clientele  
13 they have adversely impacts peace, order and  
14 quiet; is that fair to say?

15 MR. BLANCHARD: Asked and answered.

16 MS. STRAUSS: That is where my  
17 opinion comes from.

18 MR. BIANCO: Okay. Did you engage  
19 in any discussions about that with the other  
20 members of the ANC prior to taking your vote?

21 MS. STRAUSS: No, we didn't talk  
22 about that specifically.

23 MR. BLANCHARD: That's beyond the  
24 scope.

25 MR. BIANCO: Okay.

1 CHAIRPERSON ANDERSON: Hold on.  
2 Clearly, I don't think it's beyond the scope  
3 because we talked about the letter and he's at  
4 the letter where the ANC formalized its protest  
5 with the Board. And I believe all the questions  
6 that are being asked are questions that are  
7 generated by that letter. That's one of the  
8 reasons I'm overruling the objection.

9 MS. STRAUSS: Okay. Commissioner,  
10 so going back to the meeting where the vote was  
11 taken, do you recall how many members of the  
12 public spoke up with respect to this  
13 application?

14 MR. BIANCO: There were two there in  
15 person.

16 MS. STRAUSS: Okay. And of the two  
17 folks, were either of them protestants in this  
18 matter?

19 MR. BIANCO: Like, protestants right  
20 now?

21 MS. STRAUSS: Correct, in this  
22 hearing.

23 MS. STRAUSS: I believe one was from  
24 J.P. Morgan.

25 MR. BIANCO: Okay.

1 MS. STRAUSS: I don't recall who the  
2 other one was or where they were from.

3 MR. BIANCO: Okay, understood.  
4 Thank you.

5 Let me just see if I have anything  
6 else for you.

7 I don't.

8 Okay. Commissioner, thank you so  
9 much for your time. I appreciate it.

10 CHAIRPERSON ANDERSON: All right.  
11 Any questions by the Board members?

12 Go ahead, Mr. Grant.

13 MEMBER GRANT: Ms. Strauss, thank  
14 you for your patience. I'm a former ANC  
15 commissioner, so I know what it is to serve in  
16 that capacity and I appreciate your service to  
17 the city.

18 I just have a couple of questions  
19 for you. Mr. Bianco mentioned personal  
20 experience in attending the events, but in your  
21 capacity as commissioner, given the fact that  
22 maybe not in your SMB but in nearby SMB's there  
23 have been establishments with the new  
24 stipulation. Have you experienced as a  
25 commissioner any infractions or any situations

1 that may have been troubling with establishments  
2 that have the new stipulation?

3 MS. STRAUSS: I'm not aware if it's  
4 not in my ANC, at least it's not in our ANC.

5 MEMBER GRANT: Okay. I know that  
6 you were -- or maybe you can correct me if I'm  
7 wrong -- but you've been -- is this your first  
8 time or your second time as a commissioner?

9 MS. STRAUSS: First time.

10 MEMBER GRANT: First time, okay.  
11 Prior to your term as a commissioner, how long  
12 have you lived in your current SMB?

13 MS. STRAUSS: I've lived here over  
14 ten years.

15 MEMBER GRANT: Okay. All right,  
16 that's it from me, Mr. Chair. Thank you, again,  
17 Ms. Strauss.

18 CHAIRPERSON ANDERSON: Okay. Ms.  
19 Strauss, how many commissioners are in your ANC?

20 MS. STRAUSS: There are four of us.  
21 It's a very large ANC.

22 CHAIRPERSON ANDERSON: It's very  
23 small because there's four.

24 MS. STRAUSS: Yeah, the community is  
25 very large. Yeah.

1 CHAIRPERSON ANDERSON: That's the  
2 question I was going to ask you; approximately  
3 how many residents are we talking about for the  
4 commission?

5 MS. STRAUSS: So each SMB is 2,000,  
6 so the full ANC is, what, 8,000 people.

7 CHAIRPERSON ANDERSON: Okay, so I'm  
8 aware that each ANC are approximately 2,000.  
9 Because there are only four members, I thought  
10 that the population was smaller. But you're  
11 saying it's approximately 8,000. So just do you  
12 recall how many people participated for the  
13 meeting when the ANC voted to protest? You said  
14 there were two in person, so approximately how  
15 many residents were online?

16 It's your call.

17 MS. STRAUSS: Oh, man. We get a lot  
18 more people online. Most meetings it's like 40  
19 to 50 people who are online. That's where most  
20 of our participation is.

21 CHAIRPERSON ANDERSON: As you see in  
22 most of our hearings, all of our hearings are  
23 now online.

24 Okay, I don't have any other  
25 questions. Any other questions by any other

1 Board members?

2 Mr. Bianco, any questions of the  
3 witness based on the questions I asked?

4 MR. BIANCO: Yeah, just one point of  
5 clarification based on your last question.  
6 Commissioner, only two people actually spoke  
7 regardless of the number that were actually  
8 online. Is that correct?

9 MS. STRAUSS: Yeah.

10 MR. BIANCO: Okay, I just wanted to  
11 clarify that. Thank you.

12 CHAIRPERSON ANDERSON: All right.  
13 Mr. Blanchard, any questions for the witness?  
14 Any redirect?

15 MR. BLANCHARD: Ms. Strauss, Mr.  
16 Bianco asked you about, a question about  
17 security and I wanted to ask you to come back to  
18 that. When the ANC filed its motion on November  
19 14th of 2023 to narrow its concerns. What were  
20 the two grounds for appropriateness that you  
21 narrowed to? Do you recall? Or we can bring up  
22 the two --

23 MS. STRAUSS: Peace, order and  
24 quiet, including noise and litter and  
25 residential parking needs and vehicular safety.

1 MR. BLANCHARD: Right. And peace,  
2 order and quiet do you include the concerns  
3 about security within peace, order and quiet?  
4 Yes or no?

5 MS. STRAUSS: No.

6 MR. BLANCHARD: Thank you. No  
7 further questions.

8 CHAIRPERSON ANDERSON: All right, so  
9 how many more witnesses do we have?

10 How many more witnesses does the  
11 protestants have?

12 MR. BLANCHARD: Six.

13 CHAIRPERSON ANDERSON: So let me ask  
14 you a question; if we start the hearing at 1:30  
15 on -- what do you want to do today?

16 We can end now, we can call another  
17 witness. But I want to make sure that if we --  
18 I said 5:30 but it appears that folks might be  
19 tired. SO I'm trying to find out -- I'm fine; I  
20 can go until whenever. But I want to make sure  
21 that once this hearing is reconvened on the 6th  
22 -- it'll probably start at 1:30 -- that are we  
23 able to do six witnesses in like four hours?

24 And that's one of reasons I would  
25 prefer to push on today, although I know that --



1                   Let me -- so we can do one more  
2                   witness today, it's 4:20, and then we'll break  
3                   for the day. And I'm hoping that on the 6th  
4                   we'll be done by 5:30, by 5 o'clock, okay.

5                   So do you have another witness you  
6                   can call today, Mr. Blanchard, or what is it  
7                   that --

8                   (Simultaneous speaking.)

9                   CHAIRPERSON ANDERSON: I know. I  
10                  guess I'm trying to find out, if you have brief  
11                  witnesses we can do them. If not -- if we start  
12                  at 1:30, we have to be done by 5:00.

13                  Okay, so -- so that's why we have  
14                  some time here, and I know we're tired, but I  
15                  don't want you to feel under six that it's 5  
16                  o'clock and then to rush through your case. So  
17                  based on those guidelines the parties can tell  
18                  me what they want to do. We can take a break  
19                  now, we can end today and we can reconvene at  
20                  1:30. But to keep in mind that we're going to  
21                  end at 5 o'clock on Wednesday.

22                  MR. BLANCHARD: Sounds good.

23                  CHAIRPERSON ANDERSON: All right, so  
24                  we can --

25                  MS. STRAUSS: To chime in here; do

1 we want to take just like a five-minute break  
2 and then I call you?

3 CHAIRPERSON ANDERSON: Fine. Okay,  
4 it's 4:21. We're off the record until 4:30.  
5 And then the parties can let me know what is it  
6 that they want to do.

7 So we'll be off the record until  
8 4:30.

9 (Whereupon, the above-entitled  
10 matter went off the record at 4:21 p.m. and  
11 resumed at 4:30 p.m.)

12 CHAIRPERSON ANDERSON: All right,  
13 we're back on the record.

14 Okay, Mr. Bianco?

15 MR. BIANCO: I'm here.

16 CHAIRPERSON ANDERSON: What is it  
17 that the protestants wish to do at this  
18 junction?

19 Are you speaking to Mr. Blanchard?

20 It appears that you're on mute.

21 Or Ms. Farmer or Mr. Cohen?

22 MR. BLANCHARD: Yeah, can we try  
23 that again?

24 Can you hear me?

25 CHAIRPERSON ANDERSON: Yes, Mr.

1 Cohen. Yes, or was that Mr. Blanchard?

2 MS. STRAUSS: Mr. Blanchard.

3 CHAIRPERSON ANDERSON: Mr.

4 Blanchard, yes.

5 MR. BLANCHARD: My witnesses would  
6 like to appear at the next hearing date and not  
7 today.

8 CHAIRPERSON ANDERSON: All right,  
9 fine. As I stated before, the hearing will  
10 start at approximately 1:30. We might have a  
11 hearing, but our meeting must be concluded by 5  
12 o'clock, okay. So I don't want to stretch this  
13 hearing out; I want to make sure that we can be  
14 -- we'll end at a reasonable hour -- and I'm  
15 saying 5 o'clock that we'll be over next  
16 Wednesday.

17 MR. BIANCO: But --

18 CHAIRPERSON ANDERSON: Yes, Mr.  
19 Bianco?

20 MR. BIANCO: Mr. Anderson, might I  
21 put something on the record about this?

22 CHAIRPERSON ANDERSON: Go ahead,  
23 sir.

24 MR. BIANCO: One, it's been my  
25 experience where these cases are continued, it

1 begets more evidence and cross examination and  
2 rebuttal, so that's just generally an issue.  
3 Number two, we're going to have to get through  
4 six witnesses in half a day and I'm particularly  
5 troubled about Mr. Blanchard's earlier  
6 representation that one of them's going to go  
7 two hours. So it's not hard to do that math;  
8 that's going to be a problem.

9 CHAIRPERSON ANDERSON: Mr. Bianco, I  
10 have made it known our day is going to be over  
11 at 5 o'clock. I've stated that. That's one of  
12 the reasons I said we could go till 5:30 today,  
13 but the parties have determined that everyone is  
14 tired, I have jet lag, we all are tired.  
15 However, and I sense that. I'm fine, but I  
16 sense that the folks are tired. But that's one  
17 of the reasons I'm making sure I'm letting the  
18 parties know when the hearing needs to be over  
19 on March 6th and we're going to conclude the  
20 hearing that day, and it's my intent that we're  
21 going to move this on, the hearing will be  
22 completed by 5 o'clock. And that is the last  
23 day, we're not going to continue this hearing  
24 any day after the 5th -- I'm sorry, after March  
25 6th. Okay?

1 I hear you Mr. Bianco in the sense  
2 of a two-hour witness; yeah, they can have a  
3 two-hour witness, but I assume the other five  
4 witnesses will take five to ten minutes.

5 MR. BIANCO: I understand  
6 completely, Mr. Anderson, and I know you well  
7 enough at this point to know once you've made a  
8 decision, I be quiet. So that's what I'm going  
9 to do.

10 CHAIRPERSON ANDERSON: But thank  
11 you, sir, for placing your concerns on the  
12 record. Okay?

13 All right. So --

14 MR. BLANCHARD: Mr. Anderson?

15 CHAIRPERSON ANDERSON: Yes, sir.

16 MR. BLANCHARD: Just to address Mr.  
17 Bianco's concern -- I mean, first of all, our  
18 two-hour witness probably will take much longer  
19 -- I mean, sorry, much shorter. Much shorter  
20 than two hours because we've now sitting through  
21 almost a whole day of Mr. Bianco's witnesses, we  
22 have a better idea of what we want to say.

23 And lastly, in light of the fact  
24 that it's your birthday week, we want to end  
25 now.

1 CHAIRPERSON ANDERSON: Thank you,  
2 sir. I did cut my vacation, my travel short to  
3 come back to do this hearing today. I came in  
4 at 11 o'clock last night and I'm here bright-  
5 eyed and bushy tailed for today. But I  
6 appreciate that.

7 It's important to the Board that  
8 this matter be addressed. And so therefore,  
9 because Monday was a holiday, the Board was not  
10 scheduled to work this week. And so therefore,  
11 all three of us made ourself available to have  
12 this hearing today. I mean, we're here to serve  
13 the public, but I do appreciate the sentiments.

14 Okay, so we will recess this hearing  
15 until March 6th at 1:30 p.m.

16 So let me close the record for the  
17 day.

18 As Chairperson of the Alcoholic  
19 Beverage and Cannabis Board for the District of  
20 Columbia and in accordance with Title 3, Chapter  
21 405 Office of the Open Government, I move that  
22 ABC Board hold a closed meeting on February 28th  
23 for the purpose of discussing and hearing  
24 reports concerning ongoing or planned  
25 investigations of alleged criminal or civil

1 misconduct or violations of law or regulations  
2 and seek legal advice from our legal counsel and  
3 the Board's investigative agenda, legal agenda  
4 and licensing agenda for February 28th, as  
5 published in D.C. Register on February 23rd.

6 Is there a second?

7 MEMBER SHORT: Second.

8 CHAIRPERSON ANDERSON: Mr. Short has  
9 seconded the motion. I will take a roll call  
10 vote and the motion that has been properly  
11 seconded.

12 Mr. Short?

13 MEMBER SHORT: I agree.

14 CHAIRPERSON ANDERSON: Mr. Grant?

15 MEMBER GRANT: Mr. Grant, I agree.

16 CHAIRPERSON ANDERSON: And Mr.  
17 Anderson, I agree. It appears that a motion has  
18 passed. I hereby give notice that ABC Board  
19 will hold this closed meeting pursuant to the  
20 Open Meetings Act, notice will also be posted on  
21 ABC Board hearing room bulletin board, placed on  
22 electronic calendar on ABCA's website and  
23 published in D.C. Register in a timely manner as  
24 practical.

25 We adjourn for the day. I want to

1           thank everyone who participated in this hearing  
2           today. This case will be reconvened on March  
3           6th at 1:30 p.m.

4                       I now ask all Board members to  
5           return to executive session for a short meeting.

6                       Have a great afternoon. Thank you  
7           very much. Take care, bye-bye.

8                       (Whereupon, the above-entitled  
9           matter went off the record at 4:36 p.m.)

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<b>\$800</b> 131:4	<b>academy</b> 221:17	30:23 31:1 37:23	<b>agencies</b> 29:2 57:16
<b>A-E-L</b> 196:12	230:25	43:22 50:22 52:22	65:19 76:1 146:3
<b>A-L-E-X-A-N-D-R-I-A</b>	<b>acceptable</b> 20:7 188:21	57:1 59:9,24 60:23	201:1
16:2	<b>access</b> 32:17 34:22	91:10 131:18 162:5,6	<b>agency</b> 38:19 57:15
<b>A&amp;C</b> 161:12,13,15	37:3,5 39:14 61:17,19	177:13 181:4,7	62:15 146:1
<b>a.m</b> 6:2 11:24,25,25	61:20,23 82:1 95:21	203:11 204:5 216:22	<b>agenda</b> 6:21 287:3,3,4
12:1 44:22,22,23,23	166:15 167:5,9,13,19	222:18 229:15 285:16	<b>agent</b> 233:6
44:24,25 67:21	175:21 177:20 178:2	<b>addressed</b> 36:20	<b>ago</b> 75:18 104:10
152:22	246:15	222:15 224:12 286:8	<b>agree</b> 229:3 287:13,15
<b>A116082</b> 11:17	<b>accessibility</b> 30:15	<b>adequate</b> 41:15 167:1	287:17
<b>abatement</b> 200:7	150:4	167:24 168:2 172:23	<b>agreed</b> 231:5
<b>abatements</b> 200:1	<b>accessible</b> 150:10	<b>adjacent</b> 120:2 131:2	<b>agreement</b> 19:1 100:5
<b>ABC</b> 3:20 6:14 7:4	<b>accommodate</b> 111:4	131:11 134:3 142:3,4	100:12,12,22
38:24 41:3 44:1 46:24	113:5,9 255:5,7	142:25 158:1	<b>agreements</b> 66:4
56:15 148:3 153:18	<b>accommodation</b> 37:16	<b>adjoining</b> 31:20 32:14	<b>ahead</b> 33:6 51:15 59:16
154:10,19,22 157:23	<b>accomplish</b> 249:8	<b>adjourn</b> 287:25	62:5 67:17 69:14 94:4
286:22 287:18,21	<b>accomplishments</b>	<b>adjust</b> 96:14	113:24 117:20 125:17
<b>ABC's</b> 59:22	125:2	<b>Administration</b> 38:17	129:4,15 136:14,14
<b>ABCA</b> 1:21 2:1 39:25	<b>account</b> 6:24 208:13	<b>administrative</b> 26:22	147:12 177:9 183:14
101:7 152:14 158:13	<b>accuracy</b> 226:14	29:2	184:4 201:4 203:24
<b>ABCA's</b> 287:22	<b>accurate</b> 198:12 217:3	<b>Administrator</b> 145:23	203:25 207:5 224:25
<b>ability</b> 8:1 37:8 39:18	225:9	<b>admission</b> 81:17 92:4	261:4 263:14 270:19
96:13 109:11 236:2	<b>accurately</b> 80:14 91:6	93:4 94:7 125:5	276:12 283:22
258:16 261:18,22	125:1 146:19 148:8	127:12 146:23 165:22	<b>aid</b> 169:17 183:20
<b>able</b> 10:7 18:25 40:3,9	148:15 165:18 215:25	216:3 220:11 238:7	<b>aim</b> 11:2
41:24 42:9,11 45:14	238:4	244:7	<b>air</b> 249:4
59:19 61:15 82:9,11	<b>accusations</b> 260:9	<b>admit</b> 129:13,14 244:17	<b>airport</b> 112:1
82:21 85:17 88:2 90:3	<b>achieve</b> 103:10 241:13	244:18 265:7,16,19	<b>airports</b> 183:5 209:25
108:23 109:8,20	<b>acoustic</b> 95:12 238:22	<b>admitted</b> 134:8 231:8	<b>alarm</b> 169:14 178:3
131:14 167:12 168:4	242:18	260:6	179:2,4,5,9,17,19,24
205:19 217:23 221:5	<b>acoustical</b> 243:13,21	<b>adult</b> 223:20	180:1,2 190:16
243:1,1,18 245:22	246:6,13	<b>advance</b> 6:19 63:5	<b>Alcohol</b> 6:9 75:20
251:22 261:9 266:20	<b>acoustically</b> 95:6	<b>adverse</b> 37:20 42:19	<b>Alcoholic</b> 1:2,13 6:4
280:23	106:25 251:4	158:17,20	38:16 286:18
<b>above-entitled</b> 122:6	<b>acoustics</b> 96:2 236:20	<b>adversely</b> 31:5 32:7	<b>alert</b> 200:20
213:23 282:9 288:8	237:14 238:10,21	34:17,20 129:24	<b>alerted</b> 87:14
<b>above-grade</b> 188:7	246:9	130:4 132:1 178:18	<b>Alexandria</b> 2:2 16:1,18
<b>above-referred</b> 80:9	<b>act</b> 6:7 202:22 287:20	274:13	31:18 242:2,10
81:21 89:23 92:8,14	<b>action</b> 3:14 46:5 156:16	<b>advice</b> 149:1 196:20	<b>all-time</b> 126:16 131:4
93:9,17 94:13 124:18	199:15 257:15	287:2	136:2,4,4,9,25
174:5 198:6,25	<b>actions</b> 218:2	<b>advisable</b> 193:3	<b>alleged</b> 286:25
215:19 216:10 218:9	<b>activate</b> 169:13 235:8	<b>advise</b> 145:4 148:23	<b>alleging</b> 274:5
219:18 220:17 237:20	<b>activated</b> 219:9,13	211:6	<b>alley</b> 4:3,4,16 32:21
238:15 241:17 244:19	<b>active</b> 229:16 241:9	<b>advisor</b> 123:23,25	34:23,24 37:3,5 41:17
<b>ABRA</b> 145:11,12	<b>activities</b> 37:19 217:4	<b>advocate</b> 202:2,14	41:19 47:23 48:4
146:25 148:1 221:5	<b>activity</b> 138:5,6,12	205:22 209:7 221:2	49:16,19,22 50:1,2,4
230:8	<b>acts</b> 98:21 156:23	<b>AEDs</b> 183:3,20	50:14,20,23 51:1,4,4
<b>absolute</b> 241:7 243:17	<b>actual</b> 169:19 239:18	<b>aerial</b> 167:22	51:8,23 52:1,17,20,25
<b>absolutely</b> 78:5,17 83:3	245:17	<b>affect</b> 37:7 104:6 137:8	53:3,10,24 54:16
85:7 97:24 104:1	<b>Adam</b> 2:1 3:7 123:3,19	139:13 222:20	55:14,16,18,20,24
108:3 112:10,23	<b>add</b> 192:10	<b>affirm</b> 38:7 71:15 256:1	56:3,4 57:13 60:22
114:15 115:15 120:3	<b>added</b> 229:18 243:12	<b>Affirmative</b> 198:15	61:14,24 67:7 68:6,13
229:6 239:1 243:7	<b>addition</b> 20:5 130:10	<b>afternoon</b> 11:4 24:10	69:7,8,9 70:5,7,14
<b>abstaining</b> 257:24	<b>additional</b> 26:10 45:1	64:20 122:10,16	78:13,15,20 79:3,5,5
<b>abutting</b> 12:17 33:17	122:1 180:20 229:19	159:7 196:8 207:6	79:9,12,21 80:20,21
34:13 35:22 39:22	240:7 243:13,21,22	254:1,21 256:7 288:6	80:22 81:1,5,8,12,13
139:6	<b>additionally</b> 268:25	<b>afternoons</b> 253:24,24	81:25 82:6,7,12,15
	<b>address</b> 6:25 24:18	<b>Age</b> 141:9	85:24,25 90:10,10,11

90:12,14,15,18,20,22  
 90:23 91:1,3 94:1,5  
 94:22 104:15,21  
 105:1,6 112:15 113:8  
 113:10,14,19 114:2,7  
 120:13 132:10 149:14  
 149:25 150:16,20,23  
 151:1,3,9,10 152:2  
 160:12,12,13 161:8,9  
 161:9 162:21 166:15  
 167:5,14,20 168:4,9  
 168:24 171:19,20  
 172:6 175:14,16  
 178:16,17 180:6,9,13  
 180:16,16,18,22  
 181:20 191:5,6,19,22  
 191:23,23,24 192:23  
 193:2,6 208:8 219:6,6  
 219:21,24 220:2,3,7  
 231:23 232:7,19  
**alleys** 32:14 61:9,18  
 79:16 82:3 104:24  
 113:4 167:15 168:7  
 171:21,23,24 172:1,2  
 172:14,16 178:6,11  
 178:16 180:17 270:17  
**alleyway** 81:9 94:2  
 158:1 229:5 268:7,25  
 269:17  
**alleyways** 79:2 80:3  
**allocate** 206:4  
**allocation** 205:4 210:19  
 210:25  
**allocations** 223:22  
**allotment** 25:22  
**allow** 27:12,20,21,24  
 59:12 108:20,24  
 145:8 149:23 151:7  
**allowable** 36:19 115:1  
**allowed** 59:15 176:10  
 202:24  
**allowing** 243:19  
**allows** 201:25 202:7  
**alluded** 35:11  
**alternative** 141:20  
 162:9  
**ambulance** 179:8  
 205:13  
**amended** 34:6  
**America** 100:20  
**amount** 25:10 84:23  
 88:17 98:2 106:9  
 115:1 131:10 202:5  
 223:19 249:3  
**analog** 143:18  
**analysis** 143:9  
**analyzed** 133:18  
**ANC** 1:7 2:2 3:14 9:25

9:25 10:2,15 12:11  
 15:8,9,10,15 21:2,2  
 33:22 39:21 42:2 46:4  
 256:8,19,22,22  
 257:21 258:3 262:1,4  
 262:17,19 263:17  
 264:2 265:12,12  
 269:21,23 270:2,5,9  
 270:11 271:2,9,12,16  
 272:6 274:20 275:4  
 276:14 277:4,4,19,21  
 278:6,8,13 279:18  
**ANC's** 258:9,13 262:20  
 271:15 272:2  
**and/or** 34:6 36:1 153:18  
**Anderson** 1:14,17 6:3  
 7:2,10,14 8:14,18,22  
 9:12,21 10:5,10,13  
 14:6,12,16,21 15:3,7  
 15:12,16,21 16:5,12  
 16:17,19,23 17:6,17  
 18:1,4,10,14 20:8,21  
 21:1,8,11,18,23 23:19  
 26:2 28:4,9 31:12  
 33:2 38:3,10,14,18,21  
 39:1,4,8,12,17,24  
 40:5,8 41:23 42:8,14  
 43:6,19 44:5,11,17  
 45:3,7,12,19,23 49:13  
 50:1,9,13,18 51:2,9  
 51:13 52:10 57:8,21  
 59:11,16 62:3 65:5  
 66:7 67:16 68:14,21  
 69:13 70:21,25 71:3,8  
 71:12,18,21 72:5  
 81:19 92:6 93:5,7  
 94:9,11 99:6 101:2,9  
 108:19 109:1,5  
 113:22 117:17,20  
 121:5,11,14 122:4,9  
 122:19,21 123:1,4,8  
 123:13 125:9,14  
 128:20 129:4,9 133:7  
 133:11 136:13 137:19  
 143:24 144:2,6,9,15  
 147:1,6,11 155:22,25  
 159:1 162:25 163:4,9  
 163:13,18,22 165:25  
 166:2 173:12,16,21  
 173:24 174:3,13  
 184:3 187:13,20  
 193:21,25 194:5,8,12  
 194:16,19,25 195:4,9  
 195:19 196:1,4  
 198:21,23 203:15,18  
 203:24 207:3 211:15  
 211:19,21,25 212:16  
 212:21,25 213:4,10

214:1,4,9,12 216:6,8  
 220:13,15 224:22,25  
 226:4 228:21 229:1  
 233:18,21,24 234:4,8  
 234:11,13,15,18,22  
 235:3,7,11,16,18,21  
 235:24 236:5,8  
 238:11,13 244:8,17  
 246:2 252:24 253:3  
 253:14 254:16 255:15  
 255:22 256:4 257:14  
 257:19 258:15,22  
 259:2,7 260:12,16,22  
 261:3,12,17,21 262:7  
 262:11,24 263:3,13  
 264:1,6,19 265:3  
 266:5,8,24 267:2,9,14  
 269:7,14 272:19  
 274:7 275:1 276:10  
 277:18,22 278:1,7,21  
 279:12 280:8,13  
 281:9,23 282:3,12,16  
 282:25 283:3,8,18,20  
 283:22 284:9 285:6  
 285:10,14,15 286:1  
 287:8,14,16,17  
**Anderson's** 58:6  
**announce** 7:6  
**answer** 8:6 13:14 65:8  
 104:11 111:8 114:1  
 117:1 127:5 138:11  
 174:10 176:25 269:11  
 270:21 272:20 274:8  
**answered** 58:8 66:1  
 113:21 273:25 274:15  
**answers** 37:25  
**anticipate** 29:15  
**anybody** 76:22 95:22  
 111:3 119:15 120:14  
 120:22 161:11 189:6  
**anybody's** 231:4  
**anymore** 75:24  
**anytime** 9:15 62:15  
**anyway** 86:16  
**APCA** 30:21 35:13  
 41:24 42:9 43:20,20  
**APCA's** 11:8  
**apologies** 136:16  
**apologize** 21:13 253:18  
 259:5  
**app** 116:22  
**apparatus** 79:14 167:16  
 167:17 168:15 178:2  
 180:12,21 193:1,5  
**apparatuses** 167:5  
**Apparently** 188:3  
 260:20  
**appear** 17:4 20:13

23:11 153:11 283:6  
**appeared** 260:10  
**appears** 11:4 21:23  
 90:25 121:16,17  
 153:17 280:18 282:20  
 287:17  
**applicable** 26:24  
**applicant** 1:20,22 3:3  
 4:13 11:18 13:21,24  
 14:7,10 19:20 23:23  
 23:24 24:4 25:5 26:17  
 28:13 29:18 30:7  
 32:19,22 35:1,18 36:9  
 37:17,22 39:2 40:13  
 42:9 43:1 63:19,21,23  
 68:25 72:11 80:5,10  
 81:17,22 89:21,24  
 92:9,15 93:4,10,14,18  
 94:14 124:19 125:19  
 128:6,15,19 129:17  
 144:25 145:2 146:10  
 146:13,23 147:14  
 148:20 149:16 155:4  
 156:3 157:10 159:15  
 164:7 165:11,14,22  
 166:5 174:7 177:4,15  
 198:7 199:2 203:10  
 215:20 216:3,11  
 218:10 219:19 220:19  
 235:1 237:19,21  
 238:16 241:18 244:20  
**applicant's** 13:25 19:23  
 20:1 34:9 35:12 37:14  
 40:20 42:15,17 49:7  
 52:23 92:5,13 94:7  
 124:16 125:5 127:18  
 128:1,9 148:7 154:2  
 154:25 155:21 162:14  
 173:9 198:17 215:18  
 226:21 238:8 241:16  
 244:7  
**application** 4:12 11:14  
 12:10 34:2,4,6 35:3  
 35:13 39:20,20 48:11  
 48:17,22 49:7 81:11  
 117:9 257:22 258:10  
 265:13 275:13  
**applications** 29:3 120:6  
**applied** 88:12 116:21  
 116:25  
**apply** 88:15 116:6  
**applying** 74:14  
**appointed** 72:23 99:19  
 99:22  
**appreciate** 34:5 62:1  
 74:5 109:23 133:16  
 143:22 206:25 224:20  
 225:5 276:9,16 286:6

286:13  
**approach** 119:24  
 205:17  
**approaches** 84:5  
**appropriate** 25:6 27:19  
 32:21 36:11 260:11  
 266:20  
**appropriately** 199:14  
**appropriateness** 29:5  
 30:23 31:9 34:12  
 146:25 147:4 279:20  
**approval** 34:7 74:16  
 160:14  
**approvals** 152:8  
**approve** 36:15 186:14  
**approved** 35:16 88:19  
 101:23 111:14 145:21  
**approximate** 148:14  
**approximately** 40:18  
 41:18 43:18 53:6  
 73:24 124:13 135:6  
 152:21 210:21 246:19  
 278:2,8,11,14 283:10  
**Apt** 264:12  
**Archibald** 130:16  
 155:13  
**Archibald's** 58:16,24  
 131:2 133:21 136:8  
 136:21 143:5 157:4  
 232:24  
**Archibald's/Fast** 58:15  
 59:23  
**architect** 76:10 106:15  
 237:13 247:1,3  
**architectural** 239:8  
 246:11  
**architecture** 236:19  
**area** 30:6,9,14,25 42:21  
 42:22 43:16 45:15  
 48:5 52:20 58:11  
 66:16 67:2 80:15  
 82:20 84:21,25 98:1,4  
 103:25 125:8,24  
 126:5 135:17 139:11  
 139:19,20,21 147:23  
 148:1,2,4,4,9 153:5  
 153:16,17,19,21  
 154:20 158:18,21  
 159:24 169:12 170:22  
 171:24 179:12 197:17  
 197:22 198:1,3,19  
 199:7,12 201:14  
 202:7 203:6,10 205:7  
 206:4,12,19 217:4,5  
 223:1,2,4,5,9,12  
 224:7,8,10,11 225:16  
 225:18 230:21 253:13  
 257:1,2 270:6

**areas** 173:4 223:14  
 239:21 242:21  
**arguing** 34:2,3  
**argument** 137:15  
 266:19  
**Army** 215:10  
**arrive** 151:17  
**arrives** 239:24  
**art** 73:6  
**article** 5:15,17,19  
 127:15 128:1,3,11,12  
**articles** 126:7 128:23  
 128:25 130:11 134:9  
 134:10,13  
**as-built** 242:25  
**ascribe** 139:19  
**asked** 23:7 51:22 70:3  
 113:20 115:1 121:9  
 164:9,16 173:16  
 183:13 188:23 190:15  
 194:2 212:5 273:25  
 274:15 275:6 279:3  
 279:16  
**asking** 19:25 54:21  
 65:15 117:5 134:24  
 134:25 138:4 173:20  
 184:21 192:1 264:22  
 269:11 274:3  
**aspect** 196:21  
**assaults** 156:22  
**assess** 36:5  
**assessed** 166:20  
**assessing** 135:16  
**assessment** 164:18  
 179:12 225:8,10,22  
**assets** 217:18  
**assigned** 39:6 62:18  
 63:8 64:16,17,18  
 223:7,8 230:4  
**assist** 124:2,3  
**assistance** 8:5 171:12  
 229:10  
**assistant** 188:19  
 197:25  
**Associates** 31:22,23  
**Association** 33:13  
**assume** 272:23 285:3  
**assumes** 65:2,3  
**assumption** 273:4  
**assure** 145:19  
**attached** 46:1 112:18  
**attempt** 42:7 64:13  
 87:15 228:18  
**attempted** 42:2,6 64:23  
**attendance** 7:15,15  
**attendee** 10:4  
**attending** 276:20  
**attention** 13:7 107:17

222:15,19  
**attorney** 9:7 13:13  
 16:20 19:24 20:1 25:1  
 25:4 27:13,17 64:22  
 264:20  
**attorneys** 13:16 23:5,7  
 24:14 26:24 27:15  
 122:12  
**attract** 36:23 272:15  
**audible** 110:2 173:23  
 193:24 203:13 209:14  
 209:19 211:14,17,20  
 214:3 233:20 234:10  
 234:12,21 235:15,17  
 237:24  
**audience** 118:8  
**audiences** 118:15  
**audio** 20:15 52:8 57:17  
 74:1 100:19  
**August** 12:10  
**authenticity** 264:15  
**authority** 99:20 197:7  
 207:21  
**authorized** 6:15 256:22  
**auto** 181:20  
**availabilities** 130:12  
**availability** 126:15  
**available** 6:11 9:24  
 26:14 126:11,14  
 211:8,9 226:18 230:1  
 230:17 253:24 254:8  
 254:17,19 286:11  
**Avenue** 31:25 32:1,2  
 43:13 153:25 154:1  
 190:25 206:8 211:1  
 259:13 263:10  
**aware** 64:22 65:10,21  
 66:21,24 67:1 110:3  
 159:14 161:21 162:9  
 211:12 212:7 226:13  
 251:10 257:15 277:3  
 278:8

## B

**B** 164:4 175:14 191:22  
**B-I-A-N-C-O** 13:24  
**B-L-A-N-C-H-A-R-D**  
 15:24  
**back** 49:14 51:21 54:9  
 55:8 65:15 93:20 98:3  
 107:2 114:10 118:1  
 119:4,14 121:25  
 122:9,11,13 132:10  
 135:14 138:23 142:15  
 151:5 171:19 191:20  
 204:18 213:22 214:1  
 236:6 250:14 258:9  
 259:6 260:18 275:10

279:17 282:13 286:3  
**background** 11:12  
 197:3 215:9 228:23  
 230:4  
**backup** 114:12,17  
**bags** 193:5  
**Bank** 3:16 33:13 39:23  
 46:9  
**bar** 97:14 104:19  
 175:23  
**barcode** 240:24 257:4  
**bars** 73:19  
**bartenders** 87:14  
**based** 10:23 25:24 29:5  
 29:9 30:24 60:6 83:24  
 86:21 88:14,23 94:2  
 111:6 121:8 125:24  
 126:6 131:24 140:21  
 148:16 156:17 158:15  
 166:9 184:22 190:20  
 194:1 199:11 204:2  
 206:20 271:1 273:5,7  
 273:16,20 274:10  
 279:3,5 281:17  
**baseline** 242:17  
**basement** 154:15  
 169:25  
**basic** 43:3 188:24 190:7  
**basically** 120:23 141:24  
 200:11 202:25 245:13  
 252:7  
**basis** 30:8 126:25 129:7  
 135:24 137:2 143:7  
 185:11 264:16 265:13  
 274:4  
**bathroom** 22:16  
**battalion** 179:7  
**battery** 181:14  
**battle** 29:16  
**Beach** 245:7 251:24  
**bear** 37:17  
**bears** 36:7  
**beat** 223:5  
**beaten** 41:7  
**beautiful** 98:5  
**Becky** 9:25 10:3,4,12  
**began** 34:1 207:17  
**begets** 284:1  
**begun** 247:11  
**behalf** 17:19 33:6,20  
 221:8 262:19  
**believe** 20:18 22:5  
 26:18 27:1,5 41:13  
 44:10 50:11,12 52:7  
 52:12 55:6 61:22  
 68:16 71:6 90:10  
 91:17 97:17 98:13  
 104:23 110:13 111:17

113:8 114:25 116:19  
 118:9 121:18 124:24  
 131:3 132:3 151:11  
 154:4,15 159:2,19  
 161:13,14 172:22  
 176:19 207:12 216:14  
 224:15 225:24 227:22  
 228:12 232:6 233:13  
 246:24 248:17 258:5  
 258:20 261:16 267:12  
 275:5,23  
**below-grade** 188:7  
**benefit** 217:17  
**best** 24:14 57:5 75:2  
 84:12 85:16 95:13,15  
 108:10 112:4 118:24  
 119:17 148:25 226:17  
 236:1 248:16,24  
**bet** 85:20  
**better** 71:14 73:7 90:3  
 111:22 112:2 138:3  
 171:17 184:16 212:2  
 212:2 217:2 222:6  
 285:22  
**beverage** 1:2,13 6:4,9  
 38:17 73:4 75:20  
 97:14 286:19  
**beyond** 24:11 25:19  
 26:1 255:1 274:23  
 275:2  
**Bianco** 1:20 8:15 11:18  
 13:21,22,23 14:9 23:9  
 23:10,13 24:19,20  
 27:1 28:11,14 31:13  
 42:11,12 57:22,23  
 58:2,4 59:6,12,17,18  
 61:25 63:22 65:2,25  
 66:3 67:10 71:3,5,20  
 72:9 81:16,24 92:4,11  
 93:3,12 94:6,16  
 109:13,15,17,20  
 113:20 121:11,13  
 122:2,3,14,19,22  
 123:3,16 125:4,21  
 127:9,13 128:18  
 129:3,5,6,20,21 133:4  
 136:11 137:18,20  
 143:25 144:1,8,18  
 146:22 147:12,16,17  
 155:18 156:5,6  
 158:23 163:2,3,7,13  
 163:25 165:21 166:7  
 173:8,15,19 174:8  
 194:5,7,13,14,18,21  
 195:16,17 196:5,7  
 203:14 204:1,2,14  
 206:23 212:19,20  
 213:2,3,8 214:5,7

215:22 220:10,20  
 224:18 225:23 233:22  
 233:23 234:6 236:9  
 236:11 238:18 241:20  
 244:6,13,22 245:24  
 253:1,2,5,8 255:13  
 260:2 263:12,14,15  
 264:2,4,8,11,14 266:6  
 266:7,10 267:15,17  
 268:2,5,12,19,22  
 269:5,10,15,19,24  
 270:4,10,18,20 271:1  
 271:7,13,23 272:5,11  
 272:16 273:4,7,10,16  
 273:20 274:2,10,18  
 274:25 275:14,19,25  
 276:3,19 279:2,4,10  
 279:16 282:14,15  
 283:17,19,20,24  
 284:9 285:1,5  
**Bianco's** 285:17,21  
**bicycle** 153:7  
**big** 93:15 119:21  
 160:25 180:24 209:25  
 221:2  
**bigger** 25:13 91:25  
 162:3 233:4  
**bike** 162:6  
**Billiards/Cafe** 155:13  
**birthday** 285:24  
**bit** 11:11 35:11,12 43:7  
 49:21 77:8 78:12,25  
 90:1 93:20 105:17  
 161:17 236:22 248:21  
**bite** 222:6  
**Black** 73:15  
**Blanchard** 1:20 9:4,7,8  
 9:18,20 10:14 12:15  
 15:17,19,20,22,23  
 16:8 17:1,7 19:7,11  
 20:10,11 21:12,13,16  
 21:22 28:5,7 31:13,15  
 31:16 33:20 40:14,19  
 40:21 41:3,6,8,11,16  
 62:6,7,13,17 64:21  
 65:11 66:8,12 67:4,13  
 67:18 68:10,14,15,20  
 68:23 69:11 122:13  
 147:2,3,9 155:23  
 159:1,4,9,10,13,22  
 160:5,10,16,19,22  
 161:11,19,24 162:8  
 162:13,18,23 163:1  
 166:1 174:1,15,18,23  
 175:2 177:3,10,17  
 183:25 193:25 194:3  
 195:2,7 198:22 207:5  
 207:6,10 211:18,24

212:7,13 214:2 216:7  
 220:14 224:24 225:1  
 225:2 226:11,24  
 228:21,24 233:17  
 255:20 256:6,11,21  
 256:24 257:10,17,20  
 258:2,8,16,19,23  
 259:5,8,18,23 260:14  
 260:17 261:10,13,15  
 262:2,9,16 263:2,5  
 264:24 265:21 267:1  
 267:7,12 273:25  
 274:15,23 279:13,15  
 280:1,6,12 281:6,22  
 282:19,22 283:1,2,4,5  
 285:14,16  
**Blanchard's** 284:5  
**block** 43:18 132:11  
 134:4 151:24 167:25  
 172:13 178:25 179:14  
 181:1 206:8,9,10  
 208:21 227:8 232:6  
 252:7 256:18 259:14  
**blocked** 168:25 185:12  
**blocking** 96:21 168:12  
**blocks** 256:16  
**board** 1:2,14 6:5,9,14  
 7:3,4,14 11:5,13  
 12:22,25 13:3,10,23  
 18:22 23:1,2,4,14,22  
 24:1,7,9,24 25:15,23  
 25:24 26:6,9,12,13,15  
 28:15,23 29:4,17,23  
 30:20 32:25 33:8 34:5  
 36:4,10,14 37:1 38:1  
 38:4 51:14 57:9 61:16  
 65:16 66:5,8,10 68:11  
 71:22 74:16 75:21  
 98:9 99:2 117:18  
 121:6 143:25 144:25  
 155:19 156:17,24  
 158:25 163:1 167:10  
 174:11 184:4 190:21  
 193:22 206:25 212:17  
 220:22 223:17 224:21  
 233:19 246:1 252:25  
 257:15 260:7 262:5  
 274:5 275:5 276:11  
 279:1 286:7,9,19,22  
 287:18,21,21 288:4  
**Board's** 11:1 12:1,7  
 13:5 24:8 33:24  
 154:11 287:3  
**Bobby** 79:7  
**bodies** 6:14  
**body** 85:14 210:9  
**bolsters** 130:23  
**bone** 33:15

**bookings** 89:11  
**booth** 84:21  
**boots** 30:6 77:15  
 202:25  
**bottleneck** 177:7  
**bottom** 193:8  
**bouncing** 252:12  
**boundary** 256:17  
**bounded** 43:13  
**box** 179:2,4,5,9,18,24  
 180:1 190:16 250:1  
**brain** 41:8  
**breach** 19:16  
**break** 22:8,9,13,14,16  
 22:19 121:18,22  
 213:7,11,12,21 281:2  
 281:18 282:1  
**breakneck** 122:24  
**brick** 77:3 116:11  
**bridge** 120:23  
**brief** 20:4 24:15 28:16  
 281:10  
**briefly** 42:15 53:1 60:23  
 222:25 224:2  
**bright** 208:15,19 286:4  
**bring** 72:15 73:8 89:20  
 131:12 154:24 240:7  
 246:17 279:21  
**bringing** 78:6 119:8  
 221:21 247:22 249:17  
**brings** 33:16  
**broke** 222:5 226:22  
**Brooke** 36:14 258:5  
 259:17  
**brought** 77:9,11 93:13  
 102:17 222:14,18  
 237:7 242:18 245:9  
**Brownfield** 266:13,25  
**budget** 118:21  
**build** 74:12 102:14,15  
 115:24 116:1 120:11  
 181:13 240:14 241:11  
**building** 4:2,14 29:14  
 30:16 31:22 33:16  
 40:15,17,17 47:23  
 48:16 51:8 66:22  
 76:13 79:12 82:7 90:8  
 91:17 93:25 94:3  
 108:5 112:23 114:19  
 114:23 115:17 116:9  
 118:13 120:23 132:8  
 139:7 140:3 141:9,9  
 143:2 149:15 151:10  
 154:12,13 164:12,17  
 164:20,25 166:13,15  
 166:16,19,21,21,25  
 167:6,13,19,23  
 168:21,22 169:12,16

169:17,23 170:2,3  
 171:8,13,14 172:7,8,9  
 172:22,25 173:2  
 175:12,16,17 176:23  
 177:22,24 178:2  
 179:12,21,22 180:10  
 180:14 181:18,19  
 182:25 183:15,21  
 186:16,22,24 187:4,6  
 187:6,25 188:4,10,13  
 188:22 189:2,4,5,14  
 190:9,11 191:5,13,19  
 192:9,12,22 193:11  
 193:14 199:6,8 201:7  
 201:9,19 208:7,20  
 209:12,16 216:4  
 227:2,3 231:20 232:1  
 239:2 240:17,22  
 241:9,12,12 245:12  
 252:13 256:18 259:15  
 259:24 260:1 267:21  
 267:23,24  
**building's** 32:10 169:2  
**buildings** 32:11,13 37:9  
 40:21 41:10 42:24  
 43:2,17 55:5 66:18  
 69:9 76:13 112:18  
 132:15 153:3,11  
 172:12,14 175:25  
 185:9,11 189:8  
 208:14,16,24  
**buildout** 88:17 97:12  
 101:14 164:16,23  
 171:4 176:2 183:17  
 218:1,1 222:20 233:7  
 240:12,17 242:16  
**buildouts** 74:2  
**buildup** 224:6  
**built** 29:15,25 236:21  
**built-out** 29:19 237:17  
**bulk** 206:6  
**bulletin** 287:21  
**bumper** 168:15  
**bunch** 252:6  
**burden** 23:23 31:8  
 32:19 36:6  
**bus** 150:11 153:6  
 161:21,24 162:5  
**bushy** 286:5  
**business** 5:15,17,19  
 7:16 8:8 22:1,2 30:17  
 30:22 42:25 49:17  
 53:17 73:15 78:20  
 87:22 91:17 102:20  
 103:9,14 122:18  
 124:2,5 126:3 127:15  
 128:2,10 142:13  
 145:17,23,25 153:2

190:23 205:1,23  
 208:7 216:23 225:11  
**businesses** 28:24  
 40:24 43:16 75:12  
 96:24 120:16 145:19  
 148:4 186:15 204:9  
**bustling** 153:1  
**busy** 43:1 153:13  
**buttness** 50:21  
**buy** 75:3  
**buyer** 140:11,21,22  
 141:4,4,5,14,23  
 142:13  
**by-the-book** 78:5  
**bye-bye** 288:7

## C

**C** 44:4 123:19 144:22  
 257:25  
**C-H-R-I-S** 17:24  
**C-O-H-E-N** 17:25  
**calendar** 6:20 7:18,21  
 33:9 213:14,18  
 287:22  
**call** 13:16 21:3 22:1  
 23:1 28:23 38:4 71:4  
 122:1,15 156:9  
 170:18 179:21 180:4  
 195:15 210:17 222:6  
 239:19 241:12 255:4  
 260:24 278:16 280:16  
 281:6 282:2 287:9  
**call-in** 6:21  
**called** 7:22 35:10 58:15  
 60:14 96:2 154:16  
 200:2 209:23 230:6  
 234:25 245:6,8 267:3  
**caller** 179:25  
**calling** 20:10,12,22  
 21:14 90:15  
**calls** 4:9 45:14 200:15  
 223:22  
**camera** 7:24 8:3 10:16  
 10:17 14:17,24 16:3  
 16:13 17:8 23:11,12  
 144:11 163:14,15,16  
 195:20 217:6 221:2  
 234:9 235:4,8,9,19  
**cameras** 75:3 78:18  
 85:12,13,14,23,23  
 199:19 232:9,10  
**campus** 210:13  
**candidly** 126:15  
**Cannabis** 1:2,13 6:5,9  
 38:17 286:19  
**capability** 168:17  
**capable** 37:16 103:2  
 172:15 240:6,10

**capacity** 36:22 58:9  
 146:2 152:14 270:24  
 276:16,21  
**capital** 138:25  
**captain** 30:13 165:3  
 174:16 184:8,11,19  
 184:24 192:20 193:19  
 197:23  
**capture** 225:9  
**car** 41:20 50:3,5,6,13  
 53:7,22 55:22 94:21  
 168:10 181:14,23  
 182:15  
**cards** 227:6  
**care** 112:5 118:22  
 272:6 288:7  
**career** 171:22 186:1  
 197:7 198:1 216:25  
 223:6  
**carefully** 88:4  
**carry** 193:5  
**cars** 53:8,12 82:11 83:7  
 83:8 92:20 94:23  
 168:3,8 182:3  
**cart** 37:15  
**Carter** 258:15 261:18  
**case** 1:8 7:21,22 8:1,9  
 8:12 11:12 13:13  
 22:11,19 23:15,23,24  
 24:3,4,6,8,13,15  
 25:24 26:6,16,20 27:5  
 27:11 28:11,18,18  
 29:19 31:7 37:14 39:9  
 40:2 42:16 72:11  
 75:19 130:9 145:1  
 164:7 173:10 213:15  
 213:16 244:15 245:19  
 253:21,23 254:3  
 262:8,12 266:25  
 281:16 288:2  
**cases** 25:15,17,23  
 85:19 257:6 283:25  
**cashier** 84:21  
**casheries** 32:13  
**category** 145:21  
**cater** 87:24  
**catty-corner** 175:11  
 192:5  
**caught** 205:7  
**cause** 49:1 146:6 157:2  
 191:7 273:2  
**causing** 120:14  
**caution** 141:23  
**CBD** 141:18,19,19  
**CC** 264:5  
**CCTV** 221:3  
**ceilings** 250:23  
**cell** 114:13

**centers** 3:23 47:8  
**central** 6:20  
**certain** 19:19,22 84:23  
 106:9 130:20 132:22  
 138:8 139:19,21  
 141:16 142:5 143:4  
 250:18 252:5,11  
 273:21  
**certainly** 113:2 170:2  
 172:23 183:1,8,20  
 214:17 260:3  
**certificate** 101:25  
**certified** 228:6 229:19  
**cetera** 47:8 153:7 205:1  
 205:14 210:15  
**chain** 111:15  
**chair** 13:22 17:3,22  
 24:24 28:15 33:22  
 57:7,20 59:7 70:20  
 103:5 113:25 121:4  
 125:5,13 128:18,21  
 146:22 155:18 165:21  
 173:8 198:16 255:14  
 266:7 274:2 277:16  
**Chairman** 8:13,16 15:6  
 16:16,22 17:1 19:11  
 51:17,22 59:14  
 117:14 193:20 257:18  
 258:25 260:18  
**Chairperson** 1:14,17  
 6:3,4 7:3,10,14 8:14  
 8:18,22 9:12,21 10:5  
 10:10,13 12:11 14:6  
 14:12,16,21 15:3,7,12  
 15:16,21 16:5,12,17  
 16:19,23 17:6,17 18:1  
 18:4,10,14 20:8,21  
 21:1,8,11,18,23 23:19  
 26:2 28:4,9 31:12  
 33:2 38:3,10,14,18,21  
 39:1,4,8,12,17,24  
 40:5,8 41:23 42:8,14  
 43:6,19 44:5,11,17  
 45:3,7,12,19,23 49:13  
 50:1,9,13,18 51:2,9  
 51:13 52:10 57:8,21  
 59:11,16 62:3 65:5  
 66:7 67:16 68:14,21  
 69:13 70:21,25 71:3,8  
 71:12,18 72:5 81:19  
 92:6 93:5,7 94:9,11  
 99:6 101:2,9 108:19  
 109:1,5 113:22  
 117:17,20 121:5,11  
 121:14 122:4,9,21  
 123:1,4,8,13 125:9,14  
 128:20 129:4,9 133:7  
 133:11 136:13 137:19

143:24 144:2,6,9,15  
 147:1,6,11 155:22,25  
 159:1 162:25 163:4,9  
 163:13,18,22 165:25  
 166:2 173:12,16,21  
 173:24 174:3,13  
 184:3 187:13,20  
 193:21,25 194:5,8,12  
 194:16,19,25 195:4,9  
 195:19 196:1,4  
 198:21,23 203:15,18  
 203:24 207:3 211:15  
 211:19,21,25 212:16  
 212:21,25 213:4,10  
 214:1,4,9,12 216:6,8  
 220:13,15 224:22,25  
 226:4 228:21 229:1  
 233:18,21,24 234:4,8  
 234:11,13,15,18,22  
 235:3,7,11,16,18,21  
 235:24 236:5,8  
 238:11,13 244:8,17  
 246:2 252:24 253:3  
 253:14 254:16 255:15  
 255:22 256:4 257:14  
 257:19 258:15,22  
 259:2,7 260:12,16,22  
 261:3,12,17,21 262:7  
 262:11,24 263:3,13  
 264:1,6,19 265:3  
 266:5,8,24 267:2,9,14  
 269:7,14 272:19  
 274:7 275:1 276:10  
 277:18,22 278:1,7,21  
 279:12 280:8,13  
 281:9,23 282:3,12,16  
 282:25 283:3,8,18,22  
 284:9 285:10,15  
 286:1,18 287:8,14,16  
**chairs** 188:21  
**challenged** 136:5 140:2  
**challenges** 30:9 204:11  
 208:4,5  
**challenging** 126:1  
**chance** 185:4 221:7  
**change** 29:11 119:18  
 119:25 120:6 142:10  
**changed** 97:22,24 98:1  
 103:16 164:17 171:5  
 224:4,5  
**changes** 17:8 85:8  
**changing** 107:18  
**Chapter** 286:20  
**characteristics** 43:7,10  
 154:9  
**characterization**  
 136:12  
**characterize** 156:8,20

**charge** 44:15 97:14  
 197:11,23  
**Charles** 1:21 8:11,13,15  
 8:20 9:10,19,23 10:3  
 10:8,11 14:12,14  
 39:13 59:11,14  
 108:19 109:6,9 123:5  
 123:7 144:9 163:9,11  
**Chase** 3:16 9:2 12:17  
 17:20,24 18:13 33:13  
 46:9  
**chat** 9:24 10:6  
**check** 109:7 177:13  
 237:6 253:8  
**checked** 176:9  
**Cheesecake** 154:14  
**chief** 184:5,14,21 203:2  
 203:3  
**chiefs** 179:7  
**chime** 281:25  
**Christopher** 1:21 8:24  
 12:19 17:22 33:11  
 261:5  
**chronology** 4:9 49:1  
**circled** 218:18  
**circles** 218:16  
**circling** 142:14  
**circuit** 75:13,17 85:12  
**Cirque** 98:23  
**citizens** 230:8  
**city** 41:13 54:20 55:7  
 88:19 98:5 145:19  
 146:1 151:16 168:8  
 172:1,16 182:13,14  
 182:15 197:24 202:5  
 205:8 221:5 224:6  
 276:17  
**city's** 41:12  
**city-wide** 270:1  
**civil** 286:25  
**claim** 183:22 245:16  
**clarification** 21:19  
 279:5  
**clarify** 21:17 279:11  
**class** 11:16 44:4 104:8  
 257:25  
**classier** 112:3  
**classify** 179:24  
**classy** 84:11  
**cleaning** 120:13  
**clear** 7:19 28:17 37:13  
 84:20,25 136:22  
**Clearance** 92:25  
**clearer** 203:22  
**Clearly** 275:2  
**client** 13:17 18:2,5  
 240:17 242:3 243:16  
**client's** 130:20

**clientele** 87:23 88:1  
 181:9 272:15,17,23  
 273:22 274:12  
**clients** 19:12 217:14,17  
**close** 17:8 22:1,2 51:10  
 56:13 79:12 85:19  
 108:4 122:18 133:9  
 143:15 160:4 161:10  
 178:15 190:22,25  
 240:3 249:17 273:18  
 286:16  
**closed** 75:13,17 76:20  
 78:20 84:24 85:12  
 89:13 96:7 151:4,12  
 286:22 287:19  
**closely** 145:15 246:25  
**closes** 76:19 162:10  
**closest** 56:24 157:23  
 167:3 170:11,12,15  
 170:24 171:10 232:22  
 232:23 240:22  
**closet** 56:21  
**closing** 20:5,6 21:5  
 27:22 158:2  
**closings** 25:8  
**closures** 75:19  
**clothes** 272:12  
**club** 56:2 77:15,17,23  
 83:12 84:22 89:13  
 95:5 96:16 97:1,6,22  
 101:14 104:8,17,22  
 106:24 107:3 108:2  
 112:11 113:12 118:6  
 118:22,25 120:19  
 160:24 211:7 230:6,8  
 263:21 266:19 268:3  
**clubs** 56:12 60:12  
 111:7 118:4,13,21  
 223:15,20,23 230:7  
 232:17,21  
**CN** 1:7 11:16  
**co-located** 131:11  
**co-protestant** 32:6  
**co-protestants** 33:19  
 35:6  
**cocktail** 87:13 98:18  
**code** 6:6,16 106:12,13  
 185:10 187:4,6  
 188:11,13,20 249:15  
 250:20  
**Cohen** 1:21 8:24 9:11  
 12:19 17:13,21,22,25  
 19:15,18 33:5,11 38:4  
 125:12 128:21 133:10  
 133:12,14 136:15,16  
 136:18 137:23 143:20  
 147:2 155:24 261:6  
 261:18,22 282:21

283:1  
**cold** 249:4  
**colleague** 16:1,8 31:18  
 33:12  
**colleagues** 16:6 68:17  
 228:22  
**collection** 32:17  
**collectively** 20:17  
**colleges** 186:5  
**Colliers** 123:24 124:24  
**Columbia** 1:1 6:5,24  
 38:25 43:24 73:22  
 143:12 165:4 174:19  
 221:20 286:20  
**Columbia's** 6:12  
**combination** 170:2  
**combined** 126:3  
**come** 16:13 17:3 39:9  
 52:8 55:13 70:7,15  
 75:20 82:4 85:3 88:13  
 96:12,18 100:23  
 103:22 119:14 121:25  
 122:13 158:14 162:5  
 164:22 176:9,12  
 203:21 204:24 213:22  
 241:1 245:23 246:16  
 249:16 250:8 259:6  
 260:14,18 271:11  
 273:2 279:17 286:3  
**comes** 11:13 118:22  
 200:11,18 237:15  
 274:17  
**comfortable** 119:16  
**comfortably** 88:3  
 249:19  
**coming** 55:2,4,12 68:16  
 76:22 81:2 96:9  
 111:23 119:16 191:6  
 192:24 201:8 209:9  
 217:15 245:10,11,14  
 251:2  
**command** 111:15  
 202:17  
**commander** 14:3 30:4  
 77:12 82:21 110:18  
 165:9 185:2,16  
 195:18 196:13 197:16  
 197:25 198:2,18  
 199:3 203:5,12,15,18  
 205:3 206:3,18,23  
 207:7,12 209:20  
**commence** 177:18  
**comment** 89:4 160:23  
**comments** 158:8  
**commercial** 40:16,17  
 66:17 123:23 125:2  
 127:3 128:11 224:8  
**commercially** 43:15,15

**commission** 278:4  
**commissioner** 15:11  
 33:21 255:21 256:8  
 267:13 275:9 276:8  
 276:15,21,25 277:8  
 277:11 279:6  
**commissioners** 277:19  
**committed** 75:16 231:2  
**communicated** 12:25  
 33:25  
**communications** 258:3  
**community** 26:17 43:4  
 75:14,14 119:3,5  
 120:1 204:22 210:5  
 224:13 259:10 277:24  
**companies** 127:3  
 167:21 179:6,11  
 180:19 221:16  
**company** 72:18,24 74:7  
 91:20 99:16,18  
 100:23 105:22 110:11  
 127:1 165:8 180:13  
 180:23,23 185:1,15  
 190:16 196:24 215:13  
**company's** 170:18  
 222:4  
**comparable** 130:14,15  
 143:8  
**comparables** 130:15  
 142:18,20 143:11  
**compare** 171:21  
**compared** 223:24  
 227:21,25  
**compelled** 36:4  
**compensated** 100:18  
**competent** 228:6  
**complaints** 7:1 45:20  
 45:22 57:15 242:9  
**complete** 24:15 238:24  
**completed** 72:16  
 164:24 284:22  
**completely** 132:11  
 244:11 285:6  
**completeness** 226:15  
**completing** 63:6  
**compliance** 145:17,20  
 146:1,7 154:19 176:2  
 185:10  
**complied** 101:21  
**comply** 35:15 270:12  
**component** 197:12  
 241:10 244:24  
**compromise** 208:17  
**comps** 130:12 133:18  
 142:16 143:9,10,14  
**computer** 95:20 114:17  
**concentration** 206:11  
**concept** 101:23 104:9

104:12 118:17 159:14  
 252:16  
**concepts** 118:13  
**concern** 36:21 40:22  
 41:17 86:15 168:7  
 177:6,11 270:15  
 271:15 285:17  
**concerned** 181:21  
 182:5 271:16,19  
**concerning** 51:22  
 164:10 286:24  
**concerns** 29:22 31:2  
 34:14 37:20,24 258:7  
 272:2 279:19 280:2  
 285:11  
**conclude** 11:5 195:10  
 195:12 284:19  
**concluded** 10:25 26:20  
 283:11  
**concludes** 41:22 49:11  
**conclusion** 13:6 37:12  
 130:8,24 133:19  
 142:17 167:11  
**conclusions** 158:14  
**condition** 31:11 132:3  
**conditions** 91:6 136:20  
 137:7 242:25  
**conduct** 7:16,19 38:23  
 39:7 145:3 156:17  
**conducted** 6:10 35:5  
 36:1 146:3 153:19  
 225:8  
**conducting** 62:9,24  
 63:1  
**cones** 252:10  
**confident** 31:7  
**confirm** 115:19 160:3  
**confirmed** 190:2  
**confused** 137:10  
**confusion** 60:22  
**congestion** 41:21  
**conjunction** 150:17  
**Connecticut** 190:25  
 206:7 211:1  
**connecting** 118:12  
**connection** 97:9 141:17  
 144:25 235:13 274:4  
**consent** 10:22  
**consider** 37:2,4 66:6  
 225:21  
**consideration** 11:7  
 37:22 154:11 206:13  
**considerations** 166:25  
**considered** 132:17  
 180:2  
**considering** 83:2 141:8  
**consist** 40:15,16  
 100:13 216:19

**consists** 37:18  
**constant** 41:21 107:17  
**constantly** 85:11  
 107:18  
**constitutes** 7:17  
**constraints** 122:24  
**constructed** 177:6  
**construction** 40:18  
 66:23 72:15 97:13  
 177:14 239:13,17  
 241:4  
**consult** 73:2,9  
**consultant** 30:7 196:17  
 196:19 197:2 214:22  
 216:15  
**consultants** 76:2 78:4  
 84:1 87:7 108:9  
**consulting** 100:14  
 196:25  
**contact** 42:2,6 63:7,9  
 64:13,14 203:3  
**contacted** 65:18 196:16  
 214:25  
**contain** 198:12  
**contained** 50:20 51:1  
**contends** 270:11  
**contents** 260:5  
**contingent** 74:18 152:7  
**continue** 32:25 192:17  
 255:17 284:23  
**continued** 10:22 233:14  
 283:25  
**continuously** 126:23  
 127:6  
**contract** 87:3 100:2  
 103:8 115:20 159:15  
 159:19  
**contracted** 149:23  
**contracting** 108:14  
**contractor** 236:22  
**contracts** 101:6 103:13  
**contribute** 73:7 140:9  
**control** 75:21 84:4 86:8  
 108:3 142:4 249:8  
**controls** 95:16  
**conveniences** 181:7  
**conversations** 199:5  
**conversion** 257:7  
 259:13  
**converted** 208:24  
**converting** 259:14  
**coordinate** 110:16  
 164:21  
**coordinated** 111:13  
**coordinating** 173:6  
**coordination** 161:6  
**copied** 64:2 264:2,9  
**copy** 3:14,17,19 4:6,8

36:15 39:13 46:4,13  
 46:19,24 48:15,21  
 261:16  
**corner** 60:16 79:20  
 104:20 131:22 150:7  
 150:7 152:4 157:25  
 157:25 161:10 180:18  
**corners** 86:25 192:6  
**corporate** 215:13  
**Corporation** 73:18  
**corporations** 145:25  
**correct** 16:21 20:23,24  
 45:7,10,11,13,18,21  
 50:24,25 52:3,4,6  
 54:13,14 55:25 56:16  
 58:24 59:22 60:17,18  
 61:7,13 63:25 64:7  
 66:19,20 67:22,23  
 68:1,8,9 69:2,3,18,23  
 81:14 82:2 90:16,17  
 90:20,21 99:11,14  
 102:17 106:2 111:17  
 112:16 113:7 115:3  
 115:22 116:13 121:23  
 134:5,7,11,12,15,16  
 136:2,3,10 139:8  
 152:11 160:14 162:15  
 169:3 184:25 187:25  
 188:5 190:4 194:18  
 207:14,19 209:13  
 213:3,8 218:4,5  
 219:15,25 225:12  
 226:15 227:10 228:19  
 228:20 231:16 244:4  
 244:5 247:2,12,18  
 248:11 257:12 258:12  
 263:2 267:22 268:8  
 268:19,24 269:18,21  
 275:21 277:6 279:8  
**correctly** 36:18 110:25  
 120:18  
**costs** 112:6  
**couched** 85:4  
**councilmember** 36:14  
 36:17 37:1 258:6  
 259:17 263:8,10  
 265:7  
**Councilmember's**  
 36:16 65:14  
**Councilmembers** 258:4  
**counsel** 1:20 99:2  
 158:25 174:11 206:25  
 224:21 234:25 246:1  
 254:5 287:2  
**counsel's** 225:24  
**couple** 24:21 58:5  
 62:21 140:19 148:25  
 170:19 186:13 267:19

276:18  
**coupled** 41:12  
**course** 49:19 61:18  
 74:14 93:22 162:6  
 271:8  
**courses** 186:4  
**court** 11:8 17:5 18:15  
 19:5 22:15 129:12  
 164:2 269:9  
**courtesy** 23:14  
**covenant** 65:21  
**cover** 44:14 60:20  
**covered** 28:8 116:20  
**COVID** 126:3 138:24  
**CPR** 183:3  
**create** 76:18 121:1  
 180:10 242:3 243:1,2  
 252:7  
**created** 171:7 252:2  
**creating** 118:9 161:25  
 225:20 250:1 251:1  
**credit** 119:2 133:2,2  
 141:10  
**crime** 41:12 75:15,16  
 75:17 139:12,15,22  
 139:23 140:3,8,10  
 202:1,23 225:13,16  
 225:17,22 227:6,20  
 232:10 259:22  
**crimecardsdc.gov**  
 226:16  
**crimes** 227:7,15,23  
**criminal** 73:16 286:25  
**criminals** 41:2  
**cross** 3:5 17:4 19:19,22  
 19:25 23:25 25:4,7  
 27:14,16,17 35:9 62:4  
 62:16 117:13 159:3,6  
 175:4 177:25 207:4,9  
 224:22 225:6 246:3  
 284:1  
**cross-examination**  
 16:10 99:8 133:8,13  
 174:14 194:24 226:12  
 226:25 229:2  
**cross-examining** 99:7  
**crowd** 118:7 230:19  
**crowds** 118:6 182:19  
**Crown** 114:6  
**curious** 135:2  
**current** 3:25 4:1 47:13  
 48:16 90:7 100:19  
 102:21 105:9 125:25  
 149:15 189:2,5  
 218:21 221:17 242:25  
 277:12  
**currently** 34:18 38:15  
 45:4,6 73:25 135:25

164:13 169:4 186:22  
 189:13 218:19 219:10  
 219:11 226:18  
**customer** 73:5 74:24  
 83:5 85:17 204:23  
**customers** 76:19 83:4  
 84:23 87:21 217:17  
**cut** 270:21 286:2  
**CV** 71:24

# D

**D** 123:19,19 164:5  
**D'Juan** 1:24 18:8  
**d'oeuvres** 98:19  
**D-J-U-A-N** 18:8  
**D.C** 6:6,16 30:13 76:11  
 76:25 86:22 88:6  
 103:20,21,23 107:8  
 111:7 116:4 118:4,21  
 119:9 125:25 126:4  
 136:1,20 138:22  
 139:3 145:16 184:20  
 193:16 197:13 215:12  
 222:7 227:9 240:19  
 245:15 249:1 287:5  
 287:23  
**D6** 3:19 43:11 46:20  
**daily** 126:25 185:11  
 205:6  
**damage** 41:8 69:8  
**dancing** 28:22 32:24  
 34:11 37:19 44:8,16  
 58:8,18 98:8,11  
 115:14 129:24 132:1  
 133:20 157:9 206:5  
 223:18,20,21 232:17  
 232:24 257:25 271:19  
 271:23 272:6,12,25  
 273:11,22 274:11  
**Dantzer** 40:14 42:5  
 62:23 63:13 64:9,24  
 67:5  
**dark** 54:13,17 243:17  
**DAS** 100:19  
**data** 225:21 273:5  
**date** 6:21 11:6 22:5  
 74:8 127:7 185:13,13  
 227:7 254:9 260:19  
 266:11 283:6  
**dates** 213:20 254:5,8  
**Davis** 67:20  
**day** 10:24 17:10 24:13  
 26:10,18,21 33:9  
 53:22 64:17 79:11  
 85:22 144:4 147:25  
 152:18 153:14,20  
 182:15 194:10 203:1  
 212:23 230:13,19,22

237:8 239:7 240:18  
 246:13 281:3 284:4  
 284:10,20,23,24  
 285:21 286:17 287:25  
**day-to-day** 130:1  
**day-to-days** 76:7  
**days** 25:17 63:11,12  
 197:5  
**daytime** 231:11  
**DC** 1:21 225:16  
**DCRA** 30:22 145:14,22  
**DDOT** 65:16 160:13,20  
 161:6,25  
**de-escalate** 221:18  
**deal** 168:5 171:21  
 181:13 182:2 239:16  
**dealing** 103:4 110:14  
 131:19 132:14 151:14  
**dealings** 139:18  
**dealt** 31:2 137:13  
**Decades** 77:2 240:24  
**December** 12:22 97:18  
**decibel** 245:18 247:25  
 251:22  
**decide** 76:23 87:1  
 88:22 98:20  
**decided** 92:2 119:23  
**decision** 33:24 99:20  
 266:17 285:8  
**decisions** 29:1  
**decisive** 156:16  
**deck** 48:10 245:8,8,11  
 245:14  
**decrease** 153:10 249:3  
**decreased** 227:20  
**dedicate** 26:18  
**dedicated** 10:24  
**deed** 65:22  
**defibrillator** 182:25  
**defibrillators** 182:23  
**deficiencies** 34:2,4,8  
**deficit** 41:12  
**definitely** 89:5 205:17  
 254:17  
**definition** 191:15  
 199:19  
**delay** 187:15,18,20  
 209:21  
**deliveries** 32:16 53:15  
 79:13  
**delivering** 88:5 237:9  
**delivery** 41:20  
**DeLorme** 31:17  
**demo** 116:1,7,10  
**demonstrate** 32:20  
 36:9  
**denial** 12:25 13:4,4  
**dense** 132:4

**density** 43:12 206:14  
 206:16  
**deny** 32:25 38:1  
**departed** 192:2  
**department** 77:13  
 127:2 150:18 165:4  
 166:16 167:16 172:3  
 172:13 173:4 174:20  
 175:25 181:5,24  
 182:1 184:20 185:15  
 186:2,17 188:22  
 189:8 190:9 193:17  
 197:6 214:22 215:11  
 230:15 233:16  
**depend** 34:23  
**dependent** 132:19,20  
 132:21  
**depending** 22:18 180:3  
**depict** 80:14 91:6 148:9  
 148:15  
**depicted** 90:24  
**deployed** 167:23  
**describe** 61:15 125:1  
 125:23 133:22 139:21  
 157:7 165:18 167:10  
 169:8 220:22 224:3  
 241:21 248:24  
**describing** 81:13  
**description** 35:25  
**design** 41:1 73:2,3  
 74:23 85:2 95:5  
 105:17,21 106:7  
 107:4 188:22 236:19  
 237:8 238:9,24 239:8  
 240:13 241:7 248:15  
 249:14 250:16  
**designate** 173:4  
**designed** 40:23 41:11  
 106:11,12,14 168:15  
 169:13 189:6  
**designer** 76:10  
**designers** 106:15  
**designing** 83:25 250:9  
**Designs** 76:9  
**desire** 27:23 39:15  
 130:20  
**desires** 13:10  
**despite** 28:24  
**destination** 272:24  
**detail** 72:3 77:19,25  
 78:2 111:4 146:19  
 169:8 199:21 201:25  
 202:12 204:19 205:21  
 205:21 230:10,11  
**detailed** 29:20 37:12  
**details** 110:15,24,24  
 210:4 211:8 229:22  
 229:24,25 230:2



233:12  
**detection** 75:23  
**detectives** 75:20  
**deter** 75:15  
**determination** 126:21  
 260:9  
**determinations** 28:23  
 29:4  
**determine** 11:9 66:9  
 179:13  
**determined** 108:8  
 166:21 167:4 183:12  
 284:13  
**determines** 24:10  
**deterred** 137:16  
**deterrent** 131:8 200:7  
 201:15 202:1 232:15  
**detrimental** 273:23  
**develop** 40:18 82:23  
**developed** 96:1 98:5  
**developer** 263:20  
**development** 43:12  
 74:20 104:10 221:25  
 224:12 236:18  
**devices** 114:20  
**Dexis** 91:11  
**diagram** 175:10  
**dictate** 180:1  
**dictates** 168:14  
**difference** 185:6  
**different** 25:3 29:1 53:9  
 68:13 80:18 95:8  
 102:6 119:10,11  
 148:25 152:24 196:21  
 199:25 201:1 205:20  
 242:20,21,22 243:10  
 243:21  
**difficult** 251:18,19  
**difficulties** 259:1  
**difficulty** 260:20  
**digital** 85:23  
**diligence** 74:13 142:1  
**diligent** 25:21  
**dire** 147:7  
**direct** 3:5 16:11 17:4  
 20:2,15 24:25 35:8  
 58:3 72:8,14 123:15  
 141:17 143:4,8,17,19  
 143:19 144:17 163:24  
 194:22 196:6 203:2  
 214:14 216:13 236:10  
 252:9  
**directed** 76:17 152:3  
**direction** 70:8 219:22  
**directions** 53:9 68:13  
 70:16 110:22 114:7  
 150:25 153:6  
**directly** 30:23 60:16

134:3,24 142:11,12  
 149:14 202:8  
**director** 14:1,10 72:19  
 72:22,25 214:25  
**directors** 29:24  
**disabled** 8:3  
**discern** 260:8  
**discrepancies** 221:8  
**discretion** 24:25  
**discuss** 134:14  
**discussed** 78:12,13  
 104:24 142:10 149:16  
 161:12 199:16 221:1  
**discussing** 86:2 248:4  
 286:23  
**discussion** 26:19 80:18  
 97:5 161:15  
**discussions** 159:18,20  
 271:25 274:19  
**dismiss** 12:24 13:5  
**Disney** 73:17  
**dispatch** 170:17 179:5  
**dispatchers** 179:25  
**displayed** 166:12  
**dispute** 158:11  
**disrupt** 208:15  
**dissected** 222:5  
**distance** 157:24  
**distances** 167:4 225:9  
**distant** 191:10  
**district** 1:1 6:5,12,24  
 30:4 38:25 43:24  
 53:17 73:7,21 143:12  
 153:2 165:4,8,9  
 174:19 197:25 198:2  
 207:12 221:20 223:11  
 230:5,7 256:12  
 286:19  
**District's** 6:19  
**disturb** 76:22  
**disturbance** 273:3  
**disturbing** 96:10  
**diverging** 27:20  
**diverse** 19:13  
**divide** 16:10  
**division** 176:1 184:25  
 185:7,7,9 186:3 223:7  
 246:22  
**DJ** 96:12,15  
**DJs** 98:18 117:10  
**document** 3:12 46:6,11  
 46:16,21 47:1,5,10,15  
 47:20 48:1,6,12,18,23  
 49:3,9 59:8 80:4,8,10  
 81:22 89:24 92:9,15  
 93:10,18 94:14  
 124:15,17,19 125:18  
 127:14,17,21 128:5

128:14 146:12 147:13  
 154:25 155:3 156:2  
 165:12,13 166:4  
 174:6 198:4,5,7 199:1  
 215:20,23 216:11  
 217:8,10 218:8,10  
 219:19 221:4 228:3  
 232:11 237:21 238:16  
 241:18 242:13 244:20  
 261:23 262:14 267:4  
**documented** 156:14  
 217:4  
**documents** 129:16  
 220:18  
**doing** 16:7 52:17 58:5  
 77:22 79:12 85:24  
 100:6 105:10 111:7  
 112:25 118:4 120:24  
 124:10 133:8 159:11  
 174:14 184:6,7  
 185:20 207:4 217:19  
 236:23 237:13,14  
 238:23 240:6,10  
 247:24 259:12 270:12  
**dollars** 101:14 106:7  
**domain** 226:19  
**donations** 119:3  
**Donovan** 1:14,17 7:2  
**door** 29:18 76:19,19,20  
 83:5,19,20 84:5,22,24  
 84:25 85:2 87:2 90:13  
 106:8,11,23,24  
 108:15 111:24 137:3  
 170:19 176:10,10,11  
 176:17,18,21,22  
 177:8,16 186:23  
 248:23 249:1,2,10,11  
 249:16,17,18 250:2  
 250:10,20  
**doors** 96:7 106:1,25  
 176:8,14 191:25  
 249:24 250:14,15,18  
 251:7  
**doorway** 105:25 248:14  
 248:21  
**doorways** 250:21  
**dot** 61:4  
**double** 29:7 176:7,13  
 180:3 243:12 249:1,2  
**downs** 84:9 111:19  
**downstairs** 242:8  
**downtown** 31:3 43:11  
 132:25 153:1 170:21  
 171:24 190:24 230:7  
 272:10 273:3  
**drafted** 39:9  
**drag** 187:23  
**drain** 182:10,10

**draw** 102:7  
**drawing** 4:19 143:17  
**drawings** 35:20 106:4  
**drawn** 59:1  
**drill** 167:7  
**drink** 273:1  
**drive** 50:7,14 52:21,22  
 53:10 56:5,5 87:2,11  
 149:24  
**drivers** 138:25 149:19  
 152:1,1 181:8  
**drives** 114:18  
**driveway** 91:1  
**driving** 70:13 89:17  
 149:20 152:1  
**drop-off** 151:21  
**drop-offs** 35:25  
**dropped** 86:24  
**drops** 181:22  
**drove** 52:19,24 53:4,5  
 53:20,23 55:15,20,21  
 55:22 61:23 68:7 69:7  
 70:4 87:12  
**DTLD** 105:11,12  
**du** 98:23  
**due** 41:1,11 97:2  
 141:25 260:19  
**duly** 235:1  
**duties** 38:22 100:15  
 185:17  
**duty** 77:20,24 84:4  
 201:24  
**dying** 252:15

---

**E**


---

**E** 90:22 123:20 144:22  
 144:23 164:4,4  
 196:11,12  
**E-E** 236:15  
**E-X-H-I-B-I-T-S** 3:11  
**E11EVEN** 119:1  
**earlier** 35:11 68:5  
 104:23 139:10 169:23  
 170:6 182:18 246:17  
 248:13 284:5  
**early** 97:17 98:3,20  
 134:17 239:9  
**easily** 150:10  
**east** 61:9,21 67:6 69:22  
 70:14 79:7 178:6,16  
 231:19  
**east/west** 160:12  
**eastward** 219:22  
**Echo** 90:22  
**Echostage** 240:24  
**economy** 182:22  
**Eddie's** 58:15 59:23  
**Eddy's** 155:13

<b>edged</b> 29:8	175:12 192:4	<b>entrances</b> 51:3,3 76:17	30:25 38:25 43:21
<b>educated</b> 110:19,20	<b>encompassed</b> 223:11	106:16 250:7	44:1,3,6,7,12,13
<b>education</b> 125:1 146:19	<b>encourage</b> 11:1 183:1	<b>entrust</b> 106:14	46:24 56:15 151:15
165:18 198:13 238:5	<b>encouraged</b> 151:20	<b>entry</b> 86:2 169:21	153:18 154:22 162:20
<b>Edward</b> 196:12	<b>encourages</b> 75:11	199:18	206:5,14,17 224:9
<b>effect</b> 43:4 222:22	<b>endorsement</b> 11:19,20	<b>envelope</b> 239:2 241:10	245:2 273:11,22
<b>effects</b> 134:14	34:11 44:8,15 58:18	241:11 243:2,2 250:2	274:12 276:23 277:1
<b>efforts</b> 28:25 146:1	98:8,12 117:9	250:2 251:1,2	<b>estate</b> 18:13 28:20 31:3
<b>egress</b> 4:16 32:16	<b>endorsements</b> 44:12	<b>environment</b> 132:4	31:5 42:21 53:2 66:15
35:23 79:1 93:25	44:16 58:8	133:1 141:20,22	123:23,25 125:2,7,23
186:11 199:16 249:20	<b>ends</b> 79:7 94:5	<b>equipment</b> 8:1 75:9,13	125:25 126:2 127:3
<b>eight</b> 121:20 159:23	<b>enemies</b> 121:1	75:23 84:6,12 85:16	128:11 129:25 130:5
<b>either</b> 65:13 67:6 70:8	<b>enforcement</b> 85:13,18	85:21 112:5 167:12	130:19 131:9 132:2
87:17 137:9 153:17	198:14 205:15 217:1	180:6 217:19 221:3	136:1,8 138:16,18
161:8 162:13 180:15	221:16 224:12 229:9	239:11,24	139:3 236:18 263:19
226:14 275:17	229:20 230:20	<b>equipped</b> 30:16	<b>estate-related</b> 236:20
<b>EJ</b> 251:6	<b>engage</b> 103:13 201:24	<b>escape</b> 250:6	<b>et</b> 6:6 47:8 153:7 205:1
<b>electrical</b> 181:14	229:8,9,10 274:18	<b>escapement</b> 243:4,20	205:14 210:15
<b>electronic</b> 6:13,14,23	<b>engaged</b> 221:15	<b>escapes</b> 239:2	<b>evacuation</b> 37:11
287:22	<b>engaging</b> 221:20	<b>escort</b> 83:4	164:18,20 166:23
<b>electronically</b> 7:5	<b>engine</b> 164:22 170:13	<b>escorts</b> 82:25	169:9,17,21 171:2,6
<b>elevate</b> 7:23 8:11,24 9:5	170:15,23,24 179:6	<b>especially</b> 34:22 111:25	171:16 173:1,3,5
9:6,8,9 10:2 123:6	179:10 180:13,19,23	122:23 150:21 183:4	176:23 177:12,21
144:10 163:10	182:10	202:21 272:24	181:4
<b>elevated</b> 10:12 14:2,5	<b>engineer</b> 246:6 252:4	<b>esquire</b> 12:15	<b>evaluate</b> 140:21 161:7
14:15 71:7 123:7	<b>engineers</b> 252:9	<b>essence</b> 250:1,10	<b>evaluated</b> 162:3 169:2
137:25 138:1	<b>enhance</b> 77:21 112:25	252:14	<b>evening</b> 11:3 64:21
<b>eliminate</b> 151:25	<b>enhancing</b> 85:25	<b>essentially</b> 106:1	162:18 216:25 231:9
<b>eliminated</b> 224:10	<b>enjoyed</b> 34:19 273:14	131:11 176:7	234:3
<b>email</b> 42:3 64:10,25	<b>ensure</b> 73:3 74:24 75:8	<b>established</b> 162:4	<b>evenings</b> 162:10
120:22	82:17,23 85:2 87:15	233:8	<b>event</b> 37:10 114:12
<b>emailed</b> 42:12 264:12	87:20 88:5 102:16,18	<b>establishing</b> 272:25	119:23 202:6 229:16
<b>emergencies</b> 172:23	108:4,10 120:13	<b>establishment</b> 3:25 4:1	<b>events</b> 89:12 117:24
185:17	148:24	4:10 18:11 29:10 31:4	145:16 232:11 276:20
<b>emergency</b> 30:12,18	<b>ensuring</b> 84:15 110:23	32:20 35:17 39:5,10	<b>everybody</b> 120:8
32:18 37:2,4,7,10	149:7	40:23 41:4,5,14 42:18	184:10 205:9
165:24 167:12 168:14	<b>entail</b> 222:23 247:20	44:19 45:4,6,9,10,13	<b>everyone's</b> 204:21
170:9,17 172:8,20	251:16	45:18 47:14,19,25	<b>evidence</b> 26:23 31:6
202:22,24 223:8	<b>enter</b> 55:19 76:19 81:2	49:2,22 50:6,19,22	65:3 81:22 92:9 93:10
<b>emission</b> 243:19	87:12 108:2 112:11	58:14,17 59:10,25	94:14 125:20 129:11
<b>Emmitsburg</b> 186:5	179:11 222:16	60:4 61:5 83:19,20	129:19 147:15 156:4
<b>emphasized</b> 41:8	<b>entered</b> 55:17 100:4	96:13 97:10 98:7,17	166:6 174:4,6 199:1
<b>employ</b> 77:20 78:4	115:20	101:12 117:24 118:2	216:11 220:18 226:1
<b>employed</b> 38:15,19	<b>entertainment</b> 44:15	129:24 132:1 137:3	238:16 244:20 253:7
96:23 99:10 123:24	98:7,9,15 117:9	143:5 147:19 148:10	253:12,19 260:6
<b>employees</b> 32:10 34:19	119:12	148:24 149:25 150:19	263:17 265:8 266:22
37:8 82:25 99:12	<b>entire</b> 74:23 98:4 101:5	150:22 151:18,20,22	267:18 284:1
<b>employer</b> 100:19	101:5 132:11 223:6	152:15 154:16 156:18	<b>evidentiary</b> 264:16
102:23	238:25	156:24 157:1,5,8,9,12	<b>Evolve</b> 200:2 209:23
<b>employers</b> 102:22	<b>entirely</b> 34:23	157:14,19,23 158:17	<b>evolves</b> 30:11
<b>employing</b> 244:14	<b>entity</b> 72:22	158:19 170:7 183:24	<b>evolving</b> 85:11
<b>employment</b> 77:24	<b>entrance</b> 4:14 48:5 51:6	197:18 199:24 203:12	<b>exact</b> 142:22 233:2
207:17	56:2 74:25 79:23 81:1	209:9 220:24 223:18	<b>exactly</b> 55:1 102:14
<b>empty</b> 43:2 96:16	83:18 86:25 90:8,9	228:17 244:25 257:16	133:22 244:1
<b>EMS</b> 113:13 165:4	106:13 149:15 150:7	258:1 267:20 268:8	<b>examination</b> 13:11 17:5
<b>enable</b> 7:24 8:1	151:6,22 175:18	269:1 270:11 272:7	19:19,25 20:2 25:5
<b>encase</b> 243:12	176:20 177:24 191:22	272:13	27:14,16 35:8,9 58:3
<b>enclosed</b> 171:15	232:8	<b>establishments</b> 3:20	62:16 72:8 123:15

144:17 159:6 163:24  
 175:4 177:25 194:22  
 196:6 207:5,9 214:14  
 216:13 224:23 225:6  
 234:25 236:10 246:3  
 284:1  
**examinations** 19:22  
**examine** 24:1 25:7  
 27:18 159:3  
**examined** 235:2  
**examining** 62:4  
**example** 96:12 111:23  
 114:13 118:16 200:19  
 243:8 249:5 251:20  
**excellent** 51:21 73:3  
 76:10 77:1 174:8  
 217:19 222:24 224:18  
**excuse** 54:24 165:6  
 170:11,23 221:2  
 226:22  
**executive** 288:5  
**exercise** 18:19  
**exhaust** 169:13  
**exhibit** 3:12 36:16,17  
 46:3,7,8,12,14,17,18  
 46:22,23 47:2,3,6,7  
 47:11,12,16,17,21,22  
 48:2,3,7,8,13,14,19  
 48:20,24,25 49:4,5,10  
 49:14 51:21 58:20  
 60:8,24 79:25 80:5,10  
 81:23 89:21,24 92:10  
 92:15 93:11,18 94:15  
 108:18 109:14 124:16  
 124:19 125:6,15,19  
 127:18 128:6,15  
 129:17,17,18 131:13  
 131:17 146:10,13,23  
 147:14 148:7 154:3  
 155:4 156:3 165:11  
 165:14 166:5 173:10  
 174:7 175:8 198:7  
 199:2 215:20 216:12  
 217:9 218:7,10 219:4  
 219:19 220:19 225:24  
 226:2,5,7 228:15  
 231:8 237:19,21  
 238:17 241:18 243:25  
 244:21 248:4 253:6,7  
 258:13 261:7,10  
 262:3,17 263:6  
 265:16,17,19,25  
**exhibits** 35:4 45:24  
 46:1 49:12 127:10  
 128:19 134:8 220:12  
 258:20 260:20 262:1  
**exist** 169:3  
**existing** 40:16 183:14

260:1  
**exit** 37:8 51:7 55:14  
 83:5,12 106:13  
 151:11 171:11 175:13  
 175:18,24 177:23  
 186:11 191:13  
**exiting** 40:24  
**exits** 51:3 75:1 104:25  
 105:1 106:19,22  
 150:7 151:4 167:1  
 172:25 175:6,7,15  
 185:12 186:22,23,25  
 187:7,10,24 188:10  
 189:1,2,15,20 191:2  
 191:10,11,12,20  
 192:10,23 250:6  
**expect** 97:5 194:21,22  
**expected** 29:25  
**experience** 30:24 73:12  
 77:15 86:21 88:6  
 95:15 103:1 110:20  
 111:6 118:13 125:1  
 125:24 126:22 129:23  
 130:1 132:24 135:16  
 137:13 145:7 146:19  
 147:25 148:16 165:18  
 171:20 175:3 184:22  
 186:18 190:20 198:13  
 200:22 206:20 216:1  
 224:14 233:6 237:2  
 238:5 240:17 246:10  
 246:14 256:25 273:8  
 273:11,17,21 274:11  
 276:20 283:25  
**experienced** 88:7 107:8  
 240:12,15 244:25  
 276:24  
**expert** 20:16 30:13 31:3  
 71:23 72:1,4 76:12  
 125:7,16 137:6  
 146:24 147:4 165:23  
 186:11 198:18 216:4  
 238:9  
**expertise** 125:24  
**experts** 30:3  
**explain** 49:15,16 86:13  
 134:21 185:5 191:11  
 208:4 248:20 274:4  
**explained** 185:21  
**explanation** 185:23  
**exploding** 191:2  
**explore** 112:4 141:24  
 147:7  
**exposed** 247:24  
**expressed** 36:21  
**expressly** 226:14  
**extended** 26:9,14,15,19  
**extensive** 77:14 110:20

147:25  
**extent** 35:21 128:22,24  
 138:8 142:6 143:4  
 217:23 253:11  
**exterior** 3:25 4:1,2  
 47:13,18,18,23 116:8  
 116:11 228:17 239:22  
 243:11 247:16 249:25  
 252:20  
**external** 117:23  
**extinguish** 169:22  
**extinguishers** 185:13  
**extra** 26:3 87:14 151:7  
**extremely** 102:25  
 191:10  
**eyed** 286:5  
**eyes** 142:6

---

**F**


---

**F** 170:16  
**F-I-O-R-I-T-O** 15:2  
**facade** 243:11  
**facilitate** 150:24  
**facilities** 197:13  
**facing** 134:6 219:7,22  
 231:11,19 252:10  
**fact** 223:18,22 276:21  
 285:23  
**factor** 139:1,5 140:14  
 142:6  
**factors** 30:24 31:9  
 138:19 139:2 140:12  
 140:14,21,24 141:7  
 141:12 142:9 225:10  
 225:14  
**Factory** 154:14  
**facts** 65:3 158:11  
**factual** 221:4  
**failed** 35:18  
**fails** 34:11  
**failure** 114:13  
**fair** 77:5 103:19 117:8  
 126:6 136:24 137:7  
 138:14 139:24 247:10  
 251:17 271:2 274:14  
**fairly** 25:20 148:8 172:5  
**faith** 230:18  
**falls** 30:5  
**familiar** 39:2,5 58:10,13  
 97:6,19 105:8,14  
 147:18,21 148:3  
 154:6 157:4,19 160:4  
 169:7 197:17,20  
 200:3 223:1,3 257:6  
 268:2  
**familiarity** 58:12 222:25  
**familiarization** 164:24  
**fan** 205:16

**fanned** 206:9  
**fans** 169:13,15  
**far** 20:14 47:25 156:15  
 161:25 211:7  
**Farmer** 1:22 8:24,25  
 12:18 17:13,16,18,19  
 18:2 19:14,17,18 20:3  
 20:17,22,24 21:17  
 27:25 28:3 33:3,12  
 64:23 93:6 94:10 99:7  
 99:9 101:4,10 102:5,8  
 108:20,22 109:4,10  
 109:16,18,22,24  
 114:9 117:12 121:7  
 121:10 125:11 147:2  
 238:12 244:9 246:2,4  
 252:22 254:11 261:2  
 261:5 262:18 282:21  
**fast** 155:13 213:9  
**fatal** 34:8,8  
**fault** 157:2  
**favor** 203:16 229:23  
**favorable** 136:10  
 137:11 224:9  
**feature** 8:7  
**February** 1:12 286:22  
 287:4,5  
**federal** 138:23  
**fee** 103:8  
**feedback** 68:19  
**feel** 39:17 119:16 217:3  
 281:15  
**feeling** 67:11  
**feelings** 263:20  
**fees** 116:3  
**feet** 3:21,22,24 34:25  
 41:18,19 43:21 44:1  
 46:25 47:4,9 53:6  
 167:14,15,17 227:8  
 227:11  
**Felicia** 40:13  
**felt** 273:14  
**female** 111:23  
**FEMS** 57:16 65:16  
 168:4,4  
**field** 127:4 145:12  
 221:23  
**fifth** 36:17  
**fighths** 104:14,18,19  
 259:21  
**figure** 50:10  
**file** 62:24  
**filed** 12:12,13,16 120:7  
 279:18  
**filing** 258:11 262:18,19  
**final** 69:2,6 75:6 88:18  
 115:5,6 116:19  
 119:20 181:3 182:16

183:10 212:14 233:10  
241:10 251:9  
**finalizing** 74:12  
**finally** 157:18 220:5  
**financials** 118:20  
**find** 9:16,17,22 10:7  
11:6 21:6 31:7 45:14  
83:7 131:6 152:3  
193:7 222:14 280:19  
281:10  
**finding** 156:17  
**findings** 156:24  
**fine** 8:19 9:1 17:12 21:9  
27:14 71:9 109:17  
142:14 147:5,12  
184:9 194:25 236:9  
259:3 262:14 263:3  
265:21 267:7 280:19  
282:3 283:9 284:15  
**fine-tuned** 83:23  
**finetuning** 240:1  
**finish** 11:6 24:8 62:10  
195:5 213:13 253:22  
270:21  
**finished** 197:7 198:1  
**Fiorito** 1:22 3:7 14:1,9  
14:13,17,19 15:1,2,5  
71:6,9,11,17,23 72:10  
79:24 94:25 97:4 99:1  
99:10 113:25 117:14  
117:16,22,25 118:19  
120:3 121:3 139:10  
176:6 215:1 216:23  
248:16  
**fire** 4:21 30:13,14,17  
79:14 88:23 106:12  
113:13 114:4 164:9  
164:11,19,20 165:4,7  
165:23,23 166:12,14  
166:16 167:3,12,16  
168:2 169:2,11,14,20  
169:22 170:3,7  
172:13,20,24 173:4  
173:15 174:19 175:25  
176:4 178:3,22  
179:17,22 181:5,6,18  
181:20,24 182:1  
184:20 185:7,8,15  
186:2,3,3,11,13,17  
191:8 193:16 250:21  
**firefighter** 184:12  
186:12 190:16 193:18  
**firefighters** 169:22  
191:6 192:24 193:4  
**firefighting** 171:22  
184:24,25 185:6  
**Firehouse** 170:13  
**firehouses** 164:22

170:13,22  
**fireman** 193:9  
**fires** 169:18 181:14  
182:15  
**first** 8:8 23:1 38:4 61:17  
71:5 74:14 76:20  
84:22,24 116:2,22  
149:1,10 174:24  
175:10,11,20 183:20  
197:25 223:11 230:5  
230:7 235:1 237:3  
241:1 253:10 255:19  
262:3 267:20 277:7,9  
277:10 285:17  
**first-due** 179:11 180:15  
180:22,23  
**fit** 79:4 81:9 82:11  
114:6 167:21  
**five** 3:18 12:13 15:25  
16:21 19:14 25:18  
28:12 31:19,20 32:4  
33:21 38:20 39:22  
40:4,6,10 46:14 58:23  
63:14 64:6 79:22 81:6  
81:7 105:4 148:13  
154:22 179:5 197:5  
265:23 266:15 285:3  
285:4  
**five's** 32:8,9  
**five-minute** 282:1  
**fix** 109:18  
**fixed** 245:20  
**flexibility** 29:11  
**floor** 4:6,8 48:15,21  
154:13 171:4,13  
175:9,10,11,20,20  
177:20 183:2 187:7  
187:12,24 188:7,10  
188:20 189:4,21  
190:10  
**flooring** 250:23  
**floors** 169:25 170:1  
175:21 187:25 188:4  
188:6,18  
**Florida** 197:15  
**flow** 246:15  
**flowing** 151:1  
**fluid** 239:7,10  
**focus** 36:20 182:21  
**focusing** 76:15  
**folks** 8:23 275:17  
280:18 284:16  
**follow** 78:8 90:23  
129:11  
**followed** 120:5  
**following** 12:2,8 13:6  
110:22,25 254:7  
**follows** 235:2

**food** 98:19,20  
**foot** 58:25 60:7 131:5  
152:24 223:5 224:1  
227:13  
**footage** 88:14 189:7  
**footprint** 175:10  
**for-hire** 36:25  
**form** 129:6 130:7  
134:10 137:21 208:9  
**formal** 26:19,23 103:14  
186:1 231:6  
**formalized** 275:4  
**formally** 64:5 221:16  
**formative** 101:17  
**formed** 273:12,21  
274:12  
**former** 30:3,13,20  
221:15 230:24 276:14  
**forms** 259:22  
**formulated** 177:12  
**formulating** 127:22  
**Fort** 197:14  
**forth** 12:21 35:18 107:2  
**fortune** 215:12  
**forward** 14:25 19:10  
27:7 74:8 76:8 103:11  
145:4 148:21 159:21  
164:14 166:3 174:23  
196:24 222:8,10  
**Foulger-Pratt** 259:12  
**found** 217:1,5  
**foundation** 264:15  
265:24  
**four** 26:5 145:10,13  
147:24 162:19 169:25  
170:11,12 172:25  
175:6 186:23 189:2  
189:20 191:12 250:4  
256:16 277:20,23  
278:9 280:23  
**four-step** 239:6 247:8  
247:10  
**fourth** 156:15 231:19  
240:1  
**fourth-due** 180:18  
**frankly** 136:3  
**free** 70:25 163:6 234:1  
**freely** 88:3  
**frequence** 273:22  
**frequencies** 96:4  
**frequency** 242:20  
245:18  
**frequent** 259:21  
**frequenting** 153:4  
**friction** 242:23  
**Friday** 1:11 11:25 42:5  
44:22,25 54:10 64:10  
89:5

**friends** 273:14  
**front** 3:25 4:1 30:1  
47:13,18 56:1 83:19  
83:20 86:8 90:13  
91:10 175:8 176:8,17  
180:14 191:18,20,21  
206:11 250:10 264:7  
272:3  
**frozen** 235:4  
**full** 10:23 166:21 180:1  
201:25 202:7 205:23  
278:6  
**full-electric** 182:2  
**full-on** 188:22  
**fully** 240:2,3,6  
**function** 189:14  
**functionality** 74:23  
**functions** 32:15 89:10  
205:5  
**Fundamentally** 35:10  
**further** 29:20 133:5  
143:21 147:7 174:9  
194:3 230:3 245:25  
257:18 280:7  
**Furthermore** 36:13  
**future** 35:21 208:24

---

**G**


---

**Gadea** 32:2  
**gallons** 168:1  
**gap** 207:23  
**garage** 4:4,15 48:4,5  
81:10 87:2 92:20,21  
93:1 108:15 109:25  
110:3 149:13,21  
151:6 159:16,18  
220:8  
**garages** 149:22,24  
159:24  
**garden** 4:5 11:20,22  
45:2 48:9 67:8 232:4  
232:5  
**gasoline** 182:3  
**gather** 40:9 96:18  
**gathering** 225:21  
**GDL** 9:10,19  
**general** 36:7 139:18  
141:25 206:12 236:21  
237:1  
**generally** 43:13 74:5  
114:11 141:18 206:15  
257:1 271:17 284:2  
**generate** 166:9,17  
**generated** 275:7  
**generators** 114:18  
**gentlemen's** 223:15  
**Geographic** 43:24  
**geographical** 257:2

**Georgetown** 204:18  
 210:5,10,11  
**getting** 68:19 82:15  
 86:17 162:9 177:7  
 191:7 195:23 217:21  
 240:3  
**GIS** 3:20,23 43:25 46:24  
 47:8 58:21  
**give** 11:7 23:20 28:11  
 83:22 109:2,2 118:16  
 119:4 120:21 143:8  
 149:1 176:16,25  
 183:18 195:23 217:14  
 220:7 221:6,21 222:3  
 230:3 258:16 261:6,9  
 261:18 287:18  
**given** 22:23 34:22  
 87:11 95:22 106:9  
 179:25 182:17 216:22  
 276:21  
**gives** 29:11 94:21  
**giving** 10:23 136:23  
**glad** 23:16  
**glass** 249:24  
**glues** 243:23  
**go** 9:19 10:12 15:8  
 18:18 23:3 24:11 29:9  
 33:5 49:14 50:14  
 51:15 53:7 58:14  
 59:16 62:5 67:17 68:6  
 69:14 71:1 72:2 79:9  
 79:16 83:9 85:1,9  
 88:8,24 93:23 101:18  
 105:3 106:8 107:2  
 111:14 113:17 117:20  
 118:1 122:20 125:16  
 127:11 129:4,15  
 136:14,14 147:12  
 163:6 171:9 177:9,19  
 177:23 178:12,13  
 184:4 185:10 186:19  
 189:3 191:20 195:25  
 199:20 201:4 203:12  
 203:24,25 207:5  
 217:2,18 219:3  
 222:13 224:25 229:7  
 234:1 237:8 239:15  
 248:25 254:20,24  
 255:1,3 258:9,21  
 261:3 263:14 265:1  
 270:19 276:12 280:20  
 283:22 284:6,12  
**goal** 11:2 76:14  
**goals** 103:11,12  
**goers** 104:8  
**goes** 17:10 50:16 52:1  
 69:4 74:13 79:7 96:19  
 169:15 175:13 178:11

180:12,13,25 185:9  
 191:22,22,23 229:18  
**going** 9:14,14 13:16  
 16:7 19:16,20 22:7,8  
 22:16 23:15,20,20  
 24:11,12,22,23 25:14  
 26:1 27:4,11,13,14,15  
 27:16,17,17 28:10,17  
 29:23 31:2 46:4 49:20  
 51:21 61:9 65:5,6,25  
 66:3 71:25 72:1,2  
 78:8,13,19 80:4 82:5  
 82:16,19 83:12,13,14  
 84:12 87:20 88:16,22  
 89:1,2,7,15,18,20  
 90:10 92:1 95:10,17  
 96:4,22 97:5 99:3  
 100:5,22 101:3,4,13  
 101:15,20 102:10,23  
 103:6 105:20,25  
 106:6 107:7 108:12  
 108:23 109:12 112:6  
 112:14,17 113:22  
 114:7,10 116:10,12  
 116:23 118:7,8 119:9  
 119:11,13,14 120:10  
 120:10 121:19,21  
 122:20,24 124:14,15  
 127:11 135:14 136:13  
 137:20 140:8,12,13  
 141:21 142:14 146:9  
 148:20,21,22,23  
 149:1 150:24 154:24  
 155:1 159:3 160:6  
 164:14 165:19 170:8  
 176:24 177:5 180:21  
 180:24 181:6,13  
 182:19,21 183:23  
 186:24 190:5,8  
 192:10,10 193:8,10  
 195:5,10,14 204:24  
 207:1 208:25 210:13  
 213:5,6,9,11,12,13,15  
 217:7,8 218:6,8  
 220:24 221:13 222:8  
 222:9,10,20,22,23  
 224:20 225:23 226:5  
 226:7,9 237:12  
 238:20,23,25 239:3,5  
 239:6,12,20,23 240:9  
 241:6,8 242:8,11,24  
 244:9,14 248:14  
 249:7,12,14 250:11  
 250:12,25 251:16  
 252:13 253:21,25  
 254:18,20,25 255:1,2  
 255:3,16 257:17  
 258:9 260:2,5 263:12

263:15 265:7,16,19  
 266:10 270:16 273:8  
 274:1,7 275:10 278:2  
 281:20 284:3,6,8,10  
 284:19,21,23 285:8  
**good** 6:3 7:12 8:10  
 10:17,19 13:21 15:3,4  
 15:5,16,22 16:15,17  
 17:18,21 18:7 28:15  
 31:15 33:5,7 38:14  
 51:17,18 55:2 57:23  
 58:1 62:7 80:2 85:21  
 87:22 95:13 97:2  
 120:8 121:1 122:10  
 159:7 187:9 196:8  
 202:4 207:6 211:10  
 234:3,19 245:6 256:7  
 281:22  
**Google** 4:17 80:7 148:8  
 172:12  
**gotten** 101:25 247:5  
**government** 6:12,25  
 88:22 116:4 138:23  
 205:24 286:21  
**gown** 210:18  
**GPS** 69:16  
**Grant** 1:17 7:11,12,13  
 57:11,19,22 117:19  
 117:21,22 118:11  
 119:20 121:3,6,9  
 276:12,13 277:5,10  
 277:15 287:14,15,15  
**granted** 88:17 116:17  
**Gray** 205:9 210:20  
**great** 17:18 86:15 94:6  
 98:6,25 117:12  
 125:22 133:4 144:4  
 171:1 185:18 194:10  
 200:6 202:6 205:25  
 206:1,3,23 212:23  
 221:3 224:8,14 244:6  
 245:24 288:6  
**greater** 75:6 169:8  
 199:21  
**Greenstein** 31:16  
**ground** 30:6 77:15  
 154:13 203:1  
**grounds** 32:5 66:4  
 262:20 263:16 266:11  
 268:16 279:20  
**group** 1:20 2:2 3:17 9:8  
 12:13 15:25 16:20  
 18:25 19:14 31:19,19  
 32:4,8,9 33:21 39:21  
 40:5,10 46:14 63:14  
 64:6 107:5 265:23  
 266:15  
**groups** 13:11 18:21

230:9  
**guarantee** 119:15 181:1  
 226:14  
**guardians** 83:3  
**guess** 9:25 10:1 50:9  
 66:1 70:3 90:19 92:21  
 118:11 127:5 141:2  
 157:1 159:23 161:1  
 172:17 178:6 179:17  
 181:6 182:22 210:20  
 210:25 231:18 281:10  
**guest** 84:5 95:14 96:12  
**guidance** 6:11  
**guidelines** 182:2  
 281:17  
**guilt** 156:17  
**guys** 79:22 81:6,7  
 105:4 264:17

---

**H**


---

**H** 123:19 131:22  
**half** 22:9,12 145:11  
 194:23 284:4  
**halfway** 90:25  
**hallways** 250:15,22  
**hand** 13:8 38:6 71:10  
 71:13 102:10 123:9  
 144:12 163:19 196:2  
 214:10 234:20 239:2  
 255:25  
**handle** 72:13 172:3  
 189:4,19  
**handled** 222:11  
**handles** 25:25  
**handling** 77:9 86:17  
 87:5 89:7 172:15  
**handshakes** 103:10  
**hang** 79:24 137:18,18  
 195:25  
**happen** 35:14,16 53:16  
 168:17  
**happened** 191:9 207:23  
**happening** 229:8  
 239:20,25  
**happens** 74:9,21 82:17  
 83:21 85:22 183:18  
 183:19 191:1 239:4  
 272:7  
**happy** 77:6  
**hard** 114:17 131:6  
 177:4 284:7  
**harsh** 96:4  
**head** 30:21 246:21  
**hear** 14:19,21 15:20  
 17:16 19:2 29:24 30:2  
 30:12,19 31:2 32:5  
 76:15 95:4 107:1,2  
 184:15 195:20 211:23

211:24 212:3,5,11  
 226:7 234:17,19  
 235:10,11,13,24  
 282:24 285:1  
**heard** 8:2 27:8 33:20  
 169:6 176:6 204:7  
 245:17  
**hearing** 1:7 7:18 8:5,9  
 10:20,22,24,24 11:4,7  
 13:2,6,8,9 21:25 26:8  
 26:23 27:6 28:22 31:6  
 33:25 122:17 184:14  
 185:5 195:5,10,13  
 206:21 212:18 253:22  
 254:13,20 255:9,17  
 260:19 275:22 280:14  
 280:21 283:6,9,11,13  
 284:18,20,21,23  
 286:3,12,14,23  
 287:21 288:1  
**hearings** 7:20 146:4,6  
 278:22,22  
**hearsay** 260:5 263:16  
**heavily** 87:8 273:2  
**heavy** 84:4  
**held** 6:13 11:16 89:12  
**Hello** 159:8 184:5  
**help** 70:13 75:17  
 103:10 164:16,19  
 169:20 171:15  
**helping** 120:14 248:15  
**helps** 75:13  
**Hi** 17:21  
**high** 41:12 43:12 96:19  
 104:8 110:18,18  
 119:6 126:16,17  
 131:4 136:2,9 137:1,1  
 137:24 143:7 199:18  
 208:11  
**high-definition** 232:9  
**high-intensity** 199:18  
 201:12 218:18 219:8  
 221:1 231:15  
**high-quality** 259:15  
**high-tech** 199:17 209:2  
 209:3  
**higher** 137:12,14,25  
 138:4  
**highest** 73:8 241:7,13  
**highlighted** 259:20  
**highlighting** 244:4  
**highly** 78:7 201:23  
**highly-trained** 95:23  
**Hill** 73:15  
**Hilton** 67:8 232:3,5  
**hip** 200:19  
**hire** 105:21,22 110:9  
 221:22

**hired** 82:22 145:2  
 216:15  
**historic** 33:15  
**historically** 101:22  
**Histories** 4:23 162:19  
**history** 12:21 29:7 30:8  
 120:24 154:22 155:8  
 155:12,16 156:12  
 157:14  
**hit** 252:11,18  
**hitting** 69:8,9 242:24  
 252:11,14  
**hold** 18:23 54:8 109:1  
 137:19 187:13,13,14  
 192:8 193:11 195:22  
 212:16 233:9 263:13  
 266:5 269:7 275:1  
 286:22 287:19  
**holder** 14:7 263:10  
**holders** 92:22  
**hole** 243:18  
**holiday** 26:11,13 286:9  
**holistic** 205:16  
**Holland** 3:16 8:25 9:1  
 12:19 17:19,22 33:11  
 46:10  
**home** 242:2,5,6  
**Homeland** 209:24  
**homeless** 119:3  
**homeowners** 75:12  
**honest** 120:25  
**hook** 182:13  
**hope** 111:20,22 159:10  
 177:12,17 208:1  
**hopefully** 102:6  
**hoping** 104:8 281:3  
**hors** 98:18  
**horse** 37:15  
**hose** 168:19 180:15,19  
**hospitality** 73:6,13,17  
 103:9 228:5 245:6  
**hosted** 6:23  
**hotel** 67:7,8 73:20 77:2  
 77:6 232:4,5 245:7  
 248:25 249:3  
**hotel's** 67:11  
**hotels** 67:1,6 153:4,18  
**hotspot** 114:22  
**hour** 22:9,12 24:9 25:16  
 26:6 254:2 283:14  
**hours** 6:18 11:23 20:16  
 22:14,18 25:15,18  
 42:25 44:18,19,20,23  
 44:24 45:1,2 150:21  
 160:4 162:14,17  
 197:5 216:25 217:2  
 219:1 273:2 280:23  
 284:7 285:20

**houses** 167:3  
**housing** 197:7 207:21  
 210:12  
**huge** 77:4  
**humor** 109:13  
**hundred** 73:19 89:14  
 114:15  
**hundreds** 106:6  
**hurry** 193:1  
**hurting** 120:15  
**hybrid** 182:2  
**hydrant** 167:24 168:1  
**hydrants** 167:25 180:16  
 182:13  
**hypothetical** 36:5

---

**I**

---

**I-N-D-E-X** 3:1  
**ice** 107:18  
**ID** 84:14  
**idea** 56:10 94:22 149:18  
 160:11,25 161:3  
 285:22  
**ideal** 161:8  
**identification** 46:7,12  
 46:17,22 47:2,6,11,16  
 47:21 48:2,7,13,19,24  
 49:4,10 80:11 84:18  
 89:25 92:16 93:19  
 124:20 125:20 127:19  
 128:7,16 129:18  
 146:14 147:15 155:5  
 156:4 165:15 166:6  
 198:8 215:21 218:11  
 219:20 237:22 241:19  
**identifications** 84:15  
**identified** 18:17 156:23  
 156:25 158:12  
**identifies** 96:3  
**identify** 13:15 16:13  
 17:14 18:5,24 19:5  
 45:24 225:13 230:25  
 231:20 267:4  
**identifying** 124:4  
 134:18  
**illegally** 168:8  
**illuminated** 78:20  
**image** 244:1  
**imagine** 242:11  
**immediate** 83:13  
 225:17,18  
**immediately** 63:10  
 66:16 142:25 151:22  
**immensely** 224:5  
**impact** 31:5 32:7 34:15  
 34:18,21 35:22 42:19  
 130:4,19,19 132:1,8  
 132:23 133:3,20

135:24 137:4,5  
 139:15 142:17 158:18  
 158:20 168:15 178:17  
 178:21 223:21 225:11  
 230:14 232:18 272:13  
**impacted** 126:4 139:23  
 140:5 223:19  
**impacting** 138:16,17  
 139:3,22  
**impacts** 36:5 37:20  
 126:12 129:24 135:14  
 138:12 274:13  
**impaired** 87:16,17  
**implement** 85:6 202:16  
 202:18  
**implemented** 82:23  
 204:19  
**implied** 228:12  
**imply** 226:14  
**importance** 26:16  
 205:20  
**important** 74:24 120:4  
 120:7 172:7 183:23  
 286:7  
**impose** 27:6  
**imposes** 25:23  
**impossible** 251:20  
 252:19  
**improved** 33:15 224:7  
**improving** 135:1  
**improvise** 193:7  
**incident** 4:10 49:1  
 190:17 228:18 257:11  
**incident's** 228:16  
**incidents** 41:5 156:10  
 156:14,21 157:15  
 221:4  
**include** 41:5 44:16  
 117:9 124:9 227:19  
 227:23 229:21 256:13  
 267:6 280:2  
**included** 6:20 45:25  
 48:16,22 197:12  
**includes** 31:20 32:24  
 34:10 45:1,2 124:8  
 169:24  
**including** 32:15 37:20  
 66:18 268:17 279:24  
**inclusion** 250:17  
**inconvenience** 120:15  
**incorporate** 246:12  
**incorporated** 13:5  
**increased** 227:20  
**incumbent** 36:9  
**independently** 158:16  
**India** 90:22  
**indicate** 69:16  
**indicated** 24:24 68:25

102:9 104:2 113:4  
231:9 248:13  
**indicates** 66:16 137:2  
**indicating** 3:19 46:19  
139:2  
**indication** 70:6 264:4  
**indices** 136:2  
**individual** 18:24 84:9  
111:18 265:10  
**individually** 100:24,25  
**individuals** 12:14 32:13  
95:23 149:24  
**industrial** 135:21  
**industry** 73:13  
**information** 6:22 25:11  
27:2 29:9 40:9 43:25  
57:15 76:3 85:19  
130:8,10,13 149:10  
158:15 179:24 226:16  
226:17  
**informed** 109:6  
**infractions** 276:25  
**ingress** 32:16 35:23  
78:25  
**initial** 49:8 104:3  
196:12  
**initially** 161:9 202:3  
**initials** 105:14  
**initiated** 230:5,10  
**injures** 169:19  
**input** 205:19  
**inquired** 23:16  
**inside** 58:25 76:13 88:8  
120:19 166:15,19  
172:24 182:25 208:7  
209:6,12,15 227:3  
247:22,24,25 249:4  
249:12 250:19 267:24  
272:7,12  
**insight** 126:12  
**inspect** 185:11  
**inspected** 30:14  
**inspection** 88:23  
188:23  
**inspections** 38:24  
88:24  
**Inspector** 67:5,20  
**inspectors** 251:23  
**inspects** 185:9  
**instance** 139:6 142:3  
**instances** 118:14  
**Institution** 197:8  
207:18  
**institutional** 131:8  
**instructed** 95:3  
**instructions** 7:19  
**insulation** 243:23  
**intend** 23:18 25:2 32:21

35:7 75:2 77:22 78:2  
78:4 79:1 85:5 87:2  
87:23 88:4 95:11  
98:10 114:19 115:14  
**intended** 16:9 29:11,13  
29:25 103:3 119:24  
177:14  
**intends** 141:6  
**intensity** 208:12  
**intent** 21:25 122:17  
195:12 284:20  
**intention** 24:8 91:22  
108:14  
**intentions** 29:5 78:15  
116:16 222:4  
**interesting** 160:23  
**interfere** 263:22  
**interference** 20:15 52:9  
57:17 68:15  
**interior** 11:20 115:17  
116:8 236:19 238:24  
249:25  
**internal** 196:22 211:10  
**internally** 95:17 118:10  
**International** 123:24  
124:24 187:5 188:12  
**internet** 114:21 236:1  
**interrupted** 177:9  
**interview** 63:16,17,19  
**interviewed** 63:13 64:5  
**intimated** 29:16  
**introduce** 7:4 33:19  
**intrusive** 84:11  
**invasive** 111:21  
**inventory** 97:14 126:11  
126:14,15  
**invest** 103:6 106:6  
**investigate** 228:18  
229:7  
**investigation** 30:24  
39:7 57:5,13 61:18  
62:9,22,25 63:2,9,10  
65:13 66:14,25 145:3  
228:20  
**investigations** 38:24  
146:4 197:24 221:6  
286:25  
**investigative** 4:23  
154:21 155:8,12,16  
156:11 157:14 158:6  
158:9 162:19 287:3  
**investigator** 2:1 23:2,3  
23:4,6,8 38:5,12,16  
38:20,23 39:3,6,11,16  
39:21,25 40:3,7,12,13  
42:1,1,5,10,10,17  
43:9,23 44:9,14,20  
45:5,11,17,21 46:3,8

46:13,18,23 47:3,7,12  
47:17,22 48:3,8,14,20  
48:25 49:5,11,18 50:8  
50:11,16,25 51:5,12  
51:15,17,18,24 52:3,7  
52:14,19,24 53:5,11  
53:13,18,23 54:1,4,7  
54:14,17,22,25 55:6,9  
55:15,19,24 56:3,6,9  
56:11,16,19,22 57:2  
57:12,18,24 58:1,9  
59:20 62:1,2,8,11,14  
62:23 63:7,13,18,20  
64:5,9,24 65:10 66:2  
69:15,19,24 70:9,17  
70:24 71:2 145:12  
148:1 152:14 158:7  
158:12 262:13  
**investigators** 75:21  
85:18 158:14  
**investing** 74:11  
**investment** 138:6  
**investor** 30:21 131:9  
141:4,5 142:8  
**invests** 202:5  
**invite** 164:21 202:19  
**invited** 205:18  
**involve** 143:14,17  
200:9  
**involved** 73:18 74:1  
87:8,10 97:12,12,25  
102:10 104:3 124:7  
134:18 135:10 161:13  
233:11,13 258:6  
**involvement** 202:12  
204:15 205:3  
**involves** 134:20 135:3  
**inwards** 176:24  
**Iraklion** 1:6,6 8:10  
11:16 39:2 66:17  
72:12 99:11 100:6  
105:21 115:20 116:15  
145:1 164:8,15  
196:15 214:24 221:10  
233:1 237:11 248:9  
256:13  
**issuance** 145:24  
**issue** 66:8 88:22 101:20  
138:15 147:8 161:25  
167:9 168:5 198:20  
203:20 205:11,12  
210:8,14 222:14  
235:12 269:17 284:2  
**issue's** 222:14  
**issued** 12:22 101:22  
102:1  
**issues** 23:17 29:17 35:7  
74:17 146:7 157:2

202:8 204:4 249:20  
268:23 270:25  
**issuing** 13:3  
**it'll** 200:13,19,20 249:7  
250:8,17 280:22  
**item** 200:21  
**items** 36:2 199:15  
220:25  
**Izay** 41:4

---

**J**


---

**J-O-H-N** 15:2  
**J-O-S-H-U-A** 236:14  
**J.P** 254:11 275:24  
**jacks** 167:22  
**James** 1:18 7:6,8  
**JAMESON** 1:21  
**jammed** 180:25  
**January** 10:21 12:20  
13:1 34:1 42:3,5 54:8  
54:9,11,13 63:14  
67:21 207:13 227:16  
227:16,25,25 256:10  
266:12,16,23  
**Jenkins** 255:16  
**jeopardize** 102:21  
**Jessica** 1:22 8:24,25  
12:18 17:19 33:12  
**jet** 284:14  
**job** 73:11 77:1 103:13  
**jobs** 73:7  
**John** 1:22 3:7 8:21 9:11  
14:1,9,13 15:2 71:6  
215:1  
**Joseph** 1:24 3:9 4:24  
8:20 77:14 214:8,17  
**Josh** 8:20 76:9 95:3  
**Joshua** 1:23 4:18 234:6  
234:24  
**Journal** 127:16 128:2  
128:10  
**JP** 1:21,22,24 3:4,16  
9:1 10:15 12:16 17:20  
17:23 18:12 19:15  
20:25 32:6 33:4,13,13  
33:16,23 34:13,16,19  
34:24 35:2,6 36:3,17  
37:8 39:22 42:6 46:9  
64:22  
**JR** 1:17,18  
**judicial** 155:19  
**jump** 171:18  
**junction** 282:18  
**jurisdiction** 229:4  
**justice** 73:16

---

**K**


---

**K** 50:12,21 52:6 59:2

69:22 130:17 131:1  
 133:24 136:23 142:19  
 144:23 157:11 170:14  
 190:24  
**Kaiser** 200:24  
**keep** 25:22 95:11 127:7  
 187:17 201:14 245:13  
 261:8 281:20  
**keeping** 76:12,13 82:14  
**key** 119:7  
**kick** 169:15  
**kills** 169:18  
**kind** 62:19 130:12  
 132:9,25 140:12  
 149:5 177:13 179:17  
 205:7 208:7,25  
 232:17 237:3,6  
 238:24,24 239:7,8,19  
 239:19,21,22,24  
 241:10,24 246:21  
 248:24,25 252:6  
 272:17,23  
**kitchen** 98:19 179:22  
**Knight** 3:16 8:25 9:1  
 12:19 17:19,23 33:11  
 46:10  
**know** 9:7 10:6 19:6 20:3  
 20:17 22:3,16,20  
 23:12 31:16 44:5  
 52:11,11,12,13 53:2  
 54:20,22 55:1,10 56:8  
 56:8,9,11,25 65:18  
 70:11 74:17 75:5 83:9  
 87:12,22 88:12 89:6  
 89:12 91:19 104:13  
 105:5,9,11 106:6,12  
 106:15,19,22 108:22  
 109:13 115:13 116:15  
 117:4,6 120:15  
 121:24 130:11 132:10  
 134:21 135:2 139:22  
 140:7,20 147:3  
 153:22 158:13 159:17  
 170:20 179:22,23  
 181:22 182:3,15  
 183:2,2,5,18,19,22  
 184:11,18 186:12  
 187:19 188:19 189:7  
 190:12 193:12 195:24  
 200:1,14 201:5,15  
 202:25 203:4,25  
 204:8,17,21 205:10  
 205:13,19 208:6,9,18  
 208:18 210:9,10,14  
 211:22 212:10,11  
 217:21 218:19,25  
 222:13 226:4,6  
 228:14 232:3,5,24

236:2 239:25 241:13  
 242:7,8,9,10,22 243:2  
 243:3,17,19 249:7,19  
 250:3,5,16,18 251:23  
 253:17,21 254:20  
 255:16 257:3,4  
 264:21 266:16,21  
 268:14 270:4 271:18  
 272:22 276:15 277:5  
 280:25 281:9,14  
 282:5 284:18 285:6,7  
**knowing** 26:15  
**knowingly** 131:10  
**knowledge** 129:23  
 160:1 183:22 221:12  
 223:9 233:3  
**known** 27:13 30:20  
 41:4 120:24 132:25  
 284:10  
**knows** 102:23 172:3  
 173:4  
**Koi** 241:1

---

**L**

---

**L** 123:20 164:4,5 236:14  
**L-D** 18:9  
**L-Y-L-E** 15:24  
**lack** 126:3 138:22  
**ladder** 167:21,22 179:6  
 180:22  
**ladders** 168:20  
**lag** 284:14  
**laid** 170:11  
**Lambros** 99:25 100:2  
**land** 37:21 140:6,7  
**lanes** 161:21,24 162:5,6  
**laptop** 108:24 109:12  
 200:15,20  
**large** 73:20 77:22 92:20  
 98:2 132:15 154:14  
 172:5 246:10 247:21  
 259:12 270:15 271:22  
 277:21,25  
**larger** 86:23 92:2  
 249:15  
**Las** 86:22 103:2 107:13  
 107:14  
**lastly** 70:4 285:23  
**late** 11:3,4 98:3 224:6  
 254:15 257:9 273:2  
**latest** 22:4 75:9 255:8  
**law** 35:15 85:13,18  
 87:22 110:25 129:12  
 198:14 216:25 221:15  
 224:12 229:8,19  
 230:20 287:1  
**laws** 221:19  
**lawyer** 103:7

**lawyers** 272:21  
**lay** 240:23 265:23  
**lay-by** 161:2 162:1  
**layer** 151:7  
**layers** 243:22  
**laying** 23:14  
**layout** 60:22 80:14  
 131:24 132:7 148:9  
**lays** 180:15  
**lead** 13:13 25:1 82:8  
 105:2 172:25 175:15  
 192:23  
**leadership** 73:9,14  
**leading** 41:21  
**leads** 75:19 79:19  
 175:19 191:12,13,24  
**learn** 111:3  
**lease** 141:6  
**leasing** 134:25 135:4,8  
**leave** 22:17 87:15  
 102:24  
**Lee** 1:23 4:19 76:9,10  
 76:24 95:3 105:17,21  
 213:9,9 234:7,8,11,13  
 234:14,17,19,22,24  
 235:6,10,16,18,20,23  
 236:3,7,12,14,17  
 237:25 238:8,19  
 244:23 245:25 246:5  
 253:3  
**Lee's** 4:18  
**left** 81:3,4,8 82:6,10  
 90:14 105:3 231:11  
 233:15  
**legal** 29:15 44:24 74:17  
 98:13 287:2,2,3  
**legislation** 202:24  
**Leland** 1:23 3:8 4:20  
 163:8,10,12,14,15,16  
 163:19,21 164:1,4,6  
 165:22 166:8 174:9  
 174:12,16,17,21  
 175:1 177:8,16,19  
 184:2,5,8,9,11,13,16  
 184:19,21 185:1,8,20  
 185:24 186:7,19,23  
 187:5,11,14 188:1,6  
 188:12,15,17 189:12  
 189:17,21 190:1,7,18  
 191:15,21 192:4,12  
 192:18,20 194:9,11  
**lengths** 25:21  
**lengthy** 259:16  
**lesser** 180:2  
**let's** 13:7 15:8 55:12  
 67:17 82:4 83:16  
 88:10 96:11 113:24  
 125:16 138:14 149:9

156:7 167:7 181:10  
 199:20 203:22 212:2  
 213:21,21 219:3  
 226:20 227:5 262:16  
 263:4 265:17  
**letter** 3:14,16,17 36:16  
 46:5,9,14 65:14  
 258:12 259:16,24  
 260:5,6,10 262:4  
 263:6,8,9,19 264:3,7  
 264:16,21 265:5,6,9  
 265:11,14,16,22,25  
 266:1,4,12,16,21  
 267:18,20 268:6,8,10  
 268:11,13 275:3,4,7  
**letters** 63:3 111:13  
 259:9,11 264:18  
**letting** 96:17 109:11  
 284:17  
**level** 4:7,7,8 48:15,15  
 48:21 72:3 87:17  
 107:12,15 110:17  
 119:10,11 154:15  
 242:4 245:11,17,18  
 249:19 251:22  
**liability** 263:17  
**liaison** 120:19  
**liaisoning** 110:23  
**license** 1:8,9 8:10 11:14  
 11:15,16,19 12:2,8,9  
 14:7 31:9 32:4,6,25  
 34:10,15,17 35:16  
 36:11,15,19 38:1  
 62:19 74:15,22 98:14  
 100:10 101:15,18,20  
 101:23 102:1 115:25  
 116:16,22,22,25  
 117:6 120:9 145:21  
 257:21,25 258:10  
**licensed** 38:24 43:20  
 43:25 44:3  
**licensee** 186:15 190:23  
**licensees** 58:7 148:3  
**licenses** 145:25 270:6  
**licensing** 12:1,7 30:22  
 74:8 145:23 146:25  
 287:4  
**licensure** 74:20  
**lie** 41:9  
**life** 185:10 245:1  
**light** 33:24 54:25 78:14  
 98:18 243:15,18,19  
 285:23  
**lighting** 54:15,19 55:1,4  
 75:1 78:14,18 112:13  
 112:15 199:18 201:12  
 208:11,12 218:18  
 219:9,9,10,13 221:1



231:9,12,15 243:22  
**lights** 55:8 78:18  
 112:17 201:16 208:14  
**likes** 112:24  
**likewise** 19:21 159:12  
**limit** 13:10 25:21 96:19  
**limitations** 26:1  
**limited** 31:24 95:25  
 104:5 135:20 153:20  
 218:2 228:20  
**limiters** 95:20  
**limits** 25:15  
**line** 12:5 30:1 108:4,7  
 114:2,8 135:3 138:7  
 142:24 150:9 193:8  
 242:6 267:11 274:1  
**lines** 84:4 150:9 153:6  
 267:10  
**lining** 108:1  
**liquor** 74:14 107:14  
 116:16  
**list** 8:17 20:13  
**listed** 71:23 154:4,22  
 266:15  
**literally** 131:2  
**litter** 268:17 279:24  
**little** 35:11 37:23 43:7  
 49:21 77:8 78:12,25  
 90:1 93:20 105:17  
 161:16 176:16 187:15  
 212:2 218:17 230:3  
 236:22 244:1 248:20  
 252:21 256:9  
**live** 86:18 98:18 117:10  
 256:16  
**lived** 103:20,21 277:12  
 277:13  
**living** 123:21 155:17  
 156:7 192:22 214:19  
 236:16  
**LLC** 1:6 31:25 32:1,3  
 72:12 99:14 145:1  
 164:8 196:15 214:24  
 263:10  
**load** 188:18,24 189:5  
 189:10 190:10,13  
**loading** 32:16  
**local** 164:21 180:3  
**located** 11:17 31:21  
 33:14 43:10,25 47:25  
 49:22 51:4,6 67:6  
 112:20,21 131:1  
 132:4 133:23 148:14  
 148:16 157:10,21,25  
 162:20 170:13 197:18  
 203:7 232:19 251:6  
**location** 1:10 11:15  
 29:3 32:21 33:1 41:9

49:17 55:23 56:8,21  
 57:1 79:23 101:13  
 108:11 111:5 115:9  
 130:21 131:2 134:3  
 148:5 149:12 151:21  
 153:23 159:14 179:3  
 179:19 204:11 208:3  
 208:3 215:2,4 216:16  
 216:21,24 217:3  
 218:16 220:9 222:1  
 224:16 233:7 250:7  
 251:11 256:14 257:5  
**location-based** 35:19  
**locations** 171:8  
**lockable** 95:20  
**locked** 95:25  
**lodge** 260:2  
**log-in** 6:21  
**logged** 84:16 261:6  
**logistical** 74:10  
**long** 11:9 29:15 38:18  
 124:10 171:9 182:15  
 194:19 236:23 256:7  
 277:11  
**longer** 187:23 269:16  
 285:18  
**look** 23:15 55:2 58:20  
 60:24 66:14 74:8  
 119:1 140:8,12,13  
 141:14 142:18 143:9  
 172:10 174:23 185:4  
 200:10,16 201:13,22  
 213:13,17 218:17  
 231:22 239:6 255:3  
 264:5  
**looked** 52:25 55:20  
 61:24 142:20 143:11  
 183:15  
**looking** 49:15 59:4  
 68:18 74:23 84:8  
 87:25 92:19 94:4,4  
 101:7 118:23,23  
 133:21 140:25 142:8  
 142:16,23 152:2  
 157:13 188:19 200:17  
 200:21 205:6 219:4,8  
 239:1 241:9,22  
 250:25  
**looks** 25:1 44:24 61:1,8  
 83:18 106:4  
**loops** 218:17  
**lose** 203:14  
**lot** 22:15 68:15 74:12  
 75:19 89:8 103:23  
 115:7 118:20,21  
 148:3 151:18 152:16  
 153:2,5,7 161:6 167:8  
 180:6 181:7 182:9

193:10 201:1 204:8  
 220:25 223:9 224:8  
 224:11 229:7 230:6,8  
 242:6 247:21 270:24  
 271:20 273:1 278:17  
**lots** 86:20 111:7  
**loud** 95:18  
**louder** 96:22  
**Lounge** 155:9 157:19  
**low** 96:17 126:18,19  
 136:4 225:17  
**lower** 4:6 48:15 242:4  
**Luchs** 31:17  
**Luna** 104:17  
**lunch** 22:8,9,12,13  
 121:17,21  
**Lyft** 83:8 152:1  
**Lyle** 1:20 9:3,7,17,20  
 12:15 15:23 31:16  
 33:20 40:14 261:25

---

**M**

---

**M** 43:13 123:19 206:10  
**M-A-R-K** 38:12  
**M-A-S-S-E-Y** 214:18  
**M-I-C-H** 196:11  
**ma'am** 15:9,17 16:24  
 17:15,17 28:2 101:3  
 105:15 113:15 264:20  
 269:7,11 272:19  
**magnet** 259:21  
**magnetometer** 86:4  
**main** 34:14 175:18  
 176:20 177:24 191:21  
**maintain** 119:6 243:18  
**maintained** 149:8 223:9  
**maintaining** 250:20  
**maintenance** 32:17  
**major** 76:14 150:9  
 215:12 222:22  
**making** 8:17 29:4 41:2  
 99:20 138:5 160:11  
 203:11 217:20 243:19  
 247:21 251:4 252:18  
 284:17  
**malls** 183:6  
**man** 278:17  
**manage** 172:5 230:19  
**management** 72:16  
 73:14 97:14 102:11  
 102:20 171:9 172:7  
 221:6 222:8 233:6  
**manager** 145:16,18  
 215:13 237:15  
**managers** 67:5  
**managing** 77:16  
**manner** 25:24 35:5  
 179:1 229:10 287:23

**manpower** 223:21  
**manufacturer** 252:4  
**map** 3:19,20,22,23 4:17  
 46:19,24 47:4,8 59:4  
 61:2,8 81:8 148:8,13  
 154:3 253:13  
**Maps** 80:7  
**March** 207:13,24  
 254:12,17 255:11,17  
 284:19,24 286:15  
 288:2  
**mark** 2:1 3:6,13 8:20  
 9:2 38:5,12 200:14  
 217:8  
**marked** 36:16 46:7,12  
 46:17,22 47:2,6,11,16  
 47:21 48:2,7,13,19,24  
 49:4,10 80:5,10 89:21  
 89:24 92:12,15 93:14  
 93:18 124:16,19  
 125:19 127:18 128:1  
 128:6,9,15 129:17  
 131:13,17 146:10,13  
 147:14 148:7 154:25  
 155:4 156:3 165:11  
 165:14 166:5 174:6  
 198:7 215:17,20  
 217:9 218:7,10  
 219:19 237:19,21  
 241:16,18  
**market** 31:3 125:23  
 126:1,9,24 127:1,7  
 130:13 131:4,6 136:1  
 136:9,20 137:7,10,11  
 137:24 138:2,16,18  
 143:9  
**marketing** 89:7 118:10  
**marketplace** 127:8  
 142:21  
**markets** 138:25  
**marshal** 186:13  
**marshal's** 88:23 186:12  
 186:17  
**Maryland** 197:14  
**Massey** 1:24 3:9 5:7,9  
 9:14 30:10 77:14  
 82:22 110:9,19 213:7  
 213:8 214:8,10,15,17  
 214:20 215:16 216:4  
 216:14 220:21 224:19  
 225:3,4 226:22  
 233:25 234:2  
**Massey's** 4:24  
**master** 96:15  
**master's** 73:13  
**matches** 84:17  
**matching** 8:17  
**material** 243:10

<b>materials</b> 35:3 158:5 249:23 250:19 <b>math</b> 284:7 <b>matter</b> 1:5 11:6,12 13:20,25 27:3 33:23 98:13 110:5 122:6 140:15 168:21 213:23 223:22 249:11 275:18 282:10 286:8 288:9 <b>matters</b> 24:17 28:1,6 138:10 156:25 165:19 <b>mature</b> 118:8,15 <b>maximum</b> 88:21 96:20 115:1 <b>Mayflower</b> 240:25 <b>Mayor</b> 205:9 210:20 <b>mayor's</b> 203:3 <b>McPherson</b> 79:6 81:5 150:6 <b>mean</b> 26:4 54:20,20 62:18 77:18 88:16 99:17 100:8 102:13 102:14 107:11 127:6 138:24 139:16 141:15 143:7 148:25 170:23 171:23 176:5 177:3,9 178:25 181:17,18 182:14 190:7 204:10 231:13 251:25 260:22 264:14 270:21 273:13 285:17,19 286:12 <b>meaning</b> 19:18 192:6 <b>means</b> 69:21 229:7 <b>measure</b> 201:11 <b>measures</b> 35:20 78:3 96:3 107:23 112:8 150:1,14 245:1 <b>medic</b> 179:8 <b>medical</b> 229:9 <b>meet</b> 266:20 <b>meeting</b> 1:3 6:8,10,18 6:19,20,23 119:15 271:8,12,20 275:10 278:13 283:11 286:22 287:19 288:5 <b>meetings</b> 6:7,13,14 205:19 278:18 287:20 <b>member</b> 1:17,18 7:8,12 41:23 42:8 51:16,20 51:25 52:5,16,21 53:1 53:8,12,14,20,25 54:3 54:5,12,15,18,24 55:4 55:7,11,17,21 56:1,4 56:7,10,12,17,20,25 57:4,11,19 68:11 69:15,21 70:1,11,19 99:13 117:19,22 118:11 119:20 121:3	184:7,10,15,17,19 185:3,18,21,25 186:8 186:10,20,25 187:3,9 187:19,22 188:3,8,14 188:16 189:11,13,19 189:23 190:3,14,19 191:17 192:1,7,13,16 192:19 256:12 265:22 276:13 277:5,10,15 287:7,13,15 <b>members</b> 7:4,15 13:22 26:9 28:15 33:7 51:14 57:10,14 83:6 117:18 121:7 143:25 163:2 184:4 193:23 212:17 222:8,17 228:17 233:19 252:25 266:14 274:20 275:11 276:11 278:9 279:1 288:4 <b>memory</b> 219:2 227:12 <b>mention</b> 263:24 <b>mentioned</b> 86:1 105:24 107:6,22 108:12 110:8 111:16 139:4 140:20 152:9 160:23 175:5 192:21 199:21 201:12 210:3 211:2 218:3 223:25 230:24 232:10 240:4 276:19 <b>mentioning</b> 248:17 <b>menu</b> 98:20 <b>merits</b> 37:21 <b>met</b> 1:14 31:8 <b>metal</b> 250:20 <b>meter</b> 239:18 <b>method</b> 242:15 243:5 <b>methods</b> 241:3 244:14 <b>metro</b> 79:6 150:4,6,9 162:10 <b>metropolitan</b> 75:10 77:13,20 126:5 197:6 201:24 214:21 215:11 230:15 <b>metros</b> 183:6 <b>Miami</b> 77:3 86:22 97:1 103:2 119:1 245:6,7 245:14 251:21,24 <b>Michael</b> 1:25 3:9 5:11 9:2,3,9,17,22 12:11 14:3 42:2 77:12 195:18 196:11 256:16 256:19 <b>microphone</b> 7:25 14:24 <b>microphones</b> 96:9 <b>Mid-Atlantic</b> 215:14 <b>mid-day</b> 153:8 <b>middle</b> 40:21 61:4 80:23 98:22 131:16	153:14,14 196:12 <b>Mikea</b> 42:2,11 <b>miles</b> 170:14,16 <b>military</b> 215:10 <b>millions</b> 101:13 <b>mind</b> 119:18 176:13 187:17 189:8 241:2 281:20 <b>mindset</b> 118:15 <b>mine</b> 107:4 174:24 <b>minimal</b> 118:21 <b>minimize</b> 201:6 <b>minor</b> 180:2 <b>minute</b> 22:14,19 80:1 168:1 213:21 263:14 <b>minutes</b> 20:20 22:24 28:12 121:20 170:19 194:23 285:4 <b>misconduct</b> 287:1 <b>mitigate</b> 170:3 272:2 <b>mitigation</b> 77:3 94:18 95:1 116:14 240:13 241:5 245:1,10 <b>mitigations</b> 95:9 <b>mixed</b> 43:12 <b>mixer</b> 96:16,21 <b>Mm-hmm</b> 51:24 105:13 <b>model</b> 239:7,10 <b>models</b> 246:15 <b>modern</b> 181:7 <b>Moi</b> 257:7,7,11,12 <b>moment</b> 7:23 88:11 94:17 113:23 114:11 148:18 167:8 171:19 <b>Monday</b> 26:13 286:9 <b>money</b> 74:11 103:6 118:24 131:10 202:5 <b>monitor</b> 200:18 <b>monitoring</b> 45:8 87:14 87:19 <b>month</b> 13:10 54:5,6,10 62:20 103:22 147:24 <b>monthly</b> 92:21 <b>months</b> 75:5 197:5 <b>Morgan</b> 1:21,22,24 3:4 3:16 9:2 10:15 12:17 17:20,23 18:12 19:15 20:25 32:6 33:4,13,14 33:16,23 34:14,24 35:2,6 36:3 39:23 42:7 46:9 254:12 275:24 <b>Morgan's</b> 34:16,19 36:17 37:8 64:22 <b>morning</b> 6:3 7:12 8:11 10:18,19 13:21 15:3,4 15:5,16,23 16:1,15,17 17:18,21 18:8 28:15	31:15 33:5,7 38:14 51:17,18 57:24,25 62:7 64:10 254:14 <b>motion</b> 12:24 13:1,4 262:19,24,25 279:18 287:9,10,17 <b>motions</b> 101:11 <b>motor</b> 87:16 <b>move</b> 14:25 19:10 27:5 27:7 65:9 66:15 67:17 74:17 76:8 81:17 88:2 89:19 92:4 93:4 94:6 101:12 103:11 113:24 118:5 119:24 122:24 125:5 127:12 128:18 138:14 146:23 155:20 165:21 166:3 173:9 173:10,17,20 176:24 198:16 213:5,6 216:3 220:11 238:7 244:6 253:6,12 260:23,25 262:10,16 263:4,6 264:24 265:17,24 284:21 286:21 <b>moved</b> 125:15 145:17 174:4 198:24 216:9 253:15,18 <b>movie</b> 98:4 <b>moving</b> 68:12 92:12 94:25 127:25 145:4 149:5 157:3 159:21 182:19 196:24 219:16 228:4 253:6 261:8 <b>MPD</b> 57:16 65:16 110:14 111:3,15 114:6 173:6 202:11 207:17,20 211:13 212:8 223:13 225:3 226:13 233:12 <b>multiple</b> 25:8 27:15 83:6 150:9 168:22 225:21 263:16 <b>museums</b> 197:13 <b>music</b> 76:16 95:4 96:17 107:3 117:10 251:13 <b>mute</b> 8:3 12:5 15:9,18 17:15 267:10,11 282:20
<b>N</b>			
<b>N</b> 123:19 144:22,23 164:5 <b>name</b> 7:2,6 9:10 13:19 13:23 14:8,18,23 15:1 15:2,13,18,23 31:16 33:10 38:11 91:13 123:18 144:20,22,23 164:2 196:9,11			

214:16,17 231:4  
236:13,14  
**named** 81:15  
**names** 8:16 18:18  
**narrow** 41:18 49:19  
51:7 80:21 91:3  
168:10 172:2,16  
180:6,9 220:2 262:20  
279:19  
**narrowed** 268:15 269:3  
279:21  
**narrower** 90:12,20  
**national** 33:13 210:2  
**nature** 26:25 102:2  
179:23 204:9 216:22  
266:9  
**near** 83:20 153:25  
157:25 227:24 267:21  
**nearby** 137:3 159:14  
276:22  
**nearer** 151:24  
**nearest** 43:17 60:11  
131:22 153:22,24  
**nearly** 227:24  
**necessarily** 9:16 25:10  
129:10,11 135:24  
206:6,11  
**necessary** 101:19  
153:13  
**need** 7:18 8:23 9:3,3,5  
9:6,8,9,13,16,16,17  
9:22 10:14 11:7 12:5  
20:16 22:16 23:9,11  
24:17 28:1 35:1 49:14  
49:15,16 66:9 75:21  
112:17 117:2 123:4,6  
150:2,15 162:2  
178:25 188:9 201:8  
220:24 229:8,9  
235:18 236:1,3  
239:25 261:8 262:14  
263:1  
**needed** 173:1 179:13  
196:25 222:13  
**needs** 35:14 124:5  
167:23 168:13 187:7  
187:12 199:12 203:10  
204:21 279:25 284:18  
**neglected** 173:9  
**neglectful** 229:11  
**neighbor** 97:3 112:23  
120:8  
**neighborhood** 43:8,10  
97:20 103:16 141:25  
149:7 157:11 224:2,3  
272:9  
**neighboring** 112:18  
**neighbors** 205:1 242:7

**neither** 26:3  
**Nelson** 42:2,11  
**never** 55:21,22 111:8  
173:16 271:9  
**new** 1:10 11:15 25:11  
29:3 31:25,25 32:1  
34:10 37:19 43:13  
86:23 97:1 114:20  
153:25,25 259:13  
263:9 276:23 277:2  
**newest** 240:25  
**nice** 28:16 83:10 170:21  
**night** 89:16 98:22  
152:18 153:15 159:25  
160:3 218:24 242:9  
245:1 257:9 268:3  
286:4  
**nightclub** 32:23 37:18  
41:4 42:22 44:3 56:23  
60:11,13 65:23 67:9  
77:2 79:19,21 83:23  
88:5 89:9 104:4,7,14  
104:25 105:2,5,7  
106:16 107:7,15  
116:24 119:8 133:19  
134:15 145:6 154:16  
157:10 172:18 182:20  
202:19 206:19 215:7  
224:15 232:23 233:1  
237:5 240:11 244:12  
256:13 257:5,8 258:4  
259:20 267:24 270:1  
270:6,23 271:3,14  
**nightclubs** 28:21 42:23  
43:16 56:18,20 66:19  
73:19 74:2 86:22 89:3  
91:24 119:14 139:12  
143:16 148:14,15  
202:6 211:1 223:24  
232:18 236:21 246:20  
246:23 257:1 269:20  
269:22  
**nightlife** 202:6 205:7,11  
205:18 206:14,16  
237:1 238:9  
**nights** 43:2 89:13  
**nighttime** 217:2 219:1  
**nine** 103:20 149:21  
159:23  
**noise** 45:20,21 76:15  
76:22 77:4 85:2 97:2  
242:9 244:25 245:10  
245:16,18 247:21  
248:22 268:17 279:24  
**noisy** 228:23  
**non** 265:14  
**non-factor** 138:13  
**non-party** 265:6,9,10

265:11,14  
**non-residence** 263:20  
**non-residential** 140:22  
141:1,2,6 143:15  
**non-Wednesday** 26:8  
**noon** 152:21 153:1  
245:9  
**Nope** 94:10 125:11  
**normal** 37:9 42:25  
178:18 230:14  
**normally** 26:4 53:16  
62:21 63:8 83:22  
193:6 237:7  
**north** 61:21 69:17,19  
79:16 81:2 178:16  
220:3  
**north-south** 178:9,10  
178:11  
**northbound** 82:5  
**Northwest** 4:3 57:3  
79:22 82:9 131:21  
135:12 170:16 220:4  
267:22,22  
**Nos** 3:12 220:19  
**notation** 253:15  
**note** 36:13 71:22  
148:12  
**noted** 36:18 227:18  
**notice** 6:18,20 59:23  
69:7 70:8,9 111:10  
155:19 171:2 218:24  
287:18,20  
**Notte** 104:17  
**November** 268:11,15  
279:18  
**nude** 11:19 28:21 32:24  
44:8 58:7,18 98:8,11  
115:14 129:24 131:25  
133:20 157:9 206:5  
223:18,21 232:17,23  
271:19,23 272:6,24  
273:11,22 274:11  
**number** 58:23 120:21  
126:7 150:12 160:24  
167:1 173:13,14  
174:4 189:15 193:11  
193:13 198:17 210:11  
215:18 237:19 238:8  
244:7 270:16 279:7  
284:3  
**numbers** 140:10 142:22  
188:19,20 212:10  
**numerous** 41:5  
**NW** 1:7 11:17 31:21  
32:2 33:15 44:2 47:24  
49:19,25

---

**O**


---

**O** 164:4  
**o'clock** 22:4 24:11  
53:24,25 54:1 254:22  
281:4,16,21 283:12  
283:15 284:11,22  
286:4  
**O'Donald** 1:24 18:7,8  
18:12  
**O-D-O-N-A** 18:8  
**object** 25:4,25 26:24  
66:4 128:22,23  
137:20 225:23 226:9  
244:9 263:12,15  
266:10 272:18,21  
274:1  
**objecting** 27:9 262:20  
**objection** 27:8 65:2,3,6  
65:7 67:10 81:20 92:7  
93:5,6,8 94:9,10,12  
101:1,10 102:7  
113:20,23 125:9,13  
136:11,14 147:12  
155:23,24 156:1  
165:25 166:1,3  
173:22,24 174:2  
198:22 216:7,9  
220:14 226:6,9,10  
238:11,12,14 244:8  
244:18 253:11 260:3  
260:13 262:10,21  
266:6,9 274:8 275:8  
**objections** 26:25 27:1  
81:19 92:6 128:20  
147:1 155:22 198:21  
198:24 216:6 220:13  
220:16  
**objective** 11:1  
**observe** 53:14  
**observed** 54:21 228:16  
**obviously** 135:15  
141:10 161:5  
**occasion** 58:14  
**occupancy** 11:21,23  
42:25 88:11,11,21  
101:25 114:25 130:18  
166:24 172:19 188:17  
188:24 189:5,10  
190:10,13 232:25  
**occupant** 189:6  
**occupiers** 124:3  
**occur** 27:24 195:15  
202:8 221:4  
**occurred** 131:3 156:23  
**October** 12:9 207:18,24  
**offer** 28:21 98:10 231:6  
**offered** 103:3 225:25  
**offering** 83:4 98:16  
113:1 129:8

**office** 6:12 65:18 66:18  
132:15 135:21 138:24  
139:4,7,7 142:24  
143:2,2,15 153:2,3  
186:12,17 203:4  
208:13,23 210:20,22  
286:21  
**officer** 18:13 72:22,23  
99:15,17,19,22 165:8  
197:22 217:1 223:4  
**officers** 41:13 77:20  
205:4 210:19,25  
230:12,16  
**offices** 42:24  
**official** 12:1,7 72:17  
**officials** 86:13 222:7  
**oh** 61:16 174:1 190:14  
195:25 211:24 224:5  
226:24 278:17  
**okay** 9:19,21 10:10,17  
10:17 15:22 18:19  
21:8 27:7,24 43:6,19  
44:17 51:2,9 52:13  
58:13,17,20,23 59:6  
59:19 60:2,6,10,19  
61:3,4,8,20,25 63:5  
63:12,18,23 64:1,4,8  
64:15,19,22 67:4  
69:21 70:19 71:20  
72:10,17,21,25 73:10  
73:21,24 74:4,19 76:4  
76:23 77:7 78:1,11,23  
79:3 80:4,13,17,25  
81:12,16,25 82:11,14  
82:14,25 83:16 85:4,8  
86:1,9,15,20 87:4,23  
88:10 89:20 90:6,14  
90:23 91:5,9,15,18,21  
92:4,12,23 93:3 94:6  
94:20,25 95:16 96:11  
96:23 97:4,9 98:6,15  
100:22 105:16,20  
108:25 110:3 115:4  
117:12 118:11 122:13  
123:17,25 124:6,12  
124:14,25 125:22  
126:10,20 127:9,25  
129:20 130:4,7,22  
131:12,16 132:6,14  
132:20 134:8,17  
135:5,14,19 136:16  
139:9,17 142:14  
143:20 145:7 146:2,9  
146:18,22 147:18,21  
148:12,18 149:9  
150:1,11,14 151:13  
152:6,9,17,20,23  
153:22 154:6,9,17,24

155:10,14 156:5,19  
157:3,13,18 158:4,8  
158:13 159:22 160:5  
160:10,22 161:19  
162:23 164:1,6,14  
165:1,10,17 166:8,17  
167:7 168:3 169:1,5  
170:5 171:1,18  
172:17 174:12 175:1  
177:3,8,10 178:13  
181:11 183:10 184:2  
184:17 185:3,18  
187:9,19 188:8,14  
189:11,12,23 190:7  
190:14 192:7,18  
195:22,25 196:13,18  
196:23 197:1,9 198:4  
198:16 199:3,11,20  
200:4,8,22 201:16,20  
202:16 203:5,9 204:2  
204:15 205:2 206:18  
206:23 207:22 208:2  
209:1,11,22 210:3  
211:4 212:13 213:20  
213:22 214:5,23  
215:3,6,16,25 216:3  
216:14,19 217:7  
218:3,6,14,21,23  
219:3,12,16,24 220:1  
220:5,10,21 221:10  
221:24 222:9,20,24  
223:13 224:18 227:5  
227:19,23 228:4,9,13  
228:24 230:22 231:7  
232:21 233:4,10,17  
235:20,23 236:3,5,25  
237:16 238:2,4,7,19  
239:3 240:4,11,19  
241:3,15 242:12,15  
243:5,24 244:6,23  
245:19,24 246:24  
248:12 255:1 257:20  
258:8,8 259:2 262:6  
263:3 268:2,5,14  
269:13,19,24 270:4  
270:10 271:1,7,13,23  
272:5,11,16,22 273:7  
273:10,16 274:18,25  
275:9,16,25 276:3,8  
277:5,10,15,18 278:7  
278:24 279:10 281:4  
281:13 282:3,14  
283:12 284:25 285:12  
286:14  
**Old** 242:10  
**older** 172:1 182:17,23  
**OMA** 6:7,17  
**omit** 208:1

**onboard** 221:11,21  
**once** 7:22 23:6,7 24:2,4  
33:19 64:24 74:20,22  
79:24 84:25 96:20  
101:17,24 106:5  
109:6 119:18 164:16  
164:23 170:17 171:16  
176:2 177:12 184:11  
216:22 239:7,9,13,15  
239:16,18 240:2  
249:10 269:10 280:21  
285:7  
**one-swing** 176:22  
**one-way** 150:19 151:1  
160:13  
**ones** 132:16 183:4  
241:1  
**ongoing** 30:7,10,16  
286:24  
**online** 123:5 236:2  
278:15,18,19,23  
279:8  
**OOG** 7:1  
**open** 6:7,12 29:18 45:4  
45:6,10,14 76:20  
77:23 101:8 118:21  
142:6 159:25 160:2  
175:19 176:11 190:23  
245:14 248:23 249:10  
249:10,11,16,18  
250:3,11 257:9  
286:21 287:20  
**opened** 85:1 97:18,23  
104:7 119:7  
**opengovoffice@dc.g...**  
7:1  
**opening** 3:2 20:4 21:4  
22:24,25 27:22 28:12  
28:13 31:14 33:3,4,6  
82:24 86:16 104:3  
116:23 170:12 243:9  
**openings** 73:20  
**opens** 176:22  
**Opera** 60:14 79:19,21  
104:25 105:2,5,7  
155:9 157:18  
**operate** 34:25 43:1  
87:16 183:4 185:16  
**operated** 110:4  
**operates** 29:10 148:24  
**operating** 29:7 37:18  
44:1 103:1 145:20  
182:1  
**operation** 11:23 32:23  
44:18,19,21,23 73:3  
89:2 101:5,8 145:4,5  
150:22 151:2 160:17  
162:14

**operational** 31:1 149:6  
218:20,24 231:12  
240:2,3  
**operationally** 102:16  
**operations** 14:1,11  
29:12,13,20,24,25  
35:4,20 37:10 72:14  
72:19 73:1 104:3,5  
148:23 197:11 199:13  
215:1 223:7 225:11  
230:14 263:22  
**operator** 29:9,11 77:6  
105:9 159:18 251:16  
**operators** 105:9 119:10  
**opinion** 70:12,18  
127:22 129:7 130:5  
130:17 132:5 134:10  
135:25 137:2,4,6,17  
139:18 140:15 193:9  
273:12 274:17  
**opportunities** 134:18  
**opportunity** 23:5,20,25  
24:5 33:18 39:25 40:1  
109:5 119:19 205:25  
206:2 221:22  
**opposed** 243:10 245:15  
250:19 252:11  
**opposes** 32:4  
**opposite** 114:7 150:24  
192:6 230:13 232:2,7  
**optimum** 201:10  
**option** 40:25 261:2  
**order** 8:8 13:3,6 28:18  
32:9 34:18,25 35:14  
37:21 42:19 74:10  
126:21 130:7 158:18  
158:20 240:16 262:3  
268:16 270:12,25  
271:17 272:13 273:23  
274:13 279:23 280:2  
280:3  
**organization** 78:6  
**organize** 110:16  
**oriented** 28:24  
**original** 222:2  
**originally** 4:11 10:20  
13:1 49:6  
**other's** 25:7  
**ourselves** 286:11  
**outage** 114:14  
**outdoor** 244:24 245:1  
**outlets** 52:5,8  
**outlined** 204:12  
**outlining** 204:20  
**outside** 22:4,5 76:16  
95:4 96:8,9 107:3  
112:8 176:11 201:7,9  
209:4,6,8 228:16

243:8 245:8 248:1,22  
249:4  
**outstanding** 78:7  
**outwards** 176:24  
**overall** 126:4 138:12  
149:6 164:18 165:6  
166:24 172:10 188:24  
204:25 244:15  
**overlap** 19:21,23  
**overpack** 88:1  
**overrule** 65:6,7 113:23  
136:14 226:5,10  
274:8  
**overruling** 275:8  
**oversee** 72:14 102:15  
**oversight** 200:16  
**overtime** 230:10,11  
**overview** 166:13  
172:12 175:9 183:13  
222:3  
**owned** 31:21,23,24,25  
32:2 34:24 35:2  
**owner** 12:17 33:17  
34:13 35:23 39:22  
73:11 99:21,23,24  
139:6 196:14 205:23  
**owners** 31:20 40:15  
72:20 91:16 118:20  
142:3,5 202:19 230:8  
**owns** 33:14

# **P**

**P** 144:23  
**P-R-O-C-E-E-D-I-N-G-S**  
6:1  
**p.m** 53:24 54:2,3,12  
67:21 122:7,8 152:22  
153:9 213:24,25  
282:10,11 286:15  
288:3,9  
**packet** 36:17  
**page** 3:2,12 59:24  
67:19 80:23 155:11  
155:15 218:7,8 225:7  
225:16 228:13 243:24  
244:2  
**paid** 100:17 116:4  
230:11  
**Panama** 197:14  
**panic** 175:23  
**panicking** 193:1  
**paper** 68:18 212:12  
**pardon** 226:24  
**park** 83:8 92:20 149:24  
257:4  
**parked** 79:11 168:8,10  
**Parker** 1:25 3:8 4:22  
30:19 144:8,10,11,12

144:14,19,22,23,24  
146:24 147:3,18  
156:8 158:24 159:7,8  
159:12,17 160:2,7,15  
160:18,21 161:4,14  
161:23 162:2,11,16  
162:22 163:4 178:14  
**parking** 4:4,15 28:19  
41:17 42:20 48:4  
86:17 87:6,9 149:3,9  
149:11,11,13,17,20  
149:22 151:6 159:13  
159:15,24 160:6,8  
161:1 205:14 220:8  
268:18 279:25  
**part** 62:25 63:1 65:13  
66:14 73:2 74:14 75:4  
78:17 84:20 98:13  
104:9 120:11 126:23  
129:6 134:19 160:8  
162:3 169:1 171:25  
176:15 181:16,17  
198:1,2 219:12  
239:12 248:19  
**part-time** 97:11  
**partially** 34:24  
**PARTICIPANT** 173:25  
258:25  
**participants** 8:12 63:10  
**participated** 278:12  
288:1  
**participating** 7:5  
**participation** 6:22  
278:20  
**particular** 27:11 36:13  
86:19 97:20 98:7,16  
130:22 132:8 147:19  
148:20 153:23 157:15  
168:5 182:21 199:23  
202:21 203:10 204:3  
204:18 205:6,10  
220:23 222:1,18  
223:1,12 224:1 231:3  
238:19 242:16 244:15  
244:24 245:12 257:21  
263:21  
**particularly** 36:24  
284:4  
**parties** 10:22 11:1  
13:15 22:25 23:7  
39:19 66:5 71:22  
120:1 121:24 255:12  
281:17 282:5 284:13  
284:18  
**partners** 205:1  
**partnership** 31:24  
75:11,14 120:17  
**parts** 172:1

**party** 26:3 64:4 89:10  
246:18 263:18 265:15  
**pass** 62:21 68:12 79:4  
79:13 92:21 94:24  
114:1,5 251:23  
**passed** 287:18  
**passes** 50:5  
**password** 95:21,22  
**pasted** 64:2  
**pat** 75:24 84:9 111:19  
**patience** 276:14  
**patrol** 205:4,6 223:14  
224:1  
**patron** 41:7 83:17  
182:22  
**patronizing** 274:11  
**patrons** 11:21,22 35:1  
35:24 36:22 37:8  
41:21 79:1 83:1,12  
151:17 182:17 192:22  
199:17 204:24 249:17  
268:7 269:1  
**patted** 111:24  
**patterns** 149:3  
**Pause** 258:18 259:4  
261:20 267:8  
**pay** 113:1 131:10  
**paying** 103:8  
**pays** 202:4  
**peace** 28:18 32:9 34:18  
37:21 42:19 149:7  
158:18,20 268:16  
270:12,25 271:17  
272:13 273:23 274:13  
279:23 280:1,3  
**peak** 42:24 150:21  
151:2  
**pedestrian** 28:19 32:12  
34:21 36:25 42:20  
**pedestrians** 113:9,18  
153:6,10  
**peeve** 107:3  
**peg** 126:18  
**pending** 152:8  
**penetrating** 247:16  
**penetration** 239:21  
243:8  
**people** 9:5 22:2 68:18  
70:15 73:8 75:24  
77:10 78:7 82:15 83:7  
83:14 86:8,17,24 87:1  
87:10 88:2 92:20  
96:17 102:17,25  
103:10 108:1 110:12  
119:13 120:17 138:6  
149:19 152:2,24  
153:2,11 169:19,19  
173:1,5 176:9,11,13

176:23 187:1,11  
188:9 189:14,24  
191:2,4 192:11,25  
193:11,13 200:15  
209:7 270:16 271:18  
271:20 272:12 273:1  
278:6,12,18,19 279:6  
**percent** 52:15 73:25  
74:2 89:15 114:15  
126:19 135:8,8  
151:16 227:24 246:22  
**percentage** 86:23 135:2  
**percentages** 134:21  
**perfect** 15:8 41:9  
121:17 122:3 243:8  
251:21  
**perfectly** 120:21  
**performance** 98:21  
**performer** 98:24  
**perimeter** 196:22  
201:18 252:3  
**period** 227:15,20,21  
228:1  
**Permanente** 200:25  
**permissible** 260:7  
**permit** 116:1 239:14,15  
**permits** 43:12 115:23  
**person** 7:24 53:2 62:5  
70:12 84:17 96:13  
120:19,25 200:16,17  
200:17 205:23 269:9  
272:21,25 273:19  
275:15 278:14  
**personal** 274:11 276:19  
**personally** 77:9 246:21  
**personnel** 76:6 82:17  
217:17 221:22 228:5  
228:10 229:4,15,20  
**persons** 192:21 231:1  
**perspective** 131:7  
140:3,6 172:21  
246:12  
**pet** 107:3  
**Petitioner** 31:8  
**phone** 64:24 114:13  
120:21  
**photo** 3:25 4:1,4,5,14  
4:15,16 47:13,18 48:4  
48:9 84:17 90:1,25  
91:5 94:2 218:15  
219:16,21 220:1  
231:10,11,22  
**photograph** 219:4  
220:6  
**photographs** 218:4  
219:1  
**photos** 5:9 68:2,3,4  
231:7,10,17,19,21

**physical** 5:6 132:7  
169:20 196:16,18,20  
197:2,12 217:13  
220:23 226:20 227:1  
**physically** 52:16  
**pick** 108:10 170:25  
180:19  
**pick-up** 151:21  
**pick-ups** 36:1 152:2  
**picture** 92:25 172:11,11  
218:17  
**piece** 25:12 78:23  
240:13 244:3  
**pieces** 222:6  
**Pierce** 197:14  
**PIF** 71:23  
**Pinto** 36:14,18 37:1  
258:5 259:17 263:8,8  
263:10  
**Pinto's** 65:14  
**placard** 59:21  
**placarded** 12:10  
**placarding** 59:22  
**place** 74:21,22 76:6,7  
84:6 87:20 95:17 98:4  
100:2 108:7 112:7  
115:16 150:2,15  
156:11 157:16 159:20  
171:6 185:14 190:25  
201:6 209:4,6 218:19  
218:22 219:11  
**placed** 61:6 171:7  
183:21 201:17 210:16  
287:21  
**placement** 208:12,18  
**places** 86:5 186:5 273:8  
**placing** 285:11  
**plan** 4:11 19:3,9 20:10  
20:11 21:3,4 49:6,8  
68:25 69:1,1 82:23  
111:18 114:12 145:4  
149:6,11 159:21  
160:8 161:5 162:4,5  
171:3,6,6 176:5  
177:12 181:4,5,6,16  
181:17 183:11,11  
204:8,10,13 205:22  
210:16 218:1 221:25  
222:2,5,12,16 228:4,9  
228:14 229:14,17,21  
239:8 243:1  
**plan's** 222:10,23  
**planned** 111:13 112:22  
286:24  
**planning** 19:9 82:20  
87:5,9,10 110:8 111:9  
112:9,14 116:7  
161:25 178:15 186:11

253:6  
**plans** 4:6,8 35:19 48:15  
48:21 74:12 75:7  
88:18,25 94:18,19  
95:1 115:6,6 117:23  
149:2 151:13 171:5  
177:5 185:14 186:14  
186:16 193:13  
**play** 96:12 100:23  
**pleadings** 37:13  
**please** 6:25 7:5 8:5,11  
10:2,16,17 12:6 14:13  
14:17 15:17 16:13  
17:14 18:6 19:4,5  
27:3 46:2 52:11,13  
59:12,13 68:17 71:10  
107:20 108:20 123:10  
123:18 133:9 140:18  
144:10,10,11,21  
157:8 163:10,10,14  
163:19 166:3 195:20  
196:9 203:16,19  
214:10,16 228:22  
234:20 235:9 236:13  
255:25 258:16 261:18  
263:14 267:10,11  
270:21  
**pleasure** 193:17  
**plenty** 170:22  
**plex** 135:21  
**point** 29:13,14 30:2  
37:23 67:13 75:6 87:5  
91:22 94:20,24 101:5  
114:16 115:21 116:6  
119:21 126:18 130:23  
130:25 136:5,24  
141:11 149:5 160:9  
171:13 175:5,6  
177:22 183:9 207:2  
220:22 241:24 247:6  
247:11 252:5 260:3  
270:2 279:4 285:7  
**pointing** 131:21  
**police** 41:13 75:10  
77:12,13,20,22 86:12  
87:7 197:4,6 203:3  
205:11,13 206:1  
214:22 215:10,11  
221:17 230:15,25  
233:15  
**police's** 203:2  
**policies** 78:9  
**policing** 30:9 75:15  
198:19 216:5  
**policy** 110:21  
**polite** 107:19  
**political** 89:12  
**Ponte** 32:2

**pool** 245:8  
**population** 278:10  
**portable** 242:18 247:22  
**portion** 50:19 155:2  
202:4  
**poses** 268:7,25  
**position** 27:10 42:15,18  
43:3 168:11 172:6  
185:2,15 257:20  
258:9  
**positions** 72:21 73:9  
102:21 103:3  
**possess** 73:13  
**possibility** 151:25  
**possible** 82:18 84:13  
85:16 111:1 112:5  
179:1 213:6,20  
250:15 258:14  
**possibly** 188:25 241:8  
263:21  
**posted** 287:20  
**potential** 35:9 44:18  
217:14 225:10,14  
**potentially** 132:23  
133:3 140:2 182:17  
246:17  
**practical** 287:24  
**practice** 135:21  
**practices** 103:14  
**prefer** 235:4 280:25  
**preference** 254:12  
**preferred** 191:9  
**preliminarily** 100:8  
**preliminary** 24:17 28:1  
28:5 100:7  
**premature** 35:13  
161:16  
**premise** 190:19  
**premised** 35:14  
**premises** 34:22 36:12  
37:15 67:20,24  
135:11,12 166:10  
199:12  
**preparation** 128:3,12  
142:23  
**prepare** 199:4  
**prepared** 25:23 37:17  
129:2 204:4 248:8  
**preparing** 154:17 158:5  
**presence** 37:7 77:22  
130:18  
**present** 1:16,19 7:9,13  
17:4 23:24 24:6 26:6  
116:16 141:21 152:24  
161:25 164:12 169:4  
248:12  
**presentation** 25:16  
**presented** 24:3,4

217:25 228:15  
**presently** 30:16  
**presents** 23:22 208:4  
**presiding** 1:14  
**pressure** 180:20  
**presume** 233:5  
**pretty** 28:17 54:9 106:8  
131:3 200:5 204:7,13  
208:15  
**prevent** 209:8 232:10  
248:22 250:5  
**prevention** 164:20  
175:25 181:19 185:7  
185:8 186:3,4,11  
**previous** 41:3 91:16,18  
176:5 178:14 197:3  
201:23 227:21 229:13  
259:20 270:23  
**previously** 70:3 100:15  
125:18 129:16 131:13  
145:10 147:13 156:2  
166:4 253:18  
**price** 77:5  
**primarily** 149:17 167:19  
185:17 201:19 230:11  
**primary** 40:22 124:2  
135:21 138:25 141:12  
142:13 145:18 148:2  
149:19 179:10 205:5  
**printout** 58:22 80:7  
**prior** 34:7 77:7 105:8  
107:6 111:6 189:6  
199:17 228:1 274:20  
277:11  
**private** 54:19 66:4  
89:10  
**proactively** 119:25  
**probably** 9:14 14:5 25:6  
73:18,25 119:17  
126:8,16,18 130:11  
133:1 135:6,7 139:2  
139:24 143:1 187:15  
192:9 193:2 194:23  
246:22 280:22 285:18  
**problem** 25:13 77:5  
101:16 173:3,7  
180:11 186:20 203:25  
245:10,20 263:25  
271:3 284:8  
**problematic** 25:9,19  
170:8  
**problems** 77:4 113:12  
113:14 191:7 211:13  
237:8  
**procedural** 12:21  
**procedures** 86:2 116:3  
182:4  
**proceed** 22:21 23:18

24:22,24 25:2 74:11  
76:21  
**proceeded** 216:21  
**proceeding** 84:21  
**proceedings** 102:4  
263:23 266:18  
**process** 22:22,23 74:9  
83:2 85:4,9 101:24  
116:23 119:22 161:16  
201:21 238:25 239:6  
239:15 244:16 247:8  
247:11 271:25  
**processer** 96:21  
**processing** 95:19,24  
**produced** 127:2  
**professional** 149:19  
**professionals** 96:7  
**proffer** 269:25  
**profile** 5:13 124:23  
**program** 30:11 75:11  
96:1 145:16 164:18  
164:19 182:25 202:13  
**progress** 85:15  
**progresses** 24:10  
**progressing** 22:11  
**prohibits** 65:22  
**project** 72:15 76:8,24  
102:16 115:7 237:15  
238:20 241:25 245:5  
**projects** 76:25 237:4  
**promise** 142:15  
**promoted** 261:8  
**promoters** 117:23  
118:3 182:19  
**promotions** 89:7 118:1  
**proof** 29:23 36:6  
**proofing** 95:10  
**proper** 75:1 100:14  
111:9 114:2  
**properly** 18:17,18  
112:12,21 118:10  
287:10  
**properties** 31:21 32:9  
66:17 130:14,16  
135:17 142:22  
**property** 12:17 30:5  
32:7,8 33:14,17 34:13  
34:16,16 35:2,22 37:3  
37:5 39:22 40:20 41:1  
65:22 80:15,23 81:11  
82:1 86:19 91:6,10  
120:2 124:9 131:18  
131:23 132:9,12,13  
132:22 133:22,24  
134:5 135:15 136:8  
137:8 139:6,13,15  
141:1 142:3,4,5,7,19  
142:25 150:9 151:11

152:10 154:7 157:22  
157:24 164:10 175:22  
196:14 199:14 204:3  
221:8 244:11 248:5  
**property's** 203:7  
**proposals** 152:8  
**propose** 158:2 254:5  
**proposed** 32:6,20 34:9  
34:15,17,20 36:18,23  
42:22 44:20 61:5 67:9  
115:9 145:2,3,5 160:9  
161:5 162:16 172:19  
197:18 206:20 224:15  
226:21 232:25 271:4  
**proposing** 193:12  
**prosecute** 13:13  
**prostitution** 98:2  
224:11  
**protected** 171:17 250:3  
**protecting** 108:5 251:3  
**protection** 41:15 151:8  
167:24  
**protective** 84:3  
**protest** 1:7 3:15,16,17  
8:9 10:20 11:13 12:12  
12:13,16,24 19:3  
33:16 39:7 46:5,9,13  
62:24 64:18 146:4  
253:22 258:11 265:13  
266:17 267:18 268:13  
268:15,23 271:8  
274:3 275:4 278:13  
**protestant** 1:20 2:2 3:3  
3:12 16:20 17:20,23  
18:21,25 19:8,24  
23:16,25 24:3,5,21  
31:14 39:19 64:4  
67:12 253:20  
**protestant's** 24:2 37:13  
213:15 253:23 254:3  
**protestants** 13:12  
15:25 18:24 19:2,9,12  
21:20,21 23:18 24:23  
24:25 25:7,14,25  
27:12,19,21 28:25  
31:19 36:4,7 37:19  
40:2,15 41:25 63:7  
64:11 110:4 117:13  
195:1 255:18 271:21  
275:17,19 280:11  
282:17  
**protested** 270:5  
**protesting** 33:23 39:19  
125:10 259:17  
**protocols** 35:24  
**proven** 113:11  
**provide** 39:14 41:14  
71:24 76:2 77:23

85:16 89:14 100:14  
108:15 111:10 148:22  
217:14  
**provided** 3:16 6:18,24  
46:10 48:10 177:5  
191:3 222:3  
**provider** 228:6  
**provides** 82:1 196:20  
**providing** 84:9,19  
215:1  
**proximate** 132:16 134:2  
**proximity** 129:23 130:2  
131:25 143:4,15  
170:7,8  
**prudent** 150:25  
**public** 6:13,22 32:15  
36:7 133:20 145:15  
154:18 161:7 191:12  
191:13,16,17,20  
205:12 226:19 229:5  
275:12 286:13  
**published** 287:5,23  
**pull** 54:8 108:17 169:16  
183:6 193:2 230:15  
**pulled** 168:20  
**pumper** 182:10  
**purchase** 124:9 257:24  
**purchased** 210:12  
**purchaser** 140:7  
**purchasing** 75:4,7  
**purge** 169:9  
**purpose** 87:3 110:12  
241:5 242:1 249:2,9  
286:23  
**purposes** 71:24 95:5  
131:19 141:1,6 142:9  
152:11 269:24  
**pursuant** 6:11,15,17  
18:22,22 36:8 287:19  
**pursue** 149:4 150:19  
151:21  
**purview** 29:1 269:20  
**push** 280:25  
**pushed** 168:13,20  
**pushing** 83:14  
**put** 11:11 19:17,20 20:2  
35:18 95:17 109:14  
116:22 150:2,15  
160:25 164:9 166:11  
167:2,22 171:6 172:8  
205:19 226:2 231:4  
239:11 261:7,10  
283:21  
**putting** 21:16 27:10  
37:15 147:9 165:10  
198:4

---

**Q**


---

**qualifications** 72:3 74:6  
145:8 216:1  
**qualified** 73:8 78:7  
102:25 125:16  
**qualifies** 73:10 165:1  
197:1 215:6  
**qualify** 132:19  
**quality** 87:25 95:13  
118:23 131:9 141:9  
241:7,13  
**quarter** 156:15 206:8  
255:2,6  
**quarters** 170:24  
**question** 8:6 13:14  
32:22 57:11,13,20  
60:10 65:8 68:11 69:6  
76:5 89:18 92:24  
102:6 113:15,17  
116:20 117:1 118:12  
119:20 127:5 130:3  
131:20 134:22,24  
135:2 136:17 137:22  
138:3,8 139:14  
172:18 176:12,25  
181:4 182:16 183:10  
188:1 190:15,20  
207:23 212:3,5,9,14  
226:8,23 233:10  
255:11 256:18 260:4  
265:4 269:11,25  
272:20 274:9 278:2  
279:5,16 280:14  
**questioning** 102:3  
274:1  
**questions** 6:25 8:4  
16:10 17:5 18:15  
19:19,25 23:4,6,8  
24:1 37:24 51:14 57:9  
57:22 58:6,7 66:9  
69:12 70:2 99:1 102:3  
117:2,18,19 121:6,8  
133:6,17 140:19  
141:3 143:24 158:24  
159:2,5 162:24 163:1  
167:9 174:9,10,24  
184:1,3,21 193:22  
194:1,2,4 207:1,11  
212:17 233:19 245:25  
251:10 252:23,25  
262:13 267:13,15  
275:5,6 276:11,18  
278:25,25 279:2,3,13  
280:7  
**queuing** 35:24 105:6  
107:23,25  
**quickly** 122:20 170:4  
253:9  
**quiet** 28:19 32:10 34:18

37:21 42:19 68:17  
149:7 158:18,20  
228:25 268:16 270:13  
270:25 271:17 272:13  
273:24 274:14 279:24  
280:2,3 285:8  
**quite** 153:13 161:17  
185:22 240:20 247:5  
250:16  
**quorum** 7:17  
**quote** 37:2

# R

**R** 4:20 123:20 144:23  
144:23 164:4,4  
**R-D** 13:24  
**R-E-B-E-C-C-A** 15:15  
**R-E-E-S-E** 196:12  
**R-I-C-H-A** 13:23  
**R-U-I-Z** 38:13  
**radius** 43:22 58:25 60:7  
**raise** 23:17 24:23 28:1  
28:6 35:7 38:6 71:9  
71:10 123:9 144:12  
163:19 177:11 196:2  
214:10 234:20 255:24  
266:1  
**raised** 13:8 24:21 78:24  
86:16 101:11 167:23  
**raises** 176:12  
**raising** 269:16  
**ran** 188:18 225:15  
242:20  
**range** 167:15  
**ranking** 110:19  
**ranks** 197:23  
**rare** 168:16  
**Rational** 96:2  
**reach** 42:11  
**reach-out** 227:13  
**reached** 111:2  
**read** 200:13  
**reading** 247:25  
**readings** 96:8 242:22  
**ready** 101:8  
**Reagan** 210:2  
**real** 18:13 28:20 31:3,5  
32:7 34:15 42:21 53:2  
66:15 123:23,25  
125:2,7,23,25 126:2  
127:3 128:11 129:25  
130:5,19 131:9 132:2  
136:1,8 138:16,17  
139:3 236:18,19  
263:19  
**realistic** 254:22  
**reality** 103:12  
**realize** 271:24

**really** 55:2 75:19 76:4  
89:14 109:23 111:24  
132:9 133:16 134:14  
140:15 142:12 168:16  
171:5 178:5 224:7  
240:16 241:6 249:9  
257:8,16 263:1 274:6  
**rear** 56:7 175:15 191:18  
**reason** 13:12 18:14  
78:6 102:19 129:7  
171:3 230:17 271:9  
**reasonable** 22:2 24:9  
254:2 283:14  
**reasonably** 90:4  
**reasons** 26:7 254:2,23  
275:8 280:24 284:12  
284:17  
**reassigned** 211:5  
223:10  
**Rebecca** 2:2 15:14  
33:21  
**rebuttal** 284:2  
**rec** 3:23 47:8  
**recall** 12:24 13:8 59:4  
102:11 103:16 110:9  
139:10 218:25 227:12  
228:2 247:8 248:3,6  
253:5 262:18 275:11  
276:1 278:12 279:21  
**RECD** 3:13  
**receive** 119:17 258:3  
259:9  
**received** 40:13 57:15  
63:21 81:22 92:9  
93:10 94:14 125:20  
129:19 147:15 156:4  
166:6 170:18 174:6  
199:1 216:11 220:18  
238:16 244:20 260:4  
266:22 267:18  
**recess** 11:5 122:5  
286:14  
**recipient** 263:18  
**recognize** 34:5 92:13  
124:17 127:16 146:11  
155:2,11,15 165:12  
198:5 215:23 217:10  
218:12 238:2 266:3  
**recollection** 59:9 60:3  
227:17  
**recommend** 78:10  
201:23 202:20 209:5  
230:1  
**recommendation** 183:1  
205:9 219:12 228:7,8  
**recommendations**  
183:19 201:2 204:17  
217:20

**recommended** 30:9  
78:3 199:23  
**recommending** 105:23  
**reconvene** 213:14  
281:19  
**reconvened** 280:21  
288:2  
**record** 11:12 12:1,7  
13:19 14:18,23 15:13  
15:18 16:14 17:14,24  
18:5 27:10,11 33:10  
38:11 45:24 65:15  
69:16 70:2 121:25  
122:7,10 123:18  
134:9 144:20 147:10  
164:3 184:18,24  
185:4 196:9 213:24  
214:2,16 236:13  
237:13 247:1,3  
262:10,22 265:20  
267:6 282:4,7,10,13  
283:21 285:12 286:16  
288:9  
**records** 66:15 154:19  
155:20  
**recover** 85:19  
**recovering** 85:22  
**recross** 121:7,12,13  
**redirect** 143:25 144:1  
163:2 194:6 212:18  
233:21 253:1,2  
279:14  
**redo** 192:9  
**Reese** 1:25 3:9 14:3,3  
77:12 82:22 110:9,18  
195:18,19,21,22  
196:1,8,11,13 198:18  
199:3 203:17,23  
204:6 206:24 207:7,8  
211:16,16,18,19,21  
211:22 212:4,10,15  
212:17,21,24  
**Reese's** 5:11  
**refer** 170:10 189:9  
**reference** 136:23  
188:25 241:24  
**referenced** 133:25  
151:6  
**referendum** 28:21  
**referred** 46:6,11,16,21  
47:1,5,10,15,20 48:1  
48:6,12,18,23 49:3,9  
127:17 128:5,14  
146:12 155:3 165:13  
263:11  
**referring** 81:1 86:10  
90:19 98:23 110:1  
226:2 268:10,12

**reflect** 238:5  
**reflecting** 252:12  
**reflects** 12:2,8  
**refraction** 242:23  
**refresh** 59:8 219:2  
**refreshed** 60:3  
**regarding** 6:13 30:17  
39:10 42:12 101:11  
111:17 130:13 258:4  
**regardless** 279:7  
**regards** 12:23  
**region** 215:14  
**Register** 287:5,23  
**regular** 6:8 37:6 53:12  
118:3,4 182:3 254:18  
**regularly** 216:18  
**regulations** 101:22  
287:1  
**reimbursable** 77:19,24  
78:2 110:15,24 111:4  
201:25 202:12 204:19  
205:21 210:4 211:7  
229:22,24,25 230:2  
233:12  
**reiterating** 36:8  
**rejected** 111:8  
**relate** 204:18  
**related** 4:10 24:21 49:2  
104:21 117:10 130:16  
138:24 153:17 172:24  
202:9 246:20,23  
268:23  
**relates** 145:5 149:2,6  
153:10  
**relating** 134:24  
**relation** 80:22 157:21  
232:25  
**relationship** 72:11  
100:1 120:12 121:2  
164:7 196:14 210:18  
214:23  
**Relationships** 103:9  
**Relative** 58:12  
**relatively** 20:14  
**relaxed** 129:12  
**relayed** 239:12  
**relaying** 119:25  
**release** 102:19  
**releases** 175:23  
**relevance** 66:4 67:10  
101:1 244:10 263:19  
266:11  
**relevancy** 265:9  
**relevant** 27:3 42:21  
66:10 102:4 125:8  
130:9 146:20 154:10  
155:2 158:10 263:23  
265:6 266:18 267:6



**reliability** 260:8  
**relied** 114:21  
**relying** 71:25 128:24  
**remain** 8:2,3  
**remaining** 268:23  
**remarks** 12:20  
**remember** 59:3 97:18  
 98:1 107:9 162:11  
**remind** 13:2 136:19  
 175:7  
**remotely** 192:2  
**renderings** 35:21  
**renewal** 120:11 270:1,7  
**renovated** 172:2  
**renovation** 77:1  
**renovations** 35:22  
**repeat** 176:25 188:1  
 190:8  
**repetitive** 13:10 24:15  
 25:9 27:2,2,6  
**rephrase** 136:17 137:9  
**report** 4:21 23:3 39:9  
 39:13 46:2 51:21  
 52:18 54:9 57:6 58:21  
 60:21,24 62:19 63:6  
 63:13,15,15 64:2 65:1  
 66:16 67:20 68:2  
 151:16 158:6,9,12,16  
 164:10 166:9,12,18  
 167:2,2 169:2 170:10  
 170:12 171:2 173:15  
 179:18 181:12 183:16  
 183:18 188:23 189:18  
 225:13,17,20,22  
 227:18 262:12  
**reported** 227:7,15  
**reporter** 11:8 18:15  
 19:6 22:15 164:3  
 269:9  
**reports** 127:1,7 158:15  
 262:8 286:24  
**represent** 13:17,24  
 18:12,25 19:3,15,16  
 31:18 33:12 80:6  
 99:20 131:20 178:19  
 256:12,22  
**representation** 13:19  
 25:13 124:3 198:13  
 284:6  
**representative** 13:25  
 14:10 20:25 40:4,10  
 42:6 63:22 266:14  
**represented** 11:18  
 12:11,15,18 15:8  
 21:21  
**representing** 15:15,25  
 16:20 17:23 19:8,13  
 72:20 256:19

**represents** 61:5  
**reputable** 120:25  
**reputations** 78:8  
**request** 32:25 34:9  
 35:12 37:14,25 38:1  
 88:20 271:10  
**requested** 26:3 36:23  
**require** 8:4 160:19  
 161:6 228:9  
**requirement** 87:18  
 251:22  
**requirements** 6:17  
 249:15 250:21  
**requires** 95:23 160:13  
**requiring** 18:22  
**reschedule** 24:12  
**rescue** 179:6  
**research** 74:13 127:2  
 189:22 190:8 197:13  
 227:6  
**reserve** 254:4  
**residence** 131:25  
 153:23,24  
**residences** 210:11  
 259:15  
**residential** 40:16,19  
 43:17 66:22 67:14  
 131:23 132:12 135:17  
 142:9,12 154:12  
 172:1 208:13,15,20  
 241:25 244:10 248:5  
 260:1 267:21 268:17  
 279:25  
**residents** 42:23 259:9  
 278:3,15  
**resort** 73:20  
**resources** 205:13 206:4  
 206:7 223:19 230:16  
**respace** 130:20  
**respect** 29:16 30:14  
 34:3 60:20 78:15 80:3  
 126:11 150:2,15  
 154:19 158:9 236:25  
 238:10,21,22 243:6  
 251:7 271:14 275:12  
**respectfully** 37:25  
**respective** 19:12 20:2  
**respects** 43:5  
**respond** 7:6 64:23  
 170:23 172:14 174:15  
**responded** 10:6 64:25  
**responding** 180:6  
 185:16 187:17  
**responds** 179:8  
**response** 37:2,4 58:6  
 68:11 110:2 165:24  
 167:3 170:9,25  
 172:20 173:23 178:3

178:22 180:2,24  
 190:15 193:24 203:13  
 209:14,19 211:14,17  
 211:20 214:3 223:8  
 233:20 234:10,12,21  
 235:15,17 237:24  
**responses** 274:6  
**responsibilities** 38:22  
 73:1 74:7 100:16  
**responsibility** 37:17  
**responsible** 110:14  
 145:24 203:6 223:14  
**rest** 24:12 253:2  
**restaurant** 104:18  
 107:13 154:14 257:9  
**restaurants** 66:18  
 73:19 153:4  
**rested** 253:21  
**restriction** 31:10  
**restrictions** 97:2  
**resulted** 156:16  
**resume** 4:18,20,22,24  
 5:11 146:17 147:5  
 165:16 185:4 198:11  
 207:25 215:24 238:3  
**resumed** 122:7 213:24  
 282:11  
**retail** 132:16 135:22  
**retailer** 1:7 11:16  
 132:22 230:12  
**retained** 72:13  
**retaining** 103:7 110:11  
**retired** 77:11,13 82:21  
 82:22 86:12 87:7  
 110:18 165:3,5 186:3  
 193:9 214:21  
**retrieving** 149:21  
**retrofit** 189:7  
**return** 126:3 138:22  
 139:4 288:5  
**reveal** 35:21  
**review** 5:6 62:24 75:22  
 126:20,25 127:6,21  
 128:2,12 130:8 145:3  
 154:18 164:11 166:9  
 189:9 209:18 215:2,4  
 215:7 216:16,19  
 217:13 221:7 225:8  
 226:21 227:1  
**reviewed** 60:2 63:3  
 128:23 130:10,12  
 133:18 134:10 154:21  
 158:4,6,16 206:21  
 273:5  
**reviewing** 88:24 126:25  
**reviews** 217:16,20  
 225:15  
**revisions** 69:4

**revisit** 12:23 271:6  
**Rich** 117:1,2  
**Richard** 1:20 8:15  
 11:18 13:23 93:21  
**ride** 35:25  
**Rideshare** 151:14,15  
 151:17,19 160:24  
 161:1  
**right** 8:18 9:12 10:13,17  
 14:16 15:7,22 17:12  
 18:7,20 20:8,21 21:9  
 21:18 22:22 28:9 38:6  
 39:18 40:20 49:22,23  
 51:10 61:6 62:3 64:8  
 65:12 67:16,19 68:21  
 69:11,13 70:21 71:8  
 71:10 72:5 76:8,9  
 79:20,20 81:7,16 82:6  
 82:8 90:3,12,18 93:13  
 93:23 100:3,20  
 102:17 104:4,17,18  
 104:25 105:18 106:1  
 107:23 108:13 110:15  
 111:19 112:15 113:6  
 115:2,10,19 121:14  
 121:16 122:10,14,21  
 123:1,9 125:4,16  
 133:11,12 139:3  
 144:12 147:11 158:22  
 162:19 163:18,19  
 173:8,21 174:3,13  
 176:4 178:1,23 179:2  
 179:15 180:5,8,17  
 182:6 183:14 192:13  
 192:16,19 194:12  
 195:5,10,11,12,15  
 196:2 199:7 206:1  
 207:3,16 208:11,23  
 209:11 211:6 212:13  
 212:25 213:1,2,4  
 214:4,10,12 217:25  
 218:25 225:2 226:9  
 226:11 231:4,17  
 232:3,7,16 233:9,18  
 234:15,18,20 236:6,9  
 244:2 247:1,17  
 248:10 251:11 253:14  
 253:20 254:16 255:15  
 255:18,22,25 256:4  
 256:21 257:10,10,11  
 257:13 259:7,18  
 260:23 261:17,23  
 262:11 264:23 265:3  
 267:6,14,23 272:9  
 275:19 276:10 277:15  
 279:12 280:1,8  
 281:23 282:12 283:8  
 285:13

**right-hand** 47:25  
**righthand** 92:24  
**rights** 7:23 8:12  
**risk** 225:10,14 268:7,25  
**risks** 269:17  
**road** 74:18 263:22  
**robberies** 210:15  
**robbery** 197:24  
**Robert** 1:23 3:8 163:8 164:4  
**robust** 204:7,10 205:22  
**role** 18:11 30:10,17  
     126:23 134:19 145:18  
     145:22 148:19 164:15  
     196:23 221:13,24  
     222:9 237:10 238:20  
**roll** 287:9  
**roof** 48:10 112:22  
     251:14,18  
**rooftop** 115:10,12,13  
     169:12 251:11  
**room** 17:2,11 18:3  
     88:15 94:23 95:13  
     96:6 115:4 155:17  
     156:7 236:6 242:4  
     287:21  
**root** 157:1  
**ropes** 84:2 86:7  
**rough** 239:24  
**rough-in** 239:19  
**roughly** 172:18  
**route** 171:11  
**routes** 150:11  
**Ruiz** 2:1 3:6 9:2 38:5,5  
     38:12,12,16,20,23  
     39:3,6,11,16,21 40:3  
     40:7,12 42:1,10,17  
     43:9,23 44:9,14,20  
     45:5,11,17,21 46:3,8  
     46:13,18,23 47:3,7,12  
     47:17,22 48:3,8,14,20  
     48:25 49:5,11,13,18  
     50:8,11,16,25 51:5,12  
     51:17,18,24 52:3,7,10  
     52:14,19,24 53:5,11  
     53:13,18,23 54:1,4,7  
     54:14,17,22,25 55:6,9  
     55:15,19,24 56:3,6,9  
     56:11,16,19,22 57:2  
     57:12,18,24 58:1 62:2  
     62:8,11,14 65:10 66:2  
     69:15,19,24 70:9,17  
     70:22,24 71:2 158:7  
     158:12  
**rule** 26:25 120:5  
**ruled** 34:5 262:25  
**rules** 26:23 129:11  
**ruling** 27:4 189:10

190:13 267:5  
**rulings** 12:21  
**run** 50:4 69:17,22 84:11  
     118:24 172:20 206:19  
     224:16 239:10  
**running** 35:17 77:15  
     119:2 153:6 180:10  
     191:4,5  
**runs** 90:11 220:2  
**rush** 281:16

## S

**S** 123:19  
**S-M-I-T-H** 16:2  
**S-T-R-A-U-S-S** 15:15  
**Sachi** 60:12 154:16  
     268:3  
**Sachi's** 56:23  
**safe** 35:5 75:1 78:21  
     83:15 113:3 203:11  
**safekeeping** 11:15 12:3  
     12:9 74:15  
**safely** 82:18 172:20  
     224:16  
**safety** 4:21 28:19 30:15  
     30:17 32:12 34:21  
     37:20 40:22 42:20  
     73:4 74:25 77:23  
     85:16 87:21 108:4  
     164:9,11,19 165:23  
     166:12 169:2 172:21  
     173:15 181:6 185:10  
     268:18 279:25  
**sale** 114:16 124:6,9  
     131:1 135:11 138:6  
**sales** 31:4 44:24 134:20  
     134:25 135:3,9  
     137:13 138:12  
**sanitation** 32:17 205:14  
**Sargent** 77:14 82:22  
     110:19  
**satisfaction** 36:10  
**satisfied** 200:5  
**satisfy** 34:11  
**Saturday** 11:25 44:22  
     45:1  
**Saturdays** 89:6  
**savvy** 200:5  
**saying** 114:4 174:21  
     187:24 189:23 264:2  
     269:5 278:11 283:15  
**says** 79:5 81:7 91:11  
     92:25 188:11,13  
     264:5 268:24  
**scale** 88:7  
**scanned** 84:16  
**scanning** 84:15  
**scene** 170:20

**schedule** 254:18  
**scheduled** 6:8 10:21  
     13:2 286:10  
**schematic** 248:4  
**schematics** 106:3  
     248:8  
**Schindler** 2:1 3:7 5:13  
     123:3,5,9,17,19,22  
     125:6,15,22 129:22  
     133:5,15 143:23  
     144:2,5  
**schools** 3:23 47:8  
**scope** 274:24 275:2  
**screen** 16:4 39:14  
     51:10 59:7,13,20  
     79:25 80:5 88:4 89:21  
     90:4 93:14 108:17,21  
     108:23 109:7,21  
     124:15 127:14 131:13  
     133:9 148:6 165:11  
     198:5,17 200:21  
     215:17 237:18 241:15  
     258:17,23 261:9,19  
     261:22 264:18  
**screened** 112:12  
**screening** 84:6,12,20  
     86:10 199:17,22  
     200:6,9 209:3,7  
**screenings** 201:3  
**screens** 84:6  
**Screenshot** 4:17  
**scroll** 155:1  
**scrolling** 155:10,14  
**sealed** 116:14  
**searched** 227:6  
**searching** 111:21  
**seating** 11:21  
**second** 10:8 12:13  
     25:12 34:16 54:8  
     60:10 79:24 81:25  
     128:1 138:15 140:17  
     172:11 176:10 195:22  
     195:24,25 198:2  
     207:12 231:10 233:10  
     249:11,18 262:17  
     277:8 287:6,7  
**second-due** 179:10  
**seconded** 287:9,11  
**section** 6:6,15 13:9  
     18:23 182:22  
**secure** 199:14  
**security** 4:11 5:6 30:3  
     30:11 35:20 49:6,8  
     68:25 69:1 73:9 74:25  
     75:2,7,12 76:2 77:8  
     77:21 78:3,17 82:16  
     83:16,25 85:10,21,25  
     107:23 108:9 110:12

111:17 112:1,8,25  
 114:11 115:21 119:21  
 177:13 196:17,19,21  
 196:22,22 197:2,11  
 197:12 198:19 201:3  
 201:11,21 204:4,16  
 204:20,25 205:21  
 209:24 211:7,11  
 214:22 215:2,3,7,9,13  
 216:5,16 217:13,16  
 220:23 221:11,21,25  
 222:2,10,12,15,23  
 225:7,22 226:21  
 228:4,5,10 229:3,15  
 268:7,25 269:17  
 279:17 280:3  
**see** 8:25 9:2,10 10:4,8  
     10:14,15 14:2,13,22  
     15:4 17:5,7 22:10  
     25:19 28:16 45:9  
     49:20 52:17 58:25  
     59:19,24,25 65:14  
     71:11,13,13,14 86:4  
     90:2,4,25 91:9,11  
     94:1,21 107:15,20  
     109:7,20 118:4  
     119:10,11,14,19  
     122:11 129:1 131:14  
     131:16 173:2,6 181:2  
     183:5,16 187:16  
     195:21 201:1 208:10  
     218:16 219:8 221:7  
     226:8,20 227:5 229:7  
     234:19 235:13,25  
     236:2,6 237:18,23  
     239:10 245:19 247:23  
     269:1 276:5 278:21  
**seedy** 98:4  
**seeing** 17:9,10,11  
     163:11 239:20  
**seek** 287:2  
**seen** 35:3 80:7 98:23  
     106:3 113:13 114:3  
     126:9 138:1 154:8  
     209:9,11 210:2  
     246:18 260:10 264:20  
**selected** 102:18  
**self-sustained** 114:22  
**sell** 116:16  
**send** 64:10  
**sends** 173:5  
**sense** 90:3 134:22,23  
     151:23 249:7 251:5  
     266:23 284:15,16  
     285:1  
**sensitive** 204:21,24  
**sensitivity** 200:14  
**sent** 264:10

<b>sentiments</b> 286:13	<b>short</b> 1:18 7:7,8,8 20:14 51:15,16,19,20,25 52:5,16,21 53:1,8,12 53:14,20,25 54:3,5,12 54:15,18,24 55:4,7,11 55:17,21 56:1,4,7,10 56:12,17,20,25 57:4,9 69:14,15,21 70:1,11 70:19 150:8 184:4,5,7 184:10,15,17 185:3 185:18,21,25 186:8 186:10,20,25 187:3,9 187:14,16,18,19,22 188:3,8,14,16 189:11 189:13,19,23 190:3 190:14,19 191:17 192:1,7,13,16,19 193:22 194:2 223:6 286:2 287:7,8,12,13 288:5	<b>signage</b> 70:10 91:21,23 91:24 <b>signal</b> 95:24 <b>signatory</b> 265:22 <b>signature</b> 203:2 <b>signed</b> 266:12 <b>significant</b> 37:22 131:8 171:25 173:3 <b>significantly</b> 126:4 223:23 <b>signifying</b> 148:13 <b>signing</b> 103:8 <b>Silas</b> 1:17 7:10,13 <b>similar</b> 157:10 204:9 <b>simple</b> 183:4 <b>Simultaneous</b> 21:10,15 42:13 45:16 66:11 173:18 177:2 178:8 178:20 186:9 187:2 189:25 190:6 192:15 202:10 212:6 217:22 281:8 <b>sincerely</b> 206:25 <b>single</b> 4:10 49:1 138:15 176:21 256:12 <b>single-family</b> 242:1 <b>sir</b> 8:14 10:3 14:14,20 14:22 15:4,21 18:11 27:8 28:6 38:6,15 39:5,20 42:16 51:10 62:4 71:4,12,19 114:1 123:6,12,14 124:13 133:9,10,11,12 134:1 144:4,7,16 152:12,19 157:6 160:7,15,18,21 161:4,23 162:12,16 162:22 163:3,6,15,23 185:2 188:2 190:2 192:18 194:13,17 195:23 196:4 197:19 198:9 200:24 207:8 207:15 209:21,21 212:3,20 214:6,13 215:24 216:18 218:13 225:4 226:23 228:23 232:11,20 233:2,23 234:2,5,9 235:8,22 236:5 253:9 256:5 283:23 285:11,15 286:2 <b>sit</b> 17:3 272:1 <b>site</b> 41:1 <b>sits</b> 41:1 <b>sitting</b> 285:20 <b>situated</b> 40:20 204:3 <b>situation</b> 36:5 101:7 130:17 136:20 138:13 168:6 222:18	<b>situations</b> 141:16 221:19 276:25 <b>six</b> 20:12 25:18 44:3,16 56:19,20 156:13 218:7 280:12,23 281:15 284:4 <b>size</b> 57:16 151:18 161:5 179:9 190:11 209:25 222:6 271:14 <b>skill</b> 110:17 <b>SLF</b> 77:3 <b>slight</b> 254:12 <b>slow</b> 83:11 187:16 <b>Smaart</b> 96:2 <b>small</b> 20:6 90:2 91:24 115:11 209:25 244:1 273:15 277:23 <b>smaller</b> 233:4,5 270:24 271:4 278:10 <b>SMB</b> 256:15,17 276:22 277:12 278:5 <b>SMB's</b> 276:22 <b>Smith</b> 2:2 16:2,9,15,18 16:18,22,25 31:18 <b>Smithsonian</b> 197:8,10 207:18,21 <b>smoke</b> 166:23 169:8,14 169:16,18 171:16 179:21 <b>sniff</b> 251:23 <b>socialize</b> 96:18 <b>Sofitel</b> 67:7 <b>soft</b> 126:1 <b>softest</b> 126:9 <b>SOG</b> 182:1 <b>sold</b> 105:8,10 136:8,21 142:19 <b>Soleil</b> 98:23 <b>solid</b> 29:8 204:8,13 <b>solution</b> 124:8 245:23 <b>solutions</b> 30:9 124:4 <b>solve</b> 75:17 237:8 245:9 <b>solved</b> 77:5 262:25 <b>somebody</b> 87:4 181:22 240:5 <b>somewhat</b> 19:13 218:2 <b>soon</b> 9:15 82:20 <b>sophisticated</b> 85:13 <b>sorry</b> 8:16 14:6 15:1,9 15:10 18:23 21:11 23:8 24:3 61:16 62:25 64:15 66:2 68:20 107:24 113:16 125:10 126:10 137:10 138:17 140:18 150:3 171:18 174:1 177:9 195:8 197:17 217:9 227:9 258:21 260:16,17
--------------------------	---	--	--

261:3 262:23 263:9  
284:24 285:19  
**sort** 89:13 100:4 118:15  
128:21 222:4 230:5  
248:14 260:9  
**sorts** 141:20  
**sound** 76:12,13 77:3  
94:18 95:1,9,10,10,13  
95:14 96:9 116:14  
236:20,20 237:6,14  
238:22 239:2,11,18  
239:24 240:4,13  
241:5 242:4,18,23  
243:3,20 245:13,17  
246:12,14 247:16,22  
249:9 250:6,12 251:2  
251:4 252:8,8,9,10,18  
**Soundcheck** 77:1  
240:23  
**soundproof** 95:6  
106:25 241:14 242:3  
249:23,24,24 250:17  
251:18 252:20  
**soundproofing** 76:12  
106:23 115:21 238:21  
252:17  
**sounds** 57:4 180:24  
242:20 281:22  
**sources** 126:20,25  
225:21  
**south** 61:21,22,23  
69:17,19 79:17 161:9  
208:21 220:3 245:7  
**Southern** 31:22  
**space** 89:9 95:11 106:9  
124:4,4 135:22  
145:15 161:7 241:14  
242:19,21 243:18  
248:9 249:5,14 250:9  
250:13 252:3,12,14  
252:18,20  
**spaces** 32:15 252:11  
**speak** 19:4 20:19 40:1,4  
41:24 42:9 76:3  
142:11,12,21 194:24  
251:15 254:11 269:10  
**speaker** 252:4,10,18  
**speakers** 95:14 242:19  
251:6 252:5  
**speaking** 12:5 19:5,6  
21:10,15 42:13 45:16  
66:11 80:22 138:21  
141:18 149:15 173:18  
177:2 178:8,20 186:9  
187:2,16 189:25  
190:6 192:15 202:10  
212:6 217:22 267:11  
281:8 282:19

**special** 95:23 145:16  
223:7 248:14 270:15  
**specialist** 7:23 76:2  
**specialized** 95:19  
**specific** 76:6 148:21  
171:2 199:23 241:3  
257:4  
**specifically** 29:21  
43:11 67:7 86:11  
130:16 133:21 138:22  
139:19,21 142:21,23  
148:19 237:1,4 238:9  
243:6 259:19 268:6  
271:16 274:22  
**specificity** 124:1  
**specified** 229:17  
**speculate** 104:11  
**speculation** 29:6 65:4  
**speculative** 101:6  
**speed** 22:6 122:25  
**spell** 13:18 14:17,22  
15:12 17:24 38:10  
123:18 144:20 164:2  
196:9 214:15 236:12  
**spelled** 15:24 18:18  
96:2  
**spelling** 90:21  
**spend** 34:1,3 101:13  
103:22,24  
**split** 135:6  
**spoke** 74:5 119:22  
275:12 279:6  
**sprinkler** 166:22 169:14  
169:24  
**Spy** 104:17  
**squad** 179:7  
**square** 79:6 88:14  
131:5,17 150:6  
167:25 189:7  
**squeeze** 168:10 172:5  
**St** 31:21,22 33:14 81:8  
**stable** 235:25  
**staff** 1:21 11:8 41:24  
42:9 83:6 107:19  
164:19 171:10 183:3  
183:22 204:16,20  
221:9,11 222:8,17  
228:17 230:18  
**staffed** 30:1  
**staffing** 201:20 211:13  
212:8  
**stage** 239:9 251:5  
**staggered** 83:14  
**staging** 82:20 179:14  
**Stairway** 191:22,23  
**stairwell** 166:23 171:17  
175:13,14,14,19  
191:25

**stairwells** 169:25  
171:14,15 175:12,13  
175:21,24 177:21,23  
189:3 192:5  
**stamped** 186:16  
**stanchions** 84:3 86:3,7  
**stand** 19:17 21:17 86:8  
251:6  
**standalone** 242:2  
**standard** 34:12 84:5  
106:8 119:6 179:9  
182:1,7 219:10  
250:20 270:13  
**standards** 29:5 146:25  
147:5 182:4 266:20  
**standing** 88:15 115:4  
**standpipe** 166:22 193:5  
**standpoint** 74:20 82:16  
**stars** 148:13  
**start** 13:20 19:7 24:18  
24:18 28:11 62:9  
74:11,22 83:13  
133:17 148:25 156:7  
182:7 213:15 218:8  
239:13,17,20 253:23  
254:3 280:14,22  
281:11 283:10  
**started** 71:21 118:14  
183:17 197:4,21  
210:7 223:4 224:1  
233:14 247:12 256:10  
**starting** 120:23 153:9  
234:14  
**starts** 52:1 79:6  
**state** 13:18 14:18,23  
15:13,17 38:11 72:16  
73:5,15 101:17  
123:17 127:8 135:25  
144:20 164:1 196:9  
216:1 225:7 267:20  
268:6  
**stated** 18:20 23:22 24:7  
40:14,19,22 41:3,6,11  
41:16 100:15 129:9  
135:23 145:20 167:11  
189:22 227:14 283:9  
284:11  
**statement** 20:4,6 21:5,5  
22:24,25 27:22,22  
28:12,13 31:14 33:3,4  
40:12 41:22 42:12  
63:21,24 136:25  
139:25 143:2  
**statements** 3:2 86:16  
**states** 49:24 187:6  
215:10  
**stations** 170:7  
**statistic** 225:15

**statues** 200:12  
**status** 13:9 14:2 71:6  
101:11  
**statutes** 210:1  
**stay** 22:17 83:16 116:11  
**Steakhouse** 79:8  
**step** 84:14 239:22,23  
240:2  
**step-by-step** 244:16  
**steps** 204:12,20  
**stipulation** 276:24  
277:2  
**stop** 83:13 98:22 201:8  
201:8 252:19  
**stopped** 119:13  
**stops** 95:10  
**stories** 202:2 245:12  
**straight** 70:2 94:4 105:1  
250:11,13  
**strategic** 73:14 171:8  
**strategically** 112:22  
210:16  
**strategies** 35:23  
**Strauss** 2:2 9:25 10:2  
10:15 15:10,14,14  
21:2,3,7,14 33:22  
255:20,21,23,24  
256:3,7,9,15,23 257:3  
257:13,23 258:5  
259:8,11,19,25  
260:19 261:25 262:6  
263:7,11 264:10,12  
264:17,23 265:1  
266:3 267:13,16  
268:1,4,9,14,21 269:3  
269:13,18,22 270:3,8  
270:14,19,22 271:5  
271:11,18 272:4,8,14  
272:18,22 273:6,9,13  
273:18 274:16,21  
275:9,16,21,23 276:1  
276:13 277:3,9,13,17  
277:19,20,24 278:5  
278:17 279:9,15,23  
280:5 281:25 283:2  
**Strawberry** 245:9  
**streaming** 238:23  
**street** 1:7 4:3 11:17  
31:23,24 43:14 44:2  
47:24 49:19,24,25,25  
50:2,5,6,8,12,21,21  
50:22,23 52:1,2,6,6,9  
55:16,18 57:1,3 59:2  
60:13,14 61:12,22  
67:8,9 68:7 69:17,17  
69:22,22 70:4,13 79:2  
79:21 81:2,3,4,7 82:5  
82:9,15 90:24 93:24

94:5 98:2 104:17  
 105:3 131:1,21  
 133:24 134:6,6  
 135:11 143:3 150:13  
 151:4,11,23,24 152:4  
 152:5 153:25 154:5  
 157:11 158:3 161:2  
 161:22 166:13 170:14  
 170:16 178:11,12  
 190:24 191:24 192:24  
 192:25 206:10 219:7  
 219:23 220:3 227:9  
 227:24 231:11,20,21  
 231:24,24 232:2  
 237:5 245:11 252:13  
 267:21,22  
**streets** 32:14 43:14  
 83:19 104:20 150:12  
 153:12 167:20  
**stretch** 283:12  
**strike** 80:19 150:3  
**strong** 202:2,14 205:22  
**struggling** 272:10  
**student** 210:9,12  
**students** 204:22 210:9  
 210:13  
**studies** 86:20  
**studio** 242:4  
**study** 108:9  
**stuff** 182:14 183:6  
**sub-market** 139:25  
 140:1,4,5  
**sub-markets** 140:1  
**subject** 27:3 36:11  
 80:14,23 131:17  
 132:9,13 150:8  
 157:22,24  
**submit** 8:6 239:14  
 266:18  
**submitted** 4:12 35:13  
 49:6 63:4,23 65:1,15  
 69:1 171:5 193:13  
 241:23 262:4  
**substantial** 35:19 36:24  
 120:6  
**subvert** 190:12  
**success** 119:8 202:2  
**successful** 118:18  
 240:16  
**successfully** 206:19  
 245:22  
**succinctly** 138:11  
**suffered** 41:7  
**sufficiently** 230:19  
**suggest** 141:13 201:5  
**suggested** 149:2  
 150:18  
**suggestion** 138:5

**summarize** 42:15 63:16  
 134:14  
**summarizes** 63:15  
**summer** 4:5 11:20,22  
 45:2 48:9  
**Sunday** 11:24 44:21,25  
**super** 107:18  
**supervise** 223:14  
**supervisor** 223:10  
 230:4  
**supervisory** 30:21  
**supplemented** 34:7  
**supply** 180:20  
**support** 124:4 142:16  
 167:22 221:5 230:20  
**supporting** 133:19  
**suppression** 166:14  
 168:2 185:12  
**sure** 8:17 15:14 21:21  
 23:10,12 27:7 46:3  
 52:15 54:9 78:12  
 93:21 95:17 96:8 99:2  
 102:5 109:4,15 113:2  
 113:16 122:11 136:22  
 138:7 141:24 147:4  
 150:10 176:1 185:11  
 185:14,24 211:12  
 222:16 232:1 233:8  
 235:25 239:1,4 243:3  
 243:20 247:15 249:9  
 251:15 258:24 261:5  
 273:20 280:17,20  
 283:13 284:17  
**surprise** 205:8  
**surrounding** 42:24  
 66:17 80:15 135:17  
 139:11 140:8,10  
 141:14 148:9 199:8  
 199:12  
**suspects** 41:9  
**sustained** 260:13  
**swear** 38:6 71:14 256:1  
**sword** 29:8  
**sworn** 38:9 123:11  
 144:13 163:20 196:3  
 214:11 235:2  
**system** 43:25 58:21  
 105:25 106:23 114:16  
 166:14,22,22,23  
 168:1 169:9,14,15,24  
 180:9 221:3 242:18  
 249:2,2  
**systems** 141:10 164:12  
 166:14,20 169:3  
 183:15 185:12 188:24  
 246:15 247:23

---

**T**


---

**T** 78:9 144:23 164:4  
**T-O-P-H-E-R** 17:25  
**t/a** 1:6  
**table** 107:18  
**tables** 188:21  
**tailed** 286:5  
**take** 7:22 22:13,14,19  
 25:9,14 33:18 54:13  
 55:2 62:19 68:3,4  
 83:8 108:7 110:7  
 112:7 115:16 121:17  
 121:21,22 127:9  
 155:19 186:4 194:20  
 194:22 208:13 209:4  
 213:7,10,11,21 218:2  
 228:5,10 239:6  
 257:21 262:2 281:18  
 282:1 285:4,18 287:9  
 288:7  
**taken** 5:9 96:8 156:11  
 186:7 257:15 275:11  
**takes** 116:5 252:20  
**talk** 65:16 67:5 78:25  
 80:1 88:10 94:17  
 148:18 149:9 169:6  
 178:14 183:7 222:24  
 267:19 269:12 274:21  
**talked** 77:8 105:16  
 142:16 170:6 182:24  
 183:9 199:16 202:20  
 210:19 231:3 275:3  
**talking** 21:24 86:4,5  
 95:9 139:20,25  
 170:19 173:25 176:6  
 176:17,19 181:8,18  
 181:19 195:13 225:24  
 231:23 278:3  
**tally** 190:4  
**target** 41:2 218:15  
 220:8  
**team** 30:1 73:3 76:8  
 87:5 211:11 223:8  
 258:6  
**tech** 75:25  
**technical** 8:5 72:19  
 259:1 260:20  
**techniques** 221:18  
**technology** 75:5 86:10  
 96:24 97:25 111:22  
 112:2 114:12,20  
 199:22 200:2,6,9,23  
 200:25 209:23 229:14  
**Ted** 266:13  
**telephonically** 42:4  
**tell** 16:5 38:7 43:6 55:8  
 55:9 71:15 91:1 98:9  
 104:11 114:5 144:24  
 150:5 152:23 156:16

179:3 183:7 208:19  
 223:17 235:5 255:10  
 256:1 281:17  
**temperature** 249:5,8  
**temporary** 161:1  
**ten** 22:14,19 194:23  
 195:13 213:21 277:14  
 285:4  
**ten-minute** 213:11  
**tenancy** 133:2,3 141:10  
 141:11  
**tenant** 124:3 140:7  
**tenant/investor** 140:11  
**tenants** 32:10 67:15  
 134:19  
**tend** 118:5  
**tendered** 225:25  
**term** 256:10 277:11  
**terminated** 102:22  
**terms** 91:21 98:6  
 126:14,24 130:2  
 138:6 199:13 203:11  
 220:22 241:4,23  
 242:22  
**terribly** 169:6  
**test** 239:18 251:23  
**tested** 75:25 79:10  
**testified** 60:11 68:5,10  
 76:5 80:20 103:15  
 112:13 114:24 136:7  
 160:11 178:1,15  
 208:2 216:15 232:16  
 235:2 247:7,14 263:7  
**testify** 9:15 35:10 125:6  
 126:11 165:19,23  
 209:15 263:25  
**testimony** 13:11 25:21  
 27:6 56:14 62:1 70:23  
 71:25 77:7 93:1 102:9  
 102:11 103:17 104:23  
 105:17 107:6 110:10  
 110:13 114:25 119:23  
 121:15 127:22 128:3  
 128:13 136:12,19  
 139:10 144:3 146:20  
 154:18 158:5 163:5  
 170:6 173:19 175:6  
 176:5,15 182:18  
 193:20 194:9 199:4  
 204:7 212:22 226:1  
 229:13 232:23 233:25  
 244:13 246:24 247:8  
 248:13 253:4 260:11  
 271:2  
**testing** 239:24 240:4  
 242:17 247:15,23  
**tests** 247:19  
**thank** 8:14 9:21 10:14

16:23,25 17:6 18:1,19 28:3,8,10,14 31:11,12 33:1,2,8 38:2,3 51:10 51:16,20 57:6,6,8,12 57:21 61:25 68:22 69:12,14 70:19,20,22 70:22 71:1,2 72:6 74:4 94:25 98:25 99:5 107:20 109:22 117:13 117:14,17 121:3,4,5 121:15 122:19 123:8 125:13,14 129:15 133:4,12,15 135:1,5 135:10 140:17,18 143:20,22,23 144:3,5 144:19 147:16 158:23 162:24,25 163:5 174:9,18,21 180:5 183:25 184:9,17 185:22 193:16,19,21 194:8,9,11 196:4 198:24 206:24 207:4 207:7,8 212:14,14,22 213:1,22 220:10 224:19 225:3,4 226:11 229:1,12 230:22 233:17,25 234:2,4 236:12 245:24 246:5 252:23 252:24 253:4 256:6 256:11,24 257:19 258:2 259:23 266:2 268:19 269:14,19 276:4,8,13 277:16 279:11 280:6 285:10 286:1 288:1,6 <b>thanks</b> 8:19 122:3 <b>theaters</b> 98:4 <b>them's</b> 284:6 <b>theme</b> 82:15 <b>themselves</b> 13:17 18:5 <b>they'd</b> 243:20 <b>thing</b> 60:20 74:9,21,24 76:14 77:21 85:24 112:10 116:13 120:7 142:2 169:5 170:21 171:1 182:9 236:4 244:23 246:16 <b>things</b> 22:7,15 53:16 75:22 78:11 85:15 87:19 88:8 89:8,11 99:3 111:12 112:4 119:4 120:12 149:3 170:5 199:15 217:5 237:17 239:16 247:14 267:19 271:15 <b>think</b> 8:22 9:13 20:9 22:2,3 23:15 25:3,5,8	25:12 27:9,9 56:23 60:11 68:18 76:5 78:1 78:24 86:3 91:20 101:10 116:20 117:12 118:2 126:6 131:7,24 136:24 138:10,10,11 138:13,15,21 139:24 141:18 143:6,21 150:2,15,21,25 151:3 155:18 156:22 158:17 158:19 160:7,10 161:15 162:2 167:8 182:9 185:21 187:15 190:3 192:8 193:3 194:20 200:1 201:25 202:4,5,7 203:20,21 204:6,12,12,22 205:7 205:8,12 206:9,10,18 208:20,21 209:22 210:7,17 211:16 223:25 227:14 229:12 231:7,10 232:22 235:3,12 240:15,16 252:22 253:10 259:13 262:21 263:21 267:17 268:1,22 270:14 271:5 272:8,14 275:2 <b>thinking</b> 10:23 240:9,18 252:21 <b>third</b> 12:15 34:20 59:23 128:9,10 155:14 175:20 180:18 194:23 231:18 246:17 <b>third-party</b> 240:8 <b>thoroughfares</b> 208:8 <b>thoroughly</b> 108:10 <b>thought</b> 211:25 278:9 <b>thousands</b> 106:7 <b>threat</b> 201:9 <b>threats</b> 201:6 <b>three</b> 7:15 18:21 21:20 25:2 34:14 44:14 63:11,12 64:23 65:19 103:22 127:10 147:24 168:22 170:1 175:6 178:6 182:12 187:7 187:24 188:6,10 189:3 194:14,16,20 215:9 231:18 239:23 245:12 257:23 263:19 286:11 <b>throw</b> 140:13 <b>Thursday</b> 11:24 44:21 44:25 64:18,20,21 89:5 <b>ticket</b> 87:11 <b>till</b> 254:24 284:12 <b>time</b> 6:21 9:5 18:20	20:15 22:5 25:10,22 33:8 34:2,3 38:2 39:9 53:10,22 62:21 63:5 64:25 69:4 75:3,8 78:21 79:18 81:17 83:10 84:16 99:2 103:23,24 104:13 113:18 117:15 120:20 121:17 122:23 125:4 127:10,11 133:16 136:6,24 141:11 143:22 145:11,15,18 155:20 158:25 161:17 202:11 203:5 205:2 206:3,24 218:20 220:11 221:10 223:6 223:13 224:19 225:17 229:18 237:15 238:7 251:8 252:23 269:10 272:9 276:9 277:8,8,9 277:10 281:14 <b>timeframe</b> 62:8,12 <b>timeline</b> 26:19 <b>timeliness</b> 226:15 <b>timely</b> 287:23 <b>timer</b> 78:19 <b>times</b> 25:3 42:25 64:23 103:22 108:6 147:24 147:24 152:10,25 170:9 218:23 229:7 240:20 245:7 <b>tired</b> 280:19 281:14 284:14,16 <b>title</b> 72:18 263:10 286:20 <b>Titleholder</b> 32:1 <b>today</b> 7:16,21 8:9 10:20 10:23,25 11:5,9 16:7 19:3,10 20:10 21:3,24 24:9,16 26:8,14 35:10 36:21 37:14 83:7 86:24 91:7 97:1 107:21 122:17 127:23 128:4,13 133:16 138:16,18 148:2 152:11 154:18 158:5 179:9 194:10 195:6 195:11,13 196:24 199:4 206:21 212:22 213:13,15 215:15 253:22 254:3,24,25 254:25 255:5 261:1 266:25 272:1 280:15 280:25 281:2,6,19 283:7 284:12 286:3,5 286:12 288:2 <b>today's</b> 6:18 7:18 71:25 <b>told</b> 65:1	<b>top</b> 48:10 59:23 139:2 <b>Toronto</b> 86:23 <b>total</b> 11:22 <b>totally</b> 132:11 184:22 <b>touch</b> 116:12 120:20 <b>tourism</b> 202:9 <b>town</b> 210:17 242:10 <b>tractor</b> 114:5 <b>trade</b> 91:13 <b>traded</b> 137:1 143:6 <b>traditional</b> 223:24 <b>traffic</b> 36:24,25 37:6 53:21 70:12 87:6,9 149:3 150:16,20 151:1,5,12,19 152:24 153:5,7,9,16,16,20 158:2 162:7 <b>trailers</b> 114:5 <b>train</b> 164:19 <b>trained</b> 30:2 107:19 181:24 183:3 221:23 222:17 230:18 <b>trainers</b> 221:16 230:24 <b>training</b> 184:23 186:1 201:21 204:16 228:6 228:11 229:19,20 246:8 <b>transaction</b> 126:7 130:23,25 <b>transactions</b> 124:6 132:15 134:20 135:7 137:13 <b>transcript</b> 18:16 <b>transfer</b> 1:9 11:14 32:5 32:7 33:1 34:10,15,17 34:20 35:16 36:11 38:2 39:20 257:22,25 <b>transferred</b> 31:10 100:10 103:5 120:10 <b>transferring</b> 74:16 <b>transfers</b> 29:4 115:25 <b>transition</b> 118:16 <b>transitioned</b> 145:14 <b>transmission</b> 248:2 249:4,6,13 250:12 <b>transparency</b> 202:1,7 205:24 <b>transparent</b> 120:5 <b>transportation</b> 150:18 162:4 <b>travel</b> 96:5 286:2 <b>traveling</b> 50:4 53:9 248:22 <b>treat</b> 95:7 <b>treated</b> 106:25 250:22 250:23,24 <b>treatment</b> 95:12 243:13 <b>treatments</b> 236:21
--	--	---	---

237:14 243:21 246:13  
**trends** 31:4 125:23,25  
**tricks** 252:6  
**tried** 284:14  
**trigger** 179:18  
**triple** 180:3  
**troops** 77:16  
**trouble** 184:13  
**troubled** 284:5  
**troubling** 277:1  
**truck** 79:11 164:22  
 179:11  
**trucks** 41:20 53:15  
 113:13 114:4 172:4  
 179:6  
**true** 51:25 134:9,13  
 139:5,9 140:8 198:12  
 217:3 219:14 221:4  
 225:9  
**truly** 80:13 91:5 124:25  
 146:18 165:17 215:25  
 238:4  
**truth** 38:7,8 71:15,16  
 128:25 256:2,2  
**try** 22:13,14,18 109:18  
 182:21 201:6 203:22  
 212:3 213:5 236:4  
 282:22  
**trying** 21:5 50:10 66:13  
 83:9 84:10 101:12  
 152:2 187:22 190:11  
 192:8 245:13 280:19  
 281:10  
**tuned** 96:1,6  
**turn** 10:16 13:7 14:17  
 72:16 73:5 81:3,4,5,8  
 82:8,10 96:20 105:3  
 144:11 163:14,15  
 195:20 203:19,20  
 224:20 234:9 235:19  
**turned** 63:11 73:4  
 195:23 231:13  
**turning** 195:24  
**turns** 96:20  
**TV** 75:13,18 85:12  
**tweaked** 83:24 222:13  
**Twelve** 153:1  
**Twenty** 124:11  
**twice** 64:24  
**two** 20:16 22:14,18  
 25:14,18 29:10 30:3  
 41:25 53:8,12 67:6  
 70:5 75:5 79:4,9,16  
 81:9 82:3,11 94:23  
 95:8 96:3 106:1,21  
 113:5,9,17 114:1,4,5  
 114:6 117:19 150:24  
 168:23 170:2,20

171:14 175:12,15,21  
 177:23 178:7 179:6,7  
 187:25 188:4 191:25  
 192:4,23 194:21  
 200:12,15 210:1  
 213:1 227:7,21 228:1  
 230:20,22 239:22  
 243:14 253:23 254:4  
 254:7 255:4 259:11  
 263:17 275:14,16  
 278:14 279:6,20,22  
 284:3,7 285:20  
**two-hour** 285:2,3,18  
**type** 44:12 84:3 95:24  
 98:9,20 107:14  
 111:21 118:2 130:18  
 177:14 243:10 274:12  
**types** 89:11 95:8  
 111:12 243:22,23,23  
 250:19  
**typical** 62:8,11 83:22  
 85:5  
**typically** 26:12 63:6,7  
 132:18,24 140:25  
 141:15,17

## U

**Uber** 82:19 83:7,8 86:24  
 152:1 181:8  
**ultimate** 189:10  
**ultimately** 168:23 189:9  
 190:10  
**Ultra** 60:14 155:9  
 157:18  
**Ultrabar** 240:24  
**unable** 41:14 80:25  
**uncomfortable** 273:15  
**uncommon** 208:9  
**undecided** 98:12  
**undergraduate** 73:16  
**underlying** 141:10  
**understand** 117:5  
 137:21 138:3,7  
 171:10 181:2 221:17  
 221:18,19 230:3  
 233:9 265:11 269:16  
 285:5  
**understanding** 20:19  
 52:4 69:3,25 129:1  
 176:16 217:15 246:14  
 270:22  
**understood** 7:20 21:22  
 105:24 111:2,16  
 112:7 113:17 114:10  
 117:8 222:7 271:24  
 276:3  
**underway** 7:17 29:20  
**underwriting** 142:7

**unfavorable** 136:1  
**unfortunately** 89:4  
 174:25  
**unique** 177:13 204:10  
 208:3,8  
**unit** 179:8 205:18  
**United** 215:9  
**units** 40:19 170:20  
 172:8 179:10,13  
**University** 73:15  
**unknown** 192:13,16  
**unnamed** 151:3,10  
**unnecessary** 25:10  
**unrelated** 244:11  
**unsuccessful** 42:4,7  
**up-to-date** 126:24  
**uploaded** 260:21  
**upper** 170:1 245:8  
**upscale** 88:1 181:9  
**urban** 132:4,25 141:19  
**urged** 36:14  
**urgency** 137:14 138:1,1  
**urges** 37:1  
**use** 32:14 35:1 36:18,19  
 65:22 76:23 84:4  
 91:18 95:19,24  
 114:19 115:14 132:16  
 141:1 142:8 143:15  
 145:20 200:24 208:15  
 226:21 229:14,21  
 241:4 242:15 243:5  
 272:9  
**user** 141:4  
**uses** 43:13 139:7 140:9  
 141:14,21 161:7  
**usually** 84:2 86:25  
 96:16  
**utilize** 117:23

## V

**V** 4:22 144:22  
**vacancy** 126:8,16,17,18  
**vacation** 286:2  
**vaguely** 94:1  
**valet** 81:10 87:3 92:19  
 92:21 108:13 149:17  
 160:6,7,17  
**valuations** 130:19  
 136:3,5 137:12,25  
 138:4 139:23 140:4  
**value** 34:16 132:2,23  
 133:3 137:4,5  
**values** 28:20 31:5 32:8  
 37:21 42:21 125:7  
 126:13 129:25 130:5  
 135:16 136:8 137:9  
 137:11 139:13,15  
**Van's** 79:8  
**varies** 167:17  
**various** 147:24 171:7  
 183:5 197:13 225:9  
**Vegas** 86:22 88:7 103:2  
 107:13,14  
**vehicle** 49:23 55:22  
 79:17 87:16 91:4  
 167:4  
**vehicles** 36:25 37:3,5,7  
 68:12 69:8 79:4,9,13  
 81:9 87:11 113:5,9,13  
 113:17 114:1 149:20  
 150:24 168:13 178:2  
**vehicular** 28:19 32:12  
 34:21 36:24 37:6  
 42:20 151:5,12 153:5  
 158:2 162:7 268:18  
 279:25  
**velvet** 84:2 86:7  
**venue** 36:23 73:6 76:16  
 76:21 83:24 84:11,22  
 87:12 88:2,9,21 95:6  
 95:7 107:13  
**venues** 76:11 103:2  
 107:21 202:22 205:20  
**verbal** 100:3,12,12  
**verbally** 12:25 100:7  
**verified** 240:9 263:24  
**verifying** 246:18 265:15  
**verify** 248:1  
**versus** 80:21 134:25  
 232:18  
**vestibule** 76:18 106:10  
 176:7 249:6  
**Vice** 33:22  
**vicinity** 149:11,22  
 152:16  
**victims** 41:10  
**Victorias** 114:6  
**video** 85:23 203:19,21  
 212:1 234:14  
**videoconference** 1:14  
**view** 3:22 47:4 170:9  
 248:16 272:16  
**views** 27:20  
**Vince** 30:19 144:8  
**Vincent** 1:25 3:8 144:22  
 146:24  
**violation** 245:16  
**violations** 156:9,10  
 287:1  
**violence** 202:23  
**violent** 156:21,23  
 157:15 257:11  
**Virginia** 197:14 242:2  
**visibility** 55:11 78:14  
**visible** 219:10  
**visit** 153:19

**visited** 67:20,24 147:23  
152:10,21 175:22  
218:23  
**visitors** 32:11  
**visits** 34:19  
**visual** 220:8  
**vital** 32:15  
**voiced** 258:7  
**void** 243:13  
**voir** 147:7  
**volume** 95:18 96:14,15  
96:18,21 126:7  
**voodoo** 252:6  
**vote** 274:20 275:10  
287:10  
**voted** 257:23 278:13

# W

**W** 1:14,17  
**wait** 41:10  
**waited** 64:9  
**waiting** 122:12 181:23  
**walk** 52:16 72:2 78:21  
83:6,17,20 149:25  
150:8 199:8,11  
200:11,12  
**walk-through** 164:23  
**walking** 90:9 223:4  
**walkthrough** 199:6  
**wall** 4:19 252:2,7  
**walls** 69:8 116:11  
239:22 242:24 247:16  
**Walt** 73:17  
**wandering** 84:10 111:19  
119:22  
**wands** 111:21  
**want** 16:3,4 18:16 20:18  
21:4 22:6,21 23:13  
24:13,14 28:16 36:20  
49:14 52:12 56:22  
60:20,23 76:15 78:24  
79:25 85:15,17 88:1,2  
88:20 93:21 94:17,24  
95:4 99:3 102:21  
111:24 112:4,11  
113:2,16 120:11  
121:1 122:17 127:9  
131:12 136:4 147:7  
148:18 156:9 171:18  
184:10 209:6 213:6  
213:10,13,16 217:20  
222:24 231:3 241:11  
242:7 243:17 253:22  
254:3,14,23,24 255:8  
255:10 258:13 260:23  
261:6,13 262:13  
267:19 280:15,17,20  
281:15,18 282:1,6

283:12,13 285:22,24  
287:25  
**wanted** 21:19 70:1  
71:21 133:17 177:11  
192:20 209:2 242:3  
243:16 279:10,17  
**wants** 19:4 112:24,25  
120:22 140:25 186:15  
190:23 266:18  
**Washington** 5:15,17,19  
32:2 76:11 86:22 88:6  
111:7 119:9 127:15  
128:2,10 215:12  
227:9 245:15 249:1  
**wasn't** 81:14 176:15  
230:20 231:13 261:10  
**water** 182:14  
**way** 55:13,13 70:5,5,6,7  
70:10,14,14,14,15  
79:14,18 80:18 81:4  
82:10 87:13 102:6  
118:24 129:14 148:25  
149:1 160:11 168:9  
168:13 178:17,24,24  
179:1 188:3 191:12  
191:14,16,17,20  
193:7 197:22 209:8  
237:9 245:15 248:24  
252:5 253:25 260:7  
261:8  
**ways** 112:2,3 149:1  
162:9 168:22,24  
196:21  
**we'll** 17:9 22:12 23:21  
24:18 65:8 89:19  
102:7 109:18 179:1  
222:16 226:8 239:10  
239:17,18 241:12  
265:24 281:2,4 282:7  
283:14,15  
**we're** 10:19 21:9,24  
22:7 24:11 26:7 27:6  
27:13,15 28:10,17  
29:23 62:14 63:8  
68:18 71:25 72:1,2  
76:14 78:8 84:10,11  
85:24 88:5 101:20  
110:25 112:6 116:10  
118:8,9 120:10,13,14  
120:14,23 121:19,21  
122:11 126:8 129:8  
131:18 135:15,25  
139:20,25 149:1  
181:8 184:13 195:5  
195:10,13 213:5,12  
214:1 217:19 218:8  
226:6 238:23 239:6  
240:2,6,8,9 241:6

250:9,25 251:3  
253:21,25 254:20,25  
255:1,2,3,16 258:25  
274:6 281:14,20  
282:4,13 284:3,19,20  
284:23 286:12  
**we've** 25:20 26:18  
79:10 86:20 90:15,19  
101:10 104:24 116:20  
126:9 173:19 199:16  
229:12 240:23,23,25  
285:20  
**weapon** 86:9 199:21  
200:13,19  
**weapons** 75:25 84:7  
199:25 200:7  
**Webex** 1:14 6:23  
**website** 124:24 287:22  
**Wednesday** 213:18,19  
254:6,7,18,19 281:21  
283:16  
**week** 26:11,12 62:19  
89:1 153:14 285:24  
286:10  
**weekend** 153:19  
**weekends** 43:2 159:25  
160:3  
**weeks** 62:21  
**weigh** 67:11  
**weighs** 140:14  
**welcome** 51:12 62:2  
70:24 117:16 174:22  
184:2 212:15,24  
**welcoming** 6:8  
**well-lit** 201:15  
**well-run** 87:22  
**well-trained** 211:10  
**went** 122:7 166:19,20  
183:14 197:6 206:8  
213:24 216:23,24  
227:24 282:10 288:9  
**weren't** 8:16 129:1  
260:21  
**west** 61:9,21 67:6 69:23  
70:14 79:7 90:10  
152:5 178:6,17  
**westbound** 151:1  
**westward** 219:7  
**whatsoever** 264:16  
**whichever** 22:1  
**white** 51:6  
**wi-fi** 187:15 203:20  
**wide** 34:25 53:3 79:3,4  
80:20,21 94:22 142:6  
150:23  
**wider** 90:11  
**width** 167:14,16 168:9  
171:20,25 176:21

**willing** 85:20 120:21  
131:9  
**window** 243:7  
**windows** 116:13 243:6  
243:7,12,14,22  
**wish** 28:6 33:3 71:4  
147:6 255:4 282:17  
**witness** 1:23,23,24,25  
1:25 2:1 3:5 19:15  
20:13,16,18,20,22,25  
21:14 23:1,2 24:2  
25:5,17 27:18 38:4,9  
59:8 62:5 65:7 71:4,5  
71:18 72:1 99:7  
109:19 117:3 121:8  
121:19 122:1,15  
123:2,11,13 125:7  
128:22 129:2 133:8  
144:7,13,15 146:24  
163:6,7,20,22 194:1  
195:15,17 196:3,5  
198:18 213:7 214:5,7  
214:11,13 216:4  
229:13 234:5,6 236:9  
253:11 255:19 256:5  
260:24,24,25 266:15  
266:25 267:3 274:8  
279:3,13 280:17  
281:2,5 285:2,3,18  
**witnesses** 9:13 14:4  
17:2 19:14,20,23 20:1  
20:3,9,12,12,14 21:3  
21:24 25:8,14,19,20  
26:4,5 35:8,10 122:22  
194:13,15,17,20  
195:1,14 213:2 254:1  
254:4,10,21,24 255:4  
255:7 280:9,10,23  
281:11 283:5 284:4  
285:4,21  
**women** 112:1  
**wonderful** 261:16  
**Woodwork** 259:24  
267:23  
**word** 86:3 107:24  
**work** 11:9 14:24 17:9  
20:9 26:9,12,14 100:5  
106:7 107:4 112:24  
115:8 120:8,12,17  
126:4 134:22 135:3  
138:23 142:24 145:15  
184:19 193:10,14  
210:5 230:12 236:18  
246:15,19,25 248:21  
254:9 255:12,13  
286:10  
**worked** 73:16 96:24  
97:11 145:12 184:11



185:20 197:22 204:19  
223:5 230:7 237:4  
240:23,23 241:1,25  
245:5 252:3,8  
**working** 121:2 146:2  
148:1 181:25 193:17  
197:21 205:17,17,24  
207:17 210:24 230:13  
237:12  
**works** 183:11 249:22  
**World** 73:17  
**Worldwide** 73:17  
**worth** 129:14  
**would-be** 41:2  
**wouldn't** 54:22 91:25  
135:23 137:8 141:13  
142:17  
**wrap** 122:17  
**write** 78:9 189:17  
**writing** 110:21  
**written** 111:14 188:18  
266:19  
**wrong** 111:18 208:22  
260:4 268:24 277:7  
**wrote** 189:18 209:22  
259:16

---

**X**


---



---

**Y**


---

**yeah** 23:19,21 43:23  
50:16 61:15 62:13  
65:6 92:23 93:24  
101:2 108:1 109:10  
109:15,16 129:15  
134:23 138:19 139:16  
160:16 173:17 178:10  
181:22 182:12,16  
184:16 195:9 202:14  
203:24 207:25 211:22  
211:25 228:13 230:23  
231:15,25 232:12  
244:9 245:22 261:25  
264:8 268:21 277:24  
277:25 279:4,9  
282:22 285:2  
**year** 135:7 210:6,21,22  
210:23,24 225:19  
227:21 228:1 233:15  
256:10  
**years** 38:20 58:10  
73:12 75:5,18 86:21  
103:1,20 104:10  
118:12 119:2 124:11  
124:13 145:11,13  
165:5,6,6,7 184:20  
186:13 190:21 197:4  
215:8,9,11,12 227:7

233:11 236:24 277:14  
**yesterday's** 114:13  
**York** 31:25 32:1,1 43:13  
86:23 97:2 153:25,25  
259:13 263:9  
**young** 223:3  
**younger** 118:6

---

**Z**


---

**Z** 90:22 175:13 178:16  
180:16,16 191:22,23  
191:24 192:23 219:6  
219:24 220:3  
**Zebbie's** 240:25  
**Zei** 67:7 79:5 81:13  
90:15,22,23 97:6,22  
104:4,7,14,22 113:12  
149:14,25 150:20  
151:1 152:1 160:12  
161:8 167:14,20  
168:9 171:20  
**zero** 242:6  
**ZG** 31:24  
**zone** 3:19 36:19 43:11  
43:11 46:20 77:16,17  
230:6  
**zoning** 3:19 28:22 34:3  
46:19 60:25 61:2  
**zoom** 49:20 80:25 90:2  
**zoomed** 3:22 47:4  
**Zulu** 90:22

---

**0**


---

**00078** 8:10

---

**1**


---

**1** 3:14 4:7,14 46:4,7  
48:16 89:22,24 92:5  
92:10 218:8 225:7  
246:13 258:13 262:3  
**1,000** 187:7 188:9  
189:18,19,24 227:8  
227:11  
**1,200** 11:21 36:22 43:21  
44:1 46:25 47:4 58:25  
60:7 88:12 115:4  
172:19 187:1 189:14  
189:18 192:11 272:25  
273:18  
**1:00** 22:10,12 67:21  
**1:30** 213:18,19,19 254:6  
254:7 255:11,17  
280:14,22 281:12,20  
283:10 286:15 288:3  
**10** 4:2,20 34:25 47:22  
48:2 49:14 119:2  
165:6,12,14,22 166:5  
167:15,16,18

**10-06** 65:15  
**10:02** 6:2  
**100** 11:23 52:14 135:6  
**11** 4:4,21 48:3,7 173:10  
173:13,14 174:4,7  
286:4  
**11:20** 67:21  
**116082** 1:8 8:10  
**12** 4:5,22 22:8 48:8,13  
146:10,13,23 147:14  
190:21 197:5 215:12  
236:24  
**12:00** 22:10,12 152:21  
**12:22** 121:16,21 122:7  
**12:30** 152:22 153:15  
**12:52** 121:22,25 122:5,8  
**1200** 3:21,22 206:8  
**123** 3:7  
**124** 5:13  
**125** 5:13  
**127** 5:15  
**128** 5:17,19  
**129** 5:15,17,19  
**12th** 43:14 258:1  
**13** 4:6,23 44:15 48:14  
48:19 155:1,4,21  
156:3 170:23  
**133** 3:7  
**13th** 170:14  
**14** 4:8,24 48:20,24  
154:4 215:18,20  
216:3,12  
**1400** 31:25 60:13 227:8  
227:24  
**1401** 31:24  
**1412** 1:7 11:17 44:2  
49:24 135:11 166:12  
**1425** 31:25 259:13  
**144** 3:8  
**1445** 32:1  
**146** 4:22  
**147** 4:22  
**14th** 52:1 55:16,18  
60:17 61:10,11,22  
67:9 68:7 69:16 70:4  
70:13 79:6 81:2,3  
82:5 94:5 98:2 103:24  
150:8,20 151:23  
152:4,4 158:1 160:12  
161:2,22 167:19  
180:16 191:24 192:25  
219:23 231:20,21,24  
232:2 268:11,15  
279:19  
**15** 4:9 5:6 20:20 48:25  
49:4 167:15 218:7,10  
219:4 220:12,19  
**1500** 131:1 133:24

136:23 142:19  
**155** 4:23  
**156** 4:23  
**159** 3:8  
**15th** 31:21,22,23 33:14  
52:2 57:2 60:12 61:10  
61:11 67:8 69:17  
130:17 131:20,22  
134:6 150:20 153:24  
154:5 157:11 160:13  
167:20 180:15 192:24  
219:7 231:11 267:21  
**16** 4:11 5:9 36:16 49:5  
49:10 75:4 164:22  
170:13,24 217:10  
219:19 220:12,19  
231:8  
**1625** 143:3  
**163** 3:8  
**165** 4:20  
**166** 4:20  
**17** 226:2  
**174** 4:21,21  
**175** 3:8  
**1800** 206:9  
**18th** 12:10  
**19** 5:11 198:7,17 199:2  
**196** 3:9  
**198** 5:11,11  
**1980s** 224:2  
**1983** 223:4,5  
**1985** 197:22  
**1991** 97:23  
**1992** 104:7  
**1995** 74:3  
**19th** 43:14  
**1D** 229:13  
**1st** 12:9

---

**2**


---

**2** 3:16 4:8,15 46:8,12  
48:21 92:13,15 93:4  
93:11 109:14 170:15  
187:10 243:25  
**2-577(a)** 6:15  
**2,000** 168:1 227:13  
278:5,8  
**2:00** 44:24 162:15  
**2:22** 195:11,14  
**2:46** 213:21,24  
**2:56** 213:22  
**2:57** 213:25  
**20** 5:13 41:18,19 53:6  
124:13,17,19 125:6  
125:15,19 126:19  
**200** 40:19  
**2000** 206:10  
**2000s** 224:7

**2001** 233:14  
**2008** 145:13  
**2011** 207:13 211:3  
 233:14  
**2012** 12:9 145:13 210:8  
**2013** 210:8  
**2015** 207:13,24,24  
**2018** 131:3 207:18,24  
**2020** 143:6  
**2021** 145:23  
**2022** 156:15 227:16,25  
 270:1  
**2023** 12:10,12,14,16,22  
 256:10 258:1 279:19  
**2024** 1:12 10:21 12:20  
 13:1 42:3 227:16,25  
 266:12,23  
**207** 3:9  
**20s** 126:19,19  
**21** 5:15 127:18 128:19  
 129:17 167:14 197:5  
**214** 3:9  
**215** 4:24  
**216** 4:24  
**218** 5:7  
**219** 5:9  
**21st** 12:14  
**22** 5:17 128:1,6 129:18  
 165:7  
**220** 5:7,9  
**225** 3:9  
**23** 1:12 5:19 65:15  
 128:10,15,19 129:18  
**23-PRO** 8:9  
**23-PRO-00078** 1:8  
**237** 4:18  
**238** 4:18  
**23rd** 287:5  
**24-444** 13:9  
**24-hour** 62:14  
**241** 4:19  
**243** 259:15  
**244** 4:19  
**25** 135:8  
**25-313** 34:12  
**25-444** 18:23  
**25-plus** 73:12 86:21  
 103:1 118:12  
**25.313** 36:8  
**250** 188:20 189:4,21  
**2571** 6:6  
**25th** 67:21  
**268** 227:14  
**26th** 42:3,5 54:11 63:15  
 64:12,13,15 67:25  
**28** 3:3  
**28th** 64:10,12 254:14  
 286:22 287:4

**29** 197:4 215:10 227:24  
**29th** 12:12,16 262:4  
 268:10,13  
**2B** 9:25 10:1,2,15 12:11  
**2C** 1:7 2:2 3:14 15:15  
 33:22 39:21 46:4  
 256:19 257:21  
**2D** 30:4 197:16 205:2  
 207:12

---

**3**

---

**3** 3:17 4:8,16 46:15,17  
 48:21 93:14,18 94:7  
 94:15 164:22 170:13  
 170:14 265:25 286:20  
**3-page** 127:15  
**3:00** 11:24 44:22,25  
 162:15  
**30** 104:10 135:8 165:5  
**30-minute** 121:21  
**30-plus** 184:20  
**31** 3:3  
**31st** 10:21 12:20 13:1  
 34:1  
**33** 3:4  
**36** 43:25 44:2,7,11  
 56:15 176:21  
**3rd** 266:12,16

---

**4**

---

**4** 3:19 46:18,22 60:24  
 263:6 265:18,19  
**4:00** 11:25 44:23 255:2  
 255:6  
**4:20** 281:2  
**4:21** 282:4,10  
**4:30** 282:4,8,11  
**4:36** 288:9  
**40** 165:6 278:18  
**400** 3:24 47:9  
**405** 286:21  
**405.1** 34:4  
**45** 215:8  
**451** 101:11  
**46** 3:15,16,18,19  
**47** 3:21,22,24,25 4:1  
**48** 4:3,4,5,7,8 6:18  
**49** 4:10,12

---

**5**

---

**5** 1:20 2:2 3:20 22:24  
 46:23 47:2 58:21 60:8  
 281:4,15,21 283:11  
 283:15 284:11,22  
**5:00** 254:25 281:12  
**5:30** 254:25,25 255:1,8  
 255:9 280:18 281:4  
 284:12

**50** 74:1 278:19  
**500** 187:6,11 188:9  
 215:13  
**58** 3:6  
**5th** 170:15 284:24

---

**6**

---

**6** 3:22 4:17 22:4 24:11  
 47:3,6 80:6,10 81:18  
 81:23 131:14 148:7  
 154:3 213:19 253:7  
 253:18 254:22 255:11  
**60** 151:16 246:22  
**62** 3:6  
**65** 11:22 151:16  
**675** 11:21  
**6th** 12:22 254:13,17  
 255:17 260:25 280:21  
 281:3 284:19,25  
 286:15 288:3

---

**7**

---

**7** 3:23 47:7,11 53:24,25  
 54:1 228:13  
**7:00** 54:3,12 152:22  
**70** 135:7  
**72** 3:7  
**727** 57:2  
**733** 31:22 131:20  
**735** 154:5  
**75** 73:25 135:7,8

---

**8**

---

**8** 3:25 4:18 47:12,16  
 67:19 170:16 237:19  
 237:21 238:8,17  
**8,000** 278:6,11  
**8:00** 11:24,25 44:22,22  
**80** 4:17  
**805** 31:21  
**806** 67:7  
**80s** 98:3  
**81** 4:17  
**815** 67:8  
**875** 33:14  
**89** 4:14  
**8th** 31:23 267:22

---

**9**

---