

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE AND CANNABIS BOARD
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MEETING

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IN THE MATTER OF:           :
                             :
In Stereo LLC,              :
t/a Trade                   :
1408-1410 14th Street NW   :   Protest
Retailer CT - ANC 2F       :   Hearing
License No. 99229          :
Case #25-PRO-00098        :
                             :
(Application to Renew      :
the License)              :
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Wednesday
March 11, 2026

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

PRESENT:

DONOVAN W. ANDERSON, Chairperson
RYAN JONES, Member
DAVID MEADOWS, Member
TERI JANINE QUINN, Member

ALSO PRESENT:

RAN BORGERSEN, Protestant
JOHN D'AMORE, Protestant
JOE FLORIO, ANC 2F
JOHN GUGGENMOS, Applicant
INVESTIGATOR LEON HARRIS, DC ABCA
MURRAY HOOD, Protestant
MANALLE MAHMOUD, Applicant's Counsel
MATTHEW MINORA, Applicant's Counsel
JOSE ORELLANA, DC ABCA Staff
TODD SINKINS, Protestant's Counsel

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

2 MR. ANDERSON: Now, let's now turn to
3 our afternoon calendar. The only case that's on
4 our calendar for the afternoon is a protest
5 hearing. It is Case Number 25-PRO-00098, Trade,
6 license number 99229.

7 Good afternoon, Mr. Orellana. Can you
8 please elevate the rights of the parties in this
9 case?

10 MR. ORELLANA: Sure thing. Good
11 afternoon. Matthew Minora, access elevated.
12 Todd Sinkins, access elevated. Ran Borgersen,
13 access elevated. Investigator Leon Harris,
14 access elevated. Murray Hood, access elevated.
15 John D'Amore, access elevated. And Joe Florio,
16 access elevated.

17 That is all, Chairman.

18 MR. ANDERSON: Thank you.

19 Can I have everyone on camera, please?

20 All right. Let me have --

21 Mr. Minora, good afternoon. Can you
22 please identify yourself for the record?

23 MR. MINORA: Good afternoon. Yes, my
24 name is Matthew Minora from the law firm of
25 Mallios O'Brien & Sandground, and we're ABCA-

1 licensed counsel for the applicant.

2 MR. ANDERSON: And who is with you this
3 afternoon, sir? Is your client -- is your
4 client here?

5 MR. MINORA: Yes, client is here, Mr.
6 John Guggenmos. And my colleague, Manalle
7 Mahmoud.

8 MR. ANDERSON: So can Mr. Guggenmos
9 please spell and state his name for the record?

10 MR. GUGGENMOS: Sure. John Guggenmos.
11 Last name is G-U-G-G-E-N-M-O-S.

12 MR. ANDERSON: Ms. Mahmoud -- is Ms.
13 Mahmoud -- is she going to participate this
14 afternoon, or what's her -- what's her role?

15 MR. MINORA: She -- technical
16 assistance --

17 MR. ANDERSON: Okay. Technical
18 assistance.

19 MR. MINORA: -- with the --

20 MR. ANDERSON: Okay, technical
21 assistance. Okay.

22 Let me see. It's --

23 Mr. Florio, can you identify yourself
24 for the record, please?

25 MR. FLORIO: Yes. My name is Joe

1 Florio. I am the advisory neighborhood
2 commissioner representing ANC 2F.

3 MR. ANDERSON: Mr. -- it's Mr. Sinkins.
4 Who is he representing?

5 MR. SINKINS: Yes. My name is Todd
6 Sinkins. I am representing the group of five
7 protestants.

8 MR. ANDERSON: Can you come on camera,
9 sir, since you're not on camera?

10 MR. SINKINS: Oh, I'm sorry. Yes,
11 certainly. Sorry about that. I thought I was
12 already on camera.

13 MR. ANDERSON: All right. Fine.
14 So who is representing the protestant?

15 MR. SINKINS: I am.

16 MR. ANDERSON: Okay. So I'm -- oh, no.
17 So you're representing both the group of five
18 and the ANC?

19 MR. SINKINS: No, no, no. I'm just
20 representing the group of five.

21 MR. ANDERSON: Now, I know specifically
22 at the -- at the status hearing, protest status
23 hearing, I said because there is more than one
24 protestant that the parties need to go to --
25 jointly agree who is going to represent the

1 parties at the protest hearing.

2 So the way -- the structure of this
3 hearing is that the Board will call its witness.

4 After the Board call its witness, then the
5 applicant or the licensee will present its case,
6 and the protestant will present its case after
7 that. So you have enough time for you guys to
8 decide who is going to represent the protestant
9 in this case.

10 So we're not going to have two separate
11 cases in a sense that the group of five of them
12 will present a case and then the ANC present a
13 case. It's going to be one case with one person
14 representing the protestant group. Did I --

15 MR. SINKINS: Then I'll need to go chat
16 with Joe Florio.

17 MR. ANDERSON: I'm sorry?

18 MR. SINKINS: Then I'll need to chat
19 with Joe Florio. That was never our
20 understanding.

21 MR. ANDERSON: I -- if you were -- were
22 you at the protest hearing status hearing, sir?

23 MR. SINKINS: Yeah, absolutely.

24 MR. ANDERSON: Well, that is -- if I
25 don't have -- I don't want to go pull up the

1 transcript. I'll ask -- I will ask for a copy
2 of the transcript, and I am 99.9 -- 99.9 percent
3 positive that I specifically instructed the
4 parties at the protest hearing status that you
5 must do that.

6 So I'm going to -- I'm going to ask for
7 a copy of the transcript, and if I may -- if
8 that was an error on my part, I will apologize.

9 But I'm going to ask for the Agency to provide
10 me a copy of the transcript, and then I will --
11 I'll review it, and I will --

12 But anyway, you have some time. If I
13 made an error, then we'll revisit that. But as
14 I said before, since the protestant goes second,
15 you do have some time, but I will make sure that
16 I did not make an error when I spoke to you guys
17 when I gave the instructions for the protest
18 hearing at the protest hearing status.

19 All right. Hold on.

20 All right. All right. So -- but I'm
21 requesting a copy of the transcript, so when I
22 receive it, I will -- I'll review it.

23 All right. So the way this hearing
24 will go, then, the applicant will have an
25 opportunity to provide an opening statement,

1 then the protestant will provide its opening
2 statement.

3 The Board then will call its witness,
4 which is the investigator who did a -- who
5 drafted the case report. Excuse me. The Board
6 will ask questions off -- the Board will ask
7 questions of the investigator, of his report,
8 then the licensee will have an opportunity to
9 ask questions of the protestant -- I'm sorry, of
10 the licensee -- I am sorry. The applicant --
11 the licensee will have an opportunity to ask
12 questions of the investigator regarding the
13 contents of his case report.

14 After the licensee has had an
15 opportunity to ask questions, then the
16 protestant will have an opportunity to ask
17 questions of the investigator.

18 Once that is done, then the Board will
19 call -- the licensee will present its case, and
20 then after the licensee presents its case, the
21 protestant will have an opportunity to present
22 its case.

23 I want the parties to be specific what
24 it is that they are asking. If they -- if --
25 but at least from the protestants' perspective,

1 are you asking us not to renew the license or
2 are you saying that, okay, the license can be
3 renewed with additional conditions?

4 So -- and I -- I'll ask the protestants
5 what is their -- what is their position? Is it
6 the position that you're asking the Board not to
7 renew the license, or are you asking the Board
8 to renew the license with conditions?

9 I'm asking Mr. Florio and Mr. Sinkins.
10 Crickets --

11 MR. SINKINS: I'm sorry. We were just
12 conferring, so apologize. The -- I am going to
13 take the lead in representing the protestants.

14 MR. ANDERSON: All right. That's fine.
15 But no, the question I was asking, sir, was,
16 what is it -- what is being asked of the Board?
17 Is the Board asked -- being asked not to renew
18 the license, or is the Board being asked to
19 renew the license with conditions?

20 MR. SINKINS: So our position is, we
21 want the application denied as submitted, but we
22 would not oppose an approval with modified
23 conditions with respect to occupancy and hours
24 of operation of the summer garden.

25 MR. ANDERSON: Well, I mean, that is

1 fine. You can present it. I was just asking --
2 so if the Board -- if the position was that,
3 okay, we agree that the license would be
4 renewed, then I -- we could somewhat truncate
5 the hearing. But since that is not the
6 position, fine, we'll have the full hearing. So
7 that's fine.

8 MR. SINKINS: Okay.

9 MR. ANDERSON: Yeah, that's fine. I'm
10 still waiting for the Agency to provide -- but
11 anyway.

12 So we'll start with you, Mr. --

13 Any other preliminary matters before we
14 start the case?

15 MR. MINORA: We just wanted to -- for
16 -- as a preliminary matter, just clarify and
17 confirm the protest issues are peace, order, and
18 quiet related only to the expanded summer
19 garden, as outlined in the group of Willison
20 Condo Residents' protest letter.

21 MR. ANDERSON: Mr. -- Mr. Sinkins, is
22 it that --

23 MR. SINKINS: I'm sorry. I didn't
24 catch the first part of that question.

25 MR. ANDERSON: Mr. Minora?

1 MR. MINORA: We just wanted to --

2 MR. ANDERSON: Go ahead, Mr. Minora.

3 MR. MINORA: The -- we just wanted to
4 confirm that the protest issues are based on
5 peace, order, and quiet as it relates to the
6 expanded summer garden only, as outlined in New
7 Willison Condominium Group Residents' protest
8 letter.

9 MR. SINKINS: Yes. Our protest is
10 related to the noise and its effect on the
11 quiet, enjoyment of the neighbors related to the
12 use of the summer garden for Trade.

13 MR. MINORA: Thank you.

14 MR. ANDERSON: So what is it -- what is
15 it that -- what is the agreement?

16 MR. SINKINS: There is not --

17 MR. ANDERSON: What's the date?

18 MR. SINKINS: I don't think there is
19 agreement. I think we just -- she just asked me
20 to clarify the nature and -- and extent of our
21 protest, which relates to the -- which is driven
22 by the noise that originates from the summer
23 garden behind Trade, and in particular since its
24 hours and its occupancy expanded about 18 months
25 ago.

1 MR. ANDERSON: All right. That is
2 fine. All right. I stand corrected. I -- it
3 was my understanding that this matter would --
4 was not going to pursue -- we were not going to
5 have a protest hearing on this matter, because I
6 thought that the folks were very close to a
7 settlement agreement, and so therefore, I did
8 not give the instructions at the protest hearing
9 status, but I -- that just reminds me that,
10 whether or not the parties -- just instruct the
11 Board of their -- what is going to occur.

12 I'm always going to remind the parties,
13 especially when there's more than one party
14 involved, that if this matter goes to a hearing,
15 then the parties would have to -- the
16 protestants would have to designate who was
17 going to represent the protestant at the
18 hearing.

19 So as I stated before, I did not do
20 that at this -- at the pre-hearing -- at the
21 show cause hearing. I'm sorry. The protest
22 status hearing because in -- I assumed
23 incorrectly based on what was being provided --
24 was that this case would have been settled, so
25 that was my apologies for not giving the proper

1 instructions. Sorry.

2 All right. All right. So, Mr. Minora,
3 do you wish to provide an opening statement

4 MR. MINORA: Sure. Obviously, evidence
5 is going to show today that the licensee has an
6 extensive history of responsible operations at
7 this location.

8 The summer garden hours have been 1:45
9 during the -- until 1:45 during the week, 2:45
10 on the weekends in 2018 until 2025, of which
11 case, we got -- we were able to -- excuse me.
12 Until 2023, and then basically done operating at
13 2:00 a.m. and 3:00 a.m. So just a 15-minute
14 difference. So essentially, for eight years
15 we've had these hours. We have no incidents.
16 There's zero ABCA incidents. The violations
17 history is completely clean. And so there --
18 while there might be disturbances that are being
19 heard by residences, they cannot attribute those
20 to Trade. And to the extent that there are
21 unidentified human voices, even if they were
22 attributable to Trade, that is outside the scope
23 of D.C. Code 25-725. So we're asking for the
24 ABC Board to process and approve the renewal
25 application as submitted, and without further

1 conditions or restrictions, other than those in
2 the current settlement agreement.

3 MR. ANDERSON: Well, thank you.

4 Mr. Sinkins, do you wish to make an
5 opening statement now? Or you could defer until
6 you present your case.

7 MR. SINKINS: I can make the opening
8 statement now. My name is Todd Sinkins. I
9 represent a group of five or more residents:
10 Lawrence Watson, Murray Hood, Louise Hood, Tom
11 Steyer (phonetic) Marker Martinez (phonetic)
12 Randall Borgersen, John D'Amore, and Kate Caslow
13 (phonetic), who are protesting the renewal of
14 Trade's license as submitted. I'm also standing
15 in for the ANC 2F following discussions in this
16 hearing.

17 The protestants seek denial of the
18 application in Protest Case Number 25-PRO-00098
19 concerning Trade. As submitted, the issues
20 identified for resolution include the hours of
21 operation of the outdoor patio and the occupancy
22 level of the outdoor patio.

23 First, the 2024 expansion of the summer
24 garden and the increase in hours of operation to
25 2:30 a.m. had deprived nearby residents,

1 including those living in the Willison
2 Condominium, of the ability to sleep during
3 Trade's hours of operation. The noise emanating
4 from the expanded exterior area, combined with
5 late-night operations, has made normal rest
6 impossible for those living in close proximity
7 to the facility.

8 Second, these changes in summer garden
9 occupancy and hours violate residents' right of
10 quiet enjoyment of their homes. The excessive
11 late-night activity and amplified patron noise
12 from the outdoor space intrude upon residential
13 living rooms and bedrooms well beyond what is
14 reasonable in a mixed-use environment.

15 Third, Trade has not undertaken any
16 effective mitigation efforts to reduce the
17 exterior garden noise. There's been no
18 meaningful implementation of noise controls to
19 sufficiently address the late-night
20 disturbances. Now, no barriers have been
21 installed that have been effective. There's
22 been no reorientation or operational
23 restrictions that actually provide sound
24 abatement for the transmission of noise to
25 adjacent homes. Instead, Trade's measures have

1 actually only served to amplify the noise and
2 project it towards the protestants' homes. As a
3 result, these efforts have simply exacerbated
4 the problem.

5 Fourth, the residents cannot enjoy
6 their outdoor areas and patios, or even the
7 interior of the units, because of Trade's
8 outdoor noise. Many residents have reported
9 they cannot hear others in civil conversation
10 during Trade's operating hours, even if they're
11 inside their living rooms with the windows
12 closed. This is a sustained and ongoing
13 interference with daily life. It's not just an
14 occasional interference.

15 We're not asking the Board to shutter
16 Trade. We're asking the Board to deny the
17 application as submitted and condition any
18 renewal on concrete, enforceable reductions in
19 noise that restore residential quiet enjoyment.

20 Specifically, we request a reduction in the
21 summer garden's occupancy levels and reduction
22 in closing hours to 10:00 p.m. on weekdays and
23 11:00 p.m. on weekends. These requests are
24 narrowly tailored to address these issues that
25 are before the Board.

1 The scope of this protest squarely
2 concerns the outdoor patio's hours of operation
3 and occupancy levels. Relief we seek aligns
4 with those issues and is necessary to prevent
5 ongoing late-night noise impacts that have made
6 sleep and normal conversation impossible for
7 nearby residents and violates their very basic
8 rights of quiet enjoyment of their homes. For
9 these reasons, we respectfully ask that the
10 Board deny the renewal application as submitted,
11 and, if renewed, impose occupancy and hour
12 limitations as we stated above to protect the
13 public peace, order, and quiet of the
14 neighborhood.

15 Thank you.

16 MR. ANDERSON: All right. Thank you.
17 All right. The Board will call its first
18 witness, and that is the investigator, Mr.
19 Harris.

20 Mr. Harris, can you state -- can you
21 raise your right hand, please?

22 WHEREUPON,

23 LEON HARRIS

24 was called as a witness by the Board and, after
25 having been duly sworn, was examined and

1 testified as follows:

2 EXAMINATION

3 BY MR. ANDERSON:

4 Q. Can you state and spell your name for
5 the record?

6 A. My name is Leon Harris, L-E-O-N, last
7 name H-A-R-R-I-S.

8 Q. And where are you currently employed,
9 sir?

10 A. I am currently employed at the
11 Alcoholic Beverage and Cannabis Administration
12 for the past 17 months.

13 Q. And what are your duties and
14 responsibility at the Agency?

15 A. I conduct inspections and
16 investigations of ABC-licensed establishments
17 within the District of Columbia.

18 Q. And so you're -- you said you have been
19 with the Agency for the past 17 months. So can
20 you quantify about how many inspections, if any,
21 you have done in this period?

22 A. Inspections, if -- if you want to
23 include regulatory inspections when we go to
24 different ABC-licensed special establishments,
25 just to put a -- a hard number on it, roughly

1 200 to 250, plus or minus.

2 Q. Have you ever participated in a protest
3 hearing before, sir?

4 A. Yes, sir.

5 Q. Okay. Are you familiar with this
6 establishment, Trade?

7 A. Yes, sir.

8 Q. And how did you become familiar with
9 this establishment?

10 A. I conducted a protest investigation on
11 Trade located at 1408-1410 14th Street
12 Northwest.

13 Q. And so -- just prior to conducting this
14 -- the investigation, did you have any previous
15 knowledge of this establishment?

16 A. No, sir.

17 Q. Okay. Did you have an opportunity to
18 speak to the parties in this case?

19 A. Yes, sir, I did.

20 Q. Who did you speak to? Or -- do you
21 have a copy of your -- do you have a copy of
22 your record -- of your case report?

23 A. I do. Yes, sir.

24 Q. Do you have the ability to share your
25 screen with the case report?

1 A. Sure.

2 MR. ANDERSON: Mr. Orellana, can you
3 please allow Mr. Harris to share his screen?

4 MR. ORELLANA: Access granted.

5 MR. ANDERSON: Thank you, sir.

6 THE WITNESS: Do you see my screen
7 okay?

8 MR. ANDERSON: No, sir, we're not
9 seeing your screen.

10 THE WITNESS: Excuse me for one second.

11 MR. ANDERSON: While we're waiting, I
12 would ask all parties to mute their lines so we
13 don't hear any extraneous noise. Thank you.

14 BY MR. ANDERSON:

15 Q. Okay. You're now sharing your screen,
16 sir. Can you identify the document that's on
17 the screen?

18 A. This is my protest report of In Stereo,
19 LLC. And they're trading as Trade.

20 Q. Okay, fine. All right, sir. I'd ask
21 you who did you speak to?

22 A. I spoke to the group of five or more
23 represented by Mr. Todd A. Sinkins, Esq., and
24 Mr. Joe Florio, the chairman of the Advisory
25 Neighborhood Commission 2F, or the ANC 2F, and

1 Mr. Minora, who was the applicant's attorney.

2 Q. So what information about this protest
3 were you able to gather in speaking to the
4 protestant?

5 A. So when I was speaking to the
6 protestant, I went to Trade -- let me get my
7 dates and everything together, on, looks like
8 December 10th, 2025. I emailed the applicant's
9 attorney, Mr. Matthew Minora. Mr. Minora
10 responded the same day with a detailed account
11 of the residents of the Willison Condominium
12 Unit Owners' Association complaining about the
13 peace, order, and quiet of Trade.

14 According to Mr. Minora, quote, "Of the
15 400-plus residential units of the north side of
16 the 1400 block of Rhode Island Avenue Northwest,
17 many of which are closer to Trade than the
18 protestant group, only eight individuals
19 representing five units, which is less than 2
20 percent of the nearby units, have complained
21 about noise emanating from Trade's expanded
22 summer garden operations, despite not having
23 received any noise complaints from residents
24 until the beginning of Trade's expanded summer
25 garden operations, and only have received

1 complaints from the eight individuals that are
2 part of the protestant group." ANC 2F also
3 protested this renewal based on the negative
4 impact of peace, order, and quiet of the
5 expanded summer garden.

6 Mr. Minora also provided a noise
7 analysis that took place on October 15th and
8 October 17th, 2025, from Trinity Consultants.
9 According to those results, which I have in my
10 exhibits, which I'll explain to you later on,
11 quote, "The most pertinent data to refer to in
12 regard to a potential violation of noise code is
13 the nighttime measurements taken while Trade was
14 open and the window at the Willison was open.
15 Without any additional architectural
16 modifications to Trade, to the Trade patio, or
17 its perimeter, it is unlikely that further noise
18 reduction can be achieved from the source.
19 Other options for -- for remediation may include
20 closing the patio at an agreed time, or
21 architectural upgrades to the condo windows such
22 as upgraded window glass or sound isolation-
23 rated curtains that are designed to reduce noise
24 transmission. It should be noted, however, that
25 any window modifications would have no impact on

1 transmitted noise into the Willison when the
2 windows are open."

3 On Friday, December 19th, 2025, I
4 received an email from Mr. Todd Sinkins, who
5 represents the group of five or more, who stated
6 that the group's complaint of peace, order, and
7 quiet was still the main concern. Additionally,
8 Mr. Sinkins states, quote, "The first source of
9 noise was -- was caused by increased capacity in
10 the outdoor patio area and hours of operation
11 that extended to 2:30. The noise from this
12 patio area is keeping the residents of the
13 Willison up into the early hours of the morning.

14 Also, the noise from the speakers has become
15 loud and also is keeping people awake until the
16 early hours."

17 All parties acknowledge that there was
18 a mediation hearing that was scheduled for
19 January 8th of 2026. On Thursday, January 8th,
20 2026, I reached out to Mr. Minora about the
21 mediation hearing again. Mr. Minora stated that
22 the -- that progress was made and they intend to
23 request that the Board postpone the protest
24 hearing further, to allow them to explore some
25 additional sound mitigation measures and their

1 effectiveness.

2 Q. All right. So tell us a little bit
3 about what type of neighborhood this is?

4 A. So Trade is in an ARCH 3 (phonetic)
5 zone, and is intended to permit medium-density
6 mixed-use development with a focus on
7 employment. The establishment Trade, is a
8 medium-sized establishment in a heavy-populated
9 area located between P Street Northwest and
10 Rhode Island Avenue Northwest in between a T-
11 Mobile retail store and the Tobacco Bazaar.

12 Q. Approximately how many ABC licenses are
13 in this area?

14 A. According to the District of Columbia
15 Geographic Information Systems, or GIS, there
16 are 39 licensed ABC establishments operating
17 within 1,200 feet of Trade. Out of those 39 ABC
18 establishments, 22 have settlement agreements.
19 Excuse me for one second. These are -- if you
20 can see my screen, these are all the nearby
21 establishments within 1,200 feet of Trade.

22 Q. Yes, sir. There -- you said there are
23 39 establishments.

24 A. 39. Yes, sir. Twenty-two of those
25 establishments have settlement agreements, and

1 14 of those establishments have other
2 endorsements. There are no schools within 400
3 feet of Trade. In the parking during the
4 daytime hours, there was ample parking in front
5 of and around Trade. During the nighttime
6 monitoring hours, parking becomes -- becomes
7 much more difficult due to pedestrians, food
8 trucks, and further foot traffic from the
9 surrounding establishments.

10 Q. Now, what are the hours of operation of
11 this establishment?

12 A. These are the hours right here. The
13 hours of operations Sunday through Thursday are
14 from 11:00 a.m. to 2:00 a.m. On Friday and
15 Saturday, they are 11:00 a.m. to 3:00 a.m. The
16 hours of sales are the same, and their
17 entertainment Sunday through Thursday are 6:00
18 p.m. to 1:45 a.m. Friday and Saturday, 6:00
19 p.m. to 2:45 a.m. Their summer garden, the
20 hours of operation are from Sunday to Thursday,
21 11:00 a.m. to 2:00 a.m. Friday and Saturday,
22 11:00 a.m. to 3:00 a.m., and it's also their
23 summer garden hours as well.

24 Q. But let me ask a question: Do you know
25 -- and I -- I'm -- I don't recall seeing this in

1 your report. Do you know what is -- what's the
2 capacity of the summer garden?

3 A. I can pull up their alcohol license and
4 I can give you that number.

5 Q. But I'm trying to find out if this is
6 -- if you had knowledge of the capacity of the
7 summer garden and what was the summer garden?
8 It -- apparently, the -- what I'm being told,
9 there was a change, so I'm just trying to find
10 out. If you know. If you don't know, then you
11 don't know.

12 A. Then I -- I don't know off the top of
13 my head, sir.

14 Q. All right. That's fine. Did you or
15 another ABCA investigator have an opportunity to
16 visit this establishment?

17 A. Correct. Yes, sir. Let me get you
18 that information right now. From Friday,
19 December 12th, 2025, to Saturday, January 3rd,
20 2026, Trade was monitored nine times by ABCA
21 personnel. On my screen here are the times and
22 dates that either myself or my other ABCA
23 investigators went to Trade to monitor. During
24 those monitoring hours, no trash, litter,
25 loitering, or violations -- ABCA violations were

1 found during those times.

2 During the monitoring hours -- during
3 the daytime monitoring hours, parking around
4 Trade was busy but not overcrowded due to the
5 surrounding establishments such as Whole Foods.

6 Down the alleyway on 15th Street, at the back
7 end of the Willison Condominium, parking was
8 readily available. During the nighttime
9 monitoring hours, several pedestrians and at
10 least three food trucks were observed parked
11 outside of the establishment. The parking was
12 very difficult, but this was not due to Trade
13 being over capacity or people wanting entry into
14 Trade. In that same alleyway, parking was
15 unattainable and cars were lined up behind the
16 Whole Foods and parked in the designated parking
17 -- parking areas.

18 Q. All right. Approximately how many
19 times did you personally visit the
20 establishment?

21 A. I personally visited about five times.

22 Q. And when is it that you personally
23 visited the establishment?

24 A. I was there December 12th, December
25 17th, the 19th, and the 20th in that early

1 morning hours from 1:00 to 1:30.

2 Q. So let's -- I know you said there were
3 no -- I guess you -- what does NAV stand for?

4 A. No -- no alcohol violations found.

5 Q. Okay. So tell -- or say -- you went
6 there on Saturday, December 20th, between -- you
7 were there between 1:00 -- 1:00 a.m. and 1:30?

8 A. Correct.

9 Q. Do you recall what was going on in that
10 period of time when -- while you were there?

11 A. I was there to monitor the area for any
12 signs of peace, order, and quiet that could
13 effectively affect Trade. I was there to
14 monitor the general area to see if there was any
15 fights, pedestrians walking around that were not
16 supposed to be there, loitering, anything that
17 could have a negative impact on the safety and
18 security of the surrounding area representing --
19 as far as ABCA is concerned.

20 Q. But I guess what I'm trying to find
21 out, was the establishment open?

22 A. Yes, sir. It was open.

23 Q. Did -- were they aware that you were
24 coming to monitor the establishment?

25 A. No, sir. I did not make contact.

1 Other than the time I made contact earlier in
2 the beginning of my protest, I had no reason to
3 make any further contact with the -- the
4 establishment. Other than take pictures and
5 things of that particular nature.

6 Q. And did you observe what was going on
7 in the summer garden?

8 A. Yes, sir, I did. I have a picture of
9 the summer garden.

10 Q. All right. Once we go forward, I'll
11 ask you about that. I want to --

12 A. Okay.

13 Q. -- I want to ask you some more
14 questions about that. Were you able to receive
15 any records regarding calls for service to this
16 establishment?

17 A. Yes. There was no -- there would have
18 been no calls for service at all for Trade. And
19 they have no investigative history to talk -- to
20 speak of.

21 Q. And do you know how -- do you know how
22 long this establishment has been in operation?
23 Or they have had a -- an ABCA license? If you
24 -- when I ask you question, if you don't know
25 the answer, you can say you don't know. But --

1 A. I -- I do not know that answer, how
2 long they've been in operation for.

3 Q. All right. Let's go through -- let's
4 go through the exhibits that you have. Can you
5 identify the exhibits that attached to your
6 report?

7 A. Yes, sir. So Exhibit 1 here is the
8 group of five protesting petitions submitted by
9 the residents of the Willison Condominium. This
10 particular one is from Mr. Todd A. Sinkins, the
11 -- the lawyer for the group. This is the actual
12 file petition. This is my first exhibit.

13 (Whereupon, the above-referred to
14 document was marked as Protestants' Exhibit No.
15 1 for identification.)

16 THE WITNESS: This is the -- the
17 exhibit that's signed from the folks at the
18 condominium.

19 Exhibit 2 is the ANC's protest petition
20 submitted by Commissioner Chair Joe Florio.
21 Exhibit 3 is a noise analysis conducted by
22 Trinity Consultants.

23 (Whereupon, the above-referred to
24 documents were marked as Protestants' Exhibits
25 No. 2-3 for identification.)

1 BY MR. ANDERSON:

2 Q. And where did you -- who provided this
3 to you?

4 A. I believe that was the protestants'
5 lawyer who would provide that information to me.

6 Q. Okay.

7 A. Exhibit 4 is a copy of the D.C. zoning
8 map where Trade is at.

9 Let me flip this around for you guys to
10 see.

11 (Whereupon, the above-referred to
12 document was marked as Protestants' Exhibit No.
13 4 for identification.)

14 THE WITNESS: Exhibit 5 is the GIS map
15 for the ABC establishment within 400 feet. In
16 the center here would be Trade. And there is no
17 ABC established within 400 feet. This is that
18 same map. ABC -- these are the ABC
19 establishments within 1,200 feet.

20 (Whereupon, the above-referred to
21 document were marked as Protestants' Exhibit
22 Nos. 5-6 for identification.)

23 THE WITNESS: Exhibit 7 is a Google
24 Street View of Trade from across the street
25 taken in August 2025.

1 (Whereupon, the above-referred to
2 document was marked as Protestants' Exhibit No.
3 7 for identification.)

4 BY MR. ANDERSON:

5 Q. Which one of the buildings is Trade?

6 A. Trade is right here in the middle,
7 right here.

8 Q. Okay. Oh, the -- Trade -- okay, that I
9 can see, behind the tree. Okay.

10 A. Behind the tree. Yes, sir.

11 Q. Okay.

12 A. Exhibit 8 is the photo of Trade/Black
13 Whiskey building from across the street. This
14 is the most updated picture right here. Trade
15 is right here, with all the Halloween
16 decorations up right here.

17 (Whereupon, the above-referred to
18 document was marked as Protestants' Exhibit No.
19 8 for identification.)

20 BY MR. ANDERSON:

21 Q. Okay.

22 A. To the right would be the Tobacco
23 Bazaar, and to the left over here would be the
24 T-Mobile phone store.

25 Exhibit 9 is a Google Street View of

1 the establishment across the street from Trade,
2 taken in August 2025.

3 (Whereupon, the above-referred to
4 document was marked as Protestants' Exhibit No.
5 9 for identification.)

6 BY MR. ANDERSON:

7 Q. Where is this -- where is this
8 establishment located? The address.

9 A. The address is 1408-1410 14th Street
10 Northwest.

11 Q. Okay. All right.

12 A. This is the main entrance to Trade and
13 Black Whiskey. Exhibit 11 is the alleyway
14 between P Nails and (inaudible) to Trade summer
15 garden, taken from P Street Northwest and Old
16 Dominion National Bank.

17 (Whereupon, the above-referred to
18 document was marked as Protestants' Exhibit No.
19 11 for identification.)

20 THE WITNESS: This is the alleyway
21 through here.

22 Exhibit Number 12 is the alleyway
23 directly outside of Trade summer garden.

24 (Whereupon, the above-referred to
25 document was marked as Protestants' Exhibit No.

1 12 for identification.)

2 THE WITNESS: Exhibit 13 is the D -- D,
3 as in Delta, 50-D, as in Delta, 5X, as in X-ray,
4 the Metrobus stop located on 14th Street
5 Northwest.

6 (Whereupon, the above-referred to
7 document was marked as Protestants' Exhibit No.
8 13 for identification.)

9 THE WITNESS: This is the C, as in
10 Charlie, 91 Metrobus stop located on P Street
11 Northwest.

12 (Whereupon, the above-referred to
13 document was marked as Protestants' Exhibit No.
14 14 for identification.)

15 THE WITNESS: Exhibit 15 is the photo
16 of a Capital Bikeshare located on Rhode Island
17 Avenue Northwest.

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

21 THE WITNESS: Number 16 (inaudible)
22 inside the summer garden.

23 (Whereupon, the above-referred to
24 document was marked as Protestants' Exhibit No.
25 16 for identification.)

1 THE WITNESS: Exhibit 17 is photo -- is
2 a photo of just outside Trade summer garden and
3 the alleyway. There are two double doors here
4 as well.

5 (Whereupon, the above-referred to
6 document was marked as Protestants' Exhibit No.
7 17 for identification.)

8 THE WITNESS: Exhibit 18 is inside of
9 Trade from in -- in -- from the entryway showing
10 the bar during operations.

11 (Whereupon, the above-referred to
12 document was marked as Protestants' Exhibit No.
13 18 for identification.)

14 THE WITNESS: Exhibit 19 is inside
15 Trade, past their bar, leading to Trade's dance
16 floor during operations.

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

20 THE WITNESS: Exhibit 20 is Trade's
21 main -- main floor dance -- main dance floor
22 during operations.

23 (Whereupon, the above-referred to
24 document was marked as Protestants' Exhibit No.
25 20 for identification.)

1 THE WITNESS: Exhibit 21 is a
2 downstairs area of Trade showing a full bar with
3 limited seating during the operations.

4 (Whereupon, the above-referred to
5 document was marked as Protestants' Exhibit No.
6 21 for identification.)

7 THE WITNESS: Exhibit 22 is Trade's
8 summer garden during nighttime monitoring hours.

9 (Whereupon, the above-referred to
10 document was marked as Protestants' Exhibit No.
11 22 for identification.)

12 THE WITNESS: Exhibit 23 is a photo of
13 the parking at the back end of the Willison
14 Condominium located down the alleyway of 15th
15 Street Northwest during daytime monitoring.

16 (Whereupon, the above-referred to
17 document was marked as Protestants' Exhibit No.
18 23 for identification.)

19 THE WITNESS: And my last exhibit,
20 Number 24, is a photo of parking at the back end
21 of the Willison Condominium located down the
22 alleyway of 15th Street during nighttime
23 monitoring hours.

24 (Whereupon, the above-referred to
25 document was marked as Protestants' Exhibit No.

1 24 for identification.)

2 BY MR. ANDERSON:

3 Q. Do you know how -- approximately how
4 far this condominium is from the establishment?

5 A. I -- I'm not too sure as far as the
6 distance goes. But you can definitely see, from
7 the summer garden to the Willison Condominium.
8 It's not far at all. It's less than a football
9 field, maybe 100 yards, 50 yards, something
10 around that range. It's not far at all.

11 MR. ANDERSON: Okay. All right. Thank
12 you, sir. You can close your screen.

13 Any questions by any Board members?
14 No? Mr. Minora?

15 MR. MINORA: Yes. Thank you.

16 DIRECT EXAMINATION

17 BY MR. MINORA:

18 Q. So, Mr. Harris, you said you visited
19 Trade during various times throughout the
20 evenings, the days in December 2025. Do you
21 know if the summer garden was active most of the
22 time, or just in the exhibit in the photos --
23 or, excuse me, the exhibit in the case report?

24 A. Just in that case report. During the
25 monitoring hours the summer garden wasn't

1 extremely active. It had a -- a few people
2 there.

3 Q. So -- but when it was full, you --
4 sorry, you -- so the times -- there's been times
5 you've been there where it's been, you know, in
6 your mind, pretty full. Maybe not max capacity,
7 but pretty full, correct?

8 A. Yes, sir.

9 Q. So you see that it was busy. You did
10 not -- you've been there when it was busy. You
11 noted in your report there were no ABCA
12 violations found, correct?

13 A. Correct.

14 Q. So do you recall hearing anything from
15 the speakers while you were in the summer
16 garden?

17 A. I do not recall.

18 Q. So then you didn't hear anything from
19 the speakers. You had a busy summer garden with
20 people, no ABCA violations observed the entire
21 time; that's correct?

22 A. That's correct, sir.

23 Q. Okay. Thank you very much, Inspector.
24 Appreciate it.

25 A. Yes, sir. Thank you.

1 MR. MINORA: No further --

2 MR. ANDERSON: All right. Mr. Sinkins,
3 I think? Yeah.

4 MR. SINKINS: Yeah, I just have one or
5 two questions. Thank you.

6 CROSS-EXAMINATION

7 BY MR. SINKINS:

8 Q. Mr. Harris, when you visited the Trade
9 establishment, did you have occasion to go to
10 any of the locations where the protestants have
11 their home? Did you go to the Willison
12 Condominium and listen to noise from that
13 location?

14 A. I did not go to the Willison
15 Condominium. I was, in -- in my opinion, close
16 enough to where the Willison Condominium was and
17 where Trade was in the back alley to hear any
18 kind of abnormal loud noises.

19 Q. You -- you've never been in a unit in
20 the Willison, correct?

21 A. That's correct.

22 Q. Okay. All right. And you didn't take
23 any noise readings while you were present, did
24 you?

25 A. I personally did not take any noise

1 assessments or --

2 Q. Okay.

3 A. -- anything of that nature.

4 MR. SINKINS: All right. Thank you.
5 That -- that's all. Thank you very much.

6 MR. ANDERSON: Mr. Harris, are you
7 aware of any noise -- you stated there, this
8 establishment doesn't have an investigative
9 history; is that correct?

10 THE WITNESS: That's correct, sir.

11 MR. ANDERSON: And to you, what does
12 that mean, that it doesn't have an investigative
13 history?

14 THE WITNESS: As far as ABCA is
15 concerned, we have not received any sort of
16 noise complaints or any other types of
17 complaints for us to go to Trade, speak to an
18 Agency manager or owner and assess a situation
19 that could be related to an ABCA violation.

20 MR. ANDERSON: Okay, sir. I don't have
21 any other questions for you. Thank you very
22 much for your testimony today.

23 THE WITNESS: Yes, sir. Thank you.

24 MR. ANDERSON: All right. How many
25 witnesses do you have, Mr. Minora?

1 MR. MINORA: Just Mr. Guggenmos.

2 MR. ANDERSON: Okay. I think there --
3 I'm getting some feedback. I know that you --
4 your office likes to use the conference room,
5 but I -- how far are you from the microphone?

6 MR. MINORA: Where is the microphone?

7 Oh, I can certainly move closer.

8 MR. ANDERSON: Yeah, because I -- there
9 is some type of feedback that I want to make
10 sure that we can clearly hear everything that's
11 going on.

12 MR. MINORA: Is it better if I'm
13 sitting here?

14 MR. ANDERSON: It -- it's better. All
15 right, so who's your first witness?

16 MR. MINORA: Mr. John Guggenmos.

17 MR. ANDERSON: Mr. Guggenmos, can you
18 raise your right hand, please?

19 MR. GUGGENMOS: Yes.

20 WHEREUPON,

21 JOHN GUGGENMOS

22 was called as a witness by counsel for the
23 Applicant and, after having been duly sworn, was
24 examined and testified as follows:

25 MR. ANDERSON: All right. Your

1 witness, sir.

2 MR. MINORA: Thank you.

3 DIRECT EXAMINATION

4 BY MR. MINORA:

5 Q. Mr. Guggenmos -- Mr. Guggenmos, what is
6 your relationship to Trade?

7 A. Yes, I'm the -- the owner and the
8 operating manager.

9 Q. And how long have you lived in Logan
10 Circle?

11 A. Moved to Logan Circle in July 13th,
12 1988, so 38 years.

13 Q. Okay. And besides Trade, have you been
14 associated with other ABCA licensed
15 establishments in D.C.?

16 A. Yes. About a dozen. I have 36 years
17 of history. Started in 1990, so coming up on
18 the 36th anniversary.

19 Q. Can you list some of the
20 establishments?

21 A. For sure. Tracks Town, Cobalt Soul,
22 Lefonda (phonetic), one of it was Palo Number
23 Nine.

24 Q. So you -- you've been doing this for
25 decades?

1 A. Oh, yes.

2 Q. You have, you know, decades of
3 experience managing bars that have outdoor
4 areas, that have dancing, that have music, that
5 have entertainment, correct?

6 A. Yes.

7 Q. Have you ever held political office?

8 A. I was at ANC for six years and I was
9 chair and vice chair which would be called the
10 D.C. ANC political office --

11 Q. That's okay.

12 A. -- (inaudible).

13 Q. And what -- just to be clear, which ANC
14 were you part of?

15 A. 2F. This one.

16 Q. This ANC? Okay. And can you just --
17 again, for the record, just what's Trade's
18 location and address?

19 A. Sure. It's 1408 1410 14th Street.

20 Q. Sure. And about how far would you
21 approximate this location is from the Willison
22 Condominium building?

23 A. 200 feet. You know, you have to go
24 down the alley and turn before you then start
25 headed towards the Willison.

1 Q. Sure. And when did Trade open up to
2 the public?

3 A. December 2015.

4 Q. All right. And do you recall the hours
5 on the ABCA license Settlement Agreement for the
6 inside when they first opened?

7 A. Yes. It was 1:45 from Sunday to
8 Thursday, 2:45 on Saturday and Sunday, and then
9 the summer garden was 11:00 and 12:00.

10 Q. That's ending at 11:00 p.m. --

11 A. Yes.

12 Q. -- on the weekend?

13 A. Yes.

14 Q. Ending at 11:00 weekends, okay. And
15 then in 2018, did you seek an amendment to the
16 settlement agreement?

17 A. Yes, we did. We sought to modify the
18 summer garden hours to match the interior hours.

19 Q. So then as a result of that, the summer
20 garden hours became 1:45 and 2:45 closures?

21 A. That's correct. That's correct.

22 Q. Okay. And what were some of the
23 concerns that brought you to wanting to seek the
24 amended Settlement Agreement to change these
25 hours?

1 A. There was, you know --

2 MR. ANDERSON: I'm sorry to interrupt.
3 When was it -- when was this changed? When was
4 this changed again? I'm sorry. I apologize.

5 MR. MINORA: 2018.

6 MR. ANDERSON: Okay.

7 MR. MINORA: There was an amendment to
8 the settlement agreement in 2018 that allowed
9 for the later hours outside.

10 MR. ANDERSON: All right. Thank you.
11 I apologize.

12 THE WITNESS: There were a -- a few
13 things we were trying to address. One, there
14 were issues. You know, the neighbors were
15 having that people, when they would go outside
16 and smoke, that they would be --

17 BY MR. MINORA:

18 Q. Sorry to cut -- outside the front or
19 the rear of the establishment?

20 A. The front.

21 Q. The front, on 14th Street?

22 A. Yes.

23 Q. Okay. Thank you.

24 A. But they would go around this street
25 onto Rhode Island or -- I mean, you can't

1 control them once they -- they go out. So you
2 know, that was part of it, is that if we could
3 allow smoking in the very back, then, you know,
4 at those late night hours, it -- it cut down on
5 people on the street. It also allowed us even
6 at that time to really look at a -- a soft
7 closing because when -- I mean.

8 Q. Can you describe what a soft closing
9 is?

10 A. Yes. That, you know, we closed certain
11 areas of the bar to let it just kind of
12 naturally close down instead of a mass pushing a
13 large group out. And Trade, quite frankly, the
14 summer garden has, even at -- at that point was
15 40 percent, 45 percent of the total capacity.
16 So if you stopped at 11:00 or 12:00, you were
17 pushing a lot of people out onto the street, or
18 if you could accommodate them inside, but doing
19 the later achieved both. It allowed for the
20 soft closing, which over the years of
21 experience, that's been the best, least
22 impactful on the neighborhood to control noise.
23 It also took the smokers off this -- our
24 smokers off the street. And that, you know,
25 definitely had some effect.

1 Q. So this was done with an eye of
2 maintaining greater control of the crowd towards
3 the end of the evening, to some degree?

4 A. No, absolutely. And it's -- you know,
5 again, the soft closing is -- is critical.

6 Q. So then this is 2018 when you had the
7 new hours started on the outdoor summer garden.

8 Let's just skip a little head to the end of
9 2020. Do you recall another establishment
10 applying for an ABCA license on the 1408 14th
11 Street premises in the fall of 2020?

12 A. Yes, it was next door. It was Karaoke
13 Cowboy.

14 Q. And do you recall what its occupancy
15 and hours were in its ABCA license?

16 A. I know it was full hours and the summer
17 garden was --

18 Q. If you don't know --

19 A. I'm not sure exactly.

20 MR. MINORA: So we'd like to introduce
21 Protestants' Exhibit -- or excuse me,
22 Applicant's Exhibit 11 Page 1.

23 MR. ANDERSON: Mr. -- do you want to
24 share your screen so I can see that because I
25 don't have your exhibits?

1 So, Mr. Orellana, allow Mr. Minora to
2 share a screen if he so desires. Okay.

3 MR. MINORA: Exhibit 11.

4 MR. ORELLANA: Yeah, just a minute.

5 BY MR. MINORA:

6 Q. Page 1. Yeah. So Karaoke Cowboys'
7 2025 renewal application that shows that it had
8 hours of entertainment to 8:00 a.m. to 2:00 a.m.
9 -- excuse me, 8:00 a.m. to 2:00 a.m. during the
10 week, until 3:00 a.m. on the weekends and the
11 summer garden --

12 MR. MINORA: Can we scroll down.

13 BY MR. MINORA:

14 Q. -- full hours, 8:00 a.m. to 2:00 a.m.
15 and 8:00 a.m. to 3:00 a.m. at this location,
16 1408. And from what we could see on our end, a
17 protest had never been filed during that initial
18 application or during any renewal cycle since.
19 Moving ahead to 2023, Trade got an opportunity
20 to expand into 1408 premises because Karaoke
21 Cowboy is no longer going to be coming.

22 A. That's correct.

23 Q. How did you select the summer gardens'
24 extended hours?

25 A. We tailored it exactly to what we had

1 at Trade at that point and also what they had
2 applied for. I mean, what they applied for
3 Karaoke Cowboy was the same, but it matched
4 ours, what we had done.

5 Q. So then when you anticipated, or excuse
6 me, contemplated its expansion into 1408, what
7 were the next steps in this process? Who were
8 they -- no. Other than our firm, who did you
9 reach out to next when it came time to get the
10 expansion?

11 A. Oh, our ANC.

12 Q. And who did you speak with about
13 getting any modifications to the Settlement
14 Agreement and the expansion?

15 A. Commissioner Florio.

16 Q. All right. And how soon after filing
17 our application did you reach out to the ANC
18 about this?

19 A. I mean, it was in -- in concert, same
20 time.

21 Q. So then we had the new amended and
22 stated Settlement Agreement with the ANC support
23 submitted to the Board and approved. The result
24 was we had the hours on the outside moving 15
25 more minutes to 2:00 a.m. and 3:00 a.m., and

1 following the completion of construction, the
2 additional capacity on the outside at 1408 and
3 the inside at 1408. Because we had the
4 Settlement Agreement approved, when did we start
5 operating in the summer garden until 2:00 and
6 3:00 a.m.?

7 A. Oh, gosh. Boy, I'm really bad with
8 dates. I do not (inaudible).

9 Q. If we want, we can look at the accepted
10 current Settlement Agreement?

11 A. Yes. I'm sorry.

12 Q. No, no, that's --

13 A. Sorry.

14 Q. Can you take a look at Exhibit Number
15 4?

16 A. All dates since COVID run together.

17 Q. 4. Okay. Scroll down. See these
18 hours. It was July 2023, and I can tell you --

19 A. Yes.

20 Q. -- we filed an application to amend our
21 hours for the 15 minutes later, shortly after
22 that. And by late summer, fall, you were
23 operating with the full hours in 2023 on the
24 summer ground again. Full hours, just a 15-
25 minute difference.

1 A. That's correct.

2 Q. All right. Now, in 2025, as you're
3 near the end of construction, there were some
4 complications, correct?

5 A. Yes.

6 Q. Would you say that -- to what degree
7 did that impact the capacities you had planned?

8 A. It -- you know, the way that DOB
9 started to look at, you know, three people in a
10 closet, one person in a broom closet, that there
11 were non-public areas that did add to the
12 occupancy. And, you know, this is relatively a
13 -- a new change. And although I had emailed
14 both Director Hanlon and Director Masali
15 (phonetic) about this, we applied for a
16 substantial change just because that alone threw
17 the occupancy numbers off.

18 Q. And was that substantial change
19 protested?

20 A. I mean, the -- yes.

21 Q. Yes. Yes. In May 2025, another group
22 of Willison Condominium residents, some of whom
23 are here today, also protested this?

24 A. Yes.

25 Q. Did the ANC protest that?

1 A. Not -- I don't believe so.

2 Q. No, because the ANC actually supported
3 the stipulated license for that change?

4 A. Correct.

5 Q. So at this point, in May 2025, the
6 Willison people -- the Willison Group has
7 protested a substantial change to the interior,
8 even though they dropped a protest letter about
9 the exterior. But at that time, was the summer
10 garden at Trade even operating with its expanded
11 capacity?

12 A. Not with expanded capacity.

13 Q. No. So there'd been no change in
14 operations since August 2023?

15 A. Correct.

16 Q. Correct. So what was the resolution of
17 this protest in 2025?

18 A. It was withdrawn.

19 Q. So when did you finally get the chance
20 to use the expanded summer space with its -- not
21 just the hours, but with the capacity?

22 A. We opened in June of 2025.

23 Q. Let's talk a bit more about the summer
24 garden itself. So when the summer garden is
25 being planned, did you consult any engineers or

1 experts about the potential for sound in the
2 summer garden?

3 A. Yes, we did. I mean, our architect,
4 ZBS, and John Ferito (phonetic) with DAS Audio
5 and there were a lot of modifications or things
6 that we did to the patio to -- to accommodate
7 that.

8 Q. So when you first opened up, can you
9 describe to me a bit about what kind of
10 mitigations were there at the initial open day
11 of summer gardens?

12 A. Yes. We needed an 8-foot fence and
13 first off, even the material with that, we
14 selected a softer wood because that does have
15 slight absorbed quality versus, you know, a hard
16 new wood, which would really just bounce more of
17 the sound. There were 4-inch posts that were
18 put into the concrete, so it's not just one
19 layer of the fence. There's fence on each side,
20 so it's a double barrier, and with the sound
21 buffer of the sound channel in between, you
22 know, the sound that comes in, it's slightly
23 dispersed, and then you've got the second
24 barrier. Additionally, we even selected the
25 mid-range speakers and the placement of it

1 because those speakers, unlike other subwoofers
2 or bass cabinets, just don't throw the -- the
3 bass and the vibration. It is a small, mid-
4 range speaker.

5 Q. So these speakers don't have bass or
6 subwoofer capabilities, the speakers on the
7 exterior?

8 A. You can -- I mean, obviously they can
9 play bass, but these are the type that you would
10 have in -- in a restaurant.

11 Q. Sure.

12 A. So --

13 Q. Not meant for, you know, DJing or
14 dancing?

15 A. No. And that was never the intent that
16 we designed, it wasn't to be an outdoor
17 nightclub. It was an area that there was
18 ambient music that people walked into that felt
19 comfortable.

20 MR. MINORA: And I would like to
21 introduce Exhibits -- Exhibit 8, Pages 1, 2, 3,
22 and 4, just to show what we're talking about,
23 the summer garden when Trade had first opened in
24 June 2025.

25 BY MR. MINORA:

1 Q. Mr. Guggenmos, can you just take a look
2 at the firm. Does this look substantially like
3 the summer garden on Trade when you first
4 opened?

5 A. Yes.

6 Q. Can you describe a bit more where this
7 is within Trade?

8 A. This is the one southern wall of the
9 summer garden. You see just a little bit of the
10 western wall that -- where the mural is. I
11 mean, all of our summer garden is extensively
12 behind that 2-story building, but on that
13 southern side, that is the side that would be
14 exposed to -- to the Willison Condominium. That
15 is the area of concern.

16 MR. MINORA: Now, could you just go to
17 the next page, 2.

18 BY MR. MINORA:

19 Q. And this, again, same --

20 A. Same -- same thing.

21 Q. -- same picture, just different angle?

22 Okay. And the third. This is -- oops. Sorry.
23 Different --

24 A. That shows just flat on that -- that
25 wall, just to show that that -- that is the side

1 that is open.

2 Q. And then -- well, actually, this is
3 just, again, the same sort of situation. So one
4 would think that having speakers outside would
5 inherently make noise that could be heard off
6 premises. So why would you have installed
7 speakers outside?

8 A. In consultation with our sound, you
9 know, experts, having a small mid-range speaker,
10 having more of them that -- you know, you drive
11 the sound less than having a couple of bass
12 cabinets or, you know, other boxes that you end
13 up pushing harder. So more of them at a lower
14 range provides a more, you know, mixed sound
15 versus that loud booming dance club.

16 Q. Okay. And since the initial opening in
17 June, have you made any other sound mitigation
18 efforts on the summer garden?

19 A. Yes. It was always our intent to put,
20 like, a -- more of a fabric or a canopy over
21 that -- that southern side there. But because
22 we had heard from the Willison Condominium, we
23 took the complaints at face value and we built a
24 -- more of a -- not more of. It's a wooden
25 structure that -- and it's angled so that -- you

1 know, that is the -- again, the way that -- to
2 reflect sound back, and there are three layers.

3 There is the sub, then there is the
4 waterproofing, and then the wood shingles on top
5 of it.

6 Q. And -- but how much of the new space is
7 covered by that wooden structure?

8 A. You know, about 30 percent, a third of
9 it, of just the new space.

10 Q. Sure. Sure. So six -- about roughly
11 six overall, but a third of the new space?

12 A. Yes.

13 Q. And then was there anything else
14 installed in the summer garden?

15 A. There was also a 25-foot -- you know,
16 24 to 25-foot LED tree with a 13-foot canopy.
17 And, you know, while it is a secondary help with
18 sound mitigation, it just diffuses the -- the
19 people that are talking underneath there. It's
20 not a dense, you know, covering, but -- so it
21 really was just a secondary measure.

22 Q. And how much would you estimate that
23 this tree and wind structure cost you?

24 A. Oh, between the two, well over 30,000.

25 MR. MINORA: We would like to introduce

1 Exhibit 8, Pages 5 to 15, just to show the
2 after.

3 BY MR. MINORA:

4 Q. And what are we looking at here?

5 A. The LED tree.

6 MR. MINORA: Okay. Then scroll down
7 further.

8 BY MR. MINORA:

9 Q. And this is, again --

10 A. You start to see -- I mean, that is the
11 -- the tree without the canopy, but you start to
12 see the -- the wooden canopy on that left-hand
13 side.

14 MR. MINORA: Okay. Down further.

15 BY MR. MINORA:

16 Q. Now, (inaudible). This is the tree and
17 not the entirety of the canopy, but most of the
18 canopy. This is the --

19 A. Yes.

20 Q. -- the wooden covering, correct?

21 A. And it's a -- you will note that it's
22 angled there.

23 Q. And this is just from a different
24 angle, the same --

25 A. Yep.

1 MR. MINORA: Okay. And go down one
2 more.

3 THE WITNESS: That is underneath the
4 canopy.

5 BY MR. MINORA:

6 Q. And this is the portion of the summer
7 garden that is closest to the Willison, closest
8 to Rhode Island?

9 A. Closest to the Willison, and it helped
10 break that line of sight, which, you know, our
11 experts had said that is what you -- what we
12 needed to do.

13 Q. Okay. That's 10. So this is just
14 showing some of the -- what are we seeing here?

15 A. Yeah, I mean, that is -- you are seeing
16 the old summer garden, the first part. You can
17 see a little bit of the expanded tree, but that
18 is, you know, from the door looking straight
19 back.

20 Q. So the tree is roughly in the center of
21 the summer garden?

22 A. It's close. Yes.

23 Q. Okay. Again, similar photo?

24 A. Yes, sir.

25 Q. Okay.

1 A. Uh-huh.

2 Q. Great. And then -- and now if you want
3 to scroll down -- this is again, another good
4 shot showing everything. And, Mr. Guggenmos,
5 what is the red building directly next to you?
6 It's right there.

7 A. It's the Abdo, which is also our
8 landlord, their apartment complex.

9 Q. So it's a residence?

10 A. Oh, it's residence, but also Shake
11 Shack is -- is on the first level. And I'm
12 blanking on the name of the -- they have, like,
13 a sports bar on that -- that second floor. And
14 also, Players Club is, you know, in the
15 basement, and then the elevator access to the
16 rooftop.

17 Q. Okay. And what -- do you know offhand
18 what floor that is on?

19 A. Rooftop at 6th?

20 Q. 6th?

21 A. I'm not sure.

22 MR. MINORA: Yeah. Can we introduce
23 exhibit -- no, no. Sorry. Exhibit Number 9.
24 This is the CO for Players Club and Skybox, just
25 showing that they have a summer garden on the

1 seventh floor at the corner of 14th and Rhode
2 Island with 110 people.

3 Go back (inaudible). And then if we
4 could just scroll up to the last, Page 16 is the
5 best version of -- no, go the next one. Sorry.
6 There you go.

7 THE WITNESS: There you go.

8 BY MR. MINORA:

9 Q. And does this accurately reflect the
10 way the summer garden looks now?

11 A. Yes, that is the view from above.

12 Q. Right. Thank you. And then did anyone
13 require you to make the sound mitigation
14 measures?

15 A. No. I mean, we were going to do the --
16 the canopy the more heavy canvas, but we
17 switched over just because this would be more
18 sound resilient.

19 Q. So you planned these mitigation
20 measures, and then upon hearing the potential
21 complaints from the Willison residence, you
22 improved them --

23 A. Yeah.

24 Q. -- before installation?

25 A. Absolutely.

1 Q. Okay. Thank you, sir. Now, is there
2 another licensed -- we talked about the Players
3 Club at the corner of 14th Street, and the
4 summer garden there on the seventh floor. Is
5 there another licensed establishment just nearby
6 Trade?

7 A. Yes, Black Whiskey. Their door is just
8 to the left of ours, but they occupy the second
9 floor at 1410.

10 Q. Okay. And have you ever heard their
11 operations while you were in Trade?

12 A. Oh, yes.

13 Q. And did you hear them in the interior
14 or the exterior of Trade?

15 A. You could hear them in both.

16 Q. Both? Okay. Let's talk about the
17 summer garden. When could you really hear it?
18 Is it regular, or is it -- just tell us a bit
19 more about when you're going to hear Black
20 Whiskey's operations into the summer garden at
21 Trade.

22 A. Well, I mean -- and that is -- you
23 know, you could hear it pretty much all the
24 time, but when the patrons would slip out the
25 back to smoke on that, you know, back little

1 deck to go down to the alley, and the door was
2 open, then the music would really come out. And
3 if you were standing down at summer garden, it
4 was jarring.

5 Q. And you would say that some -- you
6 know, with some regularity?

7 A. Every weekend.

8 Q. Every weekend? Okay. So it's pretty
9 regular. And is this just patrons, or staff as
10 well that, you know, open up the door?

11 A. Patrons. The staff really did try to
12 -- to stop that, but, you know, when the bar is
13 full, it's very hard for them to, you know,
14 always be on top of that door. That is what you
15 might take of it.

16 Q. Okay. So it's -- Black Whiskey's
17 operations could negatively impact Trade from
18 time to time, you would say?

19 A. It -- it definitely impacted the
20 enjoyment of the space. Yes.

21 Q. So sort of just to sum things up, you
22 know, you've been operating this location for
23 over a decade, since 2015, and you've had the
24 summer garden hours until 1:45 and 2:45 since
25 2018, and going the extra 15 minutes to 2023.

1 So you have ten years of operating outdoor hours
2 at this location, eight within almost the
3 maximum that they can be. Have you ever
4 received an ABCA violation during this complaint
5 --

6 A. No.

7 Q. -- or during this period? Excuse me.

8 A. No.

9 Q. Have you ever received any during the
10 expanded summer garden operations since June
11 2025?

12 A. No.

13 Q. Have you ever received any complaints
14 related to the summer garden operations at any
15 time from other than the folks in the Willison
16 Condominium building recently?

17 A. No, we haven't, and we've requested at
18 our ANC meetings.

19 Q. And has the ANC made you aware of any
20 complaints that they've received from other
21 community members, not the current protestants
22 during this time?

23 A. No.

24 Q. They -- no, they haven't made you aware
25 of it, or no, they have told you they've not

1 received any complaints?

2 A. They've told me that they haven't
3 received any complaints.

4 Q. Okay.

5 A. Sorry.

6 MR. MINORA: No further questions.
7 Thank you very much.

8 MR. ANDERSON: Mr. Sinkins?

9 MR. SINKINS: Yeah. Thank you. I have
10 a few questions for Mr. Guggenmos.

11 CROSS-EXAMINATION

12 BY MR. SINKINS:

13 Q. First of all, it's a pleasure to meet
14 you. Could you -- what was the original
15 capacity of the Trade summer garden when it was
16 first opened?

17 A. The original one?

18 Q. Yeah.

19 A. Was it 45? Forty-five.

20 Q. Okay. And what is the current
21 capacity?

22 A. I'm sorry. We're getting the CMO.
23 It's 133.

24 Q. Thank you. So you mentioned that
25 you're part of the ownership of Number Nine.

1 What are their --

2 A. Yeah.

3 Q. -- outdoor hours of operation?

4 A. Outdoor hours are until 11:00 p.m.
5 during the week and midnight on the -- the
6 weekends.

7 Q. Right. Is that required by a
8 settlement agreement?

9 A. Yes, it is.

10 Q. Great. Thank you. Are you familiar
11 with Barrel House?

12 A. Yes, I am.

13 Q. Yeah.

14 A. Somewhat.

15 Q. Yeah. Do you know that its hours of
16 operation for its summer garden are up to 11:00
17 p.m. on weekdays and midnight on weekends?

18 A. I'll take your word for that.

19 Q. Great. Are you familiar with Aslin?

20 A. Yes.

21 Q. Okay. And are you familiar with the
22 fact that their hours of operation for their
23 summer garden are also up to 11:00 p.m. on
24 weekdays and midnight on weekends?

25 A. You -- take your word for that.

1 Q. Okay, great. With respect -- are you
2 familiar with the Barcelona Wine Bar?

3 A. Yes.

4 Q. Yeah. And do you know that its hours
5 of operation for its summer garden are up to
6 midnight, seven days a week?

7 A. Yes. But first off, all of these are
8 sidewalk cafes, so there is a different
9 definition for a summer garden at a sidewalk
10 cafe, just so that we're clear.

11 Q. Okay. Are you familiar with Jane Jane?

12 A. Yes.

13 Q. Okay. And you know that its hours of
14 operation for its outside operations is up to
15 11:00 p.m.?

16 A. Yes.

17 MR. MINORA: Objection. That's not the
18 --

19 MR. ANDERSON: What's the nature of
20 your objection?

21 MR. MINORA: They have a -- he's making
22 -- Mr. Sinkins is making it seem as if Jane
23 Jane's operations cease at 11:00 p.m. when they
24 have, whether or not they avail themselves to
25 it, a summer garden that goes until 2:00 and

1 3:00 in the morning. I can check the records to
2 be sure.

3 Want to go back to Exhibit 11?

4 MR. ANDERSON: You can -- I'm going to
5 overrule the objection.

6 You can answer the question if you have
7 -- otherwise, you can put that on redirect.

8 MR. SINKINS: Well, it's been answered.

9 BY MR. SINKINS:

10 Q. So each of the establishments I've
11 asked you about are in the general vicinity of
12 Trade, correct?

13 A. That's correct.

14 Q. Okay. So -- and each of those
15 establishments has hours of operation that close
16 substantially earlier than Trade with respect to
17 the summer garden, correct?

18 A. That's correct.

19 Q. Yeah. So why are the rights of the
20 residential neighbors who live in close
21 proximity to Trade not entitled to the same
22 level of respect that those who live near those
23 other facilities are entitled to?

24 MR. MINORA: Objection. Form of the
25 question. This is -- it's pretty prejudicial if

1 he is saying that because of people having
2 different hours, making it a lack of disrespect
3 to the nearby residences. That's not
4 (inaudible).

5 MR. ANDERSON: Yeah, I'm going to
6 sustain the objection.

7 If you could rephrase the question,
8 sir?

9 MR. SINKINS: Okay.

10 BY MR. SINKINS:

11 Q. So wait, let me rephrase. Mr.
12 Guggenmos, you understand that the residents of
13 the Willison, the protestants, have been
14 communicating to you for months that they are
15 unable to sleep at night due to the late hours
16 of operation and the level of occupancy of
17 Trade, correct?

18 A. Yes, I'm aware that we have been -- you
19 know, about noise issues.

20 Q. Yeah. But you've also communicated
21 that it's a non-starter for you to reduce the
22 hours of operation or the occupancy level for
23 the summer garden, correct?

24 MR. MINORA: He -- he's -- objection.
25 He's discussing things in -- made in --

1 statements made in the middle of -- an attempt
2 to settlement and negotiation.

3 MR. ANDERSON: And now, I'm going to --
4 I don't know that. I mean, the -- I guess the
5 (inaudible).

6 MR. SINKINS: All right. Well, I'll be
7 happy to rephrase again. I'll be happy to
8 rephrase again.

9 MR. ANDERSON: (inaudible).

10 BY MR. SINKINS:

11 Q. So you're aware that the residents of
12 the Willison have been -- expressed to you their
13 inability to enjoy their homes and to go to
14 sleep at night due to the occupancy levels and
15 hours of operation.

16 Have you expressed any willingness to
17 adjust -- are you willing to adjust the terms of
18 your application to meet those concerns?

19 A. You know, we're -- we're talking about
20 geometry. It's not so much about a time; it's
21 about how you can best manage the space. And by
22 answering the -- you know, when you were
23 discussing how it referenced the hours to the
24 other locations, you know, they're very
25 different establishments.

1 You've got a, you know, unenclosed
2 sidewalk cafe. We're in an enclosed area that
3 we've taken steps to -- to mitigate the sound.
4 The location is really tucked behind the -- the
5 Abdo building with that one wall.

6 So it's not that we've not taken -- we
7 took the complaint seriously, and upgraded the
8 canopy. We furthered -- and have now retained
9 Miller, Beam and Paganelli to actually provide
10 even more -- more consultation so that we can
11 improve the structure, and they've requested or
12 said that we should install 2-inch fiberglass
13 underneath the awning, because then that would
14 act as an absorptive layer instead of just a
15 reflective layer. And, you know, there is some
16 other panels.

17 So we continue to try to improve that
18 space, because I realize we're in a mixed-use
19 neighborhood. It's a privilege to have a liquor
20 license as -- as I've had for all these years.
21 I really do understand that. It's -- I think --
22 did that answer the question? I rambled a
23 little bit.

24 MR. SINKINS: Yeah. All right. I have
25 no further questions. Thank you.

1 THE WITNESS: Thank you.

2 MR. ANDERSON: Any questions by our
3 Board members?

4 Go ahead, Mr. Meadows.

5 MR. MEADOWS: Hello. Good afternoon,
6 gentlemen. My question is, in Exhibit 8, we saw
7 the Abdo building, which was on the left. The
8 building with the rooster image on it is --

9 THE WITNESS: Yes.

10 MR. MEADOWS: What is the name of that
11 building?

12 THE WITNESS: That is also an Abdo
13 property, and the Dominion Bank is in the first
14 part, and their offices are up on the second
15 floor.

16 MR. MEADOWS: Okay. So there is no
17 residential in that building?

18 THE WITNESS: No.

19 MR. MEADOWS: And the three photos that
20 we saw, that 8, 9, I guess, could we see the
21 Williamson (sic) building, the Willianson (sic)
22 building there from those images?

23 THE WITNESS: When you were under the
24 canopy, you -- you couldn't, but, you know, from
25 the tree to the canopy, yes, you could see that.

1 I think we -- in the pictures, we even provided
2 that on the very most upper floors, you could
3 see those windows.

4 MR. MEADOWS: All right. Thank you.
5 Thank you, Mr. Chairman.

6 MR. ANDERSON: I'm -- so the capacity
7 of the summer garden was 45 through what year?

8 THE WITNESS: 2000 and --

9 MR. MINORA: You had approval earlier,
10 but you actually got to put it into --

11 THE WITNESS: 2018 is when we got the
12 -- the first extension.

13 MR. MINORA: In capacity.

14 THE WITNESS: First -- capacity. I'm
15 sorry. The capacity, yeah, 2025. I'm sorry. I
16 was thinking about --

17 MR. ANDERSON: No, I'm sorry. No, I'm
18 -- all right. Hold on. The -- what was the
19 original capacity of the summer garden?

20 THE WITNESS: Forty-five.

21 MR. ANDERSON: And then it was expanded
22 to --

23 THE WITNESS: The --

24 MR. ANDERSON: -- to 133?

25 THE WITNESS: Yes, sir.

1 MR. ANDERSON: And when was it expanded
2 to 133?

3 THE WITNESS: That was under the -- the
4 application, which would have been when we first
5 applied in 2023, and then the substantial change
6 in 2025.

7 MR. ANDERSON: So that was a
8 substantial change in '25, and this is -- this
9 here, and it's part of your renewal, right? Is
10 that -- that's what it is?

11 THE WITNESS: That's correct.

12 MR. ANDERSON: All right.

13 THE WITNESS: Part of the substantial
14 change too, was dealing with the occupancies
15 inside, and really after the way that, you know,
16 DOB now delineates the space on your CMO, we
17 probably didn't need to do it.

18 You know, the capacity difference
19 inside may have been two, but I mean, at -- at
20 28 or whatever that exact number was, the Board
21 deemed it was a substantial change, and we
22 placarded it.

23 MR. ANDERSON: So what changed? What
24 changed from 45 -- or maybe I'm not -- what
25 changed from 45 to 123 (sic)? Did you -- was it

1 a -- was it a major expansion or are you saying
2 that DOB changed their analysis? Which -- what
3 changed?

4 THE WITNESS: No, the -- it was a
5 substantial expansion that did the large
6 increase. The substantial change was
7 modification in the numbers, because during
8 construction, the counts were off.

9 MR. ANDERSON: '23. Did you -- was it
10 a -- was it a major expansion --

11 MR. MINORA: If I may just --

12 MR. ANDERSON: -- or are you saying
13 that you made the change (inaudible)? Which --
14 what changed?

15 MR. MINORA: In 2023, the substantial
16 change involved -- the expansion was interior
17 and exterior (inaudible).

18 THE WITNESS: No. It was a substantial
19 expansion that did the large increase.

20 MR. MINORA: In 2025, we had some
21 additional substantial change (inaudible).

22 THE WITNESS: The substantial change
23 was modification in the numbers, because during
24 construction -- yes, I'm sorry, there have been
25 -- this has been a progressive -- progressive

1 steps and changes in the -- the license over
2 time.

3 MR. ANDERSON: So what is the
4 difference between the '23 and '25 substantial
5 change requests? I mean, was it the
6 construction or was it just the way the
7 Department of Building looked at the building --
8 look at the structure itself?

9 THE WITNESS: The substantial change
10 application was based on, yes, the CMO numbers
11 and the way DOB was counting them. And I should
12 have just waited for, you know, the directors to
13 -- to get back, but since -- you know, in
14 advance, I wanted to make sure that we wouldn't
15 have any hiccups. I alerted Matt that that is
16 what the -- our CMO application was coming at,
17 so that we could then file, you know, for a
18 substantial change if needed.

19 MR. ANDERSON: So what type -- or so on
20 the summer garden, what type of endorsement, if
21 any, do you have?

22 THE WITNESS: On the summer garden,
23 just the -- the hours. There is an
24 entertainment endorsement, but we don't --

25 MR. MINORA: That is the interior only.

1 THE WITNESS: -- we don't do any live
2 -- we -- no DJ, no live performances outside,
3 none.

4 MR. ANDERSON: So -- but I'm sorry. So
5 do you have an entertainment endorsement for
6 outside for the summer garden?

7 THE WITNESS: No. No.

8 MR. ANDERSON: So the residents are
9 complaining about noise. Are they -- so are
10 they -- what noise are they complaining about?
11 Is it noise -- is it amplified music or is it
12 just crowd noise? What noise, from your
13 perspective, is being -- are they mentioning?

14 THE WITNESS: Unamplified human voices.

15 MR. ANDERSON: Unamplified human
16 voices. Okay.

17 Any other questions by any Board
18 members?

19 Mr. -- Mr. Sinkins, any questions of
20 the witness based on the questions that were
21 asked by the Board?

22 MR. SINKINS: No, I have no further
23 questions.

24 MR. ANDERSON: Mr. Minora, any
25 redirect?

1 MR. MINORA: No. No, sir.

2 MR. ANDERSON: Okay.

3 Mr. Guggenmos, thank you very much for
4 your testimony. All right.

5 MR. GUGGENMOS: Thank you, Chair.

6 MR. ANDERSON: Before -- do you rest
7 Mr. Minora?

8 MR. MINORA: Yes.

9 MR. ANDERSON: Mr. Minora, are you --
10 are there any -- are there any exhibits that you
11 want to move into evidence?

12 MR. MINORA: Yes. We would like to
13 move into evidence the exhibits we presented.

14 MR. ANDERSON: And what exhibits were
15 they -- were those, sir?

16 MR. MINORA: Exhibit 11, Page 1;
17 Exhibit Number 4; Exhibit 9; and Exhibit Number
18 8, Pages 1 -- oops. Sorry. (inaudible).
19 Exhibit 8, Pages 1 to 4, 5 to 15, and 16.

20 MR. ANDERSON: Mr. -- those are all the
21 exhibits?

22 MR. MINORA: Yes. Yes, Mr. Chair.

23 MR. ANDERSON: Any objection? Any
24 objection, Mr. Sinkins?

25 MR. SINKINS: No objection.

1 MR. ANDERSON: All without objection.
2 All right, fine.

3 (Whereupon, the above-referred to
4 documents were received into evidence as
5 Applicant's Exhibit Nos. 4 and 8 and 9 and 11.

6 MR. ANDERSON: And so the protestant
7 rests; is that correct?

8 MR. MINORA: Yes, it's --

9 MR. ANDERSON: No, I'm sorry. The
10 applicants rest. All right.

11 MR. MINORA: Yeah.

12 MR. ANDERSON: All right.

13 Mr. Sinkins, how many witnesses do you
14 have?

15 MR. SINKINS: Including Mr. Florio,
16 four.

17 MR. ANDERSON: Four. All right, let's
18 take a -- let's take a break. We're going to
19 try to finish this today. So let's take a --
20 it's 3:04. We're off the record until 3:15,
21 okay? All right.

22 MR. SINKINS: Okay.

23 MR. ANDERSON: Thank you.

24 (Whereupon, the above-entitled matter
25 went off the record at 3:05 p.m. and resumed at

1 3:15 p.m.)

2 MR. ANDERSON: We're back on the
3 record.

4 Okay. Who's your first witness?

5 MR. SINKINS: Mr. Anderson, or Board
6 Member Anderson, I'd like to put on Murray Hood
7 for testimony.

8 MR. ANDERSON: Where is Murray Hood?
9 Has that person been -- oh, Murray. Murray. I
10 apologize.

11 Mr. Hood, can you raise your right
12 hand, please?

13 WHEREUPON,

14 MURRAY HOOD

15 was called as a witness by counsel for the
16 Protestants and, after having been duly sworn,
17 was examined and testified as follows:

18 MR. ANDERSON: All right.

19 Your witness, sir.

20 THE WITNESS: I'm sorry?

21 MR. ANDERSON: No, I told the attorney
22 he's -- you're now his witness, so he can start
23 asking you questions.

24 MR. SINKINS: Okay. Thanks.

25 DIRECT EXAMINATION

1 BY MR. SINKINS:

2 Q. Can you please state your name and
3 address?

4 A. Murray Hood, Willison Condominium, 1425
5 Rhode Island Avenue Northwest, Apartment 11.

6 Q. Okay. How long have you lived in your
7 unit?

8 A. Almost three years.

9 Q. Okay. How did you become aware of the
10 Trade Nightclub?

11 A. I'm on the board of the Willison
12 Condominium Association. And at one of our
13 meetings, one of the members pointed out that
14 there was an application for substantial change
15 on the -- the placard on the front door of
16 Trade.

17 I didn't -- was kind of unaware of
18 Trade. But I went around, looked at it, and
19 that's how it happened.

20 Q. Okay. How close to Trade is your unit?
21 And I -- can --

22 MR. ANDERSON: I'm sorry, Mr. Sinkins.
23 I need to -- is it a -- I -- this is a renewal.
24 This is not a substantial change, so --

25 THE WITNESS: I understand that. I

1 understand that. Sorry for interrupting. This
2 goes back to the original. We -- it's been
3 referred to in this meeting. There was an
4 original protest, so it's going all the way back
5 to that. That quote --

6 MR. ANDERSON: Well, then you need to
7 clarify the time period then, sir, because this
8 hearing is specifically about the renewal.

9 THE WITNESS: I -- give me one more --

10 MR. ANDERSON: But if you want to give
11 historical, then just put it -- put stuff --
12 just put it in context.

13 THE WITNESS: Yeah. Okay.

14 MR. ANDERSON: That's all.

15 THE WITNESS: I get it. I get it.
16 Give me one more sentence, okay?

17 For the substantial change, we did
18 protest. As it's been talked about in this
19 meeting, it was withdrawn. Our protest was
20 about a concern about potential noise, but we
21 learned that there was no basis for that in the
22 -- in their application, so we respectfully
23 withdrew.

24 BY MR. SINKINS:

25 Q. Okay. Going back to the question I was

1 asking you, how close to Trade is your unit?

2 A. I'm going to say it's 50 to 75 feet.

3 Q. Okay. Do you recall when Trade opened
4 its summer garden?

5 A. For the -- the revised expanded
6 version, it was somewhere around Memorial Day,
7 maybe a little sooner of last year, of 2025.

8 Q. Okay. Did your experience with Trade
9 change after Trade increased the hours of
10 operation of the summer garden?

11 A. Well, it was a little jarring to have
12 withdrawn our original protest when we didn't
13 have standing about -- of any concerns about
14 noise, to then within a week or so, have the
15 expanded summer garden open and have substantial
16 noise.

17 Q. Okay. When you're in your unit, do you
18 hear noise from Trade?

19 A. We hear -- my wife and I will hear
20 occasional persistent and rhythmic bass that is
21 transmitted sort of at ground level, straight
22 over to our unit. The shed that they installed
23 to hang heating elements has had the effect of
24 focusing some of the crowd noise directly in our
25 direction, rather than only up.

1 Q. Okay. Can you hear noise from Trade
2 when the windows to your unit are closed?

3 A. The persistent bass, we can hear.
4 Occasionally, we can hear sort of --

5 MR. MINORA: Objection. I was going to
6 let the first one slide, but this calls for
7 speculation. While he might hear noise at his
8 apartment, there's been nothing to attribute it
9 directly to Trade other than Mr. Sinkins'
10 question.

11 MR. ANDERSON: Well, I mean, I -- he
12 asked you a general question. I'm going to
13 overrule the objection. I mean, you can -- you
14 -- on cross-examination, you can. So I'm going
15 to overrule the objection.

16 He can answer the question if he can.

17 THE WITNESS: So the persistent bass,
18 when we hear it, is with the windows closed.
19 Very occasionally, when voices are sort of
20 raised beyond the conversation level, when they
21 start hollering or cheering, we will hear that
22 in our unit.

23 BY MR. SINKINS:

24 Q. Okay. Have you had occasion to reach
25 out to Mr. Guggenmos when you've heard noise?

1 A. Around the time of the opening of the
2 expanded summer garden, we did have a problem
3 with the bass noise. And I arranged to meet
4 with John Guggenmos in our shared alley late one
5 night last summer.

6 And we walked towards his unit, and he
7 confirmed that the problems with the bass were
8 indeed coming from Trade, and that he would
9 endeavor to remedy that, and he did. Further to
10 that, he offered to have his engineer, his sound
11 engineer, come to our unit to make sure that the
12 problem with the bass had been corrected. That
13 appointment was -- never took place.

14 Q. Okay. Thank you. How does the noise
15 affect your quality of life?

16 A. When the bass is audible in our unit,
17 it's -- basically, there's no sleeping until
18 Trade closes for the evening. And I should say,
19 we're talking about, you know, Friday and
20 Saturday night. It is not a seven-day-a-week
21 thing.

22 Q. Okay. So on a typical weekend night,
23 how late into the evening do you hear the noise?

24 A. When we hear it, it's until they close
25 their outdoor operation.

1 Q. Okay. So you've said already that the
2 noise from Trade affects your ability to sleep.

3 Do you believe it also is affecting your
4 physical or -- and -- and/or mental health?

5 A. Well, it certainly is a source of,
6 let's just say, aggravation to have it going on
7 without a break.

8 Q. Okay. Did you have occasion to record
9 noise from Trade?

10 A. I did.

11 Q. Okay. When did you record that noise?

12 A. I believe it was December 7th of last
13 year at about 12:30 a.m.

14 MR. SINKINS: Okay. At this point, I
15 would like to play a recording from -- that Mr.
16 Hood made of just outside -- in the alley near
17 Trade. So I'm going to endeavor to share my
18 screen if I can?

19 MR. ANDERSON: Mr. Orellana, I can't
20 allow Mr. Sinkins to share a screen. Oh, I see
21 first I have to give you permission first to
22 share your screen, so it's not automatic.

23 MR. ORELLANA: That's the screen.

24 MR. SINKINS: Okay. I've got to --
25 bear with me. I think I need to -- here we go.

1 Okay. And I'm going to press play. Bear with
2 me one second. I'm just trying to get it to
3 play.

4 MR. ORELLANA: May -- you may need to
5 unmaximize it.

6 MR. SINKINS: You might be right about
7 that, so bear with me. Not a -- need to get it
8 in between. That's wrong.

9 MR. ORELLANA: Instead of minimizing,
10 just unmaximize it.

11 MR. SINKINS: Yeah. Here we go.

12 MR. ORELLANA: You could probably
13 elongate it from the corner.

14 BY MR. SINKINS:

15 Q. So Murray, can you describe to me what
16 we're hearing and seeing right now?

17 A. Okay. I'm actually not hearing any
18 sound, just so you know.

19 MR. SINKINS: Is everybody else hearing
20 sound?

21 MR. ANDERSON: No, sir. I'm not
22 hearing any sound.

23 MR. ORELLANA: You may need to share
24 again, and then when sharing on the right-hand
25 side, select where it says "automatically

1 adjust." Select "best for video and motion."

2 MR. SINKINS: Okay. Let me try that
3 again.

4 MR. ORELLANA: For sharing options.

5 MR. SINKINS: Oh, "optimize for medium
6 width." Got it. Share, and I'll play again.

7 (Video played for the record.)

8 BY MR. SINKINS:

9 Q. So what are we seeing here Murray?

10 A. I'm walking from our garage, our
11 parking space, over to Trade. I'm still not
12 hearing any sound, so --

13 Q. Okay.

14 A. While we're working that out, you can
15 see the heating elements hanging from this shed-
16 like construction.

17 MR. ORELLANA: Do you have a different
18 player, like VLC Media Player?

19 MR. SINKINS: No.

20 MR. ORELLANA: You could try that.

21 MR. SINKINS: No, I don't. Okay.

22 Well, I've -- I'm going to introduce it as an
23 exhibit at the end of this anyway, so it'll be
24 part of the record with the actual recording.

25 BY MR. SINKINS:

1 Q. Okay. Have you also taken decibel
2 readings from your unit?

3 A. Not from the unit, but as part of that
4 video, I did a coincident -- once I arrived to
5 the -- the wood fence, I did take a screenshot
6 of the decibels at -- at that spot at the same
7 time.

8 MR. SINKINS: Okay. I -- I'd like to
9 share my screen again to show the decibel
10 reading taken at that time.

11 BY MR. SINKINS:

12 Q. Okay. So, Mr. Hood, could you please
13 read the decibel readings on this sound meter?

14 A. The -- the -- 105.8.

15 Q. And where was this taken?

16 A. This was taken basically right at the
17 fence, the outside of the fence at the Trade
18 summer garden.

19 Q. Okay, thank you.

20 MR. MINORA: There's been no foundation
21 laid that Mr. Hood has any sort of engineering
22 experience.

23 MR. ANDERSON: Mr. Minora, why -- all
24 right. Why do you allow the man to answer the
25 question without objecting, sir? I mean, you

1 should have objected from the jumpstart.

2 MR. MINORA: We were accidentally muted
3 on that, but I was trying to. This particular
4 -- the video, I don't know what that was, but
5 this is inadmissible. It doesn't -- it -- it's
6 -- by the Board's own standards, it doesn't meet
7 any of the requirements for a sound decibel
8 measurement to be introduced and used in a
9 protest hearing.

10 MR. ANDERSON: And unless you're
11 presenting -- Mr. -- Mr. Sinkins, unless you're
12 presenting Mr. Hood as an expert, I am -- I'm
13 going to sustain the objection. There is no
14 foundation that he's even qualified. I don't
15 even -- I don't know what is -- what's presented
16 --

17 MR. SINKINS: No but --

18 MR. ANDERSON: Hold on, please. And
19 there's no foundation raised that he's an expert
20 to talk about what decimal readings are. So I'm
21 going to sustain the objection.

22 MR. SINKINS: There's no need to be an
23 expert to take a reading and then read what the
24 number says. I mean, if there was a --

25 MR. ANDERSON: I don't know what the --

1 Mr. Sinkins, I don't know what the numbers are.

2 I don't know how -- I don't know what they're
3 portraying. I don't know what a noise meter is.

4 I don't know if --

5 MR. SINKINS: I --

6 MR. ANDERSON: I don't know nothing
7 about a noise meter. So as I said before, I'm
8 going to sustain the objection, because there's
9 no foundation. There is no -- although we don't
10 necessarily abide strictly by the rules of
11 evidence in these hearings, but I think this is
12 stretching too far.

13 MR. SINKINS: Well --

14 MR. ANDERSON: This witness is not an
15 expert, and so therefore, this is lay testimony
16 on noise reading, and that's not probative.
17 That's not going to help the Board. So I'm
18 sustaining the objection.

19 MR. SINKINS: Okay. Moving on.

20 MR. ANDERSON: Go ahead.

21 BY MR. SINKINS:

22 Q. Do you believe leaving -- living near
23 Trade affects the economic value of your unit?

24 A. I'm going to say yes.

25 MR. MINORA: Objection. Outside the

1 scope of the protest.

2 MR. ANDERSON: I mean --

3 MR. MINORA: (inaudible) --

4 MR. ANDERSON: I mean, I'm sorry.

5 Well, I'll allow him to answer the question.

6 Let's move on.

7 THE WITNESS: I'm going to say yes. I
8 would say sort of in the abstract, potential
9 buyers who -- who are represented by real estate
10 agents, the real estate agents, it's in their
11 best interest, if not in their oath of office,
12 if you will, to disclose not just the benefits,
13 but potential problems to a particular apartment
14 or house that's for sale. It's a reputational
15 risk. So I think realtors who know this area --

16 MR. MINORA: Objection --

17 THE WITNESS: -- know about Trade --

18 MR. MINORA: Sorry. Mr. Anderson, no
19 realtor trading experience has been presented as
20 a foundation.

21 MR. ANDERSON: Let's -- all right, I'm
22 overruling this objection. He can answer the
23 question. I mean, that's one of the protest
24 issues. I mean, he can --

25 MR. MINORA: (inaudible) protest

1 issues.

2 MR. ANDERSON: For whatever it's worth,
3 he can testify, sir, okay? You -- you'll have
4 an opportunity to cross-examine him about what
5 he just testified about.

6 THE WITNESS: And I -- I would just
7 also offer that I believe John Guggenmos was or
8 is a realtor, so --

9 MR. ANDERSON: This is not about Mr. --

10 THE WITNESS: -- he would certainly be
11 aware of this kind of respectfulness towards
12 buyers that he might represent or other realtors
13 might represent.

14 BY MR. SINKINS:

15 Q. Okay. And, Murray, what would you ask
16 the Board to do in this instance on this
17 application?

18 A. I would like them to reject it, and if
19 they're unable or unwilling to reject it, to
20 establish closing hours for the summer garden at
21 Trade to be 10:00 p.m. during the week and 11:00
22 p.m. on the weekends.

23 MR. SINKINS: Okay. Thank you. I have
24 no further questions.

25 MR. ANDERSON: Minora?

CROSS-EXAMINATION

1
2 BY MR. MINORA:

3 Q. Thank you. Mr. Hood, you said that Mr.
4 -- you said that your apartment or your
5 condominium is, you know, 50 to 75 feet away
6 from Trade, correct?

7 A. Uh-huh.

8 Q. So would that put the Willison
9 Condominium at the, you know, next door to
10 Trade?

11 A. Not next door, no.

12 Q. What would you say the closest building
13 on 14th Street is to Trade? Or is it on Rhode
14 Island Avenue to Trade?

15 A. Residential would be my place.

16 Q. Uh-huh. And then -- so then if you're
17 only 50 feet away, the Willison must be right
18 next to my place, correct?

19 A. There's one building separating the
20 two.

21 Q. Yeah. And what was the name of that
22 building?

23 A. New Port West.

24 Q. Port West Apartments. Okay. So
25 there's at least two residential units and the

1 T-Mobile store that the investigator talked
2 about between your apartment and Trade, correct?

3 A. Uh-huh. Yeah.

4 Q. So still think it's 75 feet away?

5 A. I guess you have the measurements. I
6 don't know.

7 Q. I'm just basing off what you're saying,
8 sir.

9 MR. ANDERSON: Mr. -- Mr. -- Mr. -- Mr.
10 Hood, you don't ask him questions, sir. He asks
11 you a question, you respond. If you can't
12 respond, you say, I don't know, but you don't
13 ask him questions, sir. Your job is to answer
14 the questions to the best of your ability, sir.

15 Go ahead.

16 BY MR. MINORA:

17 Q. Mr. Hood, you said that the -- you
18 protested in 2025 initially essentially because
19 the hours had changed, correct?

20 A. The original protest that we withdrew,
21 is that -- I'm not allowed to ask questions, but
22 is that the one you're referring to?

23 Q. Yes, that is the one I'm referring to,
24 yes.

25 A. Okay. So we embarked on that, quite

1 honestly, without fully understanding what
2 substantial change meant, and even though we did
3 go in mediation with you, and we did have
4 specific questions which you answered for us and
5 -- and put us at ease about, the -- the
6 unresolved question was about potential noise,
7 given just not the expansion of the footprint,
8 but the fact that it was sliding south, the
9 footprint, the -- the -- of the patio, so that
10 it would be partially exposed to our building.
11 And I think as you have stated in at least one
12 mediation that I've attended with you, you have
13 said that sound can do unexpected things, and
14 this might have been one of the unexpected
15 things as it regards to our building.

16 Q. Not exactly correct, but I'm not going
17 to object on that one right now. So you said
18 earlier that you can tell that the voice -- that
19 the bass you're hearing is coming from Trade,
20 and that the shed -- let's talk about that.
21 That you said that the bass you know is hearing
22 is coming from Trade.

23 A. Uh-huh.

24 Q. How did you determine that?

25 A. I walked over. Even though there was

1 no sound on that video, and even though I'm not
2 an expert, the iPhone was not able to pick up
3 the bass, but certainly I was able to hear it.
4 This is -- if I could add, if it's all right,
5 that this is one of the reasons why we wanted to
6 have a meeting of the minds of the attorneys, of
7 the people that are affected, the owners of
8 Trade, and the residents of Willison, along with
9 an ABCA investigator --

10 Q. Mr. Hood --

11 A. -- so that we can all hear at the same
12 time what the noise was and how it was affecting
13 us.

14 Q. So no, so --

15 MR. ANDERSON: Mr. Minora --

16 BY MR. MINORA:

17 Q. I guess the question is -- it's twofold
18 now. So you admit in the video that we couldn't
19 hear anything on the bass wasn't picked up there
20 if you could hear it at all? So --

21 A. That's correct.

22 Q. So again, how are you determining that
23 the bass that you're hearing is coming from
24 Trade, and not from any of the two or three
25 other licensed establishments nearby?

1 A. Well, I cannot do that without having
2 other witnesses, and --

3 Q. So the answer is --

4 A. -- when -- one second, one second.
5 When I did this last spring with John Guggenmos,
6 he confirmed at that moment that it was coming
7 from Trade, okay? So that's --

8 Q. Mr. --

9 A. That's a data point right there.

10 Q. That was about interior bass noise from
11 the speakers for the DJs on the inside, correct?

12 A. So he said.

13 Q. That's pretty disingenuous. So as he
14 explained to you that there were actual
15 construction holes left in the physical exterior
16 of the building due to HVAC repairs, correct?

17 A. Yes. Yes.

18 Q. And those repairs were made, correct?

19 A. Yes.

20 Q. And it has since diminished the bass
21 that you're hearing from the inside, correct?

22 A. That is my understanding.

23 Q. Okay. So again, what you're hearing
24 was bass from the inside, nothing from the
25 outside speakers, correct?

1 A. At that time, correct.

2 Q. Okay. And are you aware of the hours
3 of operation for Players Club summer garden?

4 A. No.

5 Q. Would you be surprised to know that
6 they go until much later than you're asking my
7 client to go to, 12:30 and 1:00?

8 A. I accept your statement as fact.

9 Q. Sure. So then if we're talking about
10 the noise that you're hearing, once again, you
11 said that the shed, instead of blocking it,
12 somehow focuses it in a direction at your unit,
13 correct?

14 A. It can happen, as I've said previously,
15 that we've determined that sound can do
16 unexpected things.

17 Q. Yeah, that was said once. There has
18 been no determination made whatsoever. What
19 we're saying is --

20 MR. SINKINS: Objection. Argumentative
21 repeatedly in this cross-examination.

22 MR. ANDERSON: All right, gentlemen.
23 Mr. Minora, ask a question. Mr. Hood, please
24 respond, and let's move on. I have three more
25 witnesses to go this afternoon.

1 Okay, go ahead.

2 BY MR. MINORA:

3 Q. So once again, you're not a sound
4 expert, correct?

5 A. No.

6 Q. Not an engineer of any kind?

7 A. No.

8 MR. MINORA: Okay. No further
9 questions. Thank you.

10 MR. ANDERSON: Mr. Hood, I'm confused.

11 You testified that the noise that you heard was
12 usually Friday and Saturday, but that's not --
13 it is not seven days a week, so you don't hear
14 any noise during the week; is that correct?

15 THE WITNESS: Inside, no.

16 MR. ANDERSON: I'm -- explain what you
17 mean inside now. You're saying --

18 THE WITNESS: Inside our apartment with
19 the windows closed.

20 MR. ANDERSON: So you don't hear any
21 noise on weeknights; it is just the weekend?

22 THE WITNESS: Yeah, Sunday through
23 Thursday, basically.

24 MR. ANDERSON: Well, it -- but -- and
25 the reason why I ask you that question, because

1 you were saying that -- so if you're not hearing
2 noise on Sunday through Thursday, why are you
3 asking for the Board to reduce the hours during
4 -- on Sunday through Thursday to 10:00 p.m. if
5 you -- if you're not hearing any noise?

6 THE WITNESS: I think it's -- first of
7 all, it's -- the space, our alley, is somewhat
8 unique, unlike other establishments that have
9 been referred to earlier, in that we have
10 numerous flat surfaces off which all kinds of
11 noises can reflect. And so unlike, say, 14th
12 Street where it's -- it's a wide street, this is
13 very concentrated -- in a very concentrated
14 area.

15 I confess I'm not a sound engineer, but
16 we know what we're experiencing.

17 MR. ANDERSON: And now, is this
18 amplified -- this is -- what type of -- are you
19 hearing amplified sound or are you hearing
20 people, conversational sound? Which -- what
21 type of noise are you hearing?

22 THE WITNESS: I am hearing bass sound.
23 And the only thing I would add to that is that
24 when I hear it on a Friday and I have texted
25 John Guggenmos, the next night, I do not hear

1 the bass sound. It's -- could be a coincidence
2 or not, but there have been four occasions where
3 I've texted him, and the next night it's
4 resolved.

5 MR. ANDERSON: Have you ever -- have
6 you ever filed a complaint with ABCA regarding
7 noise?

8 THE WITNESS: We have been encouraged
9 by John Guggenmos and Matt Minora, at least
10 before this most recent protest, to try to work
11 with them directly, and so this is an example of
12 that.

13 MR. ANDERSON: But if you've worked
14 with them directly and if you're still
15 dissatisfied, why then not file a complaint with
16 the Agency? Because they're -- the record
17 states that they have no infractions, so no one
18 called, so they're --

19 THE WITNESS: Well, one of the things
20 is that it has to be pretty coincident. You
21 file a complaint, the response is probably not
22 in the next 30 minutes.

23 MR. ANDERSON: But at least -- but at
24 least you would have -- there would be a record
25 to say that we have filed complaints with ABCA,

1 so now -- so there is a difference. So maybe
2 you would be surprised that there is a response
3 immediately, but at least you would have a
4 record that you have filed a complaint with the
5 Agency, and so the Agency can say that we have
6 received five complaints, we have investigated,
7 they have been substantiated or not. So that's
8 why I was asking you if you have ever filed --

9 THE WITNESS: Yeah.

10 MR. ANDERSON: -- a complaint with the
11 Agency?

12 THE WITNESS: Yeah. Again, I go back
13 to the -- you know, I think that John Guggenmos,
14 in all sincerity, wants to be a good neighbor,
15 and we do as well.

16 And once we established sort of a basic
17 relationship, we were encouraged by John and by
18 his attorney to try to work this out directly,
19 and that is what we have done.

20 MR. ANDERSON: Okay.

21 All right, thanks. Any other -- any
22 questions by any of the Board members?

23 Go ahead, Ms. Quinn.

24 MS. QUINN: I thank you for testifying
25 today. I would like to better understand your

1 testimony regarding real estate value or
2 potential impact on real estate value.

3 What I thought I heard you say was
4 something along the lines of you could imagine
5 that a realtor might advise a potential buyer of
6 noise issues. Did you -- did I hear that
7 correctly?

8 THE WITNESS: Advise is a strong word.
9 I think it's more disclose.

10 MS. QUINN: Disclose. Okay, that is
11 fine.

12 THE WITNESS: So I think that realtors,
13 especially those that know the area, wherever
14 the area is, feel that they have an obligation
15 to disclose anything that is unique, good and
16 bad, to potential buyers --

17 MS. QUINN: Okay.

18 THE WITNESS: -- because if for no
19 other reason their own reputational risk.

20 MS. QUINN: Sure. And I can buy that.

21 I think where I am having a little more
22 difficulty is, if we can imagine that disclosure
23 happening, how would a realtor know about this
24 specific noise being connected to this specific
25 business?

1 Because what I -- the other part of the
2 testimony, you seemed to indicate that the noise
3 is happening specifically on the weekends within
4 certain hours when you wouldn't be showing
5 properties.

6 And I also understand from the
7 investigator's testimony that the -- this
8 property seems to be in close proximity to the
9 14th Street kind of major commercial area, so
10 I'm just having trouble understanding how a
11 realtor would be able to distinguish and
12 highlight for a potential buyer that noise is
13 specifically coming from this business such that
14 you could make the connection that this business
15 is, in fact, impacting your commercial value?

16 THE WITNESS: Well, let me just say,
17 first of all, so there is no confusion, I am not
18 a realtor. I don't have any expertise in this.

19 MS. QUINN: Okay.

20 THE WITNESS: But we -- when we bought
21 our apartment here, we also looked at a unit on
22 14th Street, which was very nice, and it was
23 over a restaurant that had yet to be open.

24 And our realtor said, you know, I know
25 you like this apartment. Just so you know,

1 there's a restaurant going in underneath, and
2 there's going to be a streeterly, and I'm just
3 letting you know.

4 MS. QUINN: Okay.

5 THE WITNESS: So the other thing,
6 again, going back to my personal experience, is
7 that up until the Trade expansion of its patio,
8 we weren't really hearing very much of anything,
9 but the expansion exposed the -- it moved itself
10 and exposed a corner of the -- the new garden to
11 our building.

12 And so when I bought, the realtor
13 didn't know anything about it because there was
14 no problem. Now it's sort of -- there is new
15 information, and what to do with it.

16 MS. QUINN: Okay. Well, thank you for
17 that information. I would also just like to
18 comment that I have -- I really value your
19 testimony about your experiences working with
20 the owner directly.

21 One, I appreciate your willingness to
22 do that, and I appreciate knowing that it seems
23 that there has been some effort from the
24 business side to try to work with you. I mean,
25 it sounds like there is still some issues about

1 whether, you know, you've quite reached the
2 perfect end, but I do hope that you're
3 encouraged to continue to work with the owner,
4 and that the owner is also encouraged to
5 continue to work with you and other residents.
6 Thank you again for your testimony.

7 THE WITNESS: And if I could just add
8 one final thing. The hours that we request are
9 because there has been no meaningful sound
10 mitigation, which I think Mr. Sinkins referred
11 to at the outset. If the sound could be
12 mitigated, the hours demand request, that --
13 that falls away.

14 MS. QUINN: Okay.

15 That's all from me, Mr. Chair.

16 MR. ANDERSON: Any other questions by
17 any Board members?

18 Mr. Minora, any questions of the
19 witness based on a question asked by the Board?

20 You're on mute, sir.

21 BY MR. MINORA:

22 Q. Mr. Hood, when did you purchase your
23 unit?

24 A. It was not quite three years ago.

25 Q. Do you -- a year? Could you give me

1 the year, please?

2 A. Three years, that would have been 2023.
3 '23.

4 Q. Because according to what I have, the
5 -- at least the closing was in late May of 2023,
6 just for --

7 A. Okay.

8 Q. -- the timeline. That was after we had
9 already applied for the expansion --

10 A. Okay.

11 Q. -- of Trade, for the record.

12 MR. MINORA: That's all from me. Thank
13 you.

14 MR. ANDERSON: Any other questions,
15 sir? That's it?

16 All right, Mr. Sinkins. Any redirect?

17 MR. SINKINS: Just one question.

18 REDIRECT EXAMINATION

19 BY MR. SINKINS:

20 Q. Murray, you were just asked when you
21 closed on your unit and when you moved in, and
22 Mr. Minora stated that was after they had -- or
23 after they filed for the application.

24 Was the expanded summer garden
25 operational at the time you moved into your

1 unit?

2 A. No.

3 MR. SINKINS: Thank you. That's all.

4 MR. ANDERSON: Mr. Hood, thank you for
5 your testimony today. You're free to go.

6 All right. Mr. Sinkins, do you have
7 another witness?

8 MR. SINKINS: Yeah. I'd like to call
9 Ran Borgersen to the stand.

10 MR. ANDERSON: Where is Ran Borgersen?
11 Okay. Can you raise your right hand,
12 sir?

13 WHEREUPON,

14 RANDALL BORGERSEN

15 was called as a witness by counsel for the
16 Protestants and, after having been duly sworn,
17 was examined and testified as follows:

18 MR. ANDERSON: Thank you.

19 Your witness, sir.

20 MR. SINKINS: Yeah.

21 DIRECT EXAMINATION

22 BY MR. SINKINS:

23 Q. Can you please state your name and
24 address?

25 A. Sure. My name is Randall Borgersen, is

1 my full name, and my address is 1425 Rhode
2 Island Avenue Northwest, Apartment PH2,
3 Penthouse 2.

4 Q. How long have you lived in your home?

5 A. It will be 21 years in August.

6 Q. Great. How did you become aware of the
7 Trade Nightclub?

8 A. I don't know how many years ago it was
9 that they first opened, but when they first
10 opened, I started going to it.

11 Q. Okay. How often do you frequent Trade
12 over the years?

13 A. I went more before COVID, which I think
14 all of our, you know, establishment owners hate
15 to hear, and I -- I probably go about three to
16 four times a year now. I've been three or four
17 times actually since the summer garden opened.

18 Q. Got you. Have you enjoyed being a
19 patron of Trade?

20 A. Yeah. You know, it's kind of a meeting
21 point for my friends, and, you know, I've --
22 I've patronized multiple establishments of Mr.
23 Guggenmos, Town, Nine, Trade, and, you know,
24 they become, like, the fifth place where
25 everybody goes.

1 And you go to a bar not just to meet
2 the people you expect to meet, but the people
3 you don't expect to meet. It's where everybody
4 goes. And so even now that I have the issue
5 with the sound, I still go occasionally because
6 that is where my friends meet.

7 Q. Okay. Right. How close to Trade is
8 your unit?

9 A. Well, I'm not a surveyor. I was
10 guessing, like, maybe 100 feet as the crow
11 flies. I was looking at the circle that Mr.
12 Harris showed with the 200-foot radius, and
13 looking at his circle, I would guess it's
14 probably -- maybe 100, 125 feet, like, linearly.

15 Q. Got you. Okay. And can you describe
16 your experience with Trade after it first
17 opened?

18 A. So as a patron, great, and actually as
19 a neighbor, great. I live on the eighth floor.

20 I'm on the top floor of the Willison. So I can
21 see the back of Trade directly. But what was, I
22 believe Mr. Meadows called, the rooster
23 building, the -- the CVS and Abdo is in there,
24 that blocks much of the original footprint line
25 of sight from my unit, so it was hidden behind

1 there. So I didn't even know -- like, I never
2 heard them. I didn't even know -- you know, I
3 kind of knew what hours they were as a patron,
4 but, like, we never heard them.

5 Back then -- so back when it was, like,
6 45 people and half the size it was now, when I
7 go -- when I went, the back patio was kind of
8 like the space you went, you know, when you go
9 to a barn. It's, like, really noisy inside and
10 you want to kind of get away from the noise and
11 have like a nice conversation with your friends.

12 The back patio was kind of like that kind of
13 space. It was like the escape from the bar.
14 You know, since the patio's been expanded, they
15 now serve drinks out there, which they didn't do
16 before, and it gets pretty crowded. So it's
17 almost -- it's like an exterior extension of the
18 interior of the bar now. It's like the place
19 you -- like, if you saw that, there were, like,
20 bleachers. Everybody stands. It's like a place
21 you go to be seen, see and be seen. My friends
22 and I have, like, a little corner, actually, in
23 the back, new part of the back patio. So I use
24 the part that drives me crazy. But they have a
25 corner where there's, like, this little bar you

1 can put your drinks on, and my friends and I
2 always try and get that space so we can stand
3 with our drinks and just kind of watch
4 everybody.

5 Q. Okay.

6 A. But the noise -- so as a neighbor, it
7 was quiet. Now, with the expansion, it's -- you
8 know, the use of it has fundamentally changed.
9 Like, you know, it -- it depends on -- for the
10 weekdays, it depends on the weather. If the
11 weather is nice, people are out in the summer
12 garden, and it gets loud. And I hear it on the
13 weekends. Like, I was actually amazed since
14 they put the shed in with the heaters that,
15 like, dead of winter, I believe, MAL weekend, it
16 was, like, insane. Like, until 2:00 a.m., you
17 could just hear everybody because it's -- it's a
18 destination, especially during Pride and MAL and
19 things like that.

20 It -- but it -- it's to the point
21 where, though, like, I -- I dread the evenings
22 because even with my windows closed, I can hear
23 the crowd. And then sometimes you hear people
24 screaming and occasionally the happy birthday,
25 you know. And I don't hold this against Trade.

1 Occasionally, I think a DJ slips, and I -- I've
2 heard music a couple of times, but I'm not going
3 to -- I'm not -- I'm mentioning it, but I'm not
4 including that in my complaint because I think
5 it's somebody just turning a knob that they're
6 not supposed to turn, like, an occasional night
7 or something. But it's, like, I'll be in my
8 living room playing music, and I hear the voices
9 through the music in my living room with the
10 windows closed.

11 And I want to say, I've lived in Logan
12 Circle for 30 years. I think I actually lived
13 behind Mr. Guggenmos on P Street for a number of
14 years. You know, when the neighborhood has gone
15 through a lot and my -- you know, it's -- Logan
16 Circle, it's noisy. We get delivery trucks. We
17 get all kinds of noises. There'll be people
18 playing the saxophone in front of Whole Foods.
19 But the difference is -- is those noises are,
20 like, temporary. So I'll play the -- I hear the
21 saxophone maybe for, like, 45 minutes, an hour.

22 This will start, like, early in the
23 evening, and it just goes on and on and on and
24 on. It's -- it's different. It just kind of,
25 like -- it -- it -- like, you just dread it.

1 You're sitting in your living room playing music
2 and, like, I -- I have to, like, go into my
3 office and close the door to, like, escape it if
4 it, like -- because there are just some nights
5 of, like, it's hard to describe. It's like, you
6 know, it just keeps going.

7 You know, Trade has -- and I have to
8 say, I was really surprised because I've been
9 going to Mr. Guggenmos' venues for many years,
10 and Trade has been an amazing neighbor, like the
11 things that Mr. Guggenmos said about smokers and
12 consideration and everything like that. So I
13 was really surprised that this happened with the
14 noise. I had better things to do. I was going
15 to be in Mexico today. I came home early to be
16 here and testify. We're paying thousands of
17 dollars to Mr. Sinkins to do this. I have never
18 before in my -- since I -- I first moved to
19 Logan, actually, in '94, I've never, ever myself
20 placed a noise complaint ever before, directly
21 myself. Maybe my building house or whatever,
22 but I've never been, like, an active complainant
23 until now. And because I've lived in Logan
24 Circle for 30 years, like, I know the reality
25 of, like, living in downtown. And this just

1 kind of, like, pushes me over.

2 And to the point -- so there've been a
3 lot of questions about how do we know it's
4 Trade? Well, I've invited, like, the ANC, Mr.
5 Minora. I've said, anybody can come over to my
6 place. We can open the window, and we all have
7 two ears. When you're on the street and a car
8 honks its horn, you instinctively know what
9 direction to look at, what, you know, car. You
10 know, if people couldn't tell what direction a
11 sound came from, what good would a horn be on a
12 car? You can, like -- and on my roof deck,
13 like, I've had people on my roof deck and
14 they're like, we can't have a conversation
15 because it's so loud up here. And you can stand
16 on my roof deck, and you look right down
17 directly into the Trade summer garden, and your
18 two ears tell you it comes from there.

19 There is the place in the corner. I
20 forget the name of it, the -- that's on the
21 eighth floor of the Abdo building. When that
22 was first constructed, I was really worried
23 because I'm on the eighth floor and, like, their
24 building is on the eighth floor. But you know,
25 noise is what -- you know, sound is the way it

1 is. Their -- their summer garden faces 14th
2 Street and, like, their whole building is
3 between me and their summer garden. And I --
4 like, before they existed, before Trade opened
5 their summer garden, and if that establishment
6 had made noise when they opened years ago, I
7 would've been talking to you all about that
8 establishment. But I don't hear that.

9 So I'm just totally here. I love
10 Trade. They've done, you know -- sorry, I'm
11 emotional. What they've done for the community,
12 town, you know, people coming out, it's been
13 amazing. So I want Trade to thrive. They can
14 stay open as late as they want. I just don't
15 want to hear them. I used to go to Velvet
16 Nation back in the day and stay out till 6:00
17 a.m. I'm not quite that age anymore, but young
18 people should have that ability to do that these
19 days, and I don't want to stop that. Sorry.

20 Q. Thank you. Appreciate that testimony.

21 You covered a lot of ground there. How does
22 the noise from Trade affect your regular quality
23 of life?

24 A. Well, no, even -- even with the windows
25 closed, it comes in the unit. My husband -- I

1 have iPod sound for earplugs. They're these
2 little, like, ear-flush, sleeping earplugs so
3 that I can sleep at night. They have noise-
4 canceling built in. And my husband wears -- he
5 has this thing that's like a headband that also,
6 like, covers your eyes because he likes the
7 dark. But, like, sitting in the living room,
8 it's -- it doesn't interfere with our
9 conversation, but it's like you have a crowd in
10 the next room or something. It just kind of --
11 it -- like, it -- I -- I think our brains -- you
12 know, I'm not a neurologist. I know we all have
13 (inaudible), but it's like our brains are
14 trained to hear voices or something like that,
15 and they just work their way through the music.

16 Q. Uh-huh. Well, thank you. On a typical
17 weekday night, how late into the evening can you
18 hear the noise from Trade?

19 A. Well, you know, to be fair, there isn't
20 a typical -- it -- it depends on the weather.
21 If the weather is really nice and the summer
22 garden is happening, or, like, if it's during
23 Pride or MAL or like this, like everybody is out
24 from some big event, I pretty much hear it till
25 I go to bed, which can be 11:00 to midnight.

1 But if the weather is crummy, I think there are
2 less people out there. Although now with the
3 shed, with the heaters, they're -- I've been
4 surprised, there are more people out, willing to
5 stand out. I guess it's warm. I haven't been
6 there -- I haven't visited since they installed
7 the heaters in the winter, so -- but I guess
8 that lets people stay out more.

9 Q. On a typical weekend night, how late
10 into the evening can you hear the noise?

11 A. Oh, you know, when I stay up late, like
12 1:00 or something like that, because when I go
13 to bed, the earphones go in, so --

14 Q. Okay.

15 A. Like, the noise -- noise could continue,
16 but I'm not engaging.

17 Q. Do you believe the noise from Trade has
18 affected your ability to sleep and your physical
19 or mental health?

20 A. Well, you know, just the fact that when
21 there's a weekend with nice weather and you're
22 thinking, ugh, tonight is going to be another
23 night where you sit in the living room and you
24 just hear voices, you know? You know? And I --
25 I got the noise-canceling earbuds.

1 Q. Okay. What would you ask the Board to
2 do in this case?

3 A. So I would ask the Board to, if the
4 term is decline as it is, but like I said, I
5 don't have an issue with how late Trade is open
6 or how many people have. I have an issue with
7 the noise. So what I would ask potentially is,
8 you know what? For I don't know how many years
9 Trade was open, I didn't hear them. I had no
10 issue. So you know, if Trade is going to do
11 sound mitigation that works, that's great
12 because it's win-win for everybody. They get to
13 have lots of people, and we don't get to hear
14 them. But until they do the mitigation and we
15 know that it's actually working, what I would
16 ask is that if the Board approved a modification
17 where after 10:00 p.m., Trade operates the
18 summer garden the way they operated it before
19 they expanded. They were a viable business
20 before they expanded the summer garden. Can
21 they just for now go back to where they were
22 before they expanded the summer garden and,
23 like, nearly tripled the occupancy and started
24 serving drinks and making it a -- it's a scene
25 now. It used to be an escape. Now it's a

1 scene. And just go back to the way it was, and
2 that wouldn't --

3 You know, I understand Mr. Guggenmos'
4 concern about smokers being out front. I
5 remember seeing all the cigarette butts back in
6 the day in front of Trade and the other bars.
7 You know, let them do the summer garden the way
8 it was, and let the -- the smokers can go to the
9 back by the back double-doors where they go now,
10 which is the smoking area. And just, like,
11 maybe cordon off the other summer garden. Stop
12 serving alcohol outside after those hours.
13 Revert to that. Let's see what they -- he's
14 hired these engineers and stuff like that.
15 Let's see what they can do, because I was kind
16 of -- I was really hoping that the shed and the
17 tree would solve the problem, and they don't.
18 And I'm not a sound engineer, but I'm guessing
19 with my two ears, like, listening directionally,
20 that it's bouncing off the back of their
21 building, which is brick. And actually, the
22 shed -- like I said, I'm not an acoustic
23 engineer. I'm actually wondering if the shed
24 actually helps it bounce off the back of the
25 building at me. And our -- my alley that we

1 live in, because Rhode Island Avenue is angled,
2 is shaped like -- is shaped kind of like a horn,
3 and maybe that's why we get it. Like, I really
4 wish I didn't get it. I don't understand
5 acoustics, but I get it.

6 MR. SINKINS: Okay. I have no further
7 questions.

8 MR. ANDERSON: Any questions from other
9 Board members?

10 Go ahead, Ms. Quinn.

11 MS. QUINN: Yes. Again, thank you for
12 testifying. Can you help me understand how --
13 is it that the main issue is the noise from
14 voices, or the main issue is the noise from
15 music?

16 THE WITNESS: It's a combination. So
17 they play music low on the -- out in the back
18 patio, but that starts the crowd kind of
19 spiraling, speaking loudly, because no matter
20 how low the music is, people start speaking over
21 it a little bit. Then people start speaking
22 over other people, and then they start speaking
23 over other people. So it kind of, like, starts
24 the process that altogether it's like, you know,
25 you can't pick the music out, but there's music

1 in there somewhere.

2 MS. QUINN: Okay. Thank you.

3 Mr. Chair, that's it for me.

4 MR. ANDERSON: Oh, thank you.

5 All right. You talked about that you
6 said that your -- this is a regular that you
7 attended. Did they serve alcohol in the summer
8 garden previously?

9 THE WITNESS: Not that I'm aware of.

10 MR. ANDERSON: So it was after the --
11 I'm sorry. So you're saying it was after the
12 expansion that they started serving?

13 THE WITNESS: Yeah. So I -- I would
14 say no. The -- because the window -- so they
15 moved into the space next door, as I think Mr.
16 Guggenmos explained. The -- in the space next
17 door, which also doubled the size of the summer
18 garden, they cut a hole into the back of the
19 building, so the bartenders inside -- I think it
20 -- the way it works is the bartenders inside the
21 building or the bar inside the building extends
22 to be outside of the building, so they can serve
23 alcohol out in the summer garden, and you can
24 just get drinks out there.

25 MR. ANDERSON: All right. Okay. Thank

1 you. Any other questions by any other Board
2 members?

3 All right. Mr. Minora.

4 MR. MINORA: Yes. Before I begin the
5 questioning, with the Board's indulgence, can I
6 just let Mr. Guggenmos just quickly respond,
7 just personally, to what Mr. Borgersen said, the
8 kind words?

9 MR. ANDERSON: No, he can't respond.
10 If you want to call him as a rebuttal witness
11 then -- but no.

12 MR. MINORA: Fair enough.

13 MR. ANDERSON: Any questions?

14 MR. MINORA: Thank you. Oh, yes.
15 Yeah, yes.

16 CROSS-EXAMINATION

17 BY MR. MINORA:

18 Q. Just want to say, thank you for
19 testifying today, Mr. Borgersen. We appreciate
20 it and I'm sure Mr. Guggenmos appreciates your
21 patience over the years. I just wanted to
22 clarify a couple of things. You said it -- it's
23 -- the DJ noise is not something you really are
24 hearing. When you're talking about any kind of
25 sound on the outside, it's predominantly human

1 voices that you think may have sort of been
2 raised to compensate for background, basically,
3 on the outside, correct?

4 A. Or it's mixed in. So it's like maybe
5 like 80:20 or something like that.

6 Q. Sure. But you're not hearing, you
7 know, like bass or specific songs, anything of
8 that nature?

9 A. No. I'm not a sound engineer, but I
10 think the bass normally conducts through the
11 ground, whereas I'm probably getting more of the
12 treble, you know? Like -- or the, like, voice
13 ranges or things -- like, again, I'm not a sound
14 engineer. I'm just judging with my ears. Like,
15 you know, when you're on the ground, you can
16 feel bass. You know, it's kind of how it works.

17 Q. Sure. And directionally, which way is
18 Trade from your unit, if you're staring at the
19 alley?

20 A. It is straight down the -- so it -- so,
21 you know, the alley's angled and we angle with
22 the alley. So it's like straight down the angle
23 -- alley, and then a little to the left and then
24 it is the new thing. And I can see a little bit
25 like when people first walk out of the door into

1 the summer garden, I can see them, and then the
2 rest is behind, I'll just call it, the rooster
3 building.

4 Q. Sure. So the -- generally, it's to the
5 north and west of your unit. Or excuse me,
6 north and east --

7 A. Oh -- so if you want to -- like, exact,
8 it -- I would say it's west by northwest.

9 Q. Is it east by northeast, correct, if
10 we're going for --

11 A. Oh, I'm sorry, yeah, thank you. I
12 apologize, yes. East by northeast. Sorry about
13 that.

14 Q. Sure. And then would you say Players
15 Club is also a bit further north and east of
16 your unit?

17 A. It's more east. Kind of like, yeah,
18 it's like -- it's probably triple east with a
19 little north.

20 Q. A little east. So a little north of
21 east. Okay. I think that's everything I think
22 I had for you, Mr. Borgersen. Thank you very
23 much and appreciate your efforts throughout this
24 process to get us here as well.

25 THE WITNESS: Thank you.

1 MR. ANDERSON: Mr. Sinkins, any
2 questions?

3 MR. SINKINS: No further questions.

4 MR. ANDERSON: All right.

5 Mr. Borgersen, thank you very much for
6 your testimony today. All right.

7 MR. BORGERSEN: Thank you.

8 MR. ANDERSON: Do you have another
9 witness you wish to call, sir?

10 MR. SINKINS: I do. I also am aware
11 that Mr. Florio has a work commitment he has to
12 go into now. I'm -- I plan to call Mr. John
13 D'Amore first, but Mr. Florio is going to be
14 unavailable because of the length of the
15 hearing, so --

16 MR. ANDERSON: All right. I'm sorry.
17 Who's your next witness, sir?

18 MR. SINKINS: Mr. John D'Amore.

19 MR. ANDERSON: Mr. D'Amore, can you
20 come on camera please, sir? Mr. D'Amore, can
21 you come on camera? Can you unmute yourself and
22 come on camera? All right. Can you unmute
23 yourself, please, sir?

24 MR. D'AMORE: (No audible response).

25 MR. ANDERSON: I cannot hear you.

1 MR. D'AMORE: (No audible response).

2 MR. ANDERSON: I cannot hear you, sir.

3 MR. D'AMORE: (No audible response).

4 MR. ANDERSON: I cannot hear you.

5 REMOTE TECHNICIAN: I'll chat with him.

6 MR. ANDERSON: Okay.

7 MR. SINKINS: We can't hear you, John.

8 MR. ANDERSON: Our IT specialist is
9 working with him.

10 MR. SINKINS: Okay.

11 REMOTE TECHNICIAN: I sent you a chat,
12 John. So what you want to do is just click the
13 down caret next to mute, and then just see if
14 you have another microphone option. Maybe
15 Realtek, microphone array Realtek. Yeah, you
16 just want to see if you have another option for
17 microphone. If you join through the web
18 browser, you may want to log off and log back on
19 and join via the app, the WebEx app.

20 MR. ANDERSON: Why don't you ask him to
21 log off and then log back and then look for him
22 and then elevate him again? Maybe it'll work
23 this time, please.

24 REMOTE TECHNICIAN: Yeah. Try logging
25 off, logging back on. I also placed in the chat

1 join by phone information, if that works better
2 for you.

3 MR. ANDERSON: All right. So I think
4 he's going to do it by phone, so can you tell us
5 what -- I was trying to find out the last four
6 digits of his phone number, so we'll know that
7 he's the person to elevate.

8 REMOTE TECHNICIAN: He'll be the only
9 call-in user.

10 MR. ANDERSON: Okay, that's fine. I
11 thought we were popular. I thought there were a
12 whole bunch of folks there waiting on our
13 channel. All right, he's -- well, I guess he's
14 -- he needs to unmute himself.

15 REMOTE TECHNICIAN: I'm sending him a
16 request to unmute.

17 MR. ANDERSON: Okay.

18 MR. D'AMORE: It unmuted? Do you --

19 MR. ANDERSON: Yes, sir. I can hear
20 you. All right. I can't see you, but I can
21 hear you, so that's fine. I've seen you before,
22 so I'm fine.

23 MR. D'AMORE: (inaudible).

24 MR. ANDERSON: Mr. D'Amore. Okay, now
25 I can do both. Can -- I can see you and I can

1 hear you. Can you raise your right hand, sir?

2 WHEREUPON,

3 JOHN D'AMORE

4 was called as a witness by counsel for the
5 Protestants and, after having been duly sworn,
6 was examined and testified as follows:

7 MR. ANDERSON: Your witness, Mr.
8 Sinkins.

9 MR. SINKINS: Thank you very much.

10 DIRECT EXAMINATION

11 BY MR. SINKINS:

12 Q. Can you please state your name and
13 address?

14 A. I'm John D'Amore. My address is 1425
15 Rhode Island Avenue, Northwest, Unit 72.

16 Q. Okay. How long have you lived in your
17 home?

18 A. Since June of 2008.

19 Q. Okay. And what is your role within the
20 Willison Condominium?

21 A. Currently, I'm the president of the
22 Board.

23 Q. Okay. As president, have any of the
24 residents of the condominium come to you with
25 concerns regarding Trade?

1 A. Yes.

2 Q. Okay. What has been the nature of
3 those concerns?

4 A. The noise issues that we've been
5 discussing and are part of this hearing, the
6 subject matter hereon.

7 Q. Okay. And when did you start receiving
8 these complaints or expressions of concern?

9 A. The spring of last year, spring of
10 2025.

11 Q. Okay.

12 A. I believe that's when the outdoor patio
13 improvements were occurring.

14 Q. Okay. Have you heard noise from Trade
15 when you've been in the condominium building?

16 A. Yes.

17 Q. Okay. Were -- was that in your unit or
18 someplace else in the building?

19 A. In my unit, and I've listened in -- in
20 other units, such as Murray's and such.

21 Q. Were the windows open or closed when
22 you heard the noise?

23 A. In my unit, both.

24 Q. Okay. Have you had occasion to contact
25 the owners of Trade to seek assistance in

1 reducing the noise?

2 A. No, I did not, because we focus on
3 having one of the Board members, Murray Hood, be
4 our forward person, so I have not had personal
5 contact.

6 Q. Okay. Are you aware that Mr. Hood has
7 contacted the owners of Trade to seek
8 assistance?

9 A. Yes.

10 Q. Okay. And are you aware of what
11 Trade's response has been to those requests?

12 A. Generally, yes.

13 Q. Okay. And what has those responses
14 been?

15 A. Well, I believe it -- it seems as
16 though they have -- they -- they took -- they
17 attempted to take steps either to improve their
18 backyard, meaning the -- the garden, either for
19 our benefit or for their own business benefit,
20 but I believe that they -- you know, they --
21 they worked with -- they made changes to some --
22 of some description.

23 Q. Have those changes been effective in
24 reducing the noise?

25 A. No, unfortunately.

1 Q. Okay. Do you believe living near Trade
2 affects the value of the units in the Willison,
3 and if so, how?

4 A. I'm beginning to believe that it will,
5 in the future, yes.

6 Q. And why do you believe that?

7 A. All matters like this, Board president,
8 we have to disclose when we issue the
9 condominium documents to future purchasers. And
10 so we have this litigation -- I call it
11 litigation although it's not quite going on and
12 such, and that would have to be disclosed. So
13 the -- those documents would go to -- and
14 realtors and the individuals would ask for what
15 is right or wrong with the environment, and this
16 would come up. So I believe it will affect what
17 people -- how they think and about making an
18 investment in a home in the Willison.

19 Q. Okay. If that application is granted
20 with this occupancy level and the hours of
21 operation as applied for, how do you think that
22 will affect the lives of the people residing in
23 the Willison?

24 A. Pardon me, Mr. Sinkins, again, please?

25 Q. Yeah, I'm so sorry. If Trade's

1 application that's before the Board right now is
2 granted with the hours of operation and the
3 occupancy levels as provided for in the
4 application, how do you think that will affect
5 the lives of the people residing in the
6 Willison?

7 A. Well, it's just going to put it into
8 code, I guess, or into the relationship as to
9 that we will -- it'll be a relentless
10 environment of noise and that it's not going to
11 go away and there's not going to be any
12 lessening of it. So the inability of -- to
13 enjoy our homes, disturbance of our enjoyment
14 and such, inability to sleep will continue. It
15 will -- I'd have to look again exactly at the
16 change in the hours, but it's going to be same
17 of kind, just going on a little later.

18 Q. Okay. What would you ask the Board to
19 do in this instance?

20 A. I believe I'd like to have the Board
21 reject this application for renewal as it's
22 submitted and then work to reduce or listen for
23 reduction in the hours to 10:00 p.m. and 11:00
24 p.m. weekdays and weekends and -- because I
25 think that about the only thing that seems that

1 we are able to control is the hours, as compared
2 to the decibels coming out of there.

3 MR. SINKINS: Thank you. I have no
4 further questions.

5 MR. ANDERSON: Mr. Minora.

6 MR. MINORA: Thank you, Mr. Chair.

7 CROSS-EXAMINATION

8 BY MR. MINORA:

9 Q. Mr. D'Amore, just a question. You said
10 the -- you think the property values may
11 decrease in the future based on this -- the
12 noise at Trade or based on the fact that you had
13 to have this protest and that's going to be the
14 record that you disclose to potential buyers? I
15 just wasn't clear.

16 A. Well, the noise is going to be on
17 record going forward because I will, as Board
18 president, make certain that our managing agent
19 includes notice of this in whatever we turn over
20 to people. Particularly, if there's ongoing,
21 I'll call it litigation, even though it's not,
22 but there's an ongoing regulatory action. And
23 -- and so it immediately becomes, oh, the noise.

24 And so every owner is going to have to say
25 something or be -- or certainly should expect to

1 be asked about it. And that's just going to
2 color the environment for a sale or a resale, in
3 my opinion.

4 Q. And you said that the creating a
5 relentless environment of noise for you and your
6 unit. Can you be more specific as to the times
7 and dates this is relentless?

8 A. Well, it's in the evening and it's on
9 the weekends.

10 Q. Okay. So it's not relentless, it's
11 just evenings and weekends?

12 A. It's a relentless sound on the -- in
13 the -- on those particular days. We're talking
14 the Friday, Saturday evenings.

15 Q. And starting at about what time?

16 A. Oh, gosh. I'd like to say happy hour,
17 but sort of a late part of the happy hour,
18 because as people congregate, it -- it starts
19 getting louder and louder. So it doesn't wait
20 until dark in summertime, it -- you know?

21 Q. Sure. And then just follow-up
22 question, you're asking potentially for the
23 Board to reduce the summer garden hours. Do you
24 know how long Trade has had these hours in the
25 backyard, in the summer garden?

1 A. Honestly, I think to what everybody is
2 saying, because I never noticed that they had a
3 backyard making -- you know, having a party out
4 there. It was relatively unobtrusive to me.

5 Q. Sure. You know, and I only ask because
6 you talked about an hours change, but there
7 really wasn't an hours change recently. That --
8 I just wanted to clarify on that. They've had
9 these 2:00 and 3:00 since 2023, and 1:45 and
10 2:45 since 2018.

11 But you're suggesting that we should
12 reduce the hours in the back until 10:00 p.m.
13 and 11:00 p.m.?

14 A. Well, because the sound appears to now
15 be projected, I think it's -- certainly, we hear
16 it. And as a result of that, if that -- if it's
17 going to be allowed to project, meaning they
18 can't mitigate the actual sound creation, then I
19 believe that it would be in my building's best
20 interest to have it stop at a reasonable time in
21 the evening so that we can all enjoy going to
22 bed and such. Our --

23 Q. Sure and --

24 A. -- our own social evening hours
25 (inaudible) --

1 Q. What made you select the options -- the
2 hours of 10:00 and 11:00?

3 A. I believe in -- in looking around the
4 neighborhood, I've understood that, for example,
5 those other establishments that were being
6 discussed earlier, especially Nine, which I'm a
7 little more familiar with because of where it
8 is, that's their hours; earlier hours.

9 Q. That's not exactly accurate. That's --
10 the hours you're asking for are less than those
11 of other neighboring outdoor summer gardens
12 nearby. I can go through the list of them. I
13 don't know if it's necessary here. Seems like
14 you all just selected the shortest hours and
15 decided to put that on Trade, but that's -- you
16 know, that's your -- it -- this is your opinion.

17 Well, I'm not trying to qualify that.

18 Just saying that those, the hours of
19 10:00 and 11:00 are not reflective of all those
20 outdoor areas in the -- or excuse me, outdoor
21 dining and drinking areas in your vicinity of
22 the district. And then you were talking about
23 --

24 MR. SINKINS: Objection. Mr. Minora is
25 really testifying there. He's not --

1 MR. MINORA: I am --

2 MR. SINKINS: -- questioning.

3 MR. ANDERSON: All right. Sustained.

4 All right. What else (inaudible) --

5 MR. MINORA: And then I'm happy to
6 introduce an exhibit showing the hours of nearby
7 establishments that are far later than what Mr.
8 D'Amore says is standard for the area.

9 MR. SINKINS: Well, and I can also set
10 -- I'm going to be submitting some that show
11 similar (inaudible) --

12 MR. ANDERSON: All right, gentlemen. I
13 -- let's -- sorry.

14 Your question?

15 BY MR. MINORA:

16 Q. Last question. Mr. D'Amore, then
17 you're talking about the noise. Again, because
18 it's important here, the noise you're hearing,
19 is it human voices or is it music?

20 A. It's crowd noise. It's voices.

21 Q. Okay. Thank you. That's --

22 A. Amazingly so. They really do carry.

23 MR. MINORA: Appreciate it. No further
24 questions.

25 MR. ANDERSON: Any questions by the

1 Board members?

2 Mr. D'Amore, thank you very much for
3 your testimony. Have a great day, sir.

4 MR. D'AMORE: Thank you, Mr. Anderson.
5 Same to you.

6 MR. ANDERSON: You're welcome. Thank
7 you very much, sir.

8 Do you have another witness, sir?

9 MR. SINKINS: So, Mr. Anderson, the
10 last witness would be Joe Florio, who
11 unfortunately is in a work obligation at this
12 moment.

13 MR. ANDERSON: Okay. How --

14 MR. SINKINS: I'd rather --

15 MR. ANDERSON: Well, we're going to
16 conclude this hearing today, sir. So is he
17 going to be available today?

18 MR. SINKINS: Bear with me. He
19 messaged me. I mean, he was available.
20 Unfortunately, this has gone some time.

21 MR. ANDERSON: Well, you should have --
22 I'm sorry, (inaudible) --

23 MR. SINKINS: He'll be available at
24 5:00 p.m.

25 MR. ANDERSON: Oh.

1 MR. SINKINS: He's available at 5:00
2 p.m.

3 MR. ANDERSON: And how long do you
4 think his testimony will be?

5 MR. SINKINS: Probably, like, 25
6 minutes or so. I can't speak for how long the
7 cross-examination will be.

8 MR. ANDERSON: All right. So you're
9 saying he'll be available at 5:00 p.m., and then
10 I guess we'll stay off the record. We'll take a
11 break.

12 MR. SINKINS: Okay.

13 MR. ANDERSON: Because I -- it's my --
14 we're -- we are going to end this hearing today.

15 And so we will, we'll remain off the record
16 until 5:00 p.m.

17 I'll -- what I'll do is that I'll --
18 let me ask the Board members, do you want to go
19 in executive session or do you want to take a
20 break?

21 MR. JONES: We can take a break here.

22 MR. ANDERSON: All right. All right,
23 so we're off the record until 5:00 p.m.

24 (Whereupon, the above-entitled matter
25 went off the record at 4:29 p.m. and resumed at

1 5:01 p.m.)

2 MR. ANDERSON: We're back on the
3 record.

4 Do you have -- is there -- okay. Do
5 you have another witness, sir? Mr. Sinkins, do
6 you have another witness? We're back on the
7 record.

8 MR. SINKINS: Oh, I'm sorry. I didn't
9 realize I hadn't unmuted. Yes. I'd like to
10 have Joe Florio provide testimony.

11 MR. ANDERSON: Mr. Florio, can you
12 raise your right hand, please?

13 WHEREUPON,

14 JOE FLORIO

15 was called as a witness by counsel for the
16 Protestants and, after having been duly sworn,
17 was examined and testified as follows:

18 MR. ANDERSON: Your witness, sir.
19 Thank you.

20 MR. SINKINS: Well, thank you.

21 DIRECT EXAMINATION

22 BY MR. SINKINS:

23 Q. Could you please state your name and
24 your role, please?

25 A. My name is Joe Florio, and I am the ANC

1 commissioner for ANC 2F.

2 Q. Okay. How long have you been in that
3 role?

4 A. Three and a half years, roughly.

5 Q. Okay. And why are you here?

6 A. I am here because I am the commissioner
7 that has standing in a protest regarding Trade's
8 reapplication for their liquor license.

9 Q. Okay. And do you take a position on
10 Trade's application?

11 A. Yes.

12 Q. And what is that position?

13 A. My position is that Trade's license
14 should be renewed with adjusted hours for the
15 summer garden. Specifically, the ANC is
16 requesting that the closing hours would be
17 midnight, Sunday through Thursday, and 1:30 a.m.

18 Friday through Saturday. I'm also including in
19 this language for a section on noise in a
20 settlement agreement that would allow for a
21 further decrease in hours of the -- of -- of the
22 summer garden if there are two violations during
23 a consecutive six-month period attributed to the
24 outdoor space.

25 I will say that I'm referencing an

1 exact language found in Exhibit 2 that I've
2 provided the Board for this hearing.

3 MR. SINKINS: Okay. Could we -- let's
4 move on to that Exhibit 2. I'm just pulling it
5 up right now.

6 Could I please share my screen?

7 MR. ANDERSON: Well, what is Exhibit 2?

8 I --

9 MR. SINKINS: Exhibit 2 is a Settlement
10 Agreement dated July 1, 2015, between Trade and
11 the ANC 2F, the original Settlement --

12 MR. ANDERSON: Okay. That is the
13 current -- is that the current Settlement
14 Agreement?

15 MR. SINKINS: That's the original
16 Settlement Agreement.

17 MR. ANDERSON: Okay. All right. Hold
18 on. All right. So where are we on the -- where
19 on the Settlement Agreement you're referencing?

20 MR. SINKINS: Well, I wanted to first
21 just simply share my screen so I could show the
22 Settlement Agreement.

23 MR. ANDERSON: Oh, I'm sorry. Oh, I'm
24 sorry.

25 MR. SINKINS: And then Mr. Florio is

1 going to provide testimony on it.

2 MR. ANDERSON: Oh, okay. Oh, I
3 apologize. I thought -- okay, go ahead.

4 MR. ORELLANA: Access granted.

5 MR. SINKINS: Thank you so much. Here.
6 Okay.

7 BY MR. SINKINS:

8 Q. Mr. Florio, could you sort of walk us
9 through the history of how we got here perhaps
10 with reference, from the beginning?

11 A. Yes. So just briefly walking through
12 the original Settlement Agreement, and this also
13 includes an amendment. The original Settlement
14 Agreement was approved in 2015 with limited
15 summer garden hours to 11:00 p.m. Sunday
16 through Thursday and midnight on Friday and
17 Saturday. In 2018, the ANC supported an
18 amendment extending those hours as reflected in
19 the Exhibit.

20 The Board approved these outdoor hours
21 of 1:45 a.m. Sunday through Thursday and 2:45
22 a.m. Friday and Saturday. The Amendment also
23 added language in Section 5, providing for
24 additional protections for neighbors by allowing
25 the hours to revert back to those 11:00 p.m. and

1 midnight if recurring noise violations occurred.

2 Q. Okay.

3 A. And under those extended hours, you
4 know, Trade has operated with those extended
5 hours for several years without complaints.

6 Q. Okay. So what happened in 2023?

7 A. In 2023, Trade applied for a
8 substantial change to their license. To expand
9 its premises, they're expanding inside, and then
10 there -- were also expanding the outdoor summer
11 garden as well. At the time, the ANC worked
12 with the applicant, and the summer garden hours
13 were extended slightly further, 15 minutes each,
14 for 2:00 a.m. Sunday through Thursday and 3:00
15 a.m. Friday through Saturday.

16 The ANC went ahead with this because
17 there had been no complaints during the prior
18 years of operation. I believe at the time, we
19 also pulled reports asking, you know, from ABCA
20 if there were any complaints, and there were
21 none. So yeah.

22 Q. Okay. And I'd like to share my screen
23 briefly just so we can show the order on the
24 Settlement Agreement. This is your Exhibit 4,
25 correct?

1 A. Correct. That is my Exhibit 4.

2 Q. Okay. Here we go.

3 A. And I will also add that this version
4 removed that language regarding noise if there
5 were violations. So that is not present in --
6 in this version.

7 Q. All right. Thank you. So let's move
8 to, now, can you talk about your understanding
9 of the capacity of the summer garden prior to
10 expansion and then what happened after
11 expansion?

12 A. Sure. So prior to expansion, the
13 summer garden was 40 -- was approximately set
14 for 46 patrons. And then the expanded summer
15 garden capacity grew to 133 patrons for the
16 outdoor space. I believe that's 75 seated and
17 58 standing.

18 Q. And what do you think that this
19 timeline shows?

20 A. I -- this timeline is important and I
21 believe it shows because it demonstrates that
22 the neighborhood lived with late night hours for
23 many years without issue. The concerns raised
24 today, I don't believe they're simply about the
25 existence of those hours. I believe the issue

1 now is a combination of substantially increased
2 capacity together with those late night hours.
3 In my view, when a significantly larger number
4 of patrons are occupying that outdoor space late
5 at night, the cumulative effect of normal
6 conversation carries directly into the nearby
7 residential units, as we heard from witnesses
8 earlier today.

9 Q. Thank you very much. I'm now going to
10 move on to your Exhibit 1. This is a noise
11 study, also one of my exhibits that is -- was a
12 noise study report prepared by Trinity
13 Consultants and requested by --

14 MR. MINORA: Objection.

15 MR. ANDERSON: Hold on. What's the
16 nature of the objection, sir?

17 MR. MINORA: There's no foundation laid
18 for this report nor is there anything in the
19 report attesting to the preparer's engineering
20 criteria or any of the sound device calibrations
21 or maintenances that are required to be
22 admissible in ABCA hearing.

23 MR. ANDERSON: So whose -- Mr. Sinkins,
24 whose report is this?

25 MR. SINKINS: So the Willison

1 Condominium hired Trinity Consultants, which is
2 an acoustical engineering company to conduct --
3 to visit the alleyway in the Willison and
4 conduct acoustical readings. And this is a
5 report provided by Trinity Consultants to the
6 Willison. This has been submitted by me to ABCA
7 months ago. It's part of our evidence and also
8 --

9 MR. ANDERSON: Right, but why do you
10 have Mr. Florio testifying about a report that
11 he was not even a party to this report because
12 you're saying that this is a report that was
13 commissioned by the --

14 MR. SINKINS: But he's also -- he --
15 he's been provided a copy of it as well.

16 MR. ANDERSON: No, but -- all right.
17 But he's not a party to this. It's -- this is a
18 report that was done, a noise report that was
19 done by the Willison Condominium, and you should
20 have had the person who did the report to come
21 here and testify. I can't have Mr. Florio
22 testify about a report that he did not author.

23 Are -- does Mr. Florio have any
24 expertise in noise? I mean, I -- what is Mr.
25 Florio's expertise? I mean, I don't -- I mean,

1 you can put the -- you can put the document in
2 evidence because -- well --

3 MR. SINKINS: Yes.

4 MR. ANDERSON: All right. Well, I'll
5 think about it if you want to move this document
6 in evidence, but I'm not just -- I'm not going
7 to have Mr. Florio testify about it. I mean, I
8 can read the report.

9 MR. SINKINS: That's fine.

10 MR. ANDERSON: The Board -- I'm just
11 saying the Board can read the report and get as
12 much as the Board can get as Mr. Florio is going
13 to testify because he's not a -- he did not do
14 the report and you haven't shared with me that
15 he has an expertise in this area.

16 MR. SINKINS: We'll move on.

17 MR. ANDERSON: All right.

18 BY MR. SINKINS:

19 Q. Bear with me. So Mr. Florio, I'd like
20 to present a series of emails between yourself
21 and Mr. Minora.

22 MR. MINORA: Objection. These are
23 email exchanges about settlement agreement
24 negotiations or potential settlement
25 negotiations. We've reviewed the PIF. That's

1 the contents of this email.

2 MR. ANDERSON: If that is there -- if
3 that is the gist of the emails, settlement
4 negotiations are not -- I cannot allow those to
5 be a part of the record. So if it's -- so if it
6 -- if the email specifically talks about terms
7 where the party's trying to settle this matter,
8 it is not admissible.

9 MR. SINKINS: All right. We'll move
10 on.

11 Mr. --

12 MR. ANDERSON: Hold on. Hold on. Hold
13 on. Hold on a minute, please. Mr. -- well,
14 although -- I usually do not do this, but since
15 Mr. Florio, you're the ANC commissioner, I know
16 you're in submittal of your testimony and you
17 had raised your hands and I can't really have
18 you talk. Hold on.

19 Okay. Go ahead. Go ahead, sir. Go
20 ahead, sir. If you have -- do you have another
21 question?

22 MR. SINKINS: No, I -- but there's --
23 so I don't have another person, but we have more
24 questions.

25 MR. ANDERSON: No. I said do you have

1 another question?

2 MR. SINKINS: Yeah, yeah, I do. Sure.

3 BY MR. SINKINS:

4 Q. Mr. Florio, let's start talking about
5 some of the other -- the settlement agreements
6 relating to other establishments in the area, if
7 we could do that. So first, let's talk about
8 Players Club.

9 Can you tell me what you understand
10 with respect to the hours of operation and the
11 requirements of the settlement agreement for
12 Players Club?

13 A. I understand that their summer garden
14 has closing hours from midnight -- sorry, Sunday
15 through Thursday at midnight and Friday and
16 Saturday at 1:30 a.m.

17 Q. Okay. I'm going to share my screen.
18 Players Club. I believe this is -- bear with
19 me. I'm trying to find the settlement agreement
20 for Players Club. Here we go.

21 So you said you believe -- I mean,
22 could you -- would you mind just reading out
23 those hours again for the summer garden as shown
24 in Paragraph 1?

25 A. Yes. "Sunday through Thursday, closing

1 by 12:00 a.m. Friday through Saturday, closing
2 by 1:30 a.m."

3 Q. Okay. Thank you. Then --

4 MR. MEADOWS: Point of information.
5 What date is that?

6 MR. SINKINS: That is dated February 5,
7 2018.

8 MR. ANDERSON: Okay.

9 BY MR. SINKINS:

10 Q. Okay. Now, I'd like to sort of bring
11 up Number Nine. What's your understanding of
12 Number Nine's hours of operation?

13 A. One moment. I'm sorry. Bear with me
14 for one moment.

15 Q. Sure.

16 MR. ANDERSON: Are -- is there a
17 document in the record that you can -- that you
18 can --

19 MR. SINKINS: Yeah, I'm going to share
20 my screen right now.

21 MR. ANDERSON: Counsel, why don't you
22 just --

23 MR. SINKINS: This is off in Mr.
24 Florio's Exhibit 6.

25 MR. ANDERSON: So bring it up and then

1 have him look at it.

2 MR. SINKINS: I am. I'm doing it right
3 now. I was just scrolling down.

4 THE WITNESS: So the hours of
5 operation, interior hours of operation, Sunday
6 through Thursday, 12:00 p.m. to 12:00 a.m., and
7 Friday through Saturday, 12:00 p.m. to 3:00 a.m.

8 The sidewalk cafe is Sunday through Thursday,
9 12:00 p.m. to 11:00 p.m., and Friday through
10 Saturday, 12:00 p.m. to 12:00 a.m.

11 BY MR. SINKINS:

12 Q. And there they are. Those are sidewalk
13 cafe hours there. I think -- do you have any,
14 you know, sort of closing comments you'd like to
15 make about this application?

16 A. Yeah. Yes, thank you. I do. From the
17 ANC's perspective, I just want to reiterate that
18 the goal has always been to find a solution that
19 allows trade to continue operating successfully
20 while also protecting the peace, order, and
21 quiet that nearby residents are entitled to and
22 expect within their homes.

23 And that I would like to just reiterate
24 my request for the adjusted hours that I stated
25 at the start of my time before you. And so I

1 just want to say thank you for the Board for
2 having me and for your consideration.

3 MR. SINKINS: I have no further
4 questions.

5 MR. ANDERSON: Mr. Minora?

6 MR. MINORA: Sure. Thank you.

7 CROSS-EXAMINATION

8 BY MR. MINORA:

9 Q. Commissioner, you're talking about the
10 Players Club settlement agreement, it was
11 February 2018, correct?

12 A. Yes.

13 Q. Okay. And that was the -- and their
14 hours were -- end at 12:00 a.m. and 1:30 a.m.
15 Just looking at that, same time, same ANC, the
16 settlement agreement that was amended in 2018,
17 to allow for trade to have its later hours
18 actually came after that, correct?

19 A. Correct.

20 Q. Correct. So it wasn't as if the
21 Players Club hours were controlling on all
22 establishments around them at the time, correct?

23 A. The ANC considers protests case by
24 case.

25 Q. Exactly. The ANC also considers the

1 history of the operator, among other criteria,
2 correct?

3 A. Correct.

4 Q. Okay. So now, you're talking about
5 this compromise or whatever, this solution that
6 you have for us where the summer garden hours
7 would close earlier than the rest of the
8 establishment.

9 Are you familiar with the layout of
10 trade?

11 A. I am.

12 Q. Yes, you are. Okay.

13 A. Sorry. I am familiar with the layout
14 of trade before the expansion.

15 Q. Okay. Well, just to -- for your
16 edification, the main entrance that was there
17 before is still the main entrance currently
18 today. The only other entrance or exit -- means
19 of egress is the rear alleyway, the double doors
20 from the summer garden through the rear
21 alleyway, and in another one on the 1408 side,
22 but it's not -- again, for emergency ingress and
23 egress only.

24 So I guess, my question to you is, if
25 the entire establishment is full and you want

1 the outdoor area to close earlier, where are
2 those 100-plus people supposed to go if not
3 spilling out into the alley? Because they
4 certainly shouldn't be able to go back into the
5 interior and have the interior increase or,
6 excuse me, exceed its approved occupancy,
7 correct?

8 A. I would expect the management of
9 patrons to be settled by the establishment.
10 There are many examples of establishments within
11 ANC 2F that have earlier closing hours for their
12 outdoor spaces and have later indoor operating
13 hours.

14 Q. But do you know how many of those
15 spaces have an additional means of egress from
16 the summer garden or sidewalk cafe directly to
17 the outside without having to go back into the
18 interior of the establishment?

19 A. No.

20 Q. Okay. And I only bring this up because
21 part of the reason why the hours were amended in
22 2018 was to prevent people having to spill out
23 onto P Street into the alley when the summer
24 garden closed earlier and also to allow for
25 smokers to be -- to remain within the premises.

1 That's in the recitals of the 2018 amended
2 settlement agreement.

3 So then I guess my question to you is:

4 If you don't expect -- if you expect the
5 business to manage this mandate you're doing,
6 that you -- that you're putting forward,
7 realistically, wouldn't that mean that they also
8 have to decrease their interior capacity to
9 allow for, at any point, 100 people to come in
10 from the outside to the inside, to potentially
11 leave at, you know, 11:00 or 12:00 or at the
12 hours you put forth?

13 A. I don't really set capacity limits as
14 an ANC commissioner. The -- how you -- how an
15 establishment manages their patrons is up to
16 them.

17 Q. Well, as an ANC commissioner, if you
18 set the hours, that's establishing the occupancy
19 of that place at zero after a certain time,
20 wouldn't you say?

21 A. Yes.

22 Q. Okay. Thank you. So then going back
23 to this, the more recent settlement agreement
24 with Trade, the 2023 that allowed for the
25 expansion and the additional 15 minutes to the

1 outside, I mean, you and I discussed that at
2 length, correct?

3 A. Yes.

4 Q. Yes. Because you're the signatory on
5 that settlement agreement, correct?

6 A. Correct.

7 Q. Correct. Okay. So what I'm hearing is
8 we worked with the ANC from 2018 until today and
9 continue to work with the ANC. We -- we've made
10 overtures for meetings with you and the other
11 commissioners to come review the alley behind
12 and inside Trade, correct?

13 A. Correct.

14 Q. Have you taken up Mr. Guggenmos on any
15 of those?

16 A. Well, I'm a volunteer ANC commissioner.
17 I -- I do have other obligations during my day.
18 But I recall that there was time for our
19 alcohol policy committee to go take a tour of
20 the space, and I believe that that tour
21 happened. I do not recall the exact day or time
22 of that tour.

23 Q. Well, I can tell you that was in May,
24 so that wasn't during this protest when the
25 protests were filed. And we made overtures to

1 not just you but the other commissioners, you
2 know, in September, many times, and in -- all
3 the way up to December 23rd. And neither you
4 nor any other commissioners have taken us up on
5 that, correct? As at least to your knowledge
6 for the other commissioners?

7 A. I can only really speak for myself. I
8 can't speak for other commissioners. But
9 correct. I have not visited the space as it
10 exists today.

11 Q. And have any of the other commissioners
12 reported during an ANC or APC policy committee
13 meeting that they've reviewed the space since
14 it's been expanded?

15 A. You might have to define when. I know
16 that they are -- I know that there was a tour of
17 the space possibly during work.

18 Q. Starting from June 2025 to present,
19 have you heard from any other commissioners,
20 either in passing or as part of the official
21 record of an APC committee meeting or a full ANC
22 2F meeting, that they've taken up Mr. Guggenmos
23 on his offers to come review the space and to
24 listen to the noise?

25 A. I don't recall.

1 Q. Okay. So I'm going to take that aside.
2 No. So then, I guess I'm just sort of confused
3 as to what we're doing here when it's been
4 established that Trade has been a long-time part
5 of this community, has a long history of working
6 with the Agency, and now somehow these issues
7 can't be settled other than by, in your mind, a
8 reduction of the hour to the outside that leaves
9 the operator in a position to have to
10 essentially either have everyone pour out the
11 (inaudible) in the alley, which parties have
12 said they don't want, or to actually keep the
13 interior cut by another 100 people or so to
14 accommodate the potential for the entire summer
15 garden having to close at the times you
16 recommend.

17 MR. SINKINS: This question has been
18 asked three or four different times and been
19 responded to three or four different times.

20 MR. MINORA: I'm just --

21 MR. SINKINS: I think it's been asked
22 and answered.

23 MR. ANDERSON: It might have been, Mr.
24 Minora --

25 THE WITNESS: I'm sorry. Is --

1 MR. ANDERSON: Hold on, Mr. Florio.

2 Hold on. Hold on. Objection.

3 I'm going to sustain the objection.

4 Let's move on. He -- you have asked that
5 question, Mr. -- you have asked that question,
6 Mr. Minora.

7 MR. MINORA: Sure. No, we're good.

8 BY MR. MINORA:

9 Q. Well, then I guess final question would
10 just be then: What other potential solutions
11 you could have other than reducing the hours in
12 this case or to settle these disagreements that
13 you seem to have, the ANC has with Mr.
14 Guggenmos' operations in that regard?

15 A. Well, if egress is of an issue that is
16 a barrier to shortening the hours, I'm certainly
17 open to conversations about that. I will say
18 that at the time of considering the license or,
19 sorry, the application for a substantial change
20 for the increase of capacity for the summer
21 garden, at the time when the ANC was considering
22 that, the summer garden in its current state did
23 not exist. It was still the smaller area that
24 was only able to fit 46 patrons. So there was
25 no real way for the ANC to know if this would be

1 an issue until it, you know, became reality and
2 you started operating or the -- the applicant
3 started operating with full capacity and full
4 hours.

5 I will say that this is where we are
6 now, now that we see everything, you know, as it
7 is on paper with the hours and the capacity.
8 That's why we're here today. That's why we're
9 protesting the -- the reapplication for the
10 liquor license. So true, at the time, the ANC
11 really only was able to consider -- you know,
12 there were no complaints at the time. No
13 neighbors had reached out to me at the time we
14 were considering the 2023 substantial change.
15 But now that there are complaints, we are going
16 through the protest process. This is where
17 we're at. So I just wanted to provide that
18 context.

19 Q. I appreciate that. And on the topic of
20 complaints, when this process -- this protest
21 first started, I think I'd asked you whether the
22 ANC had received complaints from residents other
23 than those that have filed the protest. Do you
24 recall what your answer was at that time?

25 A. Yes, I -- I do recall what my answer

1 was, and the answer was that I have not heard
2 from other residents besides the folks related
3 to or within the group of five.

4 Q. So then, again, I mean, not to beat a
5 dead horse, that was the beginning. This is at
6 the follow-up APC committee meeting. I asked
7 you the same question in the record.

8 Was it the same response then?

9 A. Yes. And I will also say that I think
10 it's important that even if it's one resident or
11 a couple residents that are being impacted by
12 noise, you know, the ANC should listen to them.

13 Q. Understandable. And then last
14 question: Right before last mediation, do you
15 recall -- this was in early January. I'd asked
16 you if you'd received any subsequent complaints
17 from any other neighborhood residents or
18 community members other than the ones that have
19 filed the protest letter.

20 Do you recall what your answer was
21 then?

22 A. I believe it was still, I have not
23 heard of any other complaints outside of this
24 group.

25 Q. Perfect. So then this group of eight

1 are the only people that you had complaints with
2 about Trade's operations, whatever size,
3 whatever hours they've had; is that correct?

4 A. Only complaints as the summer garden
5 began to operate at the new capacity and the new
6 size and the -- with the extended hours to 3:00
7 a.m.

8 Q. But again, so then the question I asked
9 was: Have you heard any complaints from anyone
10 else that's under this protest letter about the
11 summer garden's expanded operations, whether
12 they relate to the hours or the capacity?

13 A. I have not.

14 MR. MINORA: Okay. Thank you. No
15 further questions.

16 MR. ANDERSON: Mr. Florio, is this the
17 closest residential building to this, to the
18 establishment?

19 THE WITNESS: I'm not sure. I -- I
20 can't speak to the exact distance.

21 MR. ANDERSON: No, I'm just --

22 THE WITNESS: It does share an
23 alleyway.

24 MR. ANDERSON: No, but I'm saying, is
25 there another residential building that is

1 closer to this establishment? That's all I'm
2 asking. I -- I'm not asking the distance. I'm
3 just saying, is there another residential
4 building that's closer to this establishment
5 than -- yeah, that's closer to this
6 establishment than any other establishment?

7 THE WITNESS: There's a couple
8 different buildings. There -- there's probably
9 three different multi-family buildings within
10 that same close proximity.

11 MR. ANDERSON: And you have not heard
12 any complaints from any of those other
13 residents?

14 THE WITNESS: Correct. I -- I have not
15 been contacted by any other residents.

16 MR. ANDERSON: Have you filed any
17 complaints? Because I know you had mentioned
18 before in your exhibits -- which exhibit is the
19 current settlement agreement? Did you disclose
20 that for --

21 THE WITNESS: I -- I'm sorry, I did.
22 One moment. Exhibit 4.

23 MR. ANDERSON: Is it Exhibit 4 the
24 exhibit that has all the other establishments?

25 THE WITNESS: Oh. Oh, sorry. You --

1 if you're asking about other --

2 MR. ANDERSON: No, no, no. I'm asking
3 you about Trade for their current settlement
4 agreement. Is it in Exhibit 4?

5 THE WITNESS: Yes, it is.

6 MR. ANDERSON: I have not been able to
7 find it. What page of -- you know, I'm looking
8 at the exhibits, but I -- it's -- they're not
9 necessarily labeled. I'm trying to figure out
10 how is it that -- how folks know what Exhibit 4
11 is because --

12 THE WITNESS: I -- well, I -- I
13 submitted a -- a protest information form, and I
14 numbered my exhibits, so --

15 MR. ANDERSON: No, I'm looking at what
16 -- I'm not sure whose exhibits I'm looking at,
17 but they're -- what was provided to me, they're
18 not numbered, so --

19 All right. So the substantial change
20 that was agreed to in '25, specifically, that
21 was to expand -- it was to expand the operation
22 from -- the summer garden from 39 to 130, from
23 39 to 133, or from 49 -- hold on, one -- let me
24 see. I want to make sure that --

25 All right. So the substantial change

1 that was agreed to was to expand the capacity
2 from 45 to 133; is that correct?

3 THE WITNESS: Approximately, but yes.

4 MR. ANDERSON: And it was also to
5 expand the hours from what to what?

6 THE WITNESS: This was -- and I just
7 want to make one small note. This is of June of
8 2023, but the hours were changed from 1:45 a.m.
9 Sunday through Thursday to 2:00 a.m., and then
10 2:45 a.m. to 3:00 a.m. Friday and Saturday --

11 MR. ANDERSON: So the hours --

12 THE WITNESS: -- for the summer garden.

13 MR. ANDERSON: So the hours was --

14 THE WITNESS: And -- and indoor.

15 MR. ANDERSON: So the hours was just
16 extend -- extended for 15 minutes, but they --
17 for you, the substantial change was the
18 expansion from 45 to 133?

19 THE WITNESS: Oh, correct. There was a
20 -- yes, there was a different substantial
21 change. I believe the applicant there -- you're
22 going to have to ask counsel for the applicant,
23 but -- I'm forgetting what the reason was, but
24 they needed to adjust the capacity size for the
25 indoor and the outdoor, but correct. But we

1 were just considering the capacity changes at
2 that time.

3 MR. ANDERSON: Have you ever filed a
4 complaint -- what specific -- what was in the
5 settlement agreement regarding noise or noise
6 complaints?

7 THE WITNESS: Well, one, I want to
8 answer your first question. No, I have not
9 personally filed a complaint. I don't live that
10 close to Trade as to hear anything that they
11 would do. Let me look at the settlement
12 agreement regarding Trade. One second.

13 MR. ANDERSON: I know you had talked
14 about the fact that there was some provision
15 regarding reducing the hours --

16 THE WITNESS: Oh.

17 MR. ANDERSON: -- something. I don't
18 know. You're -- you tell me. I can't find the
19 settlement agreement, so.

20 THE WITNESS: Sure. Sure. So my -- so
21 the second exhibit that I provided was the 2018
22 Trade settlement agreement amendment. There was
23 an amendment to that regarding hours and
24 regarding language for noise.

25 MR. ANDERSON: My position is that

1 what's the -- I -- what's the current settlement
2 agreement? The -- yeah -- it's irrelevant what
3 was in 2018, if there was a --

4 THE WITNESS: Okay. All right. That's
5 fine.

6 MR. ANDERSON: -- if there's a current
7 settlement agreement that -- so, specifically,
8 and I said before, I can't find it. And you're
9 saying what exhibit is the settlement agreement?

10 I can't -- I don't know what it is. I'm
11 looking. Maybe I don't have it. I'm not saying
12 it's not in evidence, but I -- not in -- it was
13 not disclosed, but I can't find it to look at
14 it, okay?

15 THE WITNESS: Are you asking what my
16 other request was for the Board?

17 MR. ANDERSON: No, that was not what
18 the question I was asking.

19 THE WITNESS: Okay.

20 MR. ANDERSON: The question I'm trying
21 to find out from you, it's why is it that -- I
22 think there was some provision in the -- I
23 guess, what I'm trying to find out is that by
24 reviewing their record, they have no record that
25 any complaints was ever filed. So I mean, it's

1 -- you're asking the Board to reduce their -- to
2 reduce their hours, but in reviewing the Board's
3 records regarding the complaints, we have no
4 complaints.

5 There are no complaints filed to say
6 that there's any substantiated noise complaints.

7 The investigator during his investigation, he
8 went there late at night and there's nothing in
9 his report that supports that would say that
10 there isn't a noise.

11 So tell me how is it that the Board --
12 you're asking the Board to reduce hours and
13 there's nothing in the record -- in the record
14 to support what you're asking for. I -- I'm
15 open -- I am open, but I'm -- so what I'm asking
16 is that where --

17 MR. SINKINS: So Board member, wasn't
18 -- hasn't the noise -- the testimony you've
19 heard today part of the record?

20 MR. ANDERSON: Mr. -- Mr. Sinkins, I am
21 not speaking to you. I'm asking a question to
22 the witness. The bottom line is that this is
23 about noise. You're asking the Board to reduce
24 the hours because of noise. And what I'm asking
25 you is that you're stating that you have never

1 filed -- you have never filed a noise complaint
2 against this establishment; is that correct?

3 THE WITNESS: Correct.

4 MR. ANDERSON: And are you aware of any
5 noise complaint that was ever filed by any other
6 members of the ANC?

7 THE WITNESS: I am not aware.

8 MR. ANDERSON: And you also said you
9 have -- you're -- outside of the protestants,
10 you have not been contacted by any other
11 residents regarding noise coming from this
12 establishment; is that -- that's correct?

13 THE WITNESS: That's correct, but I
14 also support my residents who are being impacted
15 by noise.

16 MR. ANDERSON: I'm not --

17 THE WITNESS: No matter if it's --

18 MR. ANDERSON: I'm not disputing what
19 you said, sir. Of course, as the ANC
20 commissioner, you support. I'm just trying to
21 get some clarification from you to say what is
22 it that -- it leaves me a lot to -- I -- I'm
23 reaching, so I just need to figure out what's in
24 the -- what's in the record that whatever
25 decision the Board makes, it has to be supported

1 by the record. And that's why I'm asking this
2 question.

3 That's what -- to point me something in
4 the record that I can hold -- if I'm going to
5 make a decision, I can hold my hat on to say,
6 this is what the record, because you look at
7 their investigative history, there is a series
8 of complaints. And I -- I'm aware that the
9 standard is that we have -- in order for their
10 -- in order for there to be a noise complaint
11 for us to find them for we -- the Board has to
12 experience -- the Agency, the investigator has
13 to go there and substantiate the -- so it's a
14 different standard for substantiation and a
15 different standard where the resident could
16 complain, we go there, and we say it's not
17 substantiated, but at least there is a list of
18 complaints to say residents have complained and
19 complained, and by the time the Agency goes
20 there, they've turned the music down. So that's
21 all I'm asking.

22 But one last question, let me ask you
23 this: Are we talking about amplified noise or
24 are we talking about just noise on the summer
25 garden by just people hanging around?

1 THE WITNESS: We are only talking about
2 noise from the summer garden that are from the
3 patrons. This is not about -- in my view, this
4 is not about amplified music or noise.

5 MR. ANDERSON: All right. Thank you.
6 Any other questions by any of the Board members?

7 Go ahead, Mr. Meadows.

8 And then you, Ms. Quinn.

9 MR. MEADOWS: Yeah, I didn't --
10 Commissioner, good afternoon. Yeah, I didn't
11 really have anything to ask, but this last
12 statement that you made, you mentioned your
13 concern, and even in the beginning of this
14 entire hearing, the concern was vocal noise,
15 vocal from the individual resident -- I mean,
16 the patrons in the summer garden yet we had two
17 people testify they were concerned about the
18 bass, the thumping in the bass of the amplified
19 music.

20 So that's a little disconnecting, but,
21 I guess, I will ask you, you put this 2015, you
22 had the original agreement with them, then you,
23 again, came back in 2018, had another settlement
24 agreement and that one you mentioned had a -- an
25 amendment to it. You also said that there were

1 no -- that amendment said that if things happen,
2 then we would want to lower your hours. No --
3 nothing happened. You did not lower the hours.

4 Then they came back for the substantial change
5 in 2023, and that was July.

6 Did you have a agreement attached to
7 that one, a similar side provision?

8 THE WITNESS: Regarding the noise?

9 MR. MEADOWS: Yes. In the 2023 --

10 THE WITNESS: No. In -- in the revised
11 settlement agreement, no. There was no -- no.
12 We -- that provision from 2018 did not -- was
13 not included into the 2023 version.

14 MR. MEADOWS: Okay. That's
15 interesting. All right. I thank you for your
16 time, and I thank you, Mr. Chairman.

17 MR. ANDERSON: Ms. Quinn?

18 You're welcome, sir.

19 MS. QUINN: It -- I -- I'd like to find
20 out whether my understanding of the -- of your
21 testimony about the noise is correct. When we
22 talk about the noise being a product of kind of
23 the voices from people, it -- it's not -- you're
24 not talking about a situation where you have
25 people just walking by the business or just

1 standing in front of the business, but rather
2 the impact of having this drastic increase in
3 capacity, which then leads to all these people
4 congregated in this small space that is now
5 amplifying what would normally be just natural
6 noise.

7 Is it -- is that right?

8 THE WITNESS: Correct.

9 MS. QUINN: Okay. All right. Well,
10 thank you for that. I appreciate your testimony
11 and I particularly appreciate that what I
12 thought I heard from you was a real attempt to
13 take a balanced approach at trying to address
14 the concerns of your constituents in light of
15 having this business that has had a really
16 positive impact in the neighborhood and positive
17 relationship with the neighborhood.

18 So I understand that it's a really
19 tight rope to handle, and it sounds like you've
20 done -- put forth the best effort at this point,
21 so it's great to hear from you.

22 That's all I have, Chair.

23 MR. ANDERSON: Thank you. Mr. -- Mr.
24 Minora, any redirect?

25 MR. MINORA: No, I don't think so.

1 Thank you though, Mr. Chair.

2 MR. ANDERSON: Mr. Sinkins, any --

3 MR. SINKINS: No, I have no further
4 questions.

5 MR. ANDERSON: Thank you, Mr. Florio --

6 MR. SINKINS: Thank you.

7 MR. ANDERSON: -- for your testimony
8 today. And you see the ANC cannot speak that
9 the Board doesn't try to accommodate the ANC
10 schedule. We took a half an hour break to make
11 sure that you testified here today, sir, okay?

12 MR. FLORIO: I very much appreciate the
13 Board's willingness and I very much appreciate
14 it. Thank you.

15 MR. ANDERSON: You're welcome, sir.

16 Mr. Sinkins, any other witnesses?

17 MR. SINKINS: No, I have no further
18 witnesses. Thank you.

19 MR. ANDERSON: Before you rest, are
20 there any documents that you're trying to --
21 you're trying to move into evidence, sir?
22 Because I said documents are not in evidence
23 until they're moved into evidence.

24 MR. SINKINS: Yeah.

25 MR. ANDERSON: If you're speaking to

1 me, you're on mute.

2 MR. SINKINS: Oh, I'm so sorry. I
3 thought I unmuted. Yes, I'd like to move into
4 evidence Documents 1 through 9 as set forth in
5 the protestants' exhibit list submitted on
6 November 4th to the Board, and also Mr. Florio's
7 Exhibits 1 through 7 as he submitted to the
8 Board also on November 4th of -- or I'm sorry,
9 of March 4th of this year.

10 MR. MINORA: Objections.

11 MR. ANDERSON: What are the nature of
12 your objections, sir?

13 MR. MINORA: Okay. Where to begin? We
14 haven't even really seen most of the items he
15 was talking about in the PIFs that he's trying
16 to introduce, but going through it, starting
17 with Mr. Florio's, I suppose, we already talked
18 about the sound study that should not be
19 admissible because even if you wanted to give it
20 weight, I don't have an opportunity to cross-
21 examine it, which is a requirement under the
22 Administrative Proceedings Act.

23 MR. ANDERSON: What exhibit is that?

24 MR. MINORA: That is the Trinity
25 Consultant sound study that was referred to.

1 MR. ANDERSON: And that's exhibit
2 number what?

3 MR. MINORA: Number 1.

4 MR. SINKINS: That's my Exhibit Number
5 1.

6 MR. MINORA: It's also number 1 -- yes.

7 MR. ANDERSON: I'm going to -- I'm -- I
8 am going to allow Exhibit 1 over your objection.
9 Exhibit 1 is a part of -- it's also included in
10 the case report.

11 MR. MINORA: Yes, but just that there
12 was a sound study. I'm just saying for the
13 probative value is our concern.

14 MR. ANDERSON: I'm just -- well, as I
15 said, I will give it whatever worth -- whatever
16 weight it's worth. It is in -- it is in the
17 case report filed by the investigator. So it is
18 already -- it is already in the record because
19 it's a part of the case report.

20 MR. MINORA: Then I would just note
21 that when looking at that, to see the closing
22 time of Players Club and the closing time of
23 Trade and see where the noise goes down.

24 MR. ANDERSON: Okay. All right. So
25 what other exhibit -- what are the exhibits

1 (inaudible) --

2 MR. MINORA: The video --

3 MR. ANDERSON: -- concerns this?

4 MR. MINORA: The video Mr. Hood took,
5 we didn't get to hear any of what that was, so
6 unless he wants to have a silent video admitted,
7 we object to that.

8 MR. ANDERSON: What exhibit is Exhibit
9 4?

10 MR. MINORA: Oh, Exhibit Number 2 under
11 the groups.

12 MR. ANDERSON: I have some concerns
13 allowing it, the video, in evidence. We did not
14 hear the video, and so I'm not -- I do -- so I'm
15 not going to allow that in evidence because, for
16 whatever reason, we couldn't hear the -- we
17 couldn't hear the video. And I -- so we didn't
18 have, I guess, your witness, he testified about
19 the video, but I don't know what the video --
20 what was on the video.

21 And so Mr. Minora, did not have an
22 opportunity to cross-examine the witness about
23 the video, so I'm not going to allow Exhibit 2,
24 which is a video, in evidence.

25 Okay, go ahead.

1 MR. MINORA: And then objection to
2 Exhibit 3.

3 MR. ANDERSON: What is Exhibit --

4 MR. MINORA: A decibel with photo with
5 three taken.

6 MR. ANDERSON: I'm sorry, what is
7 Exhibit 3?

8 MR. MINORA: It's a photo of a decibel
9 meter on someone's phone.

10 MR. ANDERSON: Yeah, I'm not going to
11 allow that in evidence. I don't know what
12 probative value that has.

13 MR. MINORA: And then the --

14 MR. ANDERSON: (inaudible) --

15 MR. MINORA: -- the rest of it is --

16 MR. ANDERSON: I'm sorry?

17 MR. MINORA: We don't have an objection
18 to the rest of the group -- Protestant group's
19 PIF. They're all just settlement agreements and
20 --

21 MR. ANDERSON: All right.

22 MR. MINORA: -- (inaudible).

23 MR. ANDERSON: All right. So without
24 objection, we'll have Exhibit -- all right. So
25 -- all right. There are two sets of exhibits.

1 So which --

2 MR. MINORA: Yes.

3 MR. ANDERSON: -- exhibit were you --
4 with these -- Exhibit 1 and whose -- which --
5 all right. Whose exhibit is Exhibit 1 through
6 9?

7 MR. SINKINS: Those are mine.

8 MR. ANDERSON: And Exhibit 1 was in
9 whose exhibit, Mr. Minora, that you objected to?

10 MR. MINORA: They put it in both of
11 theirs.

12 MR. ANDERSON: All right. All right.
13 So exhibit -- well, Exhibit 1 doesn't really
14 matter. It's a part of the record, because as I
15 -- as stated before, it's in the case report,
16 and the case report is a part of the record.
17 And so all the exhibits are -- will be admitted
18 into evidence, with the exception of -- who --
19 we had Exhibit 2 and 3. Exhibit 2 -- where was
20 Exhibit 2? Which one of the exhibits was
21 Exhibit 2? Was that in --

22 MR. MINORA: That was the --

23 MR. ANDERSON: I know what it is.
24 Whose exhibit was it in?

25 MR. MINORA: In the group -- in the

1 protestant group PIF.

2 MR. ANDERSON: No, no --

3 MR. SINKINS: It was my exhibit.

4 MR. ANDERSON: All right. So we're
5 going to -- I'm not going to -- so in -- and I'm
6 sorry, Exhibit 3, whose exhibit was Exhibit 3
7 in?

8 MR. SINKINS: Mine also.

9 MR. ANDERSON: All right. All right.
10 So in the group of five or more, we're going to
11 -- we are going to -- in their exhibits, I am
12 moving into evidence Exhibit 1, Exhibit 4, 5, 6,
13 7, 8, 9.

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

17 (Whereupon, the above-referred to
18 documents were received into evidence as
19 Protestants' Exhibit Nos. 4-9.)

20 MR. ANDERSON: And for the ANC, I'm
21 moving into evidence Exhibit 1 through 7.

22 MR. MINORA: Objection --

23 MR. ANDERSON: What -- yes, sir. What
24 --

25 MR. MINORA: The ANC -- the ANC's

1 Exhibit 3 is an email exchange between
2 Commissioner Florio and I (inaudible).

3 MR. ANDERSON: I apologize. So -- and
4 I apologize. So in the ANC's exhibits, I'm
5 moving into evidence Exhibit 1, Exhibit 2,
6 Exhibit 4, 5, 6, 7.

7 (Whereupon, the above-referred to
8 documents were received into evidence as ANC
9 Exhibit Nos. 1-2.)

10 (Whereupon, the above-referred to
11 documents were received into evidence as ANC
12 Exhibit Nos. 4-7.)

13 MR. ANDERSON: You did say, Mr. Minora,
14 that you didn't have any other -- you did not
15 have any other objections, okay? You did say
16 that.

17 All right. But -- so the record is now
18 clear what documents were moved into evidence.
19 Okay. All right. Fine.

20 Are the parties -- we need to -- it's
21 almost 6:00, so I need to make sure we move
22 through this.

23 So, Mr. Minora, you ready for closing?

24 MR. MINORA: Yes, sir. Thank you. As
25 I say, it's a very good thing that there's long-

1 term businesses like Trade that have been
2 providing jobs, sales tax revenue, and places
3 that actually have fun in the city for over ten
4 years, and by doing so, all without a single
5 ABCA violation. Trade has been a great
6 neighbor. We've worked with the community and
7 the ANC. This has grown and expanded throughout
8 its operations.

9 Ways to control and retain sound, we're
10 moving into the designs and expansions from the
11 beginning. Trade has and continues to implement
12 additional sound mitigation measures in the
13 summer garden, not because they have to, because
14 they're committed community members and want to
15 make sure everyone has a good experience,
16 whether you're a patron or living nearby.

17 So we'll say real property values were
18 not an issue here. And while we're -- in the
19 protest. But while we are sympathetic to some
20 of the disturbances the protestants may be
21 experiencing, they can't be attributed directly
22 to Trade. There are multiple establishments in
23 the vicinity, including Black Whiskey directly
24 above Trade, and Players Club on the corner with
25 its seven-floor summer garden. Given that the

1 residents' own -- a resident's ear alone really
2 can't discern the source of sounds within the
3 alley, so it's just not possible to attribute
4 anything -- everything they're experiencing to
5 Trade.

6 Moreover, to the extent that it's
7 unamplified human voices, that's not a violation
8 of the D.C. Code. That's exempt from the sound
9 regulations. This licensee has a long history
10 of outdoor hours until about 2:00 and 3:00 in
11 the morning, and a pristine track record going
12 back over a decade, showing its appropriateness
13 for the section of the district. Protestants
14 failed to attribute any sound, noise directly
15 here to Trade. And to the extent that it's
16 unable to identify any voices, there's really no
17 action for the Board to take.

18 It's for the foregoing reasons we're
19 asking that the Board -- to renew Trade's
20 application as filed and without any further
21 conditions or restrictions.

22 MR. ANDERSON: Thank you.

23 MR. MINORA: Thank you.

24 MR. ANDERSON: Mr. Sinkins?

25 MR. SINKINS: Yeah -- yes, thank you,

1 Chairman. The protestants request that the
2 Board require any approval of this application
3 to be conditioned upon a reduction in the
4 occupancy or the reduction in the hours of
5 operation of the summer garden. My clients are
6 not opposed to Trade. As you heard through
7 their testimony, a number of them have
8 frequented Trade, had good relations with Mr.
9 Guggenmos in Trade, and value the contributions
10 it makes to the neighborhood. But those
11 contributions should not come at the price of my
12 clients being able to enjoy their homes.

13 We're not asking for much. We're
14 asking for Trade to modify their operations to
15 the manner that they were prior to the
16 expansion. We want the residents of the
17 Willison Condominium and other nearby residences
18 to be able to live and enjoy their unit that
19 allows them to go to sleep at night, to sleep
20 peacefully at night, to be able to have normal
21 conversations in their unit, and not have to
22 engage in technological attempts to modify the
23 way that Trade affects their way of life.

24 So for these reasons, what we're asking
25 for is for the Board, when it makes its decision

1 on the Trade application, to deny it as applied
2 for. And if you're going to approve it, approve
3 it with modifications to reduce the occupancy
4 level of the summer garden and reduce the hours
5 of operation. Thank you very much.

6 MR. ANDERSON: Okay. All right. The
7 record is now closed. Do the parties wish to
8 file proposed findings of facts and conclusion
9 of law, or waive their right to do so? I'll ask
10 the protestants first.

11 MR. SINKINS: Well, we'd like the Board
12 to render a finding that the noise levels --

13 MR. ANDERSON: No, no. What I -- what
14 I'm asking is that do you want the Board to make
15 a decision on the record, or do you want to wait
16 until the transcript is --

17 MR. SINKINS: I don't -- I'd like to
18 wait until the transcript is complete. Thank
19 you.

20 MR. ANDERSON: All right. So -- all
21 right. So therefore, you're -- you want to do
22 proposed findings of facts and conclusion of
23 law, meaning that --

24 MR. SINKINS: That's right.

25 MR. ANDERSON: -- you will get the

1 transcript, read --

2 MR. SINKINS: Yeah, we'd like to
3 receive the transcript, review it, and then
4 provide findings of fact and conclusions of law
5 to the Board.

6 MR. ANDERSON: That's fine. Then the
7 transcripts will be available in approximately
8 three weeks. The proposed findings of facts and
9 conclusion of law will be due to the Board 30
10 days upon receipt of the transcript.

11 MR. SINKINS: Okay.

12 MR. ANDERSON: If the parties -- if the
13 parties change their mind, please advise the
14 Board as soon as possible that you changed your
15 mind and we will issue a decision within 90
16 days. So next -- so within 90 days after the
17 proposed finding of fact and conclusion of law,
18 once they're issued, we will issue a decision
19 within 90 days. All right. So let me close the
20 record. Or let me bring closure to this case
21 then.

22 All right. As chairperson of the
23 Alcoholic Beverage and Cannabis Board for the
24 District of Columbia, in accordance with D.C.
25 Official Code Section 2-575 of the Open Meetings

1 Act, I move that ABC Board hold and close the
2 meeting for the purpose of seeking legal advice
3 from our council on Case Number 25-PRO-00098
4 Trade, pursuant to D.C. Official Code Section
5 2-575B4A of the Open Meetings Act and
6 deliberating upon Case Number 25-PRO-00098 Trade
7 for the reason cited in D.C. Official Code
8 Section 2-575B13 of the Open Meetings Act. Is
9 there a second?

10 MR. MEADOWS: Mr. Meadows. I second
11 the motion.

12 MR. ANDERSON: Mr. Meadows has seconded
13 the motion. I will now take a roll call vote on
14 the motion before us now that it's been
15 seconded.

16 Ms. Quinn?

17 MS. QUINN: Ms. Quinn. I agree.

18 MR. ANDERSON: Mr. Meadows?

19 MR. MEADOWS: Mr. Meadows. I agree.

20 MR. ANDERSON: Mr. Jones?

21 MR. JONES: Mr. Jones. I agree.

22 MR. ANDERSON: Mr. Anderson. I agree.

23 As the motion has passed 4-0, I hereby give
24 notice that ABC Board will recess its
25 proceedings to hold a closed meeting pursuant to

1 Section 2-575 of the Open Meetings Act. Thank
2 you very much for your time and attendance
3 today. The Board takes this matter under
4 advisement. Thank you.

5 MR. MINORA: Thank you.

6 MR. ANDERSON: And let me now close the
7 record for the day. As chairperson of the
8 Alcoholic Beverage and Cannabis Board for the
9 District of Columbia, in accordance with Title
10 3, Chapter 45, Office of Open Government, I move
11 that ABC Board hold and close meeting on May --
12 on March 18th for the purpose of discussing and
13 hearing reports concerning ongoing or planned
14 investigations of alleged criminal or civil
15 misconduct or violations of law or regulations
16 and seeking legal advice or legal counsel on the
17 Board's investigative agenda, legal agenda,
18 licensing agenda for March 18th, as published in
19 the D.C. Register on March 13th. Is there a
20 second?

21 MR. JONES: Mr. Jones. I second the
22 motion.

23 MR. ANDERSON: Mr. Jones has seconded
24 the motion. I will now take a roll call vote on
25 the motion before us now that it has been

1 seconded.

2 Ms. Quinn?

3 MS. QUINN: Ms. Quinn. I agree.

4 MR. ANDERSON: Mr. Meadows?

5 MR. MEADOWS: Mr. Meadows. I agree.

6 MR. ANDERSON: Mr. Jones?

7 MR. JONES: Mr. Jones. I agree.

8 MR. ANDERSON: Mr. Anderson. I agree.

9 As it -- as the motion has passed, I hereby
10 give notice that ABC Board will hold this closed
11 meeting pursuant to the Open Meetings Act.

12 Notice will also be posted on ABC Board hearing
13 room bulletin board, placed on electronic
14 calendar, and ABCA's website, and published in
15 D.C. Register in as timely a manner as
16 practical. Thank you very much. We are now
17 adjourned for the day. I now ask all Board
18 members to return to executive session for
19 further development. Good afternoon.

20 (Whereupon, the above-entitled matter
21 went off the record at 6:06 p.m.)

22

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25

1 C E R T I F I C A T E

2 This is to certify that the foregoing transcript
3 was duly recorded and accurately transcribed
4 under my direction; further, that said
5 transcript is a true and accurate record of the
6 proceedings; and that I am neither counsel for,
7 related to, nor employed by any of the parties
8 to this action in which this matter was taken;
9 and further that I am not a relative nor an
10 employee of any of the parties nor counsel
11 employed by the parties, and I am not
12 financially or otherwise interested in the
13 outcome of the action.

14

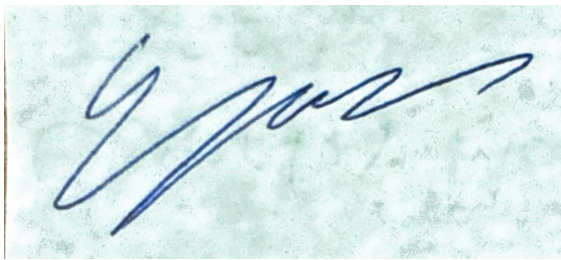
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