



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

2 10:45 a.m.

3 CHAIRPERSON ANDERSON: Good morning,  
4 everyone. As Chairperson of the Alcoholic  
5 Beverage Control Board for the District of  
6 Columbia, and in accordance with D.C. Official  
7 Code Section 25764 of the Open Meetings Act, I'm  
8 welcoming you to an emergency meeting of the  
9 Alcoholic Beverage Control Board.

10 This meeting is being conducted  
11 pursuant to guidance made available by the  
12 District of Columbia's Office of Open Government  
13 regarding electronic meetings held by public  
14 bodies during the public health emergency.

15 Pursuant to this guidance, notice of  
16 today's meeting was provided 48 hours in advance  
17 of the meeting on ABRA's website and on the  
18 District's central meeting calendar. The notice  
19 included the time, date, agenda, and call-in or  
20 log-in information for public participation.

21 This electronic meeting is being  
22 hosted by a WebEx account provided by the  
23 District of Columbia government. Please address  
24 any questions or complaints to the OOG at  
25 [opengovoffice@dc.gov](mailto:opengovoffice@dc.gov).

1                   My name is Donovan Anderson. I'm  
2 Chairman of the Board. I would like to introduce  
3 the other members of the ABC Board who are also  
4 participating electronically pursuant to Mayor's  
5 Order 2020-054. Please respond when I announce  
6 your name. Mr. James Short?

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

9                   CHAIRPERSON ANDERSON: Mr. Bobby Cato?

10                  MEMBER CATO: Bobby Cato, present.

11                  CHAIRPERSON ANDERSON: Ms. Jeni  
12 Hansen?

13                  MEMBER HANSEN: Jeni Hansen, present.

14                  CHAIRPERSON ANDERSON: The Board has  
15 four members in attendance today and that  
16 constitutes a quorum.

17                  Before we get underway with today's  
18 hearing calendar, I need to make a few  
19 instructions very clear so that the conduct of  
20 these hearings is understood by everyone.

21                  There is one case on this morning's  
22 calendar. We have another case this afternoon.  
23 Once the case is called, I will take a moment for  
24 our IT specialist to elevate the rights for each  
25 party to enable their camera and microphone.

1 Then, and only then, will you have the ability to  
2 enable your equipment. If your case is not being  
3 heard, you will remain mute and your camera will  
4 be disabled.

5 At the conclusion of each case, the  
6 parties will have the option to leave. If they  
7 choose to stay, all cameras and microphones after  
8 I conclude the case will be disabled.

9 Should you have any questions or  
10 require technical assistance during the hearing,  
11 please submit them using the question and answer  
12 feature or email [simone.andrews2@dc.gov](mailto:simone.andrews2@dc.gov).

13 Our first order of business today is  
14 case number 20-CIT-00568, Abigail Room, license  
15 number 107468. Ms. Andrews, can you please  
16 elevate the rights of the government and the  
17 licensee and its attorney for this case, please?

18 MS. ANDREWS: Sure, stand by. Mr.  
19 Chung, your rights have been elevated. Mr.  
20 Adams, your rights have been elevated. Mr.  
21 Puente, your rights have been elevated.

22 Mr. Peru, your rights have been  
23 elevated. Mr. Brashears, your rights have been  
24 elevated. Ms. Jordan, your rights have been  
25 elevated. That's all, Mr. Chair.

1                   CHAIRPERSON ANDERSON: All right,  
2 thank you, Ms. Andrews. All right, good morning,  
3 everyone. This is a summary suspension hearing.  
4 I would ask that the parties please identify  
5 themselves for the record. Let's start with the  
6 government, please.

7                   MR. ADAMS: Good morning, Mr. Chairman  
8 and members of the board. I'm Walter Adams. I'm  
9 representing the District of Columbia. Appearing  
10 with me is Ms. Janika Jordan who is a Ruff Fellow  
11 and law clerk for the Office of the Attorney  
12 General.

13                   CHAIRPERSON ANDERSON: Ms. Jordan, can  
14 you please introduce yourself for the record,  
15 please, and spell and state your name, please?

16                   MS. JORDAN: My name is Janika Jordan,  
17 J-A-N-I-K-A J-O-R-D-A-N, and I'm a law clerk with  
18 the Office of the Attorney General.

19                   CHAIRPERSON ANDERSON: Mr. Adams, good  
20 morning. Do you have any potential witnesses  
21 that you will call in this case? Could they also  
22 identify themselves, please?

23                   MR. ADAMS: Yes, we do have potential  
24 witnesses. We do have a preliminary matter, but  
25 we do have potential witnesses. They are

1 misters, Investigators Peru, Brashears, and  
2 Puente.

3 CHAIRPERSON ANDERSON: Well, let's  
4 have them just introduce themselves for the  
5 record so we'll have a full record. So, I'll  
6 start with Investigator, Supervisory Investigator  
7 Peru.

8 MR. PERU: Good morning, Chair,  
9 Supervisory Investigator Jason Peru with ABRA.

10 CHAIRPERSON ANDERSON: Mr. Peru, can  
11 you please spell your name, please?

12 MR. PERU: Sorry, J-A-S-O-N P-E-R-U.

13 CHAIRPERSON ANDERSON: Thank you.  
14 Supervisory Investigator Brashears, can you  
15 please identify yourself for the record, please?

16 MR. BRASHEARS: Supervisory  
17 Investigator Mark Brashears, M-A-R-K, the last  
18 name is B-R-A-S-H-E-A-R-S.

19 CHAIRPERSON ANDERSON: Mr. Puente?

20 MR. PUENTE: Investigator Kevin  
21 Puente, K-E-V-I-N P-U-E-N-T-E.

22 CHAIRPERSON ANDERSON: Mr. Chung? Mr.  
23 Chung?

24 MR. CHUNG: Good morning, can you hear  
25 me?

1 CHAIRPERSON ANDERSON: Yes, I can now.

2 MR. CHUNG: David Chung, C-H-U-N-G.

3 Chairperson Anderson, I can handle this myself,  
4 but counsel has not been added to the meeting.

5 CHAIRPERSON ANDERSON: All right,  
6 that's fine. All right, okay, thank you, Mr.  
7 Chung. All right, Mr. Adams, you said that there  
8 is a preliminary matter. What is the preliminary  
9 matter that you have, sir?

10 MR. ADAMS: Yes, Mr. Chairman, this  
11 case is a summary suspension hearing wherein the  
12 licensee in this case has requested a hearing  
13 today.

14 After some negotiations, we are able  
15 to present to the board an offer in compromise, a  
16 false offer in compromise, and just before  
17 today's hearing started, we sent the written  
18 terms to the board. Of course, Mr. Chairman, I  
19 am ready and willing to read the terms into the  
20 record.

21 CHAIRPERSON ANDERSON: All right, I  
22 don't believe -- I briefly glanced at it and I  
23 don't believe, based on the timing, I do not  
24 believe that all board members have had access to  
25 see it, so why don't you state what the terms of

1 the OIC is, please?

2 MR. ADAMS: Yes, Mr. Chairman. There  
3 are 12 terms to this offer in compromise. The  
4 first one is suspension.

5 The respondent shall serve a 23-day  
6 suspension of its ABC license. The date of the  
7 23-day suspension to be served shall be Thursday,  
8 February 18, 2021 through Friday, March 12, 2021,  
9 which includes time served during the summary  
10 suspension period.

11 The ABC license shall be lifted at  
12 8:00 a.m. on Saturday, March 13, 2021 provided  
13 all other applicable requirements in this offer  
14 in compromise have been satisfied by the  
15 respondent.

16 Second, fine, respondent shall pay  
17 fines in the amount of \$1,000 within 120 days,  
18 which includes a \$1,000 fine for the citation  
19 previously issued in case number 20-CIT-00568.

20 Three, the third provision of masks,  
21 when eating or drinking while seated, during the  
22 public health emergency, the respondent shall  
23 require that all owners and employees of the  
24 establishment wear a mask or face covering while  
25 present on the licensed premises regardless of



1 whether they are on duty.

2 The respondent shall also require  
3 patrons during the public health emergency to  
4 wear masks or face coverings prior to entering or  
5 waiting in line outside of the licensed premises,  
6 while traveling to use the restroom, or until  
7 they are seated and eating or drinking.

8 Four, locked doors, respondent shall  
9 not lock its front doors or main entrance to the  
10 premises if respondent is open for business,  
11 including private events, and patrons are present  
12 inside the establishment. When patrons are  
13 present inside the establishment, the rear doors  
14 shall remain unlocked from the inside.

15 Five, use of entertainment, respondent  
16 shall not offer live music or entertainment,  
17 including disc jockeys, while the District of  
18 Columbia remains subject to Mayor's Order 2020-  
19 067, Mayor's Order 2020-075, Mayor's Order 2020-  
20 080, Mayor's Order 2020-119, and in accordance  
21 with the board's notice of ninth emergency  
22 rulemaking.

23 The respondent shall only offer  
24 recorded or background music that is played at a  
25 conversational level that is not heard in the

1 homes of District residents.

2 Six, operating hours, respondent shall  
3 not sell, serve, or permit the consumption of  
4 alcoholic beverages past 10:00 p.m., but may  
5 operate for patrons until midnight during any day  
6 of the week while the District of Columbia  
7 remains subject to Mayor's Order 2020-067,  
8 Mayor's Order 2020-075, Mayor's Order 2020-080,  
9 and Mayor's Order 2020-119 in accordance with the  
10 board's rulemaking.

11 Seven, dining activities, respondent  
12 shall only serve food and alcoholic beverages to  
13 patrons seated at tables while the District of  
14 Columbia remains subject to Mayor's Order 2020-  
15 067, Mayor's Order 2020-075, Mayor's Order 2020-  
16 119, and in accordance with the board's  
17 rulemaking.

18 Tables shall be placed so that patrons  
19 and different parties are placed six feet apart  
20 from one another with no more than six patrons  
21 per table.

22 Respondent shall have a menu in use  
23 containing a minimum of three prepared food items  
24 available for purchase and shall require patrons  
25 to purchase one or more prepared food items per

1 table. Patrons shall not be permitted to walk  
2 around the establishment with food and/or  
3 alcoholic beverages.

4 Eight, bar activities, respondent  
5 shall not seat patrons at indoor or outdoor bars  
6 that are being staffed or utilized by a  
7 bartender. Patrons shall not be permitted to  
8 stand at an indoor or outdoor bar to order food  
9 or alcoholic beverages.

10 Nine, contact tracing system,  
11 respondent shall implement a reservation system  
12 by phone, online, or onsite, and keep customer  
13 logs to facilitate contact tracing by D.C.  
14 Health.

15 Ten, capacity, respondent shall limit  
16 its indoor capacity to no more than 25 percent of  
17 the lowest indoor occupancy load or seating  
18 capacity on its certificate of occupancy,  
19 excluding employees and outdoor seating, while  
20 the District of Columbia remains subject to  
21 Mayor's Order 2020-119 or Mayor's Order 2020-175,  
22 whichever applies, in accordance with the board's  
23 rulemaking.

24 Eleven, social distancing walkthrough,  
25 prior to lifting the suspension of the

1 establishment's alcoholic beverage license, an  
2 ABRA investigator shall conduct a walkthrough of  
3 the licensed establishment with respondent to  
4 evaluate the establishment's compliance with the  
5 District's social distancing requirements.

6 This evaluation shall include an  
7 assessment of the respondent's compliance with  
8 Mayor's Order 2020-075, Mayor's Order 2020-080,  
9 and 23 DCMR Section 810.2.

10 Twelve, show cause, this offer in  
11 compromise applied in substance by the board  
12 constitutes resolution of the matters in  
13 confidence by the above-referenced case number.

14 Mr. Chairman, those are the provisions  
15 and terms that are being proposed for the  
16 parties' offer in compromise.

17 CHAIRPERSON ANDERSON: Mr. Adams, just  
18 for us to have a clear record, can you just give  
19 us some facts? What brought us here? What  
20 brought us to this hearing today, please?

21 MR. ADAMS: Yes, Mr. Chairman, this  
22 case is a case involving violations of the  
23 District's coded, well, the emergency rulemaking,  
24 the board's emergency rulemaking and the Mayor's  
25 order as they relate to the current COVID

1 emergency.

2           Essentially what happened here is that  
3 on September 19 of last year, the establishment -  
4 - the investigators went to the establishment and  
5 noticed multiple violations, including patrons  
6 who were not wearing masks, and people who were  
7 not distancing, and loud music at the  
8 establishment.

9           At that time, because it was ABRA's  
10 first contact with the establishment during the  
11 public health emergency, they were issued a  
12 verbal warning.

13           On October 31, again ABRA  
14 investigators went to the establishment. At the  
15 time, it was found at that time that once the  
16 investigators went inside that the violation  
17 specifically was of the lunch violations  
18 regarding the food sales where it wasn't clear  
19 that all patrons were being served food within  
20 the establishment, and at that time, the  
21 investigators issued the citation that was  
22 previously mentioned in the amount of \$1,000.

23           So, lastly, what brings us here today  
24 is that after two discussions -- after those  
25 prior two events, on January 30, investigators

1 went to the establishment. They noticed that the  
2 front door was locked and that patrons were going  
3 in through the back door.

4 And it was alleged that once the  
5 investigators went inside, that the music was  
6 above conversational level, that people were not,  
7 that patrons were not wearing masks, that the  
8 patrons were not social distanced, and some of  
9 the patrons were walking around with alcoholic  
10 beverages in their hands, and as well as the  
11 observation that, again, alleged observation that  
12 the establishment was not serving food or did not  
13 present evidence that each of the tables ordered  
14 food at the time.

15 So, as a result, that is why the  
16 investigators note those violations, and that is  
17 the basis for our current case based upon the  
18 findings of January 30 and from the prior  
19 findings, you know, and again the concern after  
20 repeating visits or after several visits that the  
21 establishment had not yet come into compliance.

22 And so that brings us here today where  
23 we have worked on this offer in compromise that  
24 encapsulates the changes. It's similar to what's  
25 been proposed for other establishments that have

1 had similar situations where they've had a  
2 warning, citations, and then a third event.

3 CHAIRPERSON ANDERSON: So, Mr. Adams,  
4 just in listening to your reading, you're saying  
5 that this is -- in five months, there were three  
6 violations in five months, basically September,  
7 October, and January, and it's my understanding  
8 the factual situation in this case is that we  
9 were called to report an incident that was  
10 occurring.

11 And in reviewing the offer in  
12 compromise, what you're saying to me is that this  
13 establishment will be -- the government has  
14 agreed that this establishment will be open.  
15 Today is the 12th, and that the suspension will  
16 be lifted tomorrow morning.

17 So, we're having a hearing today and  
18 the suspension will be lifted tomorrow morning,  
19 and so therefore, there is really no -- the  
20 government is saying that there is no suspension?

21 MR. ADAMS: Well, not really, Mr.  
22 Chairman, and in fact, technically there has been  
23 a suspension. On February 18, this notice, the  
24 notice of summary suspension was served upon the  
25 establishment, and the establishment has not been

1 --

2 It got found from reports from our  
3 investigators and also based upon statements from  
4 the establishment that in fact the establishment  
5 has had no activity since February 18, so in  
6 essence it is a 23-day suspension.

7 It's just that in this case that the  
8 establishment, for whatever, you know, for a  
9 reason did not acknowledge service until this  
10 week, but in effect, to our knowledge, the  
11 establishment has had no operations for over  
12 three weeks and I guess they can address that.

13 CHAIRPERSON ANDERSON: Now, you're  
14 saying that this notice was served on February  
15 18. Today is March 13, and that although this  
16 notice was served on February 18, you're stating  
17 that the establishment did not acknowledge  
18 receipt of the notice until the week of March 10,  
19 this week?

20 MR. ADAMS: That's correct. The  
21 District received -- I guess it was not until the  
22 next business day. There was an email that was  
23 received on March 9, I believe, at about 9:05  
24 p.m. from the establishment requesting a hearing,  
25 and obviously the ABRA was not open until March



1 10, so I guess officially that would have been on  
2 March 10 that the acknowledgment officially  
3 occurred.

4 CHAIRPERSON ANDERSON: All right, so  
5 we served this notice on February 18. The  
6 establishment acknowledged receipt on March 10,  
7 and the agency has an emergency hearing on March  
8 12, which is today, and the OIC is proposing that  
9 the establishment would be open on March 13, is  
10 that what I'm hearing, Mr. Adams?

11 MR. ADAMS: Well, yes, let me just  
12 clarify. The service was -- the ABRA  
13 investigators attempted to serve physically, but  
14 the service was done electronically via email on  
15 February 18, and, yes, that it's upon the  
16 proposals that we're -- is that we propose that  
17 the -- the parties are proposing that the  
18 suspension ends today on March 12 and that they  
19 would be able to resume provided that a  
20 successful walkthrough is completed by tomorrow.

21 CHAIRPERSON ANDERSON: And so it's  
22 also the recommendation of the government that  
23 there will be no show cause hearing, that once,  
24 if the board agrees to accept this OIC today,  
25 this matter is over and that's the recommendation

1 of the government?

2 MR. ADAMS: That is the recommendation  
3 of the government. The basis for that is that we  
4 believe that because of the nature of this being  
5 a -- where all of the observations that have been  
6 made have been based upon the, for lack of a  
7 better term, the mayor's order and the board's  
8 emergency rulemaking, that there are no other  
9 violations of the, that we're aware of, of the  
10 rules or the laws and regulations that apply to  
11 the establishment.

12 So, as a result, you know, we have no  
13 knowledge of there being any potential, you know,  
14 show cause changes, so, yes, that is our  
15 recommendation on this.

16 CHAIRPERSON ANDERSON: And I just want  
17 to now -- part of the charges was that the doors  
18 were locked, there was no social distancing, that  
19 once ABRA went in that day, that folks fled the  
20 establishment, that there was -- no one was  
21 wearing masks, and that no one was wearing masks  
22 within the facility when the ABRA investigators  
23 went, and so those are factually correct in this  
24 case?

25 MR. ADAMS: Well, in this case, the

1 facts are that the front door was locked, that  
2 the back door, there was security staffed at the  
3 back door who could open the door from the back,  
4 and that in terms of the patrons, many patrons  
5 were not wearing masks. Some patrons did indeed  
6 wear masks, but, yes, other than that, Mr.  
7 Chairman, your representation is accurate.

8 CHAIRPERSON ANDERSON: And can the  
9 establishment, while there are patrons, can they  
10 lock their doors?

11 MR. ADAMS: No, Mr. Chairman, they are  
12 not supposed to lock their doors with patrons  
13 within the establishment. There was a --

14 In this case, part of the particulars  
15 is that there was an inspector from the fire and  
16 emergency medical services who was at the  
17 establishment along with the ABRA investigators  
18 who issued a separate citation under their rules  
19 based upon the violations that they found at the  
20 establishment.

21 CHAIRPERSON ANDERSON: All right, are  
22 there any questions of Mr. Adams by any of the  
23 board members? I'm hearing none. Mr. Chung?  
24 Mr. Chung? Mr. Chung?

25 MR. CHUNG: I'm here. Sorry, I didn't

1 want to leave it on not muted and --

2 CHAIRPERSON ANDERSON: Well, I called  
3 your name three times, Mr. Chung, and I didn't  
4 hear you, so I wanted to make sure that you're  
5 there.

6 So, it's my understanding as reported  
7 by the government that there is an offer in  
8 compromise, and the offer in compromise basically  
9 shortly says the suspension would be lifted as of  
10 8:00 a.m. tomorrow morning, that there is a  
11 \$1,000 fine payable within 120 days, excuse me,  
12 for case number 20-CIT-00568, that as per the  
13 mayor's orders, that the establishment has to  
14 comply with the mask mandate, that the doors  
15 cannot be locked, that the music, there are  
16 provisions regarding the music and entertainment.

17 There is a provision regarding  
18 operating hours and a provision regarding dining  
19 activities, bar activities, contact tracing  
20 activities, capacity, social distancing,  
21 walkthrough, and that there will be no further  
22 action as a result of this if the board was to  
23 accept this OIC. Is that your understanding of  
24 the OIC, sir?

25 MR. CHUNG: Yes, sir.

1                   CHAIRPERSON ANDERSON: Is there  
2 anything you want to add before the board decides  
3 what decision to make?

4                   MR. CHUNG: No, just that the  
5 allegations brought by Mr. Adams are understood  
6 and that we don't see a problem with complying  
7 with the mayor's orders and the OIC, and  
8 hopefully we'll be through this pandemic soon and  
9 we'll get back to normal, but we have no issues  
10 with compliance and we don't feel as though it  
11 will be a challenge for us. Thank you.

12                   CHAIRPERSON ANDERSON: Does any board  
13 members have any questions for Mr. Chung? All  
14 right, hearing none --

15                   MEMBER SHORT: Mr. Chair, I just had  
16 one.

17                   CHAIRPERSON ANDERSON: Mr. Short, yes,  
18 Mr. Short?

19                   MEMBER SHORT: I just wanted to ask  
20 Mr. Chung does he know the ramifications of  
21 having locked doors while he has clients in his  
22 establishment?

23                   MR. CHUNG: Good morning, Mr. Short.  
24 I was expecting that question from you given your  
25 history with the fire marshal's office. I do.

1 In this situation, I believe there may -- I don't  
2 want to go to trial on the facts, but we do  
3 understand that, and in this situation, we were  
4 not open for business. We were closed.

5 However, we don't need to get into the  
6 facts, but I do appreciate it and we would not  
7 want to ever create a life and safety issue  
8 because I know that's your main concern every  
9 time we come before the board.

10 MEMBER SHORT: Thank you. That's all  
11 I had, Mr. Chair.

12 CHAIRPERSON ANDERSON: We're going to  
13 -- we have to think about this, so as Chairperson  
14 of the Alcoholic Beverage Control Board for the  
15 District of Columbia, in accordance with D.C.  
16 Official Code Section 2574(b) of the Open  
17 Meetings Act, I move that the ABC Board hold a  
18 closed meeting for the purpose of seeking legal  
19 advice from our counsel on case number 20-CIT-  
20 00568, Abigail Room, for the reasons cited  
21 pursuant to D.C. Official Code Section 2574(b)(4)  
22 of the Open Meetings Act, and deliberating upon  
23 case number 20-CIT-00568, Abigail Room for the  
24 reasons cited in D.C. Official Code Section  
25 2574(b)(13) of the Open Meetings Act. Is there a

1 second?

2 MEMBER SHORT: Mr. Short, I second.

3 CHAIRPERSON ANDERSON: Mr. Short has  
4 seconded the motion. We'll now have a roll call  
5 vote on the motion that has been properly  
6 seconded by Mr. Short. Mr. Short?

7 MEMBER SHORT: Mr. Short, I agree.

8 CHAIRPERSON ANDERSON: Mr. Cato?

9 MEMBER CATO: Bobby Cato, I agree.

10 CHAIRPERSON ANDERSON: Ms. Hansen?

11 MEMBER HANSEN: Jeni Hansen, I agree.

12 CHAIRPERSON ANDERSON: Mr. Anderson,  
13 I agree. As it appears that the motion has  
14 passed, I hereby give notice that the ABC Board  
15 will recess this proceeding to hold a closed  
16 meeting in the ABC conference room pursuant to  
17 Section 2574(b) of the Open Meetings Act.

18 As an advisement, I'm trying to figure  
19 out how best to this. I would say that it's  
20 probably -- it's 11:15. We will come back on the  
21 record. Give us a minimum of 15 minutes to have  
22 discussion.

23 If we need more time, we will advise  
24 you, but give us until -- I will advise you at  
25 11:15, I'm sorry, at 11:30 where we are, okay?

1 So we are in recess until approximately 11:30, so  
2 I will advise the board members for us now to go  
3 into executive session to discuss this, all  
4 right? Thank you.

5 (Whereupon, the above-entitled matter  
6 went off the record at 11:16 a.m. and resumed at  
7 11:31 a.m.)

8 CHAIRPERSON ANDERSON: All right,  
9 we're back on the record. I would like everyone  
10 who are able, can you please start your video if  
11 you have a video? If not, we will move forward.

12 All right, this is the matter from  
13 Abigail Room, case number 20-CIT-00568. An OIC  
14 was offered for the board's consideration and the  
15 board has had an opportunity to consider the OIC,  
16 and so therefore, I make a motion to the board  
17 that we reject the OIC. Is there a second? Who  
18 seconded the motion?

19 MEMBER SHORT: Mr. Short, I second.

20 CHAIRPERSON ANDERSON: Mr. Short has  
21 seconded the motion. We'll have a roll call vote  
22 on the motion before us. Mr. Short?

23 MEMBER SHORT: Mr. Short, I agree.

24 CHAIRPERSON ANDERSON: Mr. Cato?

25 MEMBER CATO: Bobby Cato, I agree.



1 CHAIRPERSON ANDERSON: Ms. Hansen?

2 MEMBER HANSEN: Jeni Hansen, I agree.

3 CHAIRPERSON ANDERSON: And Mr.

4 Anderson, I agree. The board rejects the OIC  
5 four to zero, and the board has rejected the OIC  
6 because the board does not believe that the  
7 settlement is in the public interest, and  
8 secondly, the board does not believe that the OIC  
9 resolves the serious nature, the serious safety  
10 concerns that were brought in this case. Is the  
11 government ready to move forward for this  
12 hearing?

13 MR. ADAMS: I apologize, Mr. Chairman.  
14 I hit the wrong button. The District would like  
15 to request the board's indulgence for about ten  
16 minutes as we want to see if we can, the parties  
17 can discuss things momentarily?

18 CHAIRPERSON ANDERSON: It's 11:33. We  
19 can be off the record until 11:45. Would that be  
20 sufficient time for you?

21 MR. ADAMS: Hopefully, yes, Mr.  
22 Chairman.

23 CHAIRPERSON ANDERSON: All right, so  
24 we will be off the record -- we will reconvene at  
25 11:45 and I will again advise, so we are off the

1 record until 11:45 and the board will return to  
2 executive session. All right, thank you.

3 (Whereupon, the above-entitled matter  
4 went off the record at 11:33 a.m. and resumed at  
5 11:47 a.m.)

6 CHAIRPERSON ANDERSON: Mr. Adams?

7 MR. ADAMS: How are you doing, Mr.  
8 Chairman?

9 CHAIRPERSON ANDERSON: Yes, Mr. Adams?

10 MR. ADAMS: All right, so I think the  
11 parties are able to present a couple of  
12 amendments orally, some amendments to the offer  
13 in compromise that was presented.

14 CHAIRPERSON ANDERSON: And what is  
15 that, Mr. Adams?

16 MR. ADAMS: All right, so I think what  
17 we'll do, what the parties have discussed and are  
18 willing to have is the amendment of provision  
19 number one for suspension.

20 CHAIRPERSON ANDERSON: Okay.

21 MR. ADAMS: So, what it should read is  
22 respondent shall serve a 30-day suspension of its  
23 ABC license. The date the 30-day suspension  
24 shall be served shall be Thursday, February 18,  
25 2021 through Friday, March 19, 2021, which

1 includes time served during the summary  
2 suspension period.

3 The ABC suspension shall be lifted at  
4 8:00 a.m. on Saturday, March 20 provided all  
5 other applicable requirements in this OIC have  
6 been satisfied by the respondent.

7 And the other change will be on  
8 provision 12. Essentially that was just to  
9 change that out to that to show cause, this  
10 matter will be referred to the Office of Attorney  
11 General for a possible show cause proceeding.

12 CHAIRPERSON ANDERSON: Mr. Chung? Do  
13 you have a camera, Mr. Chung?

14 MR. CHUNG: I do. Chairman Anderson,  
15 can you see me?

16 CHAIRPERSON ANDERSON: No, no, sir.  
17 Yes, I can see you now. The government has  
18 proposed, has amended the terms of the OIC for a  
19 30-day -- I guess what I was told is a 30-day  
20 suspension that would extend through the 19th. I  
21 think that the business would open back up on the  
22 20th.

23 I'm sorry, so the 30-day suspension  
24 retroactive to February 18, and that from  
25 February 18 through March 21, and then I think,

1 am I correct, that at 8:00 a.m. on March 20,  
2 2021, that the business would -- the suspension  
3 would be lifted, is that correct?

4 MR. CHUNG: Yes.

5 CHAIRPERSON ANDERSON: And that  
6 charge, I'm sorry, tern number 12 would be that  
7 this matter would be referred to the Attorney  
8 General for a possible show cause proceeding. Is  
9 that your understanding, Mr. Chung, of the OIC?

10 MR. CHUNG: It is.

11 CHAIRPERSON ANDERSON: All right,  
12 unfortunately, because we are doing this  
13 remotely, I don't know where the board stands, so  
14 we have to go back in executive session to review  
15 this to see.

16 All right, so we have to go back in  
17 executive session to discuss. I mean, in all  
18 seriousness, I appreciate the parties trying to  
19 work this out. I mean, the board is very  
20 concerned.

21 We're all concerned and we want to be  
22 fair to all parties involved, and so in all  
23 seriousness, we have to discuss it, what's in the  
24 best interests of the public, what's also in the  
25 best interest -- well, what's in the best

1 interests of the public of the District of  
2 Columbia.

3 MR. CHUNG: I understand. I just want  
4 to let the board know that, just from on our end,  
5 I understand the gravity of the situation and I  
6 don't think the board has any -- will have any  
7 future concerns with this licensee.

8 Frankly, we may just wait. So,  
9 hopefully this pandemic is over given the new  
10 news that came out and the President's address  
11 yesterday. So, we understand the gravity of the  
12 situation.

13 CHAIRPERSON ANDERSON: I appreciate  
14 your representation, Mr. Chung. All right, so  
15 the board needs to go back into executive session  
16 to discuss this.

17 So, therefore, as Chairperson of the  
18 Alcoholic Beverage Control Board for the District  
19 of Columbia, in accordance with D.C. Official  
20 Code Section 2574(b) of the Open Meetings Act, I  
21 move that the ABC Board hold a closed meeting for  
22 the purpose of seeking legal advice from our  
23 counsel on case number 20-CIT-00568, Abigail  
24 Room, pursuant to D.C. Official Code Section  
25 2574(b)(4) of the Open Meetings Act, and

1 deliberating upon case number 20-CIT-00568,  
2 Abigail Room, for the reasons cited in D.C.  
3 Official Code Section 2574(b)(13) of the Open  
4 Meetings Act. Is there a second?

5 MEMBER SHORT: Mr. Short, I second.

6 CHAIRPERSON ANDERSON: Mr. Short has  
7 seconded the motion. We will now have a roll  
8 call vote on the motion that has been properly  
9 seconded by Mr. Short. Mr. Short?

10 MEMBER SHORT: Mr. Short, I agree.

11 CHAIRPERSON ANDERSON: Mr. Cato?

12 MEMBER CATO: Bobby Cato, I agree.

13 CHAIRPERSON ANDERSON: Ms. Hansen?

14 MEMBER HANSEN: Jeni Hansen, I agree.

15 CHAIRPERSON ANDERSON: Mr. Anderson,  
16 I agree. As it appears that the motion has  
17 passed, I hereby give notice that the ABC Board  
18 will recess these proceedings to hold a closed  
19 meeting in the ABC Board conference room pursuant  
20 to Section 2574(b) of the Open Meetings Act.

21 It's 11:53. We will be off the record  
22 until 12:00, all right? So, if we need longer  
23 than 12:00, I will advise the parties, but we  
24 will be off the record until 12:00. So, I now  
25 ask the board to go into executive session for us

1 to discuss these new terms. Thank you.

2 (Whereupon, the above-entitled matter  
3 went off the record at 11:53 a.m. and resumed at  
4 12:07 p.m.)

5 CHAIRPERSON ANDERSON: All right,  
6 we're back on the record. The government had  
7 proposed -- again, this is case number, I  
8 apologize, this is case number 20-CIT-00568,  
9 Abigail Room, license number 107468, and this is  
10 a summary suspension hearing.

11 The government had provided the board  
12 with an OIC for consideration. The parties had  
13 revised the OIC and the revised OIC, the two  
14 terms, I think what is here, the suspension  
15 that's dated, or the 30-day suspension that would  
16 be effective from March 18, I'm sorry, February  
17 18, 2021 through March 19, 2021, and that the  
18 suspension shall be lifted at 8:00 a.m. on  
19 Saturday, March 20, 2021, and term 12 of the OIC  
20 was changed where it clearly stated that this  
21 matter will be referred to the Office of the  
22 Attorney General for a show cause hearing.

23 The board has considered the revised  
24 terms that was made and I am going to make a  
25 recommendation to the board that the revised

1 offer be accepted. Is there a second?

2 MEMBER CATO: Bobby Cato seconds.

3 CHAIRPERSON ANDERSON: Mr. Cato has  
4 seconded the motion. I will take a roll call  
5 vote on the motion that has been properly  
6 seconded by Mr. Cato. Mr. Short?

7 MEMBER SHORT: Mr. Short, I agree.

8 CHAIRPERSON ANDERSON: Mr. Cato?

9 MEMBER CATO: Bobby Cato, I agree.

10 CHAIRPERSON ANDERSON: Ms. Hansen?

11 MEMBER HANSEN: Jeni Hansen, I agree.

12 CHAIRPERSON ANDERSON: And Mr.

13 Anderson, I agree. The matter passes four, zero,  
14 zero.

15 Mr. Adams, could you please send an  
16 updated version of the OIC to the agency so there  
17 will be no misunderstanding of the terms? So,  
18 please send an -- I understand that --

19 Well, the board was previously  
20 provided a signed copy of the first OIC, so I  
21 would ask that an updated version of the OIC be  
22 provided to the board so when the order is  
23 written, the terms of the OIC with the signatures  
24 of the parties will be attached to the order so  
25 there will be no misunderstanding.



1                   The board -- I'm sorry, Mr. Adams,  
2                   yes? You wanted to say something?

3                   MR. ADAMS: Yes, I just wanted to  
4                   clarify to make sure that, yes, it was signed  
5                   before, but obviously Mr. Chung did on the record  
6                   state that they accepted those terms, so I  
7                   believe that shouldn't be a problem.

8                   CHAIRPERSON ANDERSON: Well, that's  
9                   fine, but I'm just asking to just send an updated  
10                  version of it. It can be -- you can send an  
11                  updated version just with the terms and --

12                  MR. ADAMS: Okay.

13                  CHAIRPERSON ANDERSON: -- Mr. Chung,  
14                  I need you to state on the record that you -- I'm  
15                  sorry, you know what? Let me do this over  
16                  because I did something wrong. I didn't realize  
17                  that.

18                  Mr. Chung, can you please appear on  
19                  the camera? Because I did something wrong, so  
20                  procedurally what I just did was incorrect, so I  
21                  have to do this over. All right, so I have to  
22                  take the vote back over.

23                  Mr. Chung, the terms of the, the  
24                  revised terms of the OIC is that there will be a  
25                  30-day suspension and the suspension should start

1 on February 18, 2021 through March 19, 2021.

2 The suspension will be lifted at 8:00  
3 a.m. on March 20, 2021, and term 12 of the OIC is  
4 that this matter will be referred to the Office  
5 of Attorney General for a possible show cause  
6 hearing. Is this your understanding, sir, of the  
7 offer in compromise? I can't hear you, Mr.  
8 Chung.

9 MR. CHUNG: It is.

10 CHAIRPERSON ANDERSON: Are you aware  
11 that by accepting an offer in compromise that  
12 you're giving up your right to a hearing?

13 MR. CHUNG: Yes.

14 CHAIRPERSON ANDERSON: Are you also  
15 aware that by accepting an offer in compromise  
16 that you're giving up your right to appeal this  
17 matter?

18 MR. CHUNG: Yes.

19 CHAIRPERSON ANDERSON: All right, with  
20 that said, I make a motion that the offer in  
21 compromise that was read on the record, that be  
22 accepted. Is there a second?

23 MEMBER CATO: Bobby Cato seconds.

24 CHAIRPERSON ANDERSON: Mr. Cato has  
25 seconded the motion. I will now have a roll call

1 vote on the motion that has been properly  
2 seconded by Mr. Cato. Mr. Short?

3 MEMBER SHORT: Mr. Short, I agree.

4 CHAIRPERSON ANDERSON: Mr. Cato?

5 MEMBER CATO: Bobby Cato, I agree.

6 CHAIRPERSON ANDERSON: Ms. Hansen?

7 MEMBER HANSEN: Jeni Hansen, I agree.

8 CHAIRPERSON ANDERSON: And Mr.

9 Anderson, I agree. The matter passes four, zero,  
10 zero.

11 I apologize that procedurally I did  
12 not do the vote correct the first time, so thank  
13 you, Mr. Adams, for asking me more questions and  
14 that reminded me that I did not bring Mr. Chung  
15 back into the proceedings for him to agree that  
16 he accepts the OIC.

17 Just for efficiency purposes, the  
18 agency had requested that you just send us a  
19 copy, a revised copy of the OIC so they'll have  
20 that.

21 All right, with that said, and I want  
22 to thank the parties for working this out. I  
23 mean, the District, we do take this serious, but  
24 I appreciate the fact that the parties were able  
25 to work and the parties were able to present an

1 offer that the board believes is in the public  
2 interest. All right, thank you.

3 So we are now -- the board will  
4 therefore be in recess until our 1:30 hearing. I  
5 now ask the board to return to executive session  
6 for further business. Thank you very much.

7 (Whereupon, the above-entitled matter  
8 went off the record at 12:14 p.m.)

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A			
<b>a.m</b> 2:2 8:12 20:10 24:6 24:7 26:4,5 27:4 28:1 31:3,18 34:3	<b>agenda</b> 2:19	<b>attorney</b> 4:17 5:11,18 27:10 28:7 31:22 34:5	<b>button</b> 25:14
<b>ABC</b> 3:3 8:6,11 22:17 23:14,16 26:23 27:3 29:21 30:17,19	<b>agree</b> 23:7,9,11,13 24:23,25 25:2,4 30:10 30:12,14,16 32:7,9,11 32:13 35:3,5,7,9,15	<b>available</b> 2:11 10:24	<b>C</b>
<b>Abigail</b> 1:6 4:14 22:20 22:23 24:13 29:23 30:2 31:9	<b>agreed</b> 15:14	<b>aware</b> 18:9 34:10,15	<b>C-H-U-N-G</b> 7:2
<b>ability</b> 4:1	<b>agrees</b> 17:24		<b>calendar</b> 2:18 3:18,22
<b>able</b> 7:14 17:19 24:10 26:11 35:24,25	<b>alcoholic</b> 1:2,9,14 2:4,9 10:4,12 11:3,9 12:1 14:9 22:14 29:18	<b>B</b>	<b>call</b> 5:21 23:4 24:21 30:8 32:4 34:25
<b>above-entitled</b> 24:5 26:3 31:2 36:7	<b>allegations</b> 21:5	<b>B-R-A-S-H-E-A-R-S</b>	<b>call-in</b> 2:19
<b>above-referenced</b> 12:13	<b>alleged</b> 14:4,11	<b>6:18</b>	<b>called</b> 3:23 15:9 20:2
<b>ABRA</b> 1:21,22,23,24 6:9 12:2 13:13 16:25 17:12 18:19,22 19:17	<b>amended</b> 27:18	<b>back</b> 14:3 19:2,3,3 21:9 23:20 24:9 27:21 28:14,16 29:15 31:6 33:22 35:15	<b>camera</b> 3:25 4:3 27:13 33:19
<b>ABRA's</b> 2:17 13:9	<b>amendment</b> 26:18	<b>background</b> 9:24	<b>cameras</b> 4:7
<b>accept</b> 17:24 20:23	<b>amendments</b> 26:12,12	<b>bar</b> 11:4,8 20:19	<b>capacity</b> 11:15,16,18 20:20
<b>accepted</b> 32:1 33:6 34:22	<b>amount</b> 8:17 13:22	<b>bars</b> 11:5	<b>case</b> 1:8 3:21,22,23 4:2 4:5,8,14,17 5:21 7:11 7:12 8:19 12:13,22,22 14:17 15:8 16:7 18:24 18:25 19:14 20:12 22:19,23 24:13 25:10 29:23 30:1 31:7,8
<b>accepting</b> 34:11,15	<b>ANC</b> 1:7	<b>based</b> 7:23 14:17 16:3 18:6 19:19	<b>Cato</b> 1:18 3:9,10,10 23:8,9,9 24:24,25,25 30:11,12,12 32:2,2,3 32:6,8,9,9 34:23,23 34:24 35:2,4,5,5
<b>accepts</b> 35:16	<b>and/or</b> 11:2	<b>basically</b> 15:6 20:8	<b>cause</b> 12:10 17:23 18:14 27:9,11 28:8 31:22 34:5
<b>access</b> 7:24	<b>Anderson</b> 1:15,17 2:3 3:1,9,11,14 5:1,13,19 6:3,10,13,19,22 7:1,3 7:5,21 12:17 15:3 16:13 17:4,21 18:16 19:8,21 20:2 21:1,12 21:17 22:12 23:3,8,10 23:12,12 24:8,20,24 25:1,3,4,18,23 26:6,9 26:14,20 27:12,14,16 28:5,11 29:13 30:6,11 30:13,15,15 31:5 32:3 32:8,10,12,13 33:8,13 34:10,14,19,24 35:4,6 35:8,9	<b>basis</b> 14:17 18:3	<b>central</b> 2:18
<b>account</b> 2:22	<b>Andrews</b> 1:21 4:15,18 5:2	<b>believe</b> 7:22,23,24 16:23 18:4 22:1 25:6 25:8 33:7	<b>certificate</b> 11:18
<b>accurate</b> 19:7	<b>announce</b> 3:5	<b>believes</b> 36:1	<b>Chair</b> 4:25 6:8 21:15 22:11
<b>acknowledge</b> 16:9,17	<b>answer</b> 4:11	<b>best</b> 23:19 28:24,25,25	<b>Chairman</b> 3:2 5:7 7:10 7:18 8:2 12:14,21 15:22 19:7,11 25:13 25:22 26:8 27:14
<b>acknowledged</b> 17:6	<b>apart</b> 10:19	<b>better</b> 18:7	<b>Chairperson</b> 1:14,17 2:3,4 3:9,11,14 5:1,13 5:19 6:3,10,13,19,22 7:1,3,5,21 12:17 15:3 16:13 17:4,21 18:16 19:8,21 20:2 21:1,12 21:17 22:12,13 23:3,8 23:10,12 24:8,20,24 25:1,3,18,23 26:6,9 26:14,20 27:12,16 28:5,11 29:13,17 30:6 30:11,13,15 31:5 32:3 32:8,10,12 33:8,13 34:10,14,19,24 35:4,6 35:8
<b>acknowledgment</b> 17:2	<b>apologize</b> 25:13 31:8 35:11	<b>beverage</b> 1:2,9,14 2:5,9 12:1 22:14 29:18	<b>challenge</b> 21:11
<b>Act</b> 2:7 22:17,22,25 23:17 29:20,25 30:4 30:20	<b>appeal</b> 34:16	<b>beverages</b> 10:4,12 11:3 11:9 14:10	<b>change</b> 27:7,9
<b>action</b> 20:22	<b>appear</b> 33:18	<b>board</b> 1:2,10,14 2:5,9 3:2,3,14 5:8 7:15,18 7:24 12:11 17:24 19:23 20:22 21:2,12 22:9,14,17 23:14 24:2 24:15,16 25:4,5,6,8 26:1 28:13,19 29:4,6 29:15,18,21 30:17,19 30:25 31:11,23,25 32:19,22 33:1 36:1,3 36:5	<b>changed</b> 31:20
<b>activities</b> 10:11 11:4 20:19,19,20	<b>appearing</b> 5:9	<b>boards</b> 9:21 10:10,16 11:22 12:24 18:7 24:14 25:15	<b>changes</b> 14:24 18:14
<b>activity</b> 16:5	<b>appears</b> 23:13 30:16	<b>Bobby</b> 1:18 3:9,10 23:9 24:25 30:12 32:2,9 34:23 35:5	<b>charge</b> 28:6
<b>Adams</b> 1:21 4:20 5:7,8 5:19,23 7:7,10 8:2 12:17,21 15:3,21 16:20 17:10,11 18:2 18:25 19:11,22 21:5 25:13,21 26:6,7,9,10 26:15,16,21 32:15 33:1,3,12 35:13	<b>applicable</b> 8:13 27:5	<b>bodies</b> 2:14	<b>charges</b> 18:17
<b>add</b> 21:2	<b>applied</b> 12:11	<b>Brashears</b> 1:22 4:23 6:1,14,16,17	
<b>added</b> 7:4	<b>applies</b> 11:22	<b>briefly</b> 7:22	
<b>address</b> 2:23 16:12 29:10	<b>apply</b> 18:10	<b>bring</b> 35:14	
<b>advance</b> 2:16	<b>appreciate</b> 22:6 28:18 29:13 35:24	<b>brings</b> 13:23 14:22	
<b>advice</b> 22:19 29:22	<b>approximately</b> 24:1	<b>brought</b> 12:19,20 21:5 25:10	
<b>advise</b> 23:23,24 24:2 25:25 30:23	<b>asking</b> 33:9 35:13	<b>business</b> 4:13 9:10 16:22 22:4 27:21 28:2 36:6	
<b>advisement</b> 23:18	<b>assessment</b> 12:7		
<b>afternoon</b> 3:22	<b>assistance</b> 4:10		
<b>agency</b> 17:7 32:16	<b>attached</b> 32:24		
	<b>attempted</b> 17:13		
	<b>attendance</b> 3:15		

**choose** 4:7  
**Chung** 1:22 4:19 6:22  
 6:23,24 7:2,2,7 19:23  
 19:24,24,25 20:3,25  
 21:4,13,20,23 27:12  
 27:13,14 28:4,9,10  
 29:3,14 33:5,13,18,23  
 34:8,9,13,18 35:14  
**citation** 8:18 13:21  
 19:18  
**citations** 15:2  
**cited** 22:20,24 30:2  
**clarify** 17:12 33:4  
**clear** 3:19 12:18 13:18  
**clearly** 31:20  
**clerk** 5:11,17  
**clients** 21:21  
**closed** 22:4,18 23:15  
 29:21 30:18  
**Closure** 1:10  
**CN** 1:7  
**Code** 2:7 22:16,21,24  
 29:20,24 30:3  
**coded** 12:23  
**Columbia** 1:1 2:6,23  
 5:9 9:18 10:6,14  
 11:20 22:15 29:2,19  
**Columbia's** 2:12  
**come** 14:21 22:9 23:20  
**complaints** 2:24  
**completed** 17:20  
**compliance** 12:4,7  
 14:21 21:10  
**comply** 20:14  
**complying** 21:6  
**compromise** 7:15,16  
 8:3,14 12:11,16 14:23  
 15:12 20:8,8 26:13  
 34:7,11,15,21  
**concern** 14:19 22:8  
**concerned** 28:20,21  
**concerns** 25:10 29:7  
**conclude** 4:8  
**conclusion** 4:5  
**conduct** 3:19 12:2  
**conducted** 2:10  
**conference** 23:16 30:19  
**confidence** 12:13  
**consider** 24:15  
**consideration** 24:14  
 31:12  
**considered** 31:23  
**constitutes** 3:16 12:12  
**consumption** 10:3  
**contact** 11:10,13 13:10  
 20:19  
**containing** 10:23  
**Control** 1:2,10,14 2:5,9

22:14 29:18  
**conversational** 9:25  
 14:6  
**copy** 32:20 35:19,19  
**correct** 16:20 18:23  
 28:1,3 35:12  
**counsel** 7:4 22:19  
 29:23  
**couple** 26:11  
**course** 7:18  
**covering** 8:24  
**coverings** 9:4  
**COVID** 12:25  
**create** 22:7  
**current** 12:25 14:17  
**customer** 11:12

---

### D

**D.C** 2:6 11:13 22:15,21  
 22:24 29:19,24 30:2  
**date** 2:19 8:6 26:23  
**dated** 31:15  
**David** 1:22 7:2  
**day** 10:5 16:22 18:19  
**days** 8:17 20:11  
**DC** 1:21,21,22,23,23,24  
**DCMR** 12:9  
**decides** 21:2  
**decision** 21:3  
**deliberating** 22:22 30:1  
**different** 10:19  
**dining** 10:11 20:18  
**disabled** 4:4,8  
**disc** 9:17  
**discuss** 24:3 25:17  
 28:17,23 29:16 31:1  
**discussed** 26:17  
**discussion** 23:22  
**discussions** 13:24  
**distanced** 14:8  
**distancing** 11:24 12:5  
 13:7 18:18 20:20  
**District** 1:1 2:5,12,23  
 5:9 9:17 10:1,6,13  
 11:20 16:21 22:15  
 25:14 29:1,18 35:23  
**District's** 2:18 12:5,23  
**doing** 26:7 28:12  
**Donovan** 1:15,17 3:1  
**door** 14:2,3 19:1,2,3,3  
**doors** 9:8,9,13 18:17  
 19:10,12 20:14 21:21  
**drinking** 8:21 9:7  
**duty** 9:1

---

### E

**eating** 8:21 9:7  
**effect** 16:10

**effective** 31:16  
**efficiency** 35:17  
**Eight** 11:4  
**electronic** 2:13,21  
**electronically** 3:4 17:14  
**elevate** 3:24 4:16  
**elevated** 4:19,20,21,23  
 4:24,25  
**Eleven** 11:24  
**email** 4:12 16:22 17:14  
**emergency** 2:8,14 8:22  
 9:3,21 12:23,24 13:1  
 13:11 17:7 18:8 19:16  
**employees** 8:23 11:19  
**enable** 3:25 4:2  
**encapsulates** 14:24  
**ends** 17:18  
**entering** 9:4  
**entertainment** 9:15,16  
 20:16  
**entrance** 9:9  
**equipment** 4:2  
**essence** 16:6  
**Essentially** 13:2 27:8  
**establishment** 8:24  
 9:12,13 11:2 12:3  
 13:3,4,8,10,14,20  
 14:1,12,21 15:13,14  
 15:25,25 16:4,4,8,11  
 16:17,24 17:6,9 18:11  
 18:20 19:9,13,17,20  
 20:13 21:22  
**establishment's** 12:1,4  
**establishments** 14:25  
**evaluate** 12:4  
**evaluation** 12:6  
**event** 15:2  
**events** 9:11 13:25  
**evidence** 14:13  
**excluding** 11:19  
**excuse** 20:11  
**executive** 24:3 26:2  
 28:14,17 29:15 30:25  
 36:5  
**expecting** 21:24  
**extend** 27:20

---

### F

**face** 8:24 9:4  
**facilitate** 11:13  
**facility** 18:22  
**fact** 15:22 16:4 35:24  
**facts** 12:19 19:1 22:2,6  
**factual** 15:8  
**factually** 18:23  
**fair** 28:22  
**false** 7:16  
**feature** 4:12

**February** 1:10 8:8  
 15:23 16:5,14,16 17:5  
 17:15 26:24 27:24,25  
 31:16 34:1  
**feel** 21:10  
**feet** 10:19  
**Fellow** 5:10  
**figure** 23:18  
**findings** 14:18,19  
**fine** 7:6 8:16,18 20:11  
 33:9  
**finances** 8:17  
**fire** 19:15 21:25  
**first** 4:13 8:4 13:10  
 32:20 35:12  
**five** 9:15 15:5,6  
**fled** 18:19  
**folks** 18:19  
**food** 10:12,23,25 11:2,8  
 13:18,19 14:12,14  
**forward** 24:11 25:11  
**found** 13:15 16:2 19:19  
**four** 3:15 9:8 25:5 32:13  
 35:9  
**Frankly** 29:8  
**Friday** 1:12 8:8 26:25  
**front** 9:9 14:2 19:1  
**full** 6:5  
**father** 20:21 36:6  
**future** 29:7

---

### G

**General** 5:12,18 27:11  
 28:8 31:22 34:5  
**give** 12:18 23:14,21,24  
 30:17  
**given** 21:24 29:9  
**giving** 34:12,16  
**glanced** 7:22  
**government** 2:12,23  
 4:16 5:6 15:13,20  
 17:22 18:1,3 20:7  
 25:11 27:17 31:6,11  
**gravity** 29:5,11  
**guess** 16:12,21 17:1  
 27:19  
**guidance** 2:11,15

---

### H

**handle** 7:3  
**hands** 14:10  
**Hansen** 1:18 3:12,13,13  
 23:10,11,11 25:1,2,2  
 30:13,14,14 32:10,11  
 32:11 35:6,7,7  
**happened** 13:2  
**health** 2:14 8:22 9:3  
 11:14 13:11

hear 6:24 20:4 34:7  
 heard 4:3 9:25  
 hearing 1:8 3:18 4:10  
 5:3 7:11,12,17 12:20  
 15:17 16:24 17:7,10  
 17:23 19:23 21:14  
 25:12 31:10,22 34:6  
 34:12 36:4  
 hearings 3:20  
 held 2:13  
 history 21:25  
 hit 25:14  
 hold 22:17 23:15 29:21  
 30:18  
 homes 10:1  
 hopefully 21:8 25:21  
 29:9  
 hosted 2:22  
 hours 2:16 10:2 20:18

---

**I**


---

identify 5:4,22 6:15  
 implement 11:11  
 incident 15:9  
 include 12:6  
 included 2:19  
 includes 8:9,18 27:1  
 including 9:11,17 13:5  
 incorrect 33:20  
 indoor 11:5,8,16,17  
 indulgence 25:15  
 information 2:20  
 inside 9:12,13,14 13:16  
 14:5  
 inspector 19:15  
 instructions 3:19  
 interest 25:7 28:25 36:2  
 interests 28:24 29:1  
 introduce 3:2 5:14 6:4  
 investigator 1:22,23,24  
 6:6,6,9,14,17,20 12:2  
 investigators 6:1 13:4  
 13:14,16,21,25 14:5  
 14:16 16:3 17:13  
 18:22 19:17  
 involved 28:22  
 involving 12:22  
 issue 22:7  
 issued 8:19 13:11,21  
 19:18  
 issues 21:9  
 items 10:23,25

---

**J**


---

J-A-N-I-K-A 5:17  
 J-A-S-O-N 6:12  
 J-O-R-D-A-N 5:17  
 James 1:19 3:6,7

Janika 1:23 5:10,16  
 January 13:25 14:18  
 15:7  
 Jason 1:23 6:9  
 Jeni 1:18 3:11,13 23:11  
 25:2 30:14 32:11 35:7  
 jockeys 9:17  
 Jordan 1:23 4:24 5:10  
 5:13,16,16  
 JR 1:18,19

---

**K**


---

K-E-V-I-N 6:21  
 keep 11:12  
 Kevin 1:24 6:20  
 knowledge 16:10 18:13

---

**L**


---

lack 18:6  
 lastly 13:23  
 law 5:11,17  
 laws 18:10  
 leave 4:6 20:1  
 legal 22:18 29:22  
 let's 5:5 6:3  
 level 9:25 14:6  
 license 1:8 4:14 8:6,11  
 12:1 26:23 31:9  
 licensed 8:25 9:5 12:3  
 licensee 1:22 4:17 7:12  
 29:7  
 life 22:7  
 lifted 8:11 15:16,18  
 20:9 27:3 28:3 31:18  
 34:2  
 lifting 11:25  
 limit 11:15  
 line 9:5  
 listening 15:4  
 live 9:16  
 LLC 1:6  
 load 11:17  
 lock 9:9 19:10,12  
 locked 9:8 14:2 18:18  
 19:1 20:15 21:21  
 log-in 2:20  
 logs 11:13  
 longer 30:22  
 loud 13:7  
 lowest 11:17  
 lunch 13:17

---

**M**


---

M 1:7  
 M-A-R-K 6:17  
 main 9:9 22:8  
 mandate 20:14  
 March 1:12 8:8,12  
 16:15,18,23,25 17:2,6  
 17:7,9,18 26:25 27:4  
 27:25 28:1 31:16,17  
 31:19 34:1,3  
 Mark 1:22 6:17  
 marshal's 21:25  
 mask 8:24 20:14  
 masks 8:20 9:4 13:6  
 14:7 18:21,21 19:5,6  
 matter 1:5 5:24 7:8,9  
 17:25 24:5,12 26:3  
 27:10 28:7 31:2,21  
 32:13 34:4,17 35:9  
 36:7  
 matters 12:12  
 mayor's 3:4 9:18,19,19  
 9:20 10:7,8,8,9,14,15  
 10:15 11:21,21 12:8,8  
 12:24 18:7 20:13 21:7  
 mean 28:17,19 35:23  
 medical 19:16  
 meeting 1:3 2:8,10,16  
 2:17,18,21 7:4 22:18  
 23:16 29:21 30:19  
 meetings 2:7,13 22:17  
 22:22,25 23:17 29:20  
 29:25 30:4,20  
 Member 1:18,18,19 3:7  
 3:10,13 21:15,19  
 22:10 23:2,7,9,11  
 24:19,23,25 25:2 30:5  
 30:10,12,14 32:2,7,9  
 32:11 34:23 35:3,5,7  
 members 3:3,15 5:8  
 7:24 19:23 21:13 24:2  
 mentioned 13:22  
 menu 10:22  
 met 1:14  
 microphone 3:25  
 microphones 4:7  
 midnight 10:5  
 minimum 10:23 23:21  
 minutes 23:21 25:16  
 misters 6:1  
 misunderstanding  
 32:17,25  
 moment 3:23  
 momentarily 25:17  
 months 15:5,6  
 morning 2:3 5:2,7,20  
 6:8,24 15:16,18 20:10  
 21:23  
 morning's 3:21  
 motion 23:4,5,13 24:16  
 24:18,21,22 30:7,8,16  
 32:4,5 34:20,25 35:1  
 move 22:17 24:11  
 25:11 29:21

multiple 13:5  
 music 9:16,24 13:7  
 14:5 20:15,16  
 mute 4:3  
 muted 20:1

---

**N**


---

name 3:1,6 5:15,16  
 6:11,18 20:3  
 nature 18:4 25:9  
 need 3:18 22:5 23:23  
 30:22 33:14  
 needs 29:15  
 negotiations 7:14  
 new 29:9 31:1  
 news 29:10  
 Nine 11:10  
 ninth 9:21  
 normal 21:9  
 note 14:16  
 notice 2:15,18 9:21  
 15:23,24 16:14,16,18  
 17:5 23:14 30:17  
 noticed 13:5 14:1  
 number 4:14,15 8:19  
 12:13 20:12 22:19,23  
 24:13 26:19 28:6  
 29:23 30:1 31:7,8,9  
 NW 1:7

---

**O**


---

OAG 1:21,23  
 observation 14:11,11  
 observations 18:5  
 obviously 16:25 33:5  
 occupancy 11:17,18  
 occurred 17:3  
 occurring 15:10  
 October 13:13 15:7  
 offer 7:15,16 8:3,13  
 9:16,23 12:10,16  
 14:23 15:11 20:7,8  
 26:12 32:1 34:7,11,15  
 34:20 36:1  
 offered 24:14  
 office 2:12 5:11,18  
 21:25 27:10 31:21  
 34:4  
 Official 2:6 22:16,21,24  
 29:19,24 30:3  
 officially 17:1,2  
 OIC 8:1 17:8,24 20:23  
 20:24 21:7 24:13,15  
 24:17 25:4,5,8 27:5  
 27:18 28:9 31:12,13  
 31:13,19 32:16,20,21  
 32:23 33:24 34:3  
 35:16,19

**once** 3:23 13:15 14:4  
 17:23 18:19  
**online** 11:12  
**onsite** 11:12  
**OOG** 2:24  
**open** 2:7,12 9:10 15:14  
 16:25 17:9 19:3 22:4  
 22:16,22,25 23:17  
 27:21 29:20,25 30:3  
 30:20  
**opengovoffice@dc.g...**  
 2:25  
**operate** 10:5  
**operating** 10:2 20:18  
**operations** 16:11  
**opportunity** 24:15  
**option** 4:6  
**orally** 26:12  
**order** 3:5 4:13 9:18,19  
 9:19,20 10:7,8,8,9,14  
 10:15,15 11:8,21,21  
 12:8,8,25 18:7 32:22  
 32:24  
**ordered** 14:13  
**orders** 20:13 21:7  
**outdoor** 11:5,8,19  
**outside** 9:5  
**owners** 8:23

---

**P**


---

**P-E-R-U** 6:12  
**P-R-O-C-E-E-D-I-N-G-S**  
 2:1  
**P-U-E-N-T-E** 6:21  
**p.m** 10:4 16:24 31:4  
 36:8  
**pandemic** 21:8 29:9  
**part** 18:17 19:14  
**participating** 3:4  
**participation** 2:20  
**particulars** 19:14  
**parties** 4:6 5:4 10:19  
 17:17 25:16 26:11,17  
 28:18,22 30:23 31:12  
 32:24 35:22,24,25  
**parties'** 12:16  
**party** 3:25  
**passed** 23:14 30:17  
**passes** 32:13 35:9  
**patrons** 9:3,11,12 10:5  
 10:13,18,20,24 11:1,5  
 11:7 13:5,19 14:2,7,8  
 14:9 19:4,4,5,9,12  
**pay** 8:16  
**payable** 20:11  
**people** 13:6 14:6  
**percent** 11:16  
**period** 8:10 27:2

**permit** 10:3  
**permitted** 11:1,7  
**Peru** 1:23 4:22 6:1,7,8,9  
 6:10,12  
**phone** 11:12  
**physically** 17:13  
**placed** 10:18,19  
**played** 9:24  
**please** 2:23 3:5 4:11,15  
 4:17 5:4,6,14,15,15  
 5:22 6:11,11,15,15  
 8:1 12:20 24:10 32:15  
 32:18 33:18  
**possible** 27:11 28:8  
 34:5  
**potential** 5:20,23,25  
 18:13  
**preliminary** 5:24 7:8,8  
**premises** 8:25 9:5,10  
**prepared** 10:23,25  
**present** 1:16,20 3:8,10  
 3:13 7:15 8:25 9:11  
 9:13 14:13 26:11  
 35:25  
**presented** 26:13  
**President's** 29:10  
**presiding** 1:15  
**previously** 8:19 13:22  
 32:19  
**prior** 9:4 11:25 13:25  
 14:18  
**private** 9:11  
**probably** 23:20  
**problem** 21:6 33:7  
**procedurally** 33:20  
 35:11  
**proceeding** 23:15  
 27:11 28:8  
**proceedings** 30:18  
 35:15  
**properly** 23:5 30:8 32:5  
 35:1  
**proposals** 17:16  
**propose** 17:16  
**proposed** 12:15 14:25  
 27:18 31:7  
**proposing** 17:8,17  
**provided** 2:16,22 8:12  
 17:19 27:4 31:11  
 32:20,22  
**provision** 8:20 20:17,18  
 26:18 27:8  
**provisions** 12:14 20:16  
**public** 2:13,14,20 8:22  
 9:3 13:11 25:7 28:24  
 29:1 36:1  
**Puente** 1:24 4:21 6:2,19  
 6:20,21

**purchase** 10:24,25  
**purpose** 22:18 29:22  
**purposes** 35:17  
**pursuant** 2:11,15 3:4  
 22:21 23:16 29:24  
 30:19

---

**Q**


---

**question** 4:11 21:24  
**questions** 2:24 4:9  
 19:22 21:13 35:13  
**quorum** 3:16

---

**R**


---

**ramifications** 21:20  
**read** 7:19 26:21 34:21  
**reading** 15:4  
**ready** 7:19 25:11  
**realize** 33:16  
**rear** 9:13  
**reason** 16:9  
**reasons** 22:20,24 30:2  
**receipt** 16:18 17:6  
**received** 16:21,23  
**recess** 23:15 24:1  
 30:18 36:4  
**recommendation** 17:22  
 17:25 18:2,15 31:25  
**reconvene** 25:24  
**record** 5:5,14 6:5,5,15  
 7:20 12:18 23:21 24:6  
 24:9 25:19,24 26:1,4  
 30:21,24 31:3,6 33:5  
 33:14 34:21 36:8  
**recorded** 9:24  
**referred** 27:10 28:7  
 31:21 34:4  
**regarding** 2:13 13:18  
 20:16,17,18  
**regardless** 8:25  
**regulations** 18:10  
**reject** 24:17  
**rejected** 25:5  
**rejects** 25:4  
**relate** 12:25  
**remain** 4:3 9:14  
**remains** 9:18 10:7,14  
 11:20  
**reminded** 35:14  
**remotely** 28:13  
**repeating** 14:20  
**report** 15:9  
**reported** 20:6  
**reports** 16:2  
**representation** 19:7  
 29:14  
**representing** 5:9  
**request** 25:15

**requested** 7:12 35:18  
**requesting** 16:24  
**require** 4:10 8:23 9:2  
 10:24  
**requirements** 8:13 12:5  
 27:5  
**reservation** 11:11  
**residents** 10:1  
**resolution** 12:12  
**resolves** 25:9  
**respond** 3:5  
**respondent** 8:5,15,16  
 8:22 9:2,8,10,15,23  
 10:2,11,22 11:4,11,15  
 12:3 26:22 27:6  
**respondent's** 12:7  
**restroom** 9:6  
**result** 14:15 18:12  
 20:22  
**resume** 17:19  
**resumed** 24:6 26:4 31:3  
**Retailer** 1:7  
**retroactive** 27:24  
**return** 26:1 36:5  
**review** 28:14  
**reviewing** 15:11  
**revised** 31:13,13,23,25  
 33:24 35:19  
**rights** 3:24 4:16,19,20  
 4:21,22,23,24  
**roll** 23:4 24:21 30:7  
 32:4 34:25  
**room** 1:6 4:14 22:20,23  
 23:16 24:13 29:24  
 30:2,19 31:9  
**Ruff** 5:10  
**rulemaking** 9:22 10:10  
 10:17 11:23 12:23,24  
 18:8  
**rules** 18:10 19:18

---

**S**


---

**safety** 22:7 25:9  
**sales** 13:18  
**satisfied** 8:14 27:6  
**Saturday** 8:12 27:4  
 31:19  
**saying** 15:4,12,20  
 16:14  
**says** 20:9  
**seat** 11:5  
**seated** 8:21 9:7 10:13  
**seating** 11:17,19  
**second** 8:16 23:1,2  
 24:17,19 30:4,5 32:1  
 34:22  
**seconded** 23:4,6 24:18  
 24:21 30:7,9 32:4,6



34:25 35:2  
**secondly** 25:8  
**seconds** 32:2 34:23  
**Section** 2:7 12:9 22:16  
 22:21,24 23:17 29:20  
 29:24 30:3,20  
**security** 19:2  
**seeking** 22:18 29:22  
**sell** 10:3  
**send** 32:15,18 33:9,10  
 35:18  
**sent** 7:17  
**separate** 19:18  
**September** 13:3 15:6  
**serious** 25:9,9 35:23  
**seriousness** 28:18,23  
**serve** 8:5 10:3,12 17:13  
 26:22  
**served** 8:7,9 13:19  
 15:24 16:14,16 17:5  
 26:24 27:1  
**service** 16:9 17:12,14  
**services** 19:16  
**serving** 14:12  
**session** 24:3 26:2  
 28:14,17 29:15 30:25  
 36:5  
**settlement** 25:7  
**Seven** 10:11  
**Short** 1:19 3:6,7,7  
 21:15,17,18,19,23  
 22:10 23:2,2,3,6,6,7,7  
 24:19,19,20,22,23,23  
 30:5,5,6,9,9,10,10  
 32:6,7,7 35:2,3,3  
**shortly** 20:9  
**show** 12:10 17:23 18:14  
 27:9,11 28:8 31:22  
 34:5  
**Shredder** 1:6  
**signatures** 32:23  
**signed** 32:20 33:4  
**similar** 14:24 15:1  
**SIMONE** 1:21  
**simone.andrews2@d...**  
 4:12  
**sir** 7:9 20:24,25 27:16  
 34:6  
**situation** 15:8 22:1,3  
 29:5,12  
**situations** 15:1  
**six** 10:2,19,20  
**social** 11:24 12:5 14:8  
 18:18 20:20  
**soon** 21:8  
**sorry** 6:12 19:25 23:25  
 27:23 28:6 31:16 33:1  
 33:15

**specialist** 3:24  
**specifically** 13:17  
**spell** 5:15 6:11  
**Staff** 1:21  
**staffed** 11:6 19:2  
**stand** 4:18 11:8  
**stands** 28:13  
**start** 5:5 6:6 24:10  
 33:25  
**started** 7:17  
**state** 5:15 7:25 33:6,14  
**stated** 31:20  
**statements** 16:3  
**stating** 16:16  
**stay** 4:7  
**Street** 1:7  
**subject** 9:18 10:7,14  
 11:20  
**submit** 4:11  
**substance** 12:11  
**successful** 17:20  
**sufficient** 25:20  
**summary** 1:7 5:3 7:11  
 8:9 15:24 27:1 31:10  
**Supervisory** 6:6,9,14  
 6:16  
**supposed** 19:12  
**suspension** 1:7 5:3  
 7:11 8:4,6,7,10 11:25  
 15:15,18,20,23,24  
 16:6 17:18 20:9 26:19  
 26:22,23 27:2,3,20,23  
 28:2 31:10,14,15,18  
 33:25,25 34:2  
**system** 11:10,11

---

**T**


---

**t/a** 1:6  
**table** 10:21 11:1  
**tables** 10:13,18 14:13  
**technical** 4:10  
**technically** 15:22  
**ten** 11:15 25:15  
**term** 18:7 31:19 34:3  
**terms** 7:18,19,25 8:3  
 12:15 19:4 27:18 31:1  
 31:14,24 32:17,23  
 33:6,11,23,24  
**tern** 28:6  
**thank** 5:2 6:13 7:6  
 21:11 22:10 24:4 26:2  
 31:1 35:12,22 36:2,6  
**things** 25:17  
**third** 8:20 15:2  
**three** 8:20 10:23 15:5  
 16:12 20:3  
**Thursday** 8:7 26:24  
**times** 20:3

**timing** 7:23  
**today** 3:15 4:13 7:13  
 12:20 13:23 14:22  
 15:15,17 16:15 17:8  
 17:18,24  
**today's** 2:16 3:17 7:17  
**told** 27:19  
**tomorrow** 15:16,18  
 17:20 20:10  
**tracing** 11:10,13 20:19  
**traveling** 9:6  
**trial** 22:2  
**trying** 23:18 28:18  
**Twelve** 12:10  
**two** 13:24,25 31:13

---

**U**


---

**understand** 22:3 29:3,5  
 29:11 32:18  
**understanding** 15:7  
 20:6,23 28:9 34:6  
**understood** 3:20 21:5  
**underway** 3:17  
**unfortunately** 28:12  
**unlocked** 9:14  
**updated** 32:16,21 33:9  
 33:11  
**use** 9:6,15 10:22  
**utilized** 11:6

---

**V**


---

**verbal** 13:12  
**version** 32:16,21 33:10  
 33:11  
**video** 24:10,11  
**videoconference** 1:14  
**violation** 13:16  
**violations** 12:22 13:5  
 13:17 14:16 15:6 18:9  
 19:19  
**visits** 14:20,20  
**vote** 23:5 24:21 30:8  
 32:5 33:22 35:1,12

---

**W**


---

**W** 1:15,17  
**wait** 29:8  
**waiting** 9:5  
**walk** 11:1  
**walking** 14:9  
**walkthrough** 11:24  
 12:2 17:20 20:21  
**Walter** 1:21 5:8  
**wanted** 20:4 21:19 33:2  
 33:3  
**warning** 13:12 15:2  
**wasn't** 13:18  
**wear** 8:24 9:4 19:6

**wearing** 13:6 14:7  
 18:21,21 19:5  
**WebEx** 1:14 2:22  
**website** 2:17  
**week** 10:6 16:10,18,19  
**weeks** 16:12  
**welcoming** 2:8  
**went** 13:4,14,16 14:1,5  
 18:19,23 24:6 26:4  
 31:3 36:8  
**whichever** 11:22  
**willing** 7:19 26:18  
**witnesses** 5:20,24,25  
**work** 28:19 35:25  
**worked** 14:23  
**working** 35:22  
**written** 7:17 32:23  
**wrong** 25:14 33:16,19

---

**X**


---



---

**Y**


---

**year** 13:3  
**yesterday** 29:11

---

**Z**


---

**zero** 25:5 32:13,14 35:9  
 35:10

---

**0**


---

**00568** 22:20  
**067** 9:19 10:15  
**080** 9:20

---

**1**


---

**1,000** 8:17,18 13:22  
 20:11  
**1:30** 36:4  
**10** 16:18 17:1,2,6  
**10:00** 10:4  
**10:45** 2:2  
**107468** 1:8 4:15 31:9  
**11:15** 23:20,25  
**11:16** 24:6  
**11:30** 23:25 24:1  
**11:31** 24:7  
**11:33** 25:18 26:4  
**11:45** 25:19,25 26:1  
**11:47** 26:5  
**11:53** 30:21 31:3  
**119** 10:16  
**12** 1:12 8:3,8 17:8,18  
 27:8 28:6 31:19 34:3  
**12:00** 30:22,23,24  
**12:07** 31:4  
**12:14** 36:8  
**120** 8:17 20:11  
**12th** 15:15

13 8:12 16:15 17:9  
15 23:21  
17 1:10  
1730 1:7  
18 8:8 15:23 16:5,15,16  
17:5,15 26:24 27:24  
27:25 31:16,17 34:1  
19 13:3 26:25 31:17  
34:1  
19th 27:20

---

2

20 27:4 28:1 31:19 34:3  
20-CIT- 22:19  
20-CIT-00568 1:8 4:14  
8:19 20:12 22:23  
24:13 29:23 30:1 31:8  
2020- 9:18,19 10:14,15  
2020-054 3:5  
2020-067 10:7  
2020-075 9:19 10:8,15  
12:8  
2020-080 10:8 12:8  
2020-119 9:20 10:9  
11:21  
2020-175 11:21  
2021 1:10,12 8:8,8,12  
26:25,25 28:2 31:17  
31:17,19 34:1,1,3  
20th 27:22  
21 27:25  
23 12:9  
23-day 8:5,7 16:6  
25 11:16  
2574(b) 22:16 23:17  
29:20 30:20  
2574(b)(13) 22:25 30:3  
2574(b)(4) 22:21 29:25  
25764 2:7  
2B 1:7

---

3

30 13:25 14:18  
30-day 26:22,23 27:19  
27:19,23 31:15 33:25  
31 13:13

---

4

48 2:16

---

5

---

6

---

7

---

8

8:00 8:12 20:10 27:4

28:1 31:18 34:2  
810.2 12:9

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9

9 16:23  
9:05 16:23

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This is to certify that the foregoing transcript

In the matter of: Abigail Room

Before: DCABRA

Date: 03-12-21

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



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Court Reporter

**NEAL R. GROSS**

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