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

2 (1:45 p.m.)

3 CHAIRPERSON ANDERSON: The next case,
4 and the final case on our calendar, is Case
5 Number 22-PRO-00143, Allure Lounge, License
6 Number 108303.

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

10 MR. ORELLANA: Mr. Crocker, your
11 access has been elevated.

12 Mr. Zerihun Amente, your access has
13 been elevated.

14 Graham Grossman, your access has been
15 elevated.

16 Joel Kelty, your access has been
17 elevated.

18 Tavril Prout, your access has been
19 elevated.

20 Derrick J., your access has been
21 elevated.

22 And Mike Velasquez, your access has
23 been elevated.

24 That is all, Chairman.

25 CHAIRPERSON ANDERSON: Thank you.

1 Good afternoon, everyone. We have a
2 protest hearing this afternoon.

3 If you have a camera, can you please
4 turn your camera on, please?

5 Mr. Crocker, Mr. Velasquez, Mr.
6 Amente, and I think the person Derrick J., if you
7 have a camera, please turn your camera on,
8 please. And, Derrick J., can you -- you can push
9 -- pull your camera a little bit down, so we can
10 see your face clearly, please. Yes, sir.

11 All right. Good afternoon, everyone.
12 This is a protest hearing for Allure Lounge.
13 It's an application to renew the license.

14 I am going to have the parties
15 introduce themselves for the record, and let's
16 start with Mr. Crocker.

17 MR. CROCKER: Good afternoon.

18 CHAIRPERSON ANDERSON: Mr. Crocker,
19 can you please spell and state your name for the
20 record, please?

21 MR. CROCKER: Yes. My name is
22 Douglas, D-O-U-G-L-A-S, Crocker, C-R-O-C-K-E-R,
23 and I am the representative for Allure Lounge.
24 And the rights for the owner, Zi Russell, should
25 be elevated as well, because he is here.

1 CHAIRPERSON ANDERSON: And, Mr.
2 Crocker, I need you -- your voice is not clear,
3 and -- because, remember, we have a court
4 reporter here, so I want to make sure that we're
5 capturing -- capturing your voice. So if you are
6 able to -- to -- if you are able to get a better
7 volume, I would ask that you do that. I think
8 the last time we had this concern, I think you
9 used some headphones which actually worked.

10 So is there -- you're saying there is
11 a Mr. Russell? Is Mr. Russell -- is he online
12 waiting to be elevated, sir?

13 MR. ORELLANA: I don't see a Zi
14 Russell in the attendee waiting area.

15 MR. CROCKER: That's not Zi Russell.
16 That's Zerihun Amente. He is the owner.

17 CHAIRPERSON ANDERSON: Mr. Crocker?
18 Who is Mr. Russell, Mr. Crocker? Mr. Crocker,
19 who is Mr. Russell? I cannot hear you, Mr.
20 Crocker. I cannot hear you, Mr. Crocker.

21 Mr. Amente, do you know Mr. Russell,
22 sir?

23 MR. AMENTE: I'm sorry?

24 CHAIRPERSON ANDERSON: Do you know Mr.
25 Russell?

1 MR. AMENTE: Yes, I do. He -- he was
2 my agent back when he -- when I applied my
3 license. He got his name from there. He's not
4 allowed. He's not here today.

5 CHAIRPERSON ANDERSON: I was told that
6 I need to elevate. You're saying that he is not
7 a party to the case. All right. So -

8 MR. AMENTE: Yeah. No, he's not.

9 CHAIRPERSON ANDERSON: Mr. Crocker,
10 can you -- Mr. Crocker? Mr. Crocker, I cannot
11 hear you, sir. I cannot hear you, Mr. Crocker.
12 I still cannot hear you, sir. I cannot hear you,
13 sir.

14 MR. AMENTE: Should I call him?

15 CHAIRPERSON ANDERSON: I think he
16 realizes that we can't hear him. I mean, he is
17 trying to -- he is trying. Yeah, you can call
18 him and let -- we can't hear him, so

19 MR. AMENTE: Okay.

20 CHAIRPERSON ANDERSON: I cannot hear
21 him through the headphones he's using.

22 MR. CROCKER: Can IT with the Webex
23 elevate me on the phone?

24 CHAIRPERSON ANDERSON: All right. We
25 provided him call-in information, so I -- I need

1 to see Mr. Crocker, though, because he is the
2 representative

3 MEMBER CROCKETT: He's with us now.

4 MR. CROCKER: Yes. You can hear me
5 now. Can you hear me?

6 CHAIRPERSON ANDERSON: Yes, Mr.
7 Crocker, I can hear you.

8 MR. CROCKER: Okay. Great. Great.
9 Okay. I'm just going to -- I'm just going to
10 talk through my phone, and then you can get the
11 audio that way. Is that okay?

12 CHAIRPERSON ANDERSON: That's fine.
13 I just want to make sure that you elevate your
14 voice when you speak, sir, so -- all right.

15 All right.

16 MR. AMENTE: Yeah. I'm sorry. It
17 goes to the voicemail.

18 CHAIRPERSON ANDERSON: All right.

19 MR. CROCKER: I'm on now. I'm on the
20 line now. They can hear me now.

21 CHAIRPERSON ANDERSON: All right.

22 Okay. So, Mr. Crocker, can you introduce
23 yourself for the record by spelling and state
24 your name, sir?

25 MR. CROCKER: Yeah. My name is

1 Douglas Crocker, and I'm the representative for
2 Allure Lounge.

3 CHAIRPERSON ANDERSON: Mr. Amente, can
4 you please spell and state your name for the
5 record -- for the record, please?

6 MR. AMENTE: Yes. Yes. First name Z-
7 E-R-I-H-U-N, last name A-M-E-N-T-E.

8 CHAIRPERSON ANDERSON: And what's your
9 relationship to this establishment, sir?

10 MR. AMENTE: Yeah. I'm the owner.

11 CHAIRPERSON ANDERSON: Thank you, Mr.
12 Amente.

13 Mr. Kelty, can you spell and state
14 your name for the record, please?

15 MR. KELTY: Sure. Joel Kelty from
16 ANC 6C. My name is spelled J-O-E-L K-E-L-T-Y.

17 CHAIRPERSON ANDERSON: Good afternoon,
18 sir.

19 Mr. Grossman, I don't have a -- I
20 don't have you on camera. Can you please
21 identify yourself for the record? If you have a
22 camera, can you please turn it on, please?

23 MR. KELTY: This is Joel Kelty again.
24 I'll be the primary representative for this one.

25 CHAIRPERSON ANDERSON: But I need

1 everyone to identify themselves, so I need Mr. --
2 where is Mr. Grossman, since he is -

3 MR. GROSSMAN: I am -

4 CHAIRPERSON ANDERSON: Can you please
5 spell and state your name for the record, please?
6 Mr. Grossman?

7 MR. GROSSMAN: Yes, sir. Graham
8 Grossman, G-R-A-H-A-M. Yes. Hi.

9 CHAIRPERSON ANDERSON: I need you to
10 spell and -- spell your name for the record and
11 state your name and identify yourself.

12 MR. GROSSMAN: I am here, if you can
13 hear me.

14 CHAIRPERSON ANDERSON: Yes, sir. I
15 can hear you, but I need you -- we have a court
16 reporter who is capturing everything that is said
17 today. That is one of the reasons why I ask
18 everyone to please state and spell your name for
19 the record. So, Mr. Grossman, can you please
20 identify yourself for the record, spell and state
21 your name for the record, and your relationship,
22 sir?

23 MR. GROSSMAN: Yes, sir. Graham
24 Grossman, G-R-A-H-A-M, last name Grossman, G-R-O-
25 S-S-M-A-N. I was mediation alternate for

1 Commissioner Kelty in ANC 6C. And I apologize
2 for the bad connection we have on Webex.

3 CHAIRPERSON ANDERSON: Your connection
4 is perfect, sir. I don't have a problem with
5 your connection.

6 I think we have Mike Velasquez, so can
7 Mr. Velasquez please come on camera, please spell
8 and state your name for the camera -- for the
9 record, please?

10 MR. VELASQUEZ: Mike Velasquez. I'm
11 the Commissioner for ANC 6A02.

12 CHAIRPERSON ANDERSON: Thank you.

13 And, I'm sorry, who is -- we have this
14 Derrick, who is that person? Can you please
15 spell and state your name for the record, and
16 your relationship, sir? Turn -- you need to
17 unmute your phone, sir.

18 Mr. Orellana, has -- is -- oh, go
19 ahead. I can hear you, sir.

20 MR. DEW: My name is Derrick Dew.
21 That's D-E-R-R-I-C-K, last name Dew, that's D-E-
22 W. And I run the security team at Allure. I'm
23 the owner of 3D Security. I cover the lower
24 lounge.

25 CHAIRPERSON ANDERSON: All right.

1 Thank you.

2 And is that everyone? I believe
3 everyone has identified themselves for the
4 record.

5 Is this a matter -- I'm sorry. Mr.
6 Prout, can you please identify yourself for the
7 record, please?

8 MR. PROUT: Yes, sir, Mr. Chair. Good
9 afternoon, everyone.

10 CHAIRPERSON ANDERSON: I cannot hear
11 you, Mr. Prout.

12 MR. PROUT: Can you hear me now?

13 CHAIRPERSON ANDERSON: Not really.
14 I'm hoping it's not my equipment. Go ahead. One
15 more time, sir.

16 MR. PROUT: Yes. Once again, my name
17 is ABRA Investigator Tavril Prout, T-A-V-R-I-L
18 P-R-O-U-T.

19 CHAIRPERSON ANDERSON: Good afternoon,
20 sir.

21 All right. Are there any preliminary
22 matters in this case before we move forward with
23 this hearing? Mr. Kelty?

24 MR. KELTY: Yes. Actually, I have
25 three -

1 CHAIRPERSON ANDERSON: Hold on.

2 MR. KELTY: -- preliminary matters to
3 bring to the Board's attention.

4 CHAIRPERSON ANDERSON: Right. What
5 are -- go ahead, Mr. Kelty.

6 MR. KELTY: So, first of all, I want
7 to call to the Board's attention that the
8 Applicant's supplemental filings are untimely and
9 should be excluded. I believe Mr. Dew may be a
10 witness that is on the amended witness list, and
11 he -- his testimony should also be excluded,
12 because he -- that witness list was amended in an
13 untimely fashion without cause.

14 Secondly, the Applicant's exhibits
15 contain confidential protected information that
16 should be excluded.

17 And, third, the Applicant's
18 non-attorney representation form was not properly
19 served, potentially not served at all, and is
20 defective in that it lacks the owner's signature.

21 I can provide additional detail if you
22 need on any three -- of those three items.

23 CHAIRPERSON ANDERSON: All right. Let
24 me see. So you're saying that the amended
25 witness list, you're saying that the -- was

1 untimely -- was untimely.

2 MR. KELTY: Yes, Mr. Chairman. We
3 received an amended PIF form, this exhibit and
4 witness list, last night after 6:00 p.m., which I
5 was only able to review just before this meeting
6 started. There is no good cause for why -

7 MR. CROCKER: Well, let me respond to
8 the call and -

9 CHAIRPERSON ANDERSON: Mr. Crocker?

10 MR. CROCKER: Yes.

11 CHAIRPERSON ANDERSON: I will call on
12 you when it's time for you to speak, sir. Okay?
13 I asked for preliminary matters. Mr. Kelty is
14 telling me what the preliminary matters are.
15 Once Mr. Kelty has alerted me to the preliminary
16 matters, sir, I will then address you.

17 All right. So, Mr. Kelty, you are
18 saying that the first -- your first preliminary
19 matter is that the amended witness list was -- it
20 was only filed yesterday. I -- I have not -- and
21 what's on this -- what's on the amended witness
22 list?

23 MR. KELTY: Well, it's an amended PIF
24 form, witness list and exhibit list, and there
25 were four new witnesses, I believe including

1 Mr. Dew, and then there are three or four new
2 exhibits. And I will also note that the exhibits
3 were never included, only the list naming the
4 exhibits. So we have never even seen those
5 exhibits.

6 I will also note that the original PIF
7 and supporting documents were turned in after the
8 deadline.

9 CHAIRPERSON ANDERSON: So when were -
10 when was the original PIF disclosed?

11 MR. KELTY: It was the day after the
12 deadline. If you give me a minute, I will give
13 you a date. The deadline was Wednesday,
14 March 8th, and the PIF was turned in, at least we
15 were served the PIF on March 9th. I believe ABRA
16 Legal also received it on the 9th.

17 CHAIRPERSON ANDERSON: All right. So
18 your first -- so the first one was the amended
19 witness list. I'm sorry. What was the second --
20 what was the second preliminary matter again you
21 had, sir?

22 MR. KELTY: My first item was the
23 supplemental filing was untimely and without good
24 cause. The second item was that the exhibits
25 that were submitted late contain confidential

1 information from mediation, including drafts of
2 our settlement agreement, emails about the
3 settlement agreement, and text messages. My
4 understanding is that is all protected
5 information that under 23-1609.2 is not to be
6 disclosed or discoverable.

7 CHAIRPERSON ANDERSON: And what is the
8 third one? And the third one was about the
9 representation.

10 MR. KELTY: The third one was
11 regarding Mr. Crocker's non-attorney
12 representation form, which you may recall you
13 admonished him to provide before he came to the
14 next hearing. And we discovered that it was
15 included with the exhibits that were untimely
16 filed. So its service was defective in that it
17 was untimely.

18 But, more importantly, the form lacks
19 the owner's signature. Mr. Amente did not sign
20 the form. Someone named Betty Atana signed the
21 form. And as far as I know, she is not an owner
22 of the business.

23 CHAIRPERSON ANDERSON: I know we had
24 this issue. I will -- I know that we had this
25 issue. I know that Mr. -- Mr. Crocker had

1 represented himself at the protest hearing
2 status. And I reviewed the record this morning,
3 and I did alert Mr. Crocker that pursuant to the
4 regulation he was supposed to file the proper
5 fine -- the proper form.

6 And so you're saying that the form
7 wasn't -- you're saying that the form was just
8 provided to you in the amended disclosure that
9 was filed yesterday. That's what you're saying,
10 right?

11 MR. KELTY: Close, but not exactly.
12 I believe it was in the original exhibits that
13 were also filed late. My real issue, though, is
14 that the form is incorrectly filled out. It
15 doesn't have the owner's signature. I know it
16 sounds picky, but, you know, we've got to follow
17 the rules here.

18 CHAIRPERSON ANDERSON: And so -- all
19 right.

20 MR. CROCKER: Can I respond to that,
21 sir?

22 CHAIRPERSON ANDERSON: I am going to
23 -- I am going to get to you, Mr. Crocker.

24 Go ahead, Mr. Kelty.

25 MR. KELTY: My request is that the

1 supplemental filings be excluded, anything
2 containing confidential and privileged
3 communications between the parties be excluded,
4 and that the non-attorney representative be
5 excluded, and witnesses that are on the list also
6 be excluded, if they were in the supplemental
7 filing.

8 CHAIRPERSON ANDERSON: Do you have --
9 do you have a concern of including the documents
10 that were -- I'm sorry, the witnesses and
11 documents that were disclosed on March 8th? Or
12 are you just asking us to not include the
13 mediation settlement discussion from March 8th?
14 That's what you're asking us, right? From
15 March 9th, I'm sorry.

16 MR. KELTY: Well, I note that the
17 original submission was untimely. I am willing
18 to move past that with the provision that emails,
19 texts, and draft settlement agreements, which are
20 protected information, be excluded from the
21 exhibits.

22 In addition, anything that was filed
23 last night, including the exhibit list, the list
24 of witnesses, and any witness testimony from that
25 amended list, also be excluded.

1 CHAIRPERSON ANDERSON: Okay. All
2 right. So, Mr. Crocker, hold on. I just want to
3 make sure that -- all right. So you're asking
4 me, one more time, you want -- what is it that
5 you want to be excluded? I'm sorry. One more
6 time, please.

7 MR. KELTY: Okay. Number one

8 CHAIRPERSON ANDERSON: All right.

9 MR. KELTY: -- anything that was
10 submitted as an amended filing yesterday, which
11 includes additional individuals on the witness
12 list, additional exhibits. I want that excluded.

13 The second thing is in the original
14 untimely submission, there were emails, texts,
15 and drafts of our settlement agreement
16 negotiations that are protected information and
17 are not subject to disclosure under 23-1609.2. I
18 want those excluded.

19 And the third thing is I am
20 respectfully requesting that you exclude the
21 non-attorney representative from the hearing,
22 because his form is defective and very likely his
23 service was also defective, service of the form.

24 CHAIRPERSON ANDERSON: And before I
25 have Mr. Crocker respond to number 3, how are you

1 prejudiced by number 3, sir? By the fact that
2 Mr. Crocker did not file the proper form.

3 MR. KELTY: We -- we've been told
4 various people are representing the Applicant,
5 and sometimes the Applicant said he is
6 representing himself. Other times we have been
7 told it's Mr. Crocker, and then we were told it
8 was Andrew Kline, who then said he wasn't
9 representing the Applicant.

10 So the whole purpose of the form is to
11 identify to the parties who the representative
12 is. And getting the form improperly filled out
13 and buried in with a pile of other documents we
14 feel is at best sloppy and perhaps bad faith.

15 CHAIRPERSON ANDERSON: All right.
16 Thank you, sir.

17 Mr. Crocker, I can't see you, so I
18 need to know -- I need to see you.

19 Mr. Crocker, it's my understanding --
20 and the motion is that we -- we not include the
21 supplemental disclosure that was filed yesterday.
22 And can you tell us why the Board should not --
23 should not grant the motion?

24 CHAIRPERSON ANDERSON: Yeah. We were
25 awaiting the ABRA investigator's report, and that

1 wasn't delivered until the 10th. So it was the
2 day after the submission. I did submit the PIF
3 form, the list of witnesses. I submitted an
4 original shared folder that had all of the
5 exhibits in it.

6 But just like Mr. Kelty had some
7 issues when he submitted his first shared folder,
8 I had some issues as well.

9 I was in communication directly with
10 ABRA representatives. I talked to Darnetta
11 Oroio, I think. Originally, I was told that all
12 I had to do was submit an email with a list of
13 additional witnesses. Those additional witnesses
14 were added as a result of what was contained in
15 the ABRA report. I did get a chance to talk to
16 Mr. Prout I guess who wrote the report over the
17 weekend. He called me back on Saturday.

18 And he initially stated in the report
19 that he sent me an email and asked for feedback
20 from me. If you look at Exhibit in his report

21 CHAIRPERSON ANDERSON: All right. Mr.
22 -- Mr. Crocker? Both of your lines are open.
23 One needs to be on mute, sir. I'm now hearing --
24 all right. So you -- all right.

25 MR. CROCKER: Okay. Can you hear me

1 now clearly?

2 CHAIRPERSON ANDERSON: I can hear you.
3 So why don't you now -- why don't you come in
4 front of the camera. I can hear you. You can --
5 I think I can hear you through -- yes, go ahead,
6 sir.

7 MR. CROCKER: Okay. And all I'm
8 saying is the reason why we had submitted an
9 amended list of witnesses was because of what was
10 contained in the ABRA report. We didn't get the
11 ABRA report until the 10th.

12 Okay. So when I originally contacted
13 Darnetta Oroio originally to ask how I could add
14 additional information and additional witnesses,
15 one of the witnesses we added was a security
16 guard. And that was because in the report they
17 talked about 41 calls to MPD, and we also added
18 an MPD police officer.

19 So those were two of the added
20 witnesses that the Protestant is saying should be
21 excluded. But the reason why they were added was
22 because it was addressed in the report, and we
23 didn't get the ABRA report until it -- until the
24 10th.

25 And I didn't get a chance to speak to

1 the ABRA investigator until yesterday, even
2 though I called on two occasions a week before
3 and had not received a call back. But I did get
4 the updated report, but it didn't come in until
5 the 10th.

6 CHAIRPERSON ANDERSON: So who was on
7 -- I -- I don't have the amended documents, so
8 who -- who are the -- who are the witnesses who
9 are identified on the -- on the PIF that was sent
10 yesterday?

11 MR. CROCKER: Okay. That's the
12 gentleman you just heard introduce himself, who
13 is the head of security. So he is online. He
14 just spoke up and introduced himself. And then
15 also we have a police officer.

16 CHAIRPERSON ANDERSON: I'm mistaken.

17 MR. CROCKER: We were trying to bring
18 in Christopher John, which that is his beat over
19 there, and he could address or talk to the items
20 that were listed in the actual ABRA report.

21 CHAIRPERSON ANDERSON: So who are the
22 witnesses that are listed in the report and that
23 you plan to call today?

24 MR. CROCKER: Derrick Dew. He is
25 online. Derrick Dew.

1 CHAIRPERSON ANDERSON: So Mr. Dew,
2 that is the only witness that -- that is the

3 MR. CROCKER: Yes.

4 CHAIRPERSON ANDERSON: -- only witness
5 that is listed in the amendment that you plan to
6 call today.

7 MR. CROCKER: Yes. That's the only
8 additional witness that I plan to call today,
9 yes.

10 And then with respect to the form with
11 me being the representative, that was signed by
12 me electronically, and then it was signed by hand
13 by the owner, and he submitted that document.

14 And then if you look in the folder
15 that I sent over for everybody, there is an
16 actual scan of his signature of that document,
17 and then you also have the electronic signature
18 from me.

19 CHAIRPERSON ANDERSON: All right. We
20 have it all in here, and I think we have this
21 issue

22 MR. CROCKER: Yes.

23 CHAIRPERSON ANDERSON: We have this
24 issue.

25 Mr. Amente?

1 MR. AMENTE: Yes.

2 CHAIRPERSON ANDERSON: Who is -- who
3 is your -- who is your designated representative
4 to represent you in this -- in this hearing, sir?

5 MR. AMENTE: Mr. Douglas. I just
6 don't know why they keep -- kept telling me to
7 change. I mean, they -- they don't have a lawyer
8 either, so why would I have a lawyer? I tried to
9 -- I tried to -- I met them, and I tried to talk
10 to them. They switch it on me, so I -- I just
11 kept Mr. Douglas. He worked fine by me.

12 CHAIRPERSON ANDERSON: You're saying
13 that Mr. Douglas Crocker is your

14 MR. AMENTE: Yes.

15 CHAIRPERSON ANDERSON: You're saying
16 he is your -- you are -- he is your
17 representative. Is that what you are saying,
18 sir?

19 MR. AMENTE: Yes. Some reason they
20 kept telling me to change it, but it's -- I think
21 it's fine by me.

22 CHAIRPERSON ANDERSON: All right. Mr.
23 Kelty, I mean, I know that we had this -- we had
24 this conversation at the -- at the status
25 hearing. And we -- Mr. -- and, yes, you had

1 stated that Mr. Crocker did not file the proper
2 form. But Mr. Crocker was here at the prehearing
3 status conference. We had the conversation.
4 Mr. Amente did state at the prehearing status
5 conference that Mr. Crocker was his
6 representative.

7 Mr. Amente is also stating today at
8 the hearing that Mr. Amente that Mr. Crocker is
9 his representative. So I am not sure how is it
10 that you are saying that you would be harmed
11 because he did not file the proper form.

12 MR. KELTY: To that point, I still
13 request that the untimely filed supplemental
14 documents be excluded as well as any confidential
15 and protected documents under 1609.2.

16 MR. CROCKER: I don't have

17 CHAIRPERSON ANDERSON: Yes, Mr.
18 Crocker. Yes, Mr. Crocker.

19 MR. CROCKER: Can I respond to why
20 they were included? Okay. One of the reasons
21 why it was included was because they came in and
22 proposed a totally different settlement agreement
23 than the one that was already in place.

24 Mr. Amente had signed a settlement
25 agreement back in 2021. They basically balled up

1 that agreement and came in with a totally
2 different agreement that didn't even reference
3 the sections that were in that agreement that he
4 signed, and then tried to get my client alone and
5 get him to sign that document.

6 So the reason why I submitted it as
7 evidence is because the first opening of the PIF
8 sheet says identify the things that you agree to.
9 So we agree to five different things on that new
10 settlement agreement, and what we were looking
11 for in exchange was for the ability for us to
12 extend our hours back to the ABRA hours that all
13 of the other CT lounges that are right there in
14 A1C actually have. And that is when things fell
15 apart. They weren't willing to budge on the
16 hours.

17 So the reason why I included that agreement
18 is because that agreement is totally different
19 than the one that Mr. Amente has in -- he has
20 already signed, and we weren't really agreeing to
21 move forward with, but they came in with this
22 totally different agreement, and that's why we
23 include it as the evidence, because we wanted to
24 talk about the origin of the five things that we
25 did agree with.

1 CHAIRPERSON ANDERSON: All right. So
2 what was included -- so what was included is the
3 settlement proposal that was submitted by -- that
4 was a draft settlement proposal that was
5 included, that was provided by the ANC. Is that
6 a document that is being disputed?

7 MR. CROCKER: Yes. That's what's
8 included, yes.

9 CHAIRPERSON ANDERSON: Go ahead,
10 Mr. Kelty. I am -- because I don't have the
11 documents in front of me, so that's why I'm
12 asking this.

13 MR. KELTY: I'll explain. The
14 documents in question are not only draft
15 settlement agreements but also email
16 correspondence and screenshots of text messages.
17 And under 1609.2, it says mediation proceedings
18 are confidential. Statements made during
19 mediation and documents and other evidence
20 disclosed during mediation are not discoverable
21 unless otherwise required by district or federal
22 law.

23 CHAIRPERSON ANDERSON: I'm just trying
24 to get some clarification. I'm not -- I'm not
25 saying I agree or disagree. I'm just trying to

1 get some clarification. So

2 MR. CROCKER: But I would argue that
3 because the ANC Commissioner is a D.C. employee,
4 and the Freedom of Information Act will allow all
5 of his correspondence to be viewed by D.C.
6 residents, that it's not private information or
7 -- or excluded information.

8 All of that correspondence is -- he is
9 included on it, so this is not correspondence
10 between myself and Graham Grossman, or the owner
11 and Graham Grossman. It includes a D.C.
12 official. So that information is public.

13 CHAIRPERSON ANDERSON: Mr. Crocker,
14 we're talking about something different, Mr.
15 Crocker. We're having a -- we're having -- we're
16 having a protest hearing.

17 MR. CROCKER: Yes.

18 CHAIRPERSON ANDERSON: And one of the
19 -- one thing that in all litigation, settlement
20 discussions, you cannot bring settlement
21 discussions to a -- you can't put your
22 communications

23 MR. CROCKER: He is a D.C.
24 Commissioner.

25 CHAIRPERSON ANDERSON: We are talking

1 about two different things, Mr. -- we are talking
2 about whether or not -- I'm not saying whether
3 it's public information or not. But when we have
4 a hearing, it's impermissible to include
5 settlement discussions, even the mediation
6 discussions, at the hearing. Because I'm not
7 sure if we even discussed that where at a
8 prehearing conference status that we have
9 basically stated that -- I'm sorry, that we have
10 stated that I -- I asked for procedural matter,
11 not substantive.

12 So the Board does not want to -- the
13 Board does not want to hear about positions that
14 were taken by -- by the parties during
15 negotiations. So

16 MR. CROCKER: So can I ask one
17 question then?

18 CHAIRPERSON ANDERSON: Yes. Yes, sir.

19 MR. CROCKER: If that's the case, then
20 the only settlement agreement that will be
21 discussed during this hearing is going to be the
22 one that is existing in place that was signed
23 back in 2021?

24 CHAIRPERSON ANDERSON: We can discuss
25 that, because that's part of our records. So

1 that's -- that's a settlement agreement that is
2 in place because it does with the -- it goes with
3 the license, but it's not

4 MR. CROCKER: But the one they
5 proposed -- so what you're telling me now is,
6 then, that the one that they proposed is not even
7 on the table for discussions at this hearing
8 today.

9 CHAIRPERSON ANDERSON: Mr. Crocker?
10 Mr. Crocker, all right.

11 MR. CROCKER: Yes.

12 CHAIRPERSON ANDERSON: And I'm going
13 to say this. I want the record to be clear. You
14 are the representative of this licensee, and,
15 therefore, because you are the representative of
16 this licensee, I am taking notice that you have a
17 good understanding of the procedures that -- how
18 these hearings are operated. Okay?

19 So I am not going to sit here and you
20 are going to say, "I don't understand. I don't
21 know." Because you have represented yourself as
22 the designee for this licensee. The licensee has
23 stated that you are his designee. So there are
24 certain expectations that one has for the
25 individual who is representing the licensee, sir,

1 and I do hope that -- and this is not the first
2 time you have done a hearing. And I know that we
3 have gone through many conversations about what
4 should or shouldn't be done.

5 But it is not my job to educate a
6 representative at a hearing how to do a hearing.
7 I will more so take -- I will be more empathetic
8 -- sympathetic if I have an owner who is
9 representing himself because I don't necessarily
10 think that the owner might know all of the
11 procedures because he is an owner.

12 But if he has hired a representative
13 to represent him, and if this person puts himself
14 out as your representative and I am going to
15 represent you, then there are certain things that
16 I hold off you that I hope that you are aware of
17 the procedures, and I don't want to be going
18 through to teach you how to do a hearing, sir.
19 Okay? So we are not going to do that.

20 So what I'm going to do, I'm going to
21 make a motion on the -- I'm going to make a
22 motion to the Board what the Board should do
23 regarding the supplemental disclosure. I'll
24 address -- let me ask you a question, Mr. Kelty.
25 How is it that you believe that you are harmed --

1 the ANC -- your case will be harmed if Mr. Dew
2 testifies?

3 MR. KELTY: I don't know who Mr. Dew
4 is. I have had no chance to do any research on
5 either Mr. Dew, the other witnesses, or any of
6 the supplemental documents that were -- well,
7 they weren't sent, but that were supposedly sent.
8 So we only got this information last night.

9 I'm a volunteer. I have another job.
10 I have a family. I didn't even know who Mr. Dew
11 was until this meeting started. So I don't think
12 it's -- we can't prepare. I don't know what to
13 ask him. I don't know anything about his
14 background. He has not submitted a resume. So I
15 feel a little bit unable to ask him questions in
16 an intelligent fashion.

17 CHAIRPERSON ANDERSON: All right.

18 MR. CROCKER: But just please
19 understand that

20 CHAIRPERSON ANDERSON: Mr. Crocker?
21 Go ahead. Anything you want to say, Mr. Crocker.

22 MR. CROCKER: Just real quickly. Just
23 please understand that the reason why he was
24 added was because of that ABRA report. We did
25 not get the ABRA report until the 10th. I did not

1 talk to the ABRA investigator -- and he is on the
2 phone now; maybe he can give an explanation of
3 why it was submitted late -- until Saturday. He
4 called me on Saturday.

5 So Mr. Dew is just the head of
6 security there at Allure, because the -- when we
7 got the submissions of evidence from the
8 Commissioner, you know, it seems like one of his
9 prime arguments is going to be crime in the area,
10 that there has been a rise in crime in the area.
11 So he is -- he's the head of security, and we
12 were planning on bringing a Metropolitan Police
13 Department police officer that -- whose beat that
14 is to also counter that.

15 So all of that is a result of, for
16 one, what Mr. Kelty had submitted in his list of
17 evidence, and how he highlighted the issues
18 occurring. Then, two, the ABRA report that
19 actually came out and listed the call or
20 incidents that were -- that were made to the
21 police department, but they didn't tell you what
22 the incidents were, and they didn't tell you that
23 it was Mr. Amente's head of security that
24 actually called the police, you know. So this is
25 just

1 MR. KELTY: Sir, I have to object. We
2 are getting into

3 CHAIRPERSON ANDERSON: Hold on. Hold
4 on, Mr. Kelty. Hold on a minute, Mr. Kelty.
5 Hold on. Let him finish. I'm going to give you
6 a chance.

7 MR. CROCKER: Yeah. So this actually
8 -- this new addition to the list of witnesses is
9 a police officer whose beat is in the area of 6C,
10 and then also the head of security, Mr. Duet --
11 Dew, who actually is on the phone, he is the head
12 of security for Allure Lounge. So he can speak
13 directly to what those calls were, because he
14 made them. So that's the reason why we're
15 requesting that he be added. That's all.

16 CHAIRPERSON ANDERSON: Mr. Kelty, let
17 me -- before you respond, I want to ask you a
18 question. Can you tell us the -- why did you --
19 why did the ANC protest the renewal of this
20 license? Just what's on the paperwork. That's
21 all I'm asking you.

22 MR. KELTY: Yeah. On the
23 appropriateness standards, the three
24 appropriateness standards, and also on the
25 qualifications of the Applicant for licensure,

1 and I will also just note that we received the
2 ABRA investigator's report at the same time the
3 Applicant did, and we followed the rules and did
4 not submit additional information because the
5 rules don't say that you can. And I feel it
6 would be prejudicial to accept it, since that's
7 not typical.

8 And, lastly, we -- I have only done
9 one of these to a full protest before. But we
10 also received the ABRA investigator's report
11 after the PIF exhibit was due, and all parties
12 made that work.

13 MR. CROCKER: Well, we first called
14 ABRA, the ABRA Legal Department, and asked them
15 could we submit, how we should submit.
16 Originally, they told us to send an email, and
17 then they told us to submit the amended

18 MR. AMENTE: Can I

19 MR. CROCKER: -- but we did it in the
20 way that they told us to do it.

21 MR. AMENTE: Can I say something?

22 CHAIRPERSON ANDERSON: Mr. Amente,
23 yes, sir.

24 MR. AMENTE: Yes. If -- if -- Mr.
25 Kelty, if this witness that we -- I'm trying to

1 make a peace here. If -- if this person that
2 affects to be here today, I'm going to let him
3 go. I just brought him here for -- we're willing
4 to say, you know, he'll be working with me for a
5 long time, so that's -- that's all. If he
6 affecting us, let him go. Let's move forward.

7 CHAIRPERSON ANDERSON: All right.
8 Mr. Amente has spoken, so, therefore, that's not
9 an issue. So there is no issue.

10 MR. AMENTE: Yes.

11 CHAIRPERSON ANDERSON: So the -- there
12 is no issue with the supplemental -- the
13 supplemental. We are not -- we are not going to
14 include the witness on the supplemental, and we
15 are not going to include the settlement
16 agreement.

17 So, Mr. Dew, thank you for being here
18 today, sir. You are free to go.

19 All right. Any other preliminary
20 matters that we need to address before we move
21 forward to this hearing?

22 MR. CROCKER: Just real quickly, let
23 me get some clarification here. You said that
24 the settlement agreement is not to be discussed
25 during this hearing as well. So only the

1 settlement agreement that we've signed and that's
2 in place?

3 CHAIRPERSON ANDERSON: Yes, Mr. --
4 yes, Mr. Crocker.

5 MR. CROCKER: Thank you.

6 CHAIRPERSON ANDERSON: We can only --
7 the only -- the settlement agreement remains with
8 the license until or unless the ABC Board changes
9 it. So once you sign a settlement agreement, the
10 settlement agreement remains, irrespective of
11 what happened. Unless a motion is filed by the
12 licensee to terminate the settlement agreement,
13 the settlement agreement remains with the
14 establishment.

15 MR. CROCKER: Okay.

16 CHAIRPERSON ANDERSON: There are no
17 changes to a settlement agreement as long --
18 unless the licensee has filed a motion with its
19 agents -- with the Board to terminate it.

20 MR. CROCKER: Okay.

21 CHAIRPERSON ANDERSON: And so the
22 settlement agreement can last 20 years, 30 years.
23 It doesn't matter. Okay?

24 MR. CROCKER: Okay.

25 CHAIRPERSON ANDERSON: So with that

1 said, if there is -- if there is a settlement
2 agreement in place, if there is one settlement
3 agreement that has been approved by the Board,
4 and if that settlement agreement is accepted by
5 both parties, do we need to have a hearing?

6 MR. CROCKER: The only issue that we
7 have on the hearing is that agreement has been in
8 place for three years, and we

9 CHAIRPERSON ANDERSON: I'm sorry.

10 MR. CROCKER: -- have had no call --
11 no calls or no complaints.

12 CHAIRPERSON ANDERSON: Hold on, Mr.
13 Crocker. Hold on.

14 MR. CROCKER: Yes.

15 CHAIRPERSON ANDERSON: Hold on. There
16 is a -- there is one settlement agreement that
17 was approved by the Board, and that settlement
18 agreement remains in place. All right?

19 Mr. Kelty, are you saying that if this
20 settlement agreement is the settlement agreement
21 that there is no need for this protest?

22 MR. KELTY: No. No, that's not what
23 I'm saying at all.

24 CHAIRPERSON ANDERSON: I was just --
25 I was just asking. I was just asking. I was

1 just -- I thought it was -- I thought there was
2 conversation regarding that the settlement
3 agreement doesn't exist, and we are trying to
4 change the settlement agreement. So I was just
5 trying to find out if -- if we all agree that
6 this is the settlement agreement in place, would
7 -- would this dispose of the matter? That's what
8 I was just trying to get some clarification.

9 MR. KELTY: That would not dispose of
10 the matter. We have additional issues.

11 CHAIRPERSON ANDERSON: Okay. That's
12 fine. All right. That's fine.

13 Let me ask a question also. As far as
14 the Protestant is concerned, is there -- would
15 the Protestants agree to the renewal of the
16 license? I'm just -- there are two different
17 issues: renewal of the license with the current
18 settlement agreement and additional -- and we can
19 take testimony on additional changes or
20 additional provisions if we need to, or -- I'm
21 just asking -- or because I'm just -- I'm trying
22 to find out if that was something that we need to
23 take testimony on whether or not this license
24 should even be renewed.

25 So the parties agree that we can agree

1 the -- that we can renew the license, then we can
2 -- then we can just shorten the hearing and just
3 have testimony about whether or not are there
4 additional conditions should be placed on the
5 renewal. That's -- I'm just -- I'm just asking
6 questions.

7 MR. KELTY: So the ANC does not
8 believe that renewal of this license is in the
9 public interest. However, if the Board decides
10 that it will renew the license, we have
11 conditions that we request be imposed upon the
12 licensee by Board order.

13 CHAIRPERSON ANDERSON: Now we are --
14 you are contesting the renewal, so it -- we are
15 going through the entire -- all right.

16 Okay. So this is what's going to
17 happen. Okay. So what -- the way this -- the
18 way the hearing is going to go, the Board will
19 call its witness, the witness will testify. The
20 witness will testify. Then, the Board will ask
21 questions of its witness. Once the Board has
22 asked questions of its witness, then the licensee
23 will have an opportunity to ask questions, and
24 then the Protestants will have an opportunity to
25 ask questions.

1 And then the -- or once the Board has
2 presented its witness, then the licensee will
3 call a witness -- his witness to testify. Once
4 the witness has testified, then the licensee --
5 I'm sorry, then the Protestant will have an
6 opportunity to ask questions, and vice versa.

7 I am going to keep -- I am going to
8 try -- as I have told you before, you have one
9 hour to do this case. I know that with
10 cross-examination and stuff -- I need the parties
11 to spend the majority of their time in direct
12 examinations, not in cross-examination, because
13 cross-examination doesn't help the Board. Direct
14 testimony helps the Board.

15 So, therefore, I need you to spend the
16 majority of your time in presenting direct
17 testimony.

18 All right. So the process now will
19 occur is that I will ask that -- I will -- the
20 parties will have an opportunity to give opening
21 statements. And so the Protestant goes first,
22 the licensees go -- goes -- I'm sorry, the
23 licensee goes first, and the Applicant goes
24 first, and the Protestant goes second.

25 And so, therefore, Mr. Crocker, do you

1 wish to make an opening statement?

2 MR. CROCKER: Yes. Thank you, Board,
3 for having us here today. We attempted to enter
4 into a mediation and quickly wanted to start the
5 negotiations from the existing settlement
6 agreement that was signed back in May of 2021.

7 Mr. Kelty, with Mr. Grossman, came to
8 our mediation meeting with a totally different
9 settlement agreement that had different terms in
10 it, that had provisions in there

11 CHAIRPERSON ANDERSON: Mr. -- Mr.
12 Crocker? I'm sorry to interrupt you -- your
13 opening. Clearly, we are at this hearing because
14 the parties are unable to settle this matter.
15 And so, therefore, clearly, if settlement
16 discussions were fruitful, we would not have had
17 this hearing.

18 So, therefore, I need you to focus on
19 why is it that this agency should renew the
20 license, sir, with or without conditions? I
21 don't care about what happened in negotiation. I
22 need you to move forward with that, sir.

23 MR. CROCKER: Okay. So the only
24 reason why we are coming before the Board now in
25 our request is we have had a settlement agreement

1 for three years. There is a clause in the
2 settlement agreement to where if the parties --
3 if the protestors had any issues that they give
4 the Applicant a chance to cure those issues.

5 His phone number, as well as his email
6 address, is listed in that settlement agreement.
7 In the three years, he has never received a call,
8 he has never received an email, from any of the
9 protestees about any issues that are outlined in
10 the settlement agreement.

11 So when they came forth with this new
12 settlement agreement, and they had no past
13 history to show to where he has violated or not
14 adhered to any of the conditions in the -- in the
15 original settlement agreement, then we just push
16 forward with just signing the original settlement
17 agreement and then coming to the Board and asking
18 for our additional hours back, which is -- was a
19 condition of a May 21st settlement agreement that
20 he agreed to sign, and then he has adhered to and
21 met all of the requirements of that, has never
22 got any complaints, nor has he had any major
23 violations from the Metropolitan Police
24 Department or any violations or hearings from
25 ABRA.

1 And he also has another establishment
2 over on 16th Street, and he has never had any
3 violations or any hearings from ABRA as well.

4 So to add additional restrictions is
5 what we -- we are pushing back against, because
6 he has acted in good faith and he has adhered to
7 all of the terms that are outlined in the
8 settlement agreement as well as, you know,
9 putting his phone number on there and asking for
10 a cure notice.

11 So we believe that we shouldn't even
12 be here at this hearing, because any of the
13 issues that they have, they never emailed or they
14 never called Mr. Amente and gave him his -- his
15 10 days to cure the problems before coming before
16 ABRA.

17 CHAIRPERSON ANDERSON: Thank you.

18 Mr. Kelty?

19 MR. KELTY: Good morning. We are here
20 protesting the renewal of this Class C license
21 because the establishment does not meet the
22 fitness standards set forth in 25.313 and 25.315,
23 and also because the Applicant is not fit for
24 licensure under the standards set forth under
25 25.301(a), items 1, 3, 4, and 7.

1 We will show that the Applicant has a
2 long history of ABRA violations. The fact that
3 he has not been cited doesn't mean the violations
4 didn't occur. The Applicant has violated
5 numerous District of Columbia laws and
6 regulations, including offering hookah, illegally
7 increasing the occupancy of his establishment,
8 failing to placard his establishment for his
9 renewal, and providing incomplete and inaccurate
10 or misleading statements on his renewal
11 application.

12 We also feel that the Applicant's
13 personal history is disqualifying, and that is
14 the reason that we are asking for the Board to
15 intervene in this matter and either deny the
16 license or, in the alternative, impose conditions
17 upon the license to mitigate adverse impacts on
18 the neighborhood.

19 Thank you.

20 CHAIRPERSON ANDERSON: Thank you.

21 All right. Mr. Prout, can you raise
22 your right -- can you raise your right hand,
23 please?

24 MR. AMENTE: Mr. Chairman, can you
25 hear me? I didn't -- for some reason I didn't

1 hear what he said, got disconnected here.

2 Mr. Kelty, can you repeat what you said, please?

3 I didn't really hear you. If you don't mind.

4 CHAIRPERSON ANDERSON: Mr. Amente,
5 what Mr. Kelty basically stated is that he
6 doesn't believe that you are -- he doesn't
7 believe that you are fit to be an owner, so what
8 that -- what he is asking the Board to do is
9 either deny our license, or if we renew your
10 license, that we renew your license with
11 additional conditions. That's what he said in
12 gist, sir.

13 MR. AMENTE: Yeah. Okay.

14 CHAIRPERSON ANDERSON: Mr. Amente?

15 MR. AMENTE: Yes.

16 CHAIRPERSON ANDERSON: Mr. Crocker is
17 your representative. Okay? Mr. Crocker speaks
18 for you, sir. If that's not the case, you need
19 to let -- you need to let me know right now,
20 because I will not recognize you. I will
21 recognize Mr. Crocker.

22 MR. AMENTE: Oh, okay. I didn't hear
23 -- okay. My apologies. I understand.

24 CHAIRPERSON ANDERSON: So I am only --
25 I am going to -- moving forward, I will only

1 recognize Mr. Crocker unless you tell me that Mr.
2 Crocker does not represent you and that you want
3 to represent yourself. But outside of that

4 MR. CROCKER: Well, in that case

5 CHAIRPERSON ANDERSON: -- Mr. Crocker
6 -- Mr. Crocker

7 MR. CROCKER: Yes.

8 CHAIRPERSON ANDERSON: I'm on your
9 side in this case, sir. Okay? So you -- you
10 can't have it both ways.

11 MR. CROCKER: Okay.

12 CHAIRPERSON ANDERSON: You have
13 represented that you are his designated
14 representative. Okay?

15 MR. CROCKER: Yes.

16 CHAIRPERSON ANDERSON: As his
17 designated representative, you are the only one
18 who speaks for the establishment here.

19 MR. CROCKER: Yes.

20 CHAIRPERSON ANDERSON: When there are
21 procedural matters, you speak. If there is any
22 clarification, you speak. If Mr. Amente wants to
23 speak, he needs to speak through you, unless you
24 call him as a witness. If that is not so, both
25 you and Mr. Amente are not going to speak at the

1 same time. One person is going to speak.

2 And for the last time, Mr. Amente, is
3 Mr. Crocker your designated representative to
4 represent you in this hearing, sir?

5 MR. AMENTE: Yes. My apologies. I
6 didn't hear him. That's -- yeah, I got it. I
7 get it. Thank you.

8 CHAIRPERSON ANDERSON: All right. So
9 Mr. Crocker will speak as the representative, and
10 Mr. Amente will only speak when he is being
11 questioned, if he is called by a witness -- as a
12 witness and he is being cross-examined or direct
13 testimony.

14 If at some point through this hearing,
15 Mr. Amente, you decide that you no longer want
16 Mr. Crocker to represent you, you please alert me
17 and I will make the change, sir. Okay? Okay,
18 sir? Are we on the same page? You heard me,
19 Mr. Amente?

20 CHAIRPERSON ANDERSON: Yes, he heard
21 you. Yes.

22 CHAIRPERSON ANDERSON: Mr. Amente, did
23 you hear what I said, sir? Mr. Amente?

24 MR. AMENTE: Yes.

25 CHAIRPERSON ANDERSON: Did you hear

1 what I said? Yes or no. I need an
2 acknowledgement from you, Mr. Amente. I cannot
3 hear you. Did you hear and acknowledge what I
4 just stated, sir? Mr. Amente, can you take your
5 -- can you unmute your phone and respond to me,
6 sir?

7 MR. CROCKER: Well, he acknowledged
8 that he is having some technical difficulties
9 hearing.

10 CHAIRPERSON ANDERSON: Then I can't --
11 I can't move on. He is the owner. I know you
12 are his representative. Okay, sir? But he still
13 needs to be here. So I need to make sure that he
14 can hear us, so he can participate.

15 So whatever technical difficulty he is
16 having, we need to -- we need to address that
17 before we start the hearing, because we are --
18 now I am going to have witnesses. So I need to
19 make sure that he is hearing what is going on,
20 because before he said he couldn't -- he couldn't
21 hear.

22 So can we get some -- can you speak to
23 your client, sir, to make sure he can hear? Let
24 me pause for a minute to make sure that
25 Mr. Amente is hearing what is going on today.

1 MR. CROCKER: Hey, Zi, are you there?

2 CHAIRPERSON ANDERSON: You can --
3 Mr. Crocker, put yourself on mute. I don't need
4 to have -- I don't need to hear what -- what you
5 are talking to him about, sir, off the record.

6 MR. CROCKER: Yes, sir.

7 CHAIRPERSON ANDERSON: Mr. Amente, can
8 you hear me? Can you hear me, Mr. Amente?
9 Mr. Amente, can you hear me?

10 MR. AMENTE: Yeah. Yes.

11 CHAIRPERSON ANDERSON: All right. All
12 right, sir. Thank you.

13 Mr. Prout, can you raise your right
14 hand, please?

15 WHEREUPON,

16 TAVRIL PROUT

17 Was called for examination by the Alcoholic
18 Beverage Control Board, and after having been
19 first duly sworn, was examined and testified as
20 follows:

21 CHAIRPERSON ANDERSON: Can you state
22 your name for the record again, please?

23 MR. PROUT: ABRA Investigator Tavrill
24 Prout, T-A-V-R-I-L, P-R-O-U-T.

25 DIRECT EXAMINATION

1 CHAIRPERSON ANDERSON: Where are you
2 currently employed, sir?

3 MR. PROUT: I'm employed with the
4 Alcoholic Beverage Regulation Administration of
5 the District of Columbia.

6 CHAIRPERSON ANDERSON: How long have
7 you worked for the agency, sir?

8 MR. PROUT: Four years and two months
9 -- three months -- no, two months -- two months.

10 CHAIRPERSON ANDERSON: And what are
11 your duties and responsibilities?

12 MR. PROUT: I'm tasked with performing
13 a series of regulatory inspections for alcohol-
14 serving establishments in the District of
15 Columbia as well as conducting and performing
16 investigations in lieu of and investigations with
17 brother agencies such as Metropolitan Police
18 Department.

19 CHAIRPERSON ANDERSON: Are you
20 familiar with Allure Lounge, sir?

21 MR. PROUT: Yes. I am familiar with
22 Allure Lounge. It is the assigned post that was
23 assigned to me by the agency approximately on
24 February 14, 2023.

25 CHAIRPERSON ANDERSON: And did there

1 come a time there was a case report for this
2 case, sir?

3 MR. PROUT: Yes. A protest report was
4 generated and submitted on February the 28th.

5 CHAIRPERSON ANDERSON: And do you have
6 that case report that you can upload -- that you
7 -- I'm sorry -- that you can share your screen
8 with us, sir?

9 MR. PROUT: Yes. May my rights be
10 elevated so that I can share my screen at this
11 time?

12 CHAIRPERSON ANDERSON: Mr. Orellana,
13 can you please allow Mr. Prout to share his
14 screen? Thank you.

15 And can you identify the document that
16 we're looking at, sir?

17 MR. PROUT: Yes. The document that is
18 in front of us at this time is the protest report
19 that was drafted on behalf of Allure Lounge
20 located at 711 H Street NE, Washington, D.C.,
21 Case Number 22-PRO-00143.

22 CHAIRPERSON ANDERSON: And who are the
23 protestors in this case, sir?

24 MR. PROUT: The protestants are the
25 ANC Commissioners listed as Mr. Graham Grossman

1 as well as Mr. Joel Kelty.

2 CHAIRPERSON ANDERSON: Now did you
3 have an opportunity to interview the protestants
4 in this case, sir?

5 MR. PROUT: No. Email was submitted
6 to both Mr. Grossman and Mr. Kelty, and there
7 were no responses to my emails at the time of --
8 as of the submittal of this report on February
9 the 28th.

10 CHAIRPERSON ANDERSON: So you have
11 never spoken to protestants in this case?

12 MR. PROUT: No, Mr. Chairperson. I
13 have not spoken to either Mr. Grossman as well as
14 Mr. Kelty.

15 CHAIRPERSON ANDERSON: Have you had an
16 opportunity to speak to the licensee in this
17 case?

18 MR. PROUT: I had an opportunity to
19 speak with Mr. Crocker very briefly but not at
20 great length in reference to what his concerns
21 were as well as the licensee's concerns. The
22 only underlying concern that was mentioned to me
23 was that he was going to ask the Board to dismiss
24 it due to the ANC changing from 6C to 6A. That's
25 the only information I was able to extract from

1 the licensee's legal representative as of today,
2 Mr. Chairperson.

3 CHAIRPERSON ANDERSON: All right. Can
4 you tell us where is this license application
5 business located?

6 MR. PROUT: The establishment is
7 located at 711 H Street NE in Washington, D.C.

8 CHAIRPERSON ANDERSON: And tell us a
9 little bit about the area that it's located?

10 MR. PROUT: Yes. So the area is a
11 mixed use area. It's located in the NC-16 Zone
12 of H Street NE neighborhood district and it
13 pretty much houses NC-9 to NC-17 and which spans
14 from 2nd Street NE to 15th Street NE. And that
15 particular area encourages the use of unique
16 destination subdistricts along the corridor,
17 specifically housing district from 2nd Street to
18 7th Street NE as well as a neighborhood serving
19 retail shopping district from 7th Street to 12th
20 Street NE, and an arts-entertainment district
21 from 12th Street to 15th Street NE. Going back
22 to the establishment, they possess a tavern
23 license which is classified as a CT license.
24 They have a occupancy load of 69 persons that are
25 able to be permitted in the establishment at any

1 given time, and their current endorsements on
2 their alcohol license are live entertainment,
3 game of skills as well as a holiday extension
4 endorsement as well.

5 CHAIRPERSON ANDERSON: Are there any
6 other licensed establishments within 400 feet of
7 this establishment?

8 MR. PROUT: Yes, sir. So there are
9 eight -- approximately 16 establishments that are
10 located -- court's indulgence -- it's 18
11 establishments that are located within 400 feet
12 of the establishment. I would like the board to
13 note that there is one day care that is located
14 within 299 feet of the establishment, which is
15 called Loving Daycare. Moving forward, there is
16 approximately Class B establishments which offer
17 off-premise sales of beer and wine only. There
18 is one Class A establishment which offers off-
19 premises establishments that sells beer, wine,
20 and spirits off premises; five Class CT licenses
21 and which offer on-premise establishments that
22 sell beer, wine, and spirits. There are six Class
23 CR establishments that offer on-premise sale of
24 beer, wine, and spirits. There -- out of those
25 18 establishments, there are 10 settlement

1 agreements, 6 entertainment endorsements, and 4
2 sidewalk cafes as well as 3 summer gardens. This
3 is the list of alcohol-serving establishments
4 within 400 feet.

5 CHAIRPERSON ANDERSON: What are the
6 current approved hours of operation for this
7 establishment --

8 MR. PROUT: The
9 (Simultaneous speaking.)

10 CHAIRPERSON ANDERSON: -- and hours of
11 alcoholic sales?

12 MR. PROUT: Yes. So the approved
13 hours of operation for the establishment from
14 Sunday through Thursday is from 11:00 a.m. to
15 1:00 a.m. and on Friday, it's -- and Saturday
16 from 11:00 a.m. to 2:00 a.m. The approved hours
17 of alcohol sales are from 11:00 a.m. to 1:00 a.m.
18 for Sunday through Thursday as well as from 11:00
19 a.m. to 2:00 a.m. on Friday and Saturday. Their
20 hours of live entertainment are from 11:00 a.m.
21 to 1:00 a.m. for Sunday through Thursday as well
22 as from 11:00 a.m. to 2:00 a.m. on Friday and
23 Saturday.

24 CHAIRPERSON ANDERSON: All right. How
25 many times, if any, did ABRA visit this

1 establishment during the time and during your
2 monitoring?

3 MR. PROUT: The establishment was
4 monitored on four different days during the time
5 in which the protest was assigned to me on
6 February the 14th through February the 24th. It
7 was visited on February the 15th from 11:30 p.m.
8 to (audio interference) a.m.; on Saturday,
9 February 18th from 12:35 a.m. to 1:35 a.m. with
10 no ABRA violations for both previous dates; on
11 February 19th from 1:05 a.m. to 1:35 a.m. with no
12 ABRA violations; and last but not least, February
13 24th from 12:30 a.m. to 3:30 a.m. with no ABRA
14 violations notated as well.

15 CHAIRPERSON ANDERSON: What about have
16 you -- were you able to receive any incident
17 report regarding this location?

18 MR. PROUT: No. I was not able to
19 ascertain any incident reports due to the lack of
20 information that was provided by the licensee as
21 well as the ANC of what the underlying concerns
22 were. It was hard to have guidance on how the
23 protest would proceed on this afternoon, so I was
24 not made aware to ascertain incident reports as
25 one of the underlying concerns by the protestant

1 as well as the licensee at this time.

2 CHAIRPERSON ANDERSON: Well, what
3 about -- did you request -- review the record --
4 did you request a record search for incidents
5 with --

6 MR. PROUT: Yes.

7 CHAIRPERSON ANDERSON: -- this
8 location? And what did you find?

9 MR. PROUT: So a record search was
10 collected from the Office of Unified
11 Communication on February the 15th, and that
12 request was for all calls for service to the
13 provider from February 15, 2022 through February
14 15th of 2023. From that there were 11 calls
15 total. There was one report of a threat. There
16 were two reports for disorderly unwanted persons.
17 There were one assault fight, one harassed person
18 report, four miscellaneous reports, one noise
19 complaint, and one disorderly group and which
20 totals to 11 calls total. And I will give you
21 this (audio interference).

22 CHAIRPERSON ANDERSON: You said there
23 are 11 total. Of these 11, were you able to
24 ascertain if -- how many, if any, of the 11 calls
25 were attributable to this specific establishment;

1 were you able to do that?

2 MR. PROUT: Yes. So the only one that
3 I was able to attribute to the establishment were
4 the disorderly unwanted persons as well as the
5 noise complaint and the assault fight as -- and
6 (audio interference).

7 CHAIRPERSON ANDERSON: So many -- of
8 the 11, how many of that were you able to
9 attribute to the establishment? Mr. Prout? Mr.
10 Prout?

11 MR. PROUT: Sorry, there was a brief
12 internet connection issue that just transpired.
13 I apologize. Court's indulgence. Can you
14 restate your question, Mr. Chairperson?

15 CHAIRPERSON ANDERSON: Of the 11
16 incidents, how many of those incidents -- of the
17 11, what number can you attribute directly to
18 this establishment?

19 MR. PROUT: Approximately five total.

20 CHAIRPERSON ANDERSON: Let me go
21 through these. Can you identify the exhibits
22 that are attached to your report, please?

23 MR. PROUT: Yes, sir. So Exhibit
24 Number 1 is the protest letter notification that
25 was provided on February 6, 2023 in reference to

1 the status and protest hearing dates and which
2 listed the protestants for the actual case as
3 well as Mr. Crocker's information as well as the
4 licensee's legal representative.

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

8 MR. PROUT: Moving forward, the next
9 document is the email that was drafted and
10 submitted to ANC Commissioner Graham requested
11 his statement on what the underlying concerns and
12 issues of the neighborhood in reference to the
13 licensee possessing and maintaining his ABRA
14 license, which was drafted on February the 16th,
15 and it was read by Mr. -- so it was not read by
16 Mr. Graham.

17 (Whereupon, the above-referred to
18 document was marked as Board Exhibit 2 for
19 identification.)

20 MR. PROUT: Moving forward, however,
21 Mr. Kelty was cc'd on this email as well, so it
22 was emailed to both, and Mr. Kelty did read the
23 email on February the 17th at approximately 8:19
24 a.m. --

25 (Simultaneous speaking.)

1 CHAIRPERSON ANDERSON: I just want you
2 to (audio interference) the -- I don't -- just
3 identify what the documents are and what number
4 they are. That's all I -- yeah.

5 MR. PROUT: Moving forward, Exhibit
6 Number 3 is the same document as well drafted, a
7 email drafted in reference to entertain the
8 underlying concerns of the ANC on the licensee
9 maintaining and having the ABRA license.

10 (Whereupon, the above-referred to
11 document was marked as Board Exhibit 3 for
12 identification.)

13 CHAIRPERSON ANDERSON: Okay.

14 MR. PROUT: Exhibit Number 4 is the
15 GIS Information in which ascertains all schools,
16 recreation centers, and public libraries located
17 within 450 feet of the establishment, the only
18 public venue of that nature is the daycare as
19 listed earlier, which is located at 616 H Street
20 NE, approximately 299 feet away from the
21 establishment.

22 (Whereupon, the above-referred to
23 document was marked as Board Exhibit 4 for
24 identification.)

25 MR. PROUT: Exhibit Number 5 is a list

1 of all of the ABRA serving establishments that
2 are located within a 1,200-foot radius of the
3 establishment, which lists 18 alcohol-serving
4 establishments total.

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

8 MR. PROUT: The next Exhibit is the
9 front door and the sidewalk view of the
10 establishment located at 711 H Street NE.

11 CHAIRPERSON ANDERSON: What number is
12 that? Remember for the record, I need you to
13 identify what Exhibit, what --

14 MR. PROUT: I apologize, Chairperson.
15 That is Exhibit Number 6.

16 (Whereupon, the above-referred to
17 document was marked as Board Exhibit 6 for
18 identification.)

19 MR. PROUT: Exhibit Number 7 is the
20 interior of the establishment. This is the front
21 area where it is the lounge area, which is housed
22 by a series of small tables as well as sofa
23 chairs for patrons to be able to sit and enjoy
24 the entertainment and food that's offered by the
25 establishment.

1 (Whereupon, the above-referred to
2 document was marked as Board Exhibit 7 for
3 identification.)

4 MR. PROUT: Exhibit Number 8 is the
5 main bar on the ground floor which houses a full
6 bar as well as chairs for patrons to be able to
7 sit at the main bar.

8 (Whereupon, the above-referred to
9 document was marked as Board Exhibit 8 for
10 identification.)

11 MR. PROUT: This is a second photo of
12 the -- first, the ground level floor of the
13 seating area which stands along the left-hand
14 wall of the establishment as you enter into the
15 establishment.

16 CHAIRPERSON ANDERSON: And that's
17 Exhibit 9, right; is that correct?

18 MR. PROUT: Yes, sir.

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

22 CHAIRPERSON ANDERSON: Go ahead.

23 MR. PROUT: Exhibit Number 10 is the
24 -- is on the right-hand side of the
25 establishment. That is the wall that is

1 juxtaposed to the main bar area and which is a
2 seated area full of high tables for patrons to be
3 able to sit and consume as well as enjoy the
4 entertainment and food offered by the
5 establishment.

6 (Whereupon, the above-referred to
7 document was marked as Board Exhibit 10 for
8 identification.)

9 MR. PROUT: Exhibit Number 11 is a
10 area -- it seems to be a storage area and which
11 houses large games such as Connect Four for
12 patrons to be able to use as they may be
13 interested while visiting the establishment.

14 (Whereupon, the above-referred to
15 document was marked as Board Exhibit 11 for
16 identification.)

17 MR. PROUT: Exhibit Number 12 is the
18 DJ booth in which live entertainment is provided
19 from that booth from a disk jockey.

20 (Whereupon, the above-referred to
21 document was marked as Board Exhibit 12 for
22 identification.)

23 MR. PROUT: Exhibit Number 13 is a --
24 seems it has been utilized as a -- either as a
25 VIP lounge area and/or just a normal area for

1 patrons to be able to seat and enjoy the
2 entertainment that's offered by the
3 establishment, and there is also a large TV over
4 the seat or cushions as well.

5 (Whereupon, the above-referred to
6 document was marked as Board Exhibit 13 for
7 identification.)

8 MR. PROUT: Exhibit Number 14, this is
9 a corridor and which leads to the bathrooms on
10 the left-hand side. There are two bathrooms and
11 there seems to be a mop area on the right-hand
12 side as well as a storage area as well.

13 (Whereupon, the above-referred to
14 document was marked as Board Exhibit 14 for
15 identification.)

16 MR. PROUT: Exhibit 15 is one of the
17 bathrooms as stated in the previous slide.

18 (Whereupon, the above-referred to
19 document was marked as Board Exhibit 15 for
20 identification.)

21 MR. PROUT: Exhibit Number 16 is the
22 mop area on the right-hand as stated previously
23 from Exhibit 14.

24 (Whereupon, the above-referred to
25 document was marked as Board Exhibit 16 for

1 identification.)

2 MR. PROUT: Exhibit Number 17 is
3 another corridor and which leads to a ice area
4 and the kitchen area.

5 (Whereupon, the above-referred to
6 document was marked as Board Exhibit 17 for
7 identification.)

8 MR. PROUT: Exhibit Number 18 is the
9 kitchen area that is in the rear of the ground
10 level of the establishment.

11 (Whereupon, the above-referred to
12 document was marked as Board Exhibit 18 for
13 identification.)

14 MR. PROUT: Exhibit Number 19 is --
15 seems to be a storage area in which hookah and
16 hookah-related products are stored by the
17 establishment.

18 (Whereupon, the above-referred to
19 document was marked as Board Exhibit 19 for
20 identification.)

21 MR. PROUT: Exhibit Number 20 is the
22 same thing. It's a designated area for hookah
23 and other tobacco-related products to be stored
24 by the establishment.

25 (Whereupon, the above-referred to

1 document was marked as Board Exhibit 20 for
2 identification.)

3 MR. PROUT: Exhibit Number 21 is the
4 current ABRA license that was issued on October
5 7, 2022, which has endorsements of entertainment,
6 game of skills, and holiday extension and which
7 the operation hours, sales, and entertainment are
8 listed, and the expiration date is September 30,
9 2025.

10 (Whereupon, the above-referred to
11 document was marked as Board Exhibit 21 for
12 identification.)

13 MR. PROUT: Exhibit Number 22 is the
14 virtual inspection that was conducted on February
15 15, 2023 at 11:35 p.m. in which there were no
16 ABRA violations observed. The ABC manager on
17 duty was Ms. Kayla Holiday (phonetic), and the
18 document was signed by her as well, and she was
19 provided my ABRA business card.

20 (Whereupon, the above-referred to
21 document was marked as Board Exhibit 22 for
22 identification.)

23 MR. PROUT: Last but not least is the
24 event search summary, which is the calls for
25 service that were provided by Office of the

1 Unified Communication and which lists all of the
2 incidents that occurred between February 15, 2021
3 to February 15, 2022. And as shown, on March 26,
4 2022, the bar was listed for that incident. On
5 March 26, 2022 at 0339 hours, Allure bar was
6 mentioned in that Office of Unified Communication
7 incident as well as on November the 6th, 2022,
8 the noise complaint is attributable to Allure
9 Lounge as indicated on the document. And that
10 completes my exhibits, Mr. Chairperson.

11 (Whereupon, the above-referred to
12 document was marked as Board Exhibit 23 for
13 identification.)

14 CHAIRPERSON ANDERSON: Thank you, Mr.
15 Prout. All right. You can close your screen,
16 please. Any questions by any Board Members? Go
17 ahead, Mr. Short.

18 MEMBER SHORT: Thank you again for an
19 excellent report, Investigator Prout.
20 Investigator Prout, your report would indicate
21 that you have found any -- or did you find any
22 violations of ABRA rules and regulations in your
23 inspections over at this location?

24 MR. PROUT: No, sir. During my
25 inspections with the establishment during this

1 protest period, I did not see any ABRA violations
2 while monitoring the establishment over the time
3 of monitoring that was done over a span of
4 approximately two weeks, Mr. Short.

5 MEMBER SHORT: Okay. Now this
6 question you may know to answer, you may not.
7 Anybody -- any establishments in the District of
8 Columbia, by law, are required for the health
9 department to give them a certificate for smoking
10 hookah, correct?

11 MR. PROUT: Yes, sir.

12 MEMBER SHORT: Does this establishment
13 have a certificate from the health department?

14 MR. PROUT: I'm not aware at this
15 current time to be completely transparent, Mr.
16 Short.

17 MEMBER SHORT: Well, did you check?

18 MR. PROUT: No. I did not check.

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

21 CHAIRPERSON ANDERSON: Any questions
22 by any other Board Members? Mr. Crocker, any
23 questions?

24 I can't hear you, Mr. Crocker. Yes,
25 sir. I can hear you.

1 CROSS EXAMINATION

2 MR. CROCKER: Okay. Outstanding.
3 Yes. Just real quick before the investigator.
4 In the investigation report, back up at Exhibit
5 3, can you go back to Exhibit 3?

6 MR. PROUT: Yes. Exhibit Number 3,
7 there you are, sir.

8 MR. CROCKER: And can you describe to
9 me what this is?

10 MR. PROUT: This is an email
11 notification that was drafted and sent to Mr.
12 Graham of the ANC 6C as well as Mr. Kelty was
13 cc'd on that email as well requesting their
14 concerns and to provide a formal statement on
15 behalf of the ANC for the corresponding protest.

16 MR. CROCKER: Okay. Is my name listed
17 on this email?

18 MR. PROUT: No.

19 MR. CROCKER: Okay. Mr. Amente, the
20 owner, is he listed on this email?

21 MR. PROUT: No.

22 MR. CROCKER: Well, earlier in your
23 report, you stated that you had forwarded an
24 email out to me. You have my email address
25 because if you look at Exhibit Number 1, it lists

1 the emails of myself, Mr. Kelty, and Mr.
2 Graham's. Right here in your report, you stated
3 that you also had forwarded an email to me to get
4 feedback from me and you hadn't received anything
5 back from me.

6 MR. PROUT: Yes. And so that email
7 was failed to be listed in the report, but as of
8 looking over the document previously, your email
9 was misspelled and which is why you did not
10 receive the email notification once it -- when it
11 was sent out on February the 15th.

12 MR. CROCKER: Can you scroll up a
13 little bit, please --

14 MR. PROUT: Yes.

15 MR. CROCKER: -- in your report?

16 MR. PROUT: Yes.

17 MR. CROCKER: The ABRA notification,
18 hearing notification --

19 MR. PROUT: The email -- the ABRA --

20 MR. CROCKER: ABRA notification right
21 before the emails. Right there. No, go back.

22 MR. PROUT: Okay. Right here.

23 MR. CROCKER: Okay. That email is
24 correct so what are you referring to is saying
25 incorrect?

1 MR. PROUT: That the email that was
2 drafted, the way that it was put into the email,
3 I got an error message, which is why I did not
4 get a response from you.

5 MR. CROCKER: But even the email that
6 you sent out, my email address was like listed on
7 there, even if it was listed incorrectly.
8 Exhibit Number 3, you show the email that you
9 sent out, so it was not that it was misspelled.
10 It was excluded completely.

11 MR. PROUT: No. I can share my screen
12 to show you the email that was drafted to you in
13 which your name was misspelled. Would you like
14 me to --

15 MR. CROCKER: Well, that right there,
16 that's the correct email address. I don't know
17 how --

18 MR. PROUT: Yes, sir.

19 MR. CROCKER: -- it got misspelled or
20 whatnot, but I just want to bring to the Board's
21 attention that we first did not get an email from
22 the investigator regarding the report or
23 acknowledgment of the report. We didn't get a
24 copy of the report until, like I said, two days
25 after the submission of the PIF form, so that's

1 what really drove us to add the --

2 CHAIRPERSON ANDERSON: Mr. Crocker, do
3 you have a question to ask, sir. I don't need
4 you to testify. Do you have --

5 MR. CROCKER: Okay. I'm sorry, I
6 apologize.

7 CHAIRPERSON ANDERSON: -- a question
8 to ask Investigator Prout?

9 MR. CROCKER: So will he -- will you
10 acknowledge here to the Board that you never
11 reached -- I never received an email from you
12 asking for feedback or a response with regard to
13 this report?

14 MR. PROUT: An email was drafted to
15 you and the effort was actually made. However,
16 when -- your name was misspelled and as a result
17 of your name being misspelled, there was a error
18 message that was sent back to me stating that the
19 email was not able to be sent. You reached out
20 to me after the report was submitted.

21 MR. COMSTOCK: Okay.

22 MR. PROUT: That's what we'll --

23 MR. CROCKER: So this form right
24 actually does spell my name appropriately and it
25 has the proper email. So are you admitting to

1 the Board that that mistake was made on your
2 part?

3 MR. PROUT: I just stated that the
4 efforts were made to submit an email to you
5 requesting that -- to get a statement on behalf
6 of you and the licensee on what you -- what the
7 underlying concerns were, and as a result of
8 human error, your name was misspelled on that
9 email and which the email did not properly get to
10 your Gmail account that's on -- that's listed on
11 Exhibit Number 1.

12 MR. CROCKER: Well, just the question
13 is, is that human error was not on our --

14 CHAIRPERSON ANDERSON: Mr. Crocker,
15 let's move on. It -- I mean the witness has
16 stated that yes, an error was made. He was
17 answering to you, sir. So let's move on from
18 here. You made your point. Let's move on, sir.

19 MR. CROCKER: Well, the only reason
20 why this is a concern is because we didn't get to
21 include witnesses. That was a front matter
22 decision that the Board made as well as --

23 (Simultaneous speaking.)

24 CHAIRPERSON ANDERSON: Mr. Crocker,
25 you need to ask him questions. Please ask a

1 question, Mr. Crocker. You have already stated
2 that you did not receive it. The record is clear
3 you did not receive it, sir; okay?

4 MR. CROCKER: Okay.

5 CHAIRPERSON ANDERSON: Go ahead, sir.

6 MR. CROCKER: All right. Now down to
7 the information you got from the Metropolitan
8 Police Department. Okay. You highlighted a
9 number of incidents that were direct calls to
10 Allure Lounge, and we had planned to testify
11 today, to have a police officer as well as the
12 security officer who made the calls to come in
13 and testify to the content of those calls and
14 what those calls were about. Did you get a
15 chance to speak to the head of security or speak
16 to the police officer who responded to these
17 calls, cause it just tells you it was a threat of
18 assault. It doesn't tell you who called or it
19 doesn't tell you any details about -- that would
20 be contained in the police report?

21 MR. PROUT: Sir, there was no reason
22 for me to contact security or contact the officer
23 and to get a understanding, because it goes back
24 to the concerns of what the underlying issues for
25 the protest was never presented to me. And so

1 there was no reason for me to perform that actual
2 task without initial information being provided
3 in reference to why the establishment's license
4 was being protested.

5 MR. CROCKER: Well, my thing -- the
6 thing is had I received the email inquiring about
7 this, I would have had the director of security
8 as well as the police officer who's listed to
9 respond to call, I would have had them respond
10 back to you about the details of it. So that's
11 why I ask had you done any additional due
12 diligence, because the Board, you know, they were
13 concerned about what the calls were and the
14 content of the calls. And I -- and we're just
15 arguing that this is a very limited picture of
16 what had occurred so --

17 MR. PROUT: So I can reference about
18 the history for the establishment is listed, and
19 I will be glad to provide that and which notates
20 that on March 31, 2019, an increase interior
21 occupancy transpired and the case was referred to
22 the OAG for a show cause. A status hearing was
23 actually made, and the Board accepted an offer in
24 compromise in the amount of \$1,250.00 on that
25 action and date.

1 MR. CROCKER: Yes. I got you. Just
2 real quickly, can we go back to the map you had
3 that showed the other establishments with CT
4 licenses? Okay. Are all of these establishments
5 in 6C?

6 MR. PROUT: So I don't know where the
7 dividing line is between 6E and -- I'm sorry --
8 6C and 6B and 6A. However, what I can state is
9 that all these establishments are within a 1,200-
10 foot radius of the establishment.

11 MR. CROCKER: Okay. You put on the
12 list that showed all the establishments that have
13 settlement agreements in place --

14 MR. PROUT: Yes.

15 MR. COMSTOCK: -- correct? Have you
16 had a chance to look at any of the settlement
17 agreements within -- for the CT establishments?

18 MR. PROUT: No.

19 MR. CROCKER: And that have the same
20 type of license that Allure is seeking here?

21 MR. PROUT: No.

22 CHAIRPERSON ANDERSON: I didn't hear
23 your answer, Mr. Prout. What was your answer?

24 MR. PROUT: No -- no.

25 CHAIRPERSON ANDERSON: Is there

1 another question, Mr. Crocker?

2 MR. CROCKER: No. Just wanted some
3 clarification on that and also, had you received
4 a call from me?

5 MR. PROUT: Yes. I acknowledged
6 earlier in my testimony that we spoke.

7 MR. CROCKER: Yes. We spoke on
8 Saturday but had you --

9 MR. PROUT: Yes.

10 MR. CROCKER: -- before Saturday, had
11 you received calls and messages from reporters?

12 MR. PROUT: I received a voicemail.

13 MR. CROCKER: Okay. Do you remember
14 the date on when you got that voicemail?

15 MR. PROUT: Not offhand, no.

16 MR. CROCKER: Okay. Well, I'm here to
17 testify that I reached out --

18 CHAIRPERSON ANDERSON: Mr. Crocker,
19 you cannot testify for -- you need to ask
20 questions.

21 MR. CROCKER: Oh, I'm sorry. I'll
22 leave that alone. Okay. Well, I'd like to just
23 put in the record that I --

24 CHAIRPERSON ANDERSON: You can't put
25 anything --

1 MR. CROCKER: -- reached out --

2 CHAIRPERSON ANDERSON: -- in the
3 record, Mr. Crocker.

4 MR. CROCKER: -- and left a message --

5 CHAIRPERSON ANDERSON: Mr. Crocker.

6 MR. CROCKER: Yes.

7 CHAIRPERSON ANDERSON: You're asking
8 -- you are the attorney asking questions of a
9 witness. Ask questions, sir.

10 MR. CROCKER: Okay. My apologies.
11 Okay. I don't have any additional questions.

12 CHAIRPERSON ANDERSON: Thank you. Mr.
13 Kelty? Close your screen, please, Mr. Prout.
14 Any questions, Mr. Kelty?

15 MR. KELTY: Good afternoon,
16 Investigator Prout, I'm sorry we didn't have a
17 chance to talk or meet. I did receive your
18 email. Unfortunately, I'm a volunteer and didn't
19 have a chance to respond to you as I wanted to.
20 That's -- I do have some questions for you about
21 your report. The first one is clarifying the
22 email that Mr. Crocker was referencing in Exhibit
23 3. My understanding is that that email was sent
24 well in advance of you writing your report, not
25 after your report was issued; am I correct there?

1 MR. PROUT: Yes. That's what I
2 thought because it sounded like Mr. Crocker was
3 suggesting that email came after the report was
4 issued. My second question relates to your list
5 of incidents. You said that there were 11, 5 of
6 which were attributed to Allure. Would you mind
7 bringing up Exhibit 23 for me?

8 CHAIRPERSON ANDERSON: Mr. Kelty, hold
9 on a minute. Mr. Amente?

10 MR. AMENTE: Yes.

11 CHAIRPERSON ANDERSON: Can you just
12 turn your -- turn your screen off, sir -- just
13 turn your screen off. When your properly
14 addressed, you can come back online, sir. We're
15 on the internet, sir, so I need you to turn your
16 camera off. When you're properly addressed,
17 please rejoin us; okay -- okay?

18 MR. KELTY: I'm sorry. I need to
19 remember where I was.

20 CHAIRPERSON ANDERSON: All right.

21 MR. KELTY: I think I was asking you
22 about Exhibit 23.

23 MR. PROUT: Thirty-one in reference to
24 the list of establishments.

25 MR. KELTY: Well, you had -- there,

1 that one. What Exhibit is that?

2 MR. PROUT: This is --

3 MR. KELTY: Is that Exhibit 23?

4 MR. PROUT: Yes. This is 23, yes. I
5 apologize.

6 MR. KELTY: So you said that only 5 of
7 the 11 were associated with Allure. I see one,
8 two, three, four, five, six, seven, eight, nine,
9 10, 11, 12 here and all of them have the address
10 711 H Street on them. I do see that some of them
11 have additional information, but the way I
12 interpret this, all 11 or 12 of these are
13 affiliated with this particular address. Is
14 there a reason why I shouldn't interpret it that
15 way?

16 MR. PROUT: So there are times in
17 which may -- so just because there is a address
18 associated with a call for service doesn't
19 necessarily mean that that's the establishment.
20 So a car could have been broken into or a
21 domestic fight could have happened and those
22 patrons never enter into the establishment.
23 However, the nearest address that was closest to
24 what transpired was the 711 H Street. So just --
25 and this is just from my experience with doing

1 protests for the agency -- just because there is
2 a address associated with a incident does not
3 automatically mean that the establishment had any
4 type of correlation with what transpired in
5 reference to that call for service.

6 MR. KELTY: Thank you. I'll move on
7 to the next question. In your photographs --
8 would you mind scrolling to the first of your
9 series of photographs? I'm sorry I don't have
10 the Exhibit Number.

11 MR. PROUT: No problem.

12 MR. KELTY: Yes. Okay. So what
13 Exhibit Number is this?

14 MR. PROUT: This Exhibit Number is
15 Number 6, Mr. Kelty.

16 MR. KELTY: Thank you. In Exhibit 6,
17 that's a picture of the front of the bar, right?

18 MR. PROUT: Yes, sir.

19 MR. KELTY: And when -- did you take
20 this photograph during the protest period?

21 MR. PROUT: Yes, sir.

22 MR. KELTY: And do you see an ABRA
23 violation in this photograph?

24 MR. PROUT: No. They have their
25 window --

1 MR. KELTY: Where is their placard,
2 their protest placard?

3 MR. PROUT: So their placard's -- so
4 each placard, there's -- the placards are based
5 off of when the license is being renewed. And so
6 normally, it's 90 days before the establishment
7 gets their license and -- sorry -- it's normally
8 within a 45-day window, but each establishment in
9 the District may not get their placards at the
10 same time. So I'm not really sure what the time
11 mechanism is in reference to who gets their
12 placard and at what time they get it. But no,
13 during this actual time, placards were not
14 listed. However, normally, the protest period for
15 the taverns are in September-October-ish time
16 period, not necessarily at this juncture during
17 the protest period, but I could be wrong.

18 MR. KELTY: I am not an attorney and
19 I'm not an expert on the regulations, but my
20 understanding -- is my understanding correct, in
21 your experience, that the placard must be posted
22 during the entire protest period?

23 MR. PROUT: No. There are --

24 MR. KELTY: I'm looking --

25 (Simultaneous speaking.)

1 MR. PROUT: -- designated dates that
2 are listed on the placards in reference to, they
3 supposed -- there's a designated date. There's
4 two dates. There is a status hearing date, and
5 there is a -- sorry -- there's a roll call
6 hearing date, and there's a status hearing date.
7 The last date that's listed on the actual placard
8 is when those placards can be taken down. But
9 I'm unsure of when the -- when Allure Lounge was
10 placarded and what that last date actually was.

11 MR. KELTY: Okay. We'll move on to
12 the next question. I see in your report that you
13 visited four times.

14 MR. PROUT: Yes.

15 MR. KELTY: Cold you pull up the --
16 well, my recollection is it was a Wednesday,
17 Thursday, a Saturday and a Sunday maybe, is that
18 right?

19 MR. PROUT: Yes. So I would like for
20 the Board to take judicial notice that two out of
21 those, monitorings were not performed by me but
22 they were performed by colleagues due to my tour
23 of duty being from Sunday through Thursday.
24 However, there were other ABRA investigators that
25 were detailed to monitoring the establishment

1 during the construction of my protest report.
2 Court's indulgence while I locate the exact area
3 in which the establishment was monitored by ABRA
4 investigators?

5 MR. KELTY: I can help you. I think
6 it's on page six, visits to the premises, section
7 ix.

8 MR. PROUT: Yes.

9 MR. KELTY: Okay. So a Wednesday at
10 11:30, Saturday at 12:35, a Sunday at 1:05, and a
11 Thursday, 12:30. Was the bar open during all
12 those visits?

13 MR. PROUT: The bar --

14 MR. KELTY: Sorry, go ahead.

15 MR. PROUT: -- the bar -- so the bar
16 was open on February the 15th. That's when I
17 conduct -- which that's when I performed my
18 regulatory inspection on that day. The bar was
19 open on the Saturday of February the 18th, and
20 the bar was open on that Thursday at 12:30 a.m.
21 as well. So yes, the bar was open on three out
22 of four days in which it was monitored, during
23 those times.

24 MR. KELTY: If you could take us down
25 to Exhibit 7, the interior photos, what -- I'm

1 looking at the photos, and I see all the chairs
2 are up. In none of the photos do I see any
3 patrons. Were these photos taken when the bar
4 was open?

5 MR. PROUT: So I waited until the
6 patrons left the establishment because it's
7 customary for us not to take pictures with a lot
8 of patrons. And so I waited until the bar closed
9 before taking those pictures. So the staff were
10 actually cleaning up when I was taking those
11 photos, sir.

12 MR. KELTY: Thanks. I didn't think
13 about the privacy issues for the patrons. That
14 makes sense to me. Moving down in the photos,
15 you had a photo that you described as corridor
16 leads to the ice and kitchen. I think it was
17 Exhibit 14. No.

18 MR. PROUT: This -- all right, this
19 one.

20 MR. KELTY: Seventeen\, Exhibit 17.

21 MR. PROUT: Seventeen.

22 MR. KELTY: Could you just walk me
23 through this picture? If I'm walking down that
24 hallway and I pass under that Exit sign, where am
25 I?

1 MR. PROUT: You would be in the
2 kitchen area right there.

3 MR. KELTY: So if I go to the next
4 photo, Exhibit 18, is this photo taken standing
5 inside the door and that item on the lower right
6 corner is the ice machine that's on the last
7 photo?

8 MR. PROUT: Yes -- no -- no. Sorry.
9 This is -- oh, yes in the -- yes, in the lower
10 right-hand side is the ice machine. On the left-
11 hand side is a face bowl of some sort.

12 MR. KELTY: A sink, okay. And if I
13 look at the top of that photo, if you could
14 scroll up a little bit, a little bit more -- so
15 if I go through the (audio interference) where
16 the exit sign is, so I'm walking through the
17 kitchen to go out, where do I end up after that?
18 What's beyond that opening?

19 MR. PROUT: So this area where the
20 cursor is a storage area for where the pictures
21 of the hookah and the tobacco products are
22 stored.

23 MR. KELTY: Can you take us to the
24 next photo, please?

25 MR. PROUT: Yes, sir.

1 MR. KELTY: That's this area?

2 MR. PROUT: Yes, sir.

3 MR. KELTY: And so could you describe
4 for me if I'm in this area and I'm exiting the
5 building in an emergency, do I go to the right of
6 the frame and out a door; where is the exit from
7 here?

8 MR. PROUT: I believe it's going to be
9 to my -- to your left, so on the left on the
10 opposite side of this storage -- this rack here
11 is where the exit door would possible be. But to
12 be completely transparent, this photo was taken
13 over two weeks ago, and I don't go to Allure
14 frequently to be able to really recollect exactly
15 where the exit door is, to be completely
16 transparent.

17 MR. KELTY: Understood. Thank you for
18 explaining. It's -- while I'm an architect, not
19 everyone can visualize the layout, so it's
20 helpful to have it described.

21 So if I was in Allure -- and I believe
22 you noted -- well, so if I had -- just for
23 clarification, so if I had to leave Allure in an
24 emergency, like a fire, I would either go out the
25 front door to H Street, or I would go through the

1 kitchen, through the Hookah storage room, and
2 then somehow from there end up in the alley?

3 MR. PROUT: Yes, sir.

4 MR. KELTY: Okay. Another question
5 for you. Did you do any preparation in advance
6 of your investigatory visits like searching for
7 existing Board orders or settlement agreements
8 and reviewing those before you went to do your
9 visits?

10 MR. PROUT: So I didn't research per
11 se any Board orders or settlement agreements.
12 What's customary is that the -- there's
13 conversation that's held with the protestants and
14 the licensee to actually figure out exactly what
15 the issues are and which provide guidance on how
16 to conduct my investigation. Without that
17 guidance, it's almost like I'm shooting in the
18 breeze, and I'm not really sure exactly what I'm
19 shooting for. And so it's one of those things
20 where that's why it's so important for the formal
21 statements to be provided by the licensee and by
22 the protestants, so that ABRA investigators can
23 have an idea of what we are investigating during
24 that protest period.

25 MR. KELTY: That is very helpful for

1 me to hear as a Commissioner, because I did not
2 understand that component of why you were
3 reaching out, so thank you for that.

4 I'll assume then that you were unaware
5 of Board Order 2021-115 which prohibits this
6 particular establishment from selling hookah; you
7 were unaware of that?

8 MR. PROUT: Yes, sir.

9 MR. KELTY: Okay. The next question
10 is regarding the occupancy. You had two Exhibits
11 in here. One was a copy of the ABRA license
12 which showed an occupancy of 69 I believe it was.

13 MR. PROUT: Yes.

14 MR. KELTY: Sixty-nine. And then if
15 you scroll down to your investigatory report, you
16 list --

17 MR. PROUT: My regulatory inspection?

18 MR. KELTY: I'm sorry, your inspection
19 paperwork.

20 (Simultaneous speaking.)

21 MR. KELTY: I'm not a pro here. I
22 don't know all the terms.

23 MR. PROUT: I'm sorry.

24 MR. KELTY: I see there you have an
25 occupancy load of 140 listed. How would you

1 explain the discrepancy between 140 and the 69?

2 MR. PROUT: So the certificate of
3 occupancy is provided by now DOB, Department of
4 Buildings and which based on the square footage
5 of an establishment, they are provided the number
6 of patrons that are able to be in the
7 establishment at any given time, in reference to
8 safety measures and which I'm not trained or
9 abreast on what those measures are. But based on
10 square footage, it allows for the number of
11 person that are able to be in that particular
12 establishment based square footage. The ABRA
13 license and which was just noted previously, that
14 is the number that is petitioned by the licensee
15 for the Board to be able to provide them with
16 that number. So oftentimes, licensees can ask
17 for what's identical on their C of O license or
18 any number that is underneath what the C of O
19 states, but they cannot go over the designated
20 that's listed on their certificate of occupancy.

21 MR. KELTY: Were you aware that the
22 applicant previously had a certificate of
23 occupancy for 69 and in 2022 filed an application
24 with the Department of Buildings and obtained --
25 and was issued an occupancy for 140?

1 MR. PROUT: No.

2 MR. KELTY: I'm sorry, you said no,
3 you were not aware of that?

4 MR. PROUT: No, sir.

5 MR. KELTY: And then I have just one
6 more question for you. Could you show us the
7 circle related to schools and daycares?

8 MR. PROUT: Yes, sir.

9 MR. KELTY: I'm sorry, I don't have
10 the Exhibit Number. I wasn't --

11 MR. PROUT: It's okay.

12 MR. KELTY: -- fast enough. Now I
13 recognize -- at least I believe this regulation
14 only pertains to nightclubs, but if you scroll
15 down just a little bit, right there, what do you
16 see at the bottom of the screen there; what are
17 those --

18 MR. PROUT: It says, "Ludlow-Taylor."
19 However, it's outside of the circle, so it's
20 outside that 400 square foot radius.

21 MR. KELTY: Is your circle taken --

22 MR. PROUT: That's why it wasn't
23 listed.

24 MR. KELTY: -- is your circle taken
25 from the center of the property or from the lot

1 line, or do you just type it into some D.C.
2 database and it spits it out?

3 MR. PROUT: It's -- it is typed into
4 GIS, which is a geo informational service --
5 sorry -- geospatial informational system and
6 which based on a address is placed into the
7 search bar, and it provides that information.
8 That's the only thing that I could really --

9 MR. KELTY: So you didn't create that
10 circle that's --

11 MR. PROUT: No.

12 MR. KELTY: -- on the page at all?

13 MR. PROUT: Under no circumstances,
14 no, sir.

15 MR. KELTY: That's all of my
16 questions. Thank you very much.

17 MR. PROUT: No problem, sir. Thank
18 you, Mr. Kelty.

19 CHAIRPERSON ANDERSON: Any questions
20 by any Board Members before I dispose of this
21 witness? All right. Thank you very much, Mr.
22 Prout, for your testimony. You're free to go.

23 MR. PROUT: Thank you, Chairperson.

24 CHAIRPERSON ANDERSON: Mr. Crocker, do
25 you have a witness you wish to call?

1 MR. CROCKER: Yes. I wish to call the
2 owner.

3 CHAIRPERSON ANDERSON: Mr. Amente --
4 Mr. Amente?

5 MR. AMENTE: Yes.

6 CHAIRPERSON ANDERSON: I can't see
7 you, sir, Can you --

8 MR. AMENTE: Oh --

9 CHAIRPERSON ANDERSON: -- I hope you
10 are appropriately dressed and pull your camera
11 down.

12 MR. AMENTE: Yes. I'm sorry, I was --
13 okay, I'm here.

14 CHAIRPERSON ANDERSON: Can you pull
15 your cameras -- can you sit and pull your camera
16 down a little bit further so I can see your face,
17 sir?

18 MR. AMENTE: Okay. I'm here.

19 CHAIRPERSON ANDERSON: That's fine.
20 Go ahead, Mr. Crocker.

21 DIRECT EXAMINATION

22 MR. CROCKER: Okay. Mr. Amente, you
23 just heard the testimony from the ABRA
24 investigator. Did you get a chance to speak to
25 the ABRA investigator directly?

1 MR. AMENTE: No.

2 MR. CROCKER: Okay. Have you received
3 any emails from the ABRA investigator? I mean he
4 highlighted the importance of speaking with the
5 licensee and the applicant regarding input into
6 the report. So have you received any email, any
7 phone calls, or any correspondence from the
8 investigator asking you to provide some input?

9 MR. AMENTE: No.

10 MR. CROCKER: One of the things that
11 was presented was issues with the certificate of
12 occupancy. The protestant had highlighted the
13 disparity between the values or the numbers that
14 you had submitted as a part of your ABRA
15 application versus what the, what is it, D.C.
16 Department of Buildings had okayed for occupancy.
17 So can you educate the Board about the history of
18 your certificate of occupancy and occupancy there
19 at Allure Lounge?

20 MR. PROUT: Yes. I had to put a
21 sprinkler system to increase occupancy. That was
22 -- I think that -- I believe that was last year I
23 put at the premise and everything and put a -- I
24 did my inspection. And yeah, I put the fire --
25 sprinkler system, the fire system now exists.

1 MR. CROCKER: Okay. So what you're
2 educating the Board about is that the reason why
3 your occupancy was limited was because you didn't
4 have an existing sprinkler system, correct?

5 MR. AMENTE: Yes. So since -- the
6 reason why I didn't change my ABRA was I think
7 from, if I know right, from 0 to 99, as far as
8 the occupancy is, more than 100, I think I will
9 be okay from 0 to 99, so that's why I didn't
10 reach -- I don't have those much people so I just
11 keep it that way. It wasn't -- yeah.

12 MR. CROCKER: It wasn't inherent to
13 your business at all, okay.

14 MR. AMENTE: No.

15 MR. CROCKER: All right. Thank you
16 for that. Then one of the issues that the
17 protestor had brought up was the issue of your
18 placard missing in the front, the -- according to
19 Exhibit, I think, 13 from the investigator's
20 slide and he highlighted that there was already a
21 ABRA violation in that picture. Can you please
22 explain to him -- I mean explain to the Board
23 what happened with your placard and why your
24 placard wasn't displayed in that picture?

25 MR. AMENTE: Yes. I think the placard

1 has to be on for 45 days, but I kept it for a
2 long time. I think I took it off a week before -
3 - I think I took it off probably like two weeks
4 before this hearing.

5 MR. CROCKER: Okay. So you're
6 testifying to the Board right now that --

7 MR. AMENTE: I asked for -- yes, I ask
8 it.

9 MR. CROCKER: -- that you did display
10 your placard during the entire time from which
11 you were required to in accordance with the ABRA
12 regulations?

13 MR. AMENTE: I think ABRA only allow
14 you to post it 45 days. After 45, you can take
15 it off, but I believe I kept it more than 45
16 days.

17 MR. CROCKER: Okay. Thank you for
18 that. The other thing is in the investigative
19 report, he highlighted 11 incidents, okay. When
20 did you get a copy of the report?

21 MR. AMENTE: Today is a Saturday,
22 something like that, yes.

23 MR. CROCKER: And have you had the
24 chance to look at the incidents that he had
25 listed, the 11 incidents that they had listed

1 that were calls -- said they're called calls of
2 service to 711 H Street NE?

3 MR. AMENTE: Yes. Most of them that
4 we called, especially unwanted person and
5 assaulting, we call. We -- before we engage
6 anything, we call the police. So like the
7 investigator said that because it say 711, I
8 don't think, you know, it happened inside or
9 outside but, yeah.

10 MR. CROCKER: But is the traditional
11 practice of your establishment for your security,
12 if they're out in front and the incident occurs,
13 like a broken window or something like that,
14 would they be the ones -- do you think that they
15 initiated some of these calls?

16 MR. AMENTE: No. My car be broken, my
17 bartender's car be broken a lot of times after,
18 you know, after we close so --

19 MR. CROCKER: Okay. So would you
20 attribute that to being patrons that were in your
21 establishment?

22 MR. AMENTE: No.

23 MR. CROCKER: They came out and wreak
24 havoc in the neighborhood?

25 MR. AMENTE: No. It's not my

1 customers.

2 MR. CROCKER: Okay.

3 MR. AMENTE: It's H Street.

4 MR. CROCKER: Right. Okay. You had
5 spoken to -- you have a good -- do you have a
6 relationship with the police officers that are
7 there in the neighborhood?

8 MR. AMENTE: So I used -- no, not
9 relationship but he used to do what they call a
10 detail, he used to do the details and while --
11 you know, they work on H Street so yes, it's --

12 MR. CROCKER: Okay. We ideally wanted
13 to bring them in to testify today, but can you
14 give -- talk to the Board or tell the Board a
15 little bit about your discussions with the police
16 officer as it relates to crime at 711 H Street
17 NE?

18 MR. AMENTE: I mean if we may, we --
19 I put out a conversation, I think, the
20 Commissioner that sent to the Mayor how H Street
21 is bad and -- but we couldn't show the Board.
22 But he -- you know, the Commissioner knows. It's
23 not like it's -- nothing happened because of
24 Allure being there, but we all know whoever live
25 in H Street know H Street look like, but it's not

1 because of Allure. I -- and on that -- is that
2 okay if said what I read, what the Commissioner
3 said to the Mayor? Is that all right? Is that
4 allowed?

5 MR. CROCKER: Well, not at this stage.
6 Right now we're just --

7 MR. AMENTE: Okay.

8 MR. CROCKER: -- dealing with the ABRA
9 investigation --

10 MR. AMENTE: Yes. So --

11 MR. COMSTOCK: -- report.

12 MR. AMENTE: -- it's not nothing to do

13

14 (Simultaneous speaking.)

15 MR. CROCKER: -- ABRA investigator's
16 report.

17 MR. AMENTE: -- no, nothing to do with
18 ABRA. We call the police, you know, when we --
19 something happen, we call the police for
20 yourself, but yeah.

21 MR. CROCKER: Okay. Are you aware
22 that your venue is no longer in 6C -- ANC 6C,
23 that the boundaries have been redrawn?

24 MR. AMENTE: Yes, I do.

25 MR. CROCKER: Okay. In the

1 investigator's report, he highlights in there
2 that Allure Lounge is located in 6A, but he never
3 made an attempt to reach out to the 6A ANC
4 Commissioner?

5 MR. AMENTE: I don't think he did.

6 MR. CROCKER: Yeah. Have you made any
7 attempts to reach out to the ANC 6A
8 Commissioners?

9 MR. AMENTE: I try but I don't think
10 there's no point in that after I -- you know, I
11 heard what he said, you know, he -- what he said
12 about for the previous hearing, so it's not open.
13 But I would like to meet him, yes.

14 MR. CROCKER: Okay. So, you know, as
15 you are aware, the ANC Commissioner was
16 successful in getting the Board to agree to
17 strike our addendums, which contained emails
18 between the ANC 6A Chair and myself and you. Can
19 you talk to your attempts and the reason why you
20 were reaching out to the ANC 6A Chair as a result
21 of the change in boundaries?

22 MR. AMENTE: Yes. So because we're
23 not a 6C anymore, and I would like to return the
24 same as 6A's. There's no -- like I said there's
25 no one or there's no any -- there's no -- there's

1 nothing wrong that I did for the last three
2 years, so why would I not to treat me as a 6C --
3 I mean 6A's. That's all.

4 MR. CROCKER: Okay. I don't have any
5 additional -- now are we bound to just questions
6 regarding the ABRA investigator's report?

7 CHAIRPERSON ANDERSON: Mr. Crocker,
8 this is your witness. You're calling your
9 witness, sir. You have your witness. Whatever
10 questions you want to ask your witness -- this is
11 your witness who's asking us to review his
12 license, so you ask him whatever questions you
13 want to ask him about why the agency should renew
14 his license, sir.

15 MR. CROCKER: Okay. Thank you, not a
16 problem -- not a problem. Okay. Let me go into
17 some additional questions. Okay. Can you talk
18 to the Board about the original ABRA -- I'm sorry
19 -- the original settlement agreement that you
20 entered into? It was signed May of 2021.

21 CHAIRPERSON ANDERSON: Mr. Crocker?

22 MR. CROCKER: Yes.

23 CHAIRPERSON ANDERSON: There's a
24 settlement agreement that was approved by the
25 Board.

1 MR. COMSTOCK: Yes.

2 CHAIRPERSON ANDERSON: That's a part
3 of his license.

4 MR. COMSTOCK: Yes.

5 CHAIRPERSON ANDERSON: You don't need
6 to talk about the settlement agreement, sir. It
7 remains with his license, sir.

8 MR. COMSTOCK: Okay.

9 CHAIRPERSON ANDERSON: It's -- unless
10 -- until and unless he files a motion. If the
11 settlement agreement is older than four years and
12 if he files a motion with the agency to terminate
13 the agreement, it remains in place. So I don't
14 want to have -- we don't need to talk about the
15 settlement agreement that's with his license,
16 sir, because that settlement agreement will
17 remain with his license. So whether or not -- so
18 I don't care about it. So I don't want to hear -
19 - so let's move on from here, sir.

20 MR. COMSTOCK: Okay. Well, when the
21 ANC Chair first reached out to you, did they
22 propose or offer you to sign -- re-sign the
23 existing settlement agreement?

24 MR. AMENTE: They proposed me a new
25 one and I agree with some of -- I think most of

1 the things, that the only thing I did not agree
2 was cutting my hours back. I used to have -- I
3 used to close 3:00 Friday, Saturdays, and 2:00
4 from Monday to Sunday -- I mean Monday through
5 Thursdays and Sundays. Then the Board decided to
6 cut my hours the last renewal. But this new one,
7 they want to cut my hours back again. I don't
8 know how far we can go if you -- but for the last
9 three years, I never done anything. It's just
10 nothing. I just -- I'm just wondering why, why
11 these things keep coming to me. And I agreed a
12 lot of things.

13 MR. CROCKER: Okay. So --

14 MR. AMENTE: I agreed a lot of things
15 except the hours mostly.

16 MR. CROCKER: Okay. So is your
17 testimony to the Board that --

18 MR. AMENTE: And I do have hookah
19 exemption.

20 MR. COMSTOCK: -- they didn't offer to
21 keep the existing settlement agreement in place,
22 and they just add some additional terms, they
23 just came in with a totally different settlement
24 agreement?

25 MR. AMENTE: Yes. It is totally

1 different. I didn't do anything wrong from the
2 previous one. I don't know why it's changes now.
3 They came up with everything that I make money,
4 honestly, the having promoters. It's just --
5 there's a lot of -- like I said, I agreed a lot
6 of things, but there's a couple of things I do
7 not agree but I try.

8 MR. CROCKER: Okay. Well, when we
9 were initially having those negotiations, and you
10 had agreed to maybe four or five different things
11 that were in the settlement agreement that were
12 new, they were not in the original agreement, was
13 there something you were asking for in return?

14 MR. AMENTE: Yes.

15 CHAIRPERSON ANDERSON: Hold on.

16 MR. AMENTE: I agree.

17 CHAIRPERSON ANDERSON: I mean, Mr. --
18 all right, I'm sorry. Go ahead -- go ahead, sir.

19 MR. AMENTE: Who, me?

20 MR. CROCKER: Yes.

21 MR. AMENTE: Yeah, what was the
22 question? Say that again. No, I agree.

23 MR. CROCKER: I apologize.

24 MR. AMENTE: Basically, I agreed for,
25 you know, there was a new one on the sound parts,

1 but I just do not agree cutting back my hours
2 again without nothing like no sound violation, no
3 nothing.

4 For the last three years, running a
5 bar and no violation from the start of the
6 beginning, and COVID, no violation. I have no
7 violation. They're talking about hookah. I have
8 a hookah exemption.

9 BY MR. CROCKER:

10 Q Yes, okay, one of the issues that Mr.
11 Kelty brought up was saying that you did not have
12 a license for hookah. Can you tell the Board
13 what licenses that you do hold and what actions
14 have you taken to work with the D.C. Department
15 of Health with regard to consumption of tobacco?

16 A So, my first hookah exemption was --

17 CHAIRPERSON ANDERSON: Can I -- hold
18 on, hold on, hold on a minute. This agency does
19 not regulate hookah. We do not make any -- we do
20 not, in whatever determinations that we issue, we
21 do not issue determinations whether or not an
22 establishment can sell hookah or not.

23 Secondly, we do not give an
24 establishment a violation because of hookah,
25 because this agency does not regulate hookah, so

1 there is really no need for us to have testimony
2 on hookah.

3 I know that there was a period of time
4 that, as part of agreements, that this board used
5 to issue determinations on hookah. However, that
6 decision, one of our cases was appealed, and so
7 therefore, this agency no longer includes hookah
8 in settlement agreement or issue determinations
9 on hookah when we go and do a regulatory
10 inspection.

11 So, we don't need to have that
12 discussion here because this board will not make
13 any determination regarding hookah. That is
14 regulated by the Department of Health, not ABRA.

15 MR. CROCKER: Okay, that's a great
16 lead into my next question then. Were there
17 other items that were listed in the proposed
18 settlement agreement that were regulated under
19 oath departments within D.C., not ABRA?

20 CHAIRPERSON ANDERSON: Mr. Crocker, I
21 mean, you know, I'm giving you some leeway, but I
22 don't need you to be going into the settlement
23 discussions to say what was agreed and what
24 weren't agreed to.

25 If you want to -- that is going a

1 little bit too deep into the actual settlement
2 negotiations, sir. Clearly, we are here at the
3 hearing today because the parties were unable to
4 settle this matter. What you need to do, sir, is
5 to tell me what is it, if --

6 I've asked from the beginning. If you
7 wanted to say that okay, I'll agree to -- if in
8 your closing, if you want to say this is what my
9 client will agree to, then fine. We will put
10 that as part of an order at the end, but I don't
11 need to go through --

12 Clearly, the parties were unable to
13 settle the matter. That's why the board has to
14 make a decision. And as I stated before, in this
15 settlement agreement, there is a current
16 settlement agreement.

17 MR. CROCKER: Okay, okay.

18 CHAIRPERSON ANDERSON: When the board,
19 whatever decision, if the board agrees to renew
20 the license, the board will, if we agree to renew
21 the license, we're going to say that the current
22 settlement agreement stays in effect, plus these
23 or no others. So, we don't need to have
24 testimony on what's in the current settlement
25 agreement, sir, okay?

1 MR. CROCKER: Okay, no problem, sir.
2 I apologize.

3 BY MR. CROCKER:

4 Q Just real quickly then, let me follow
5 up on have you -- in your current settlement
6 agreement that you have signed right now, you
7 have a cure notice, and in there, you're given a
8 specific period of time upon which you are
9 supposed to be notified by anyone, whether it be
10 the ANC or whether it be neighbors that has any
11 issues with anything that's outlined in the
12 settlement agreement, and you put your phone as
13 well as your email address in there.

14 Have you received any correspondence,
15 whether it be in the form of a phone call, a left
16 message, or an email address from Mr. Kelty, or
17 Mr. Graham Grossman, or any other neighbors in
18 the neighborhood complaining about your violation
19 of any of the provisions in the existing signed
20 settlement agreement?

21 A No, because I'm not violating
22 anything. I mean, honestly, the neighbors should
23 have said something, I'm not. The 6A, the
24 commission of 6A is like two miles away, the
25 office.

1 I am not disturbing any neighbors.
2 That's why I don't see any neighbors in here.
3 What I see is ANC and I don't know if I'm wrong
4 on ABRA.

5 The ANC, the office or they live 600
6 feet away, so the ANC don't know what I'm doing
7 in here and I don't see any neighbors. I don't
8 see any neighbors as a witness, not even one.
9 What I hear is the neighbors complained in the
10 complaint.

11 The last three years, if I'm
12 disturbing noise or anything, where are the
13 neighbors at? Not even one single neighbor is in
14 this hearing, but the ANC keeps coming to me,
15 that I don't leave - stay out for the street
16 (phonetic).

17 Q Okay, thank you for your input there.
18 With respect to the neighborhood, one of the
19 complaints that Mr. Kelty had made was with
20 regard to the back door and that sound radiating
21 out of the back door are noise complaints. Have
22 you ever --

23 (Simultaneous speaking.)

24 A There is no way. I'm saying, okay,
25 there is no sound. My sound won't come out. No,

1 there is no way. How can I prove this? There is
2 -- you can't hear no sound outside. That's a no-
3 no.

4 Q Right, but have you received any
5 complaints? You know, he mentioned one time that
6 there was, the Metropolitan Police Department was
7 called.

8 A I checked the date, Sunday. I'm
9 closed Sundays. I checked the date. That's a
10 Sunday. I don't open Sundays. Why did you call
11 ABRA? Why police came? I don't open Sundays. I
12 have a right to, but that date, I don't open
13 Sundays.

14 Q Okay, so that being documented as a
15 noise complaint apparently --

16 A They say the police came at 711 H
17 Street, but no, I don't open that day.

18 Q Okay, also in the protestant's list of
19 evidence, he had presented or had some pictures
20 in there of some flyers that you had posted on
21 the internet.

22 A That's like, that happens the one,
23 yes. The bartender did wrong and she got fired
24 because of that. That was back then, 2019. I
25 don't think there's nothing after.

1 I think we'd have to look at only, you
2 know, for the last two, three years after the new
3 renewal, but, yeah, that happened, but she's no
4 longer there working. You know, some people do a
5 mistake, then, yeah, but it's not really -- I
6 don't know. No, it's not --

7 Q That was --

8 (Simultaneous speaking.)

9 A -- we had a right to post it, but --
10 I'm sorry?

11 Q Yeah, that was prior to 2021?

12 A That was 2019.

13 Q That's 2019.

14 A The picture he posted is 2019.

15 Q Yes, so it was prior to the existing
16 settlement agreement you have in place, correct?

17 A Yes.

18 MR. CROCKER: Okay, let me see if I
19 can share my screen. I wanted to put up some
20 exhibits.

21 CHAIRPERSON ANDERSON: All right, Mr.
22 Orellana, can you please allow Mr. Crocker to
23 share his screen, please?

24 MR. ORELLANA: He has been elevated.

25 MR. CROCKER: I don't know how to work

1 the WebEx. Hold on one second. Okay, can you
2 see my screen? Can you guys see?

3 CHAIRPERSON ANDERSON: Yes, now we
4 can.

5 MR. CROCKER: Mr. Amente, can you see?

6 CHAIRPERSON ANDERSON: Mr. Amente, are
7 you there, sir? Mr. Amente? Is everyone hearing
8 me or am I -- is everyone hearing me? Mr.
9 Amente? Mr. Amente?

10 MR. CROCKER: Z, are you there? Z?

11 CHAIRPERSON ANDERSON: Mr. Amente?
12 Mr. Amente?

13 MR. CROCKER: Hello, can you guys hear
14 me?

15 CHAIRPERSON ANDERSON: Yes, Mr.
16 Crocker, I can hear you. I cannot hear Mr.
17 Amente. Mr. Amente?

18 MR. AMENTE: I can't hear you. Hello?

19 MR. CROCKER: Yes, sorry about that,
20 apologies. I know we had some issues with the
21 display. Just real quickly --

22 CHAIRPERSON ANDERSON: We don't any
23 issues with the display, sir. I can see. You're
24 sharing your screen. I can see it. Can you
25 client see it?

1 MR. CROCKER: Okay, can you describe
2 what you see in the picture there? What is that?

3 CHAIRPERSON ANDERSON: Mr. Amente,
4 what is going on with your system, sir? Can you
5 hear? Mr. Amente? All right, we're going to go
6 off the record. It's 3:57. I apologize to do
7 this at this juncture, all right? So, we're
8 going to go off the record.

9 (Whereupon, the above-entitled matter
10 went off the record at 3:56 p.m. and resumed at
11 3:56 p.m.)

12 MR. AMENTE: Hello?

13 MR. CROCKER: Yes, can you see the
14 screen, Z?

15 CHAIRPERSON ANDERSON: We're back on
16 the record.

17 MR. AMENTE: I can't hear you. Hello?

18 MR. CROCKER: Mr. Amente --

19 CHAIRPERSON ANDERSON: Mr. Amente, I
20 can hear you. Can you -- what is going on with
21 your system, sir? Are you in a stable -- what's
22 going on, sir?

23 MR. AMENTE: Let me move. One second.

24 MR. CROCKER: Can you see, Mr. Amente?

25 CHAIRPERSON ANDERSON: Mr. Amente?

1 MR. CROCKER: Hello, I'm sorry,
2 possibly my problem. Let me move onto the next
3 subject, okay?

4 CHAIRPERSON ANDERSON: I cannot see
5 you, Mr. Crocker, and is Mr. Amente hearing what
6 is being said?

7 MR. CROCKER: I believe he is. Are
8 you there, Mr. Amente? Hold on one second. Are
9 you there, Mr. Amente? Hello, can you hear me?

10 CHAIRPERSON ANDERSON: Mr. Amente
11 clearly is walking. So, Mr. Amente -- all right.

12 MR. AMENTE: Hello?

13 CHAIRPERSON ANDERSON: Mr. Amente, I
14 need you to sit down. I need you to --

15 MR. AMENTE: Yeah, I'm trying to find
16 a way, I think, in my apartment. I'm trying to -
17 -

18 CHAIRPERSON ANDERSON: All right, you
19 can stay where you are, Mr. Amente. I can hear
20 you.

21 MR. AMENTE: Okay, okay.

22 MR. CROCKER: Yeah, we can hear you
23 now. Sorry about that.

24 CHAIRPERSON ANDERSON: Ask your
25 question, Mr. Crocker.

1 MR. CROCKER: Okay, let me see --

2 CHAIRPERSON ANDERSON: You were asking
3 him to identify something. You were sharing your
4 screen and you were asking him to identify
5 something, so.

6 MR. CROCKER: Yes, this here is clip
7 from a website regarding the change in the ANCs
8 and single-member districts in the District
9 update.

10 (Whereupon, the above-referred to
11 document was marked as Applicant Exhibit 1 for
12 identification.)

13 BY MR. CROCKER:

14 Q Mr. Amente, in looking at the map on
15 the bottom and where H Street and 7th Streets
16 cross, where is Allure Lounge located, what ANC
17 district?

18 A Say that again? You're breaking up.

19 Q I said in looking at the map that I'm
20 displaying right now on the screen which shows
21 the new boundaries for the ANC and the SMDs, in
22 which district is Allure Lounge located? Which
23 ANC is Allure Lounge located in now with the
24 redrawn districts?

25 A 6A.

1 MR. CROCKER: Okay, and you're no
2 longer located in 6C. Okay, I want to enter that
3 into evidence. And then --

4 CHAIRPERSON ANDERSON: What are you
5 trying to put into evidence, sir?

6 MR. CROCKER: Oh, just that the new
7 boundaries that show we're no longer located in
8 6C, so Mr. Kelty was with 6C, so we had an issue
9 with even their standing there because --

10 CHAIRPERSON ANDERSON: All right --

11 MR. CROCKER: -- if you look on the
12 website --

13 CHAIRPERSON ANDERSON: Mr. Crocker, at
14 the protest hearing status, I said to you if you
15 want to challenge standing, you need to file a
16 motion. You have not filed one. Are you raising
17 a standing issue, sir, in --

18 MR. CROCKER: Yes.

19 CHAIRPERSON ANDERSON: And so, you're
20 raising a standing issue in examining your
21 witness. So, your -- how am I supposed to know
22 you're raising a standing issue?

23 MR. CROCKER: Well, that's exactly
24 what I'm doing in the, in my cross exam,
25 examination of the witness since the witness is

1 testifying that he is no longer in 6C, that he's
2 located in 6A now.

3 CHAIRPERSON ANDERSON: Right, and I
4 asked you at the protest hearing status to file a
5 formal motion if you were challenging standing,
6 is that correct, sir?

7 MR. CROCKER: Yeah, but I saw that as
8 a legal document and something that an attorney
9 would do for a representative versus me, I'm --

10 CHAIRPERSON ANDERSON: And so, you did
11 not file one?

12 MR. CROCKER: No, I didn't.

13 CHAIRPERSON ANDERSON: You're
14 questioning standing and you didn't file one.
15 So, you're still raising this as an issue today,
16 is that correct?

17 MR. CROCKER: Yes, I thought the
18 appropriate way to deal with it, because we were
19 going to a hearing, is not necessarily to file a
20 motion.

21 You know, had we been able to settle
22 things and come to some agreement with the ANC,
23 we wouldn't be having this hearing today, but I
24 didn't know until the last minute that we
25 actually were going to have a hearing and that we

1 couldn't come to some agreement.

2 CHAIRPERSON ANDERSON: Mr. Crocker --

3 MR. CROCKER: Yes, sir?

4 CHAIRPERSON ANDERSON: I had a protest
5 hearing status hearing that you were there.

6 MR. CROCKER: Yes.

7 CHAIRPERSON ANDERSON: You raised a
8 standing issue and I read the transcript before
9 this hearing.

10 MR. CROCKER: Yes.

11 CHAIRPERSON ANDERSON: And you tried
12 to argue, and I said to you that the board was
13 not going to entertain an oral motion on
14 standing, that you need to formally file a motion
15 on standing, right? Is that correct, sir?

16 MR. CROCKER: Yes, sir.

17 CHAIRPERSON ANDERSON: And you did not
18 file that motion, is that correct?

19 MR. CROCKER: Yes, sir.

20 CHAIRPERSON ANDERSON: All right, go
21 ahead, sir.

22 MR. CROCKER: Okay, what I'm pulling
23 up here is the current agreement that's in place
24 right now.

25 (Whereupon, the above-referred to

1 document was marked as Applicant Exhibit 2 for
2 identification.)

3 MR. CROCKER: Mr. Amente, okay, this
4 is the current settlement agreement that's in
5 place that we have right now. What part of this
6 agreement are you not willing -- do you have
7 issues with?

8 CHAIRPERSON ANDERSON: Hold on, hold
9 on, hold on, hold on, hold on, hold on. Is this
10 the current settlement agreement?

11 MR. CROCKER: Yes, it is.

12 CHAIRPERSON ANDERSON: And did Mr.
13 Amente file, as part of his renewal, did he ask
14 the agency to terminate his settlement agreement?

15 MR. CROCKER: That's four years, and
16 I think we're within three years, so.

17 CHAIRPERSON ANDERSON: I said to you
18 did he file, as part of his renewal, did he ask
19 the agency, did he file notice to the agency
20 asking the agency to terminate the settlement
21 agreement, yes or no?

22 MR. CROCKER: No.

23 CHAIRPERSON ANDERSON: We're not
24 entertaining this in the hearing, sir. We're not
25 entertaining this. Let's move on. We are not

1 going through the current settlement agreement
2 and what it is that he likes or doesn't like.

3 He has not, as part of his renewal,
4 asked the agency to terminate his settlement
5 agreement, so therefore, the settlement agreement
6 remains in place, and whatever decision that the
7 board makes today, the board will not touch the
8 settlement agreement. So, please, let's move on
9 from there, sir.

10 MR. CROCKER: Okay, but the only thing
11 that I'm just --

12 CHAIRPERSON ANDERSON: There is
13 nothing -- sir, Mr. Crocker, I specifically
14 informed you, sir, if the agency agrees, if the
15 board agrees to renew this license, the current
16 settlement agreement will stay in effect.

17 MR. CROCKER: Right.

18 CHAIRPERSON ANDERSON: Okay? There is
19 no request to terminate the settlement agreement
20 --

21 MR. CROCKER: No, no, and I'm not --

22 CHAIRPERSON ANDERSON: -- so the board
23 is not going to address the terms of the
24 settlement agreement. The only thing that the
25 board will do, if the board decides to renew the

1 license, we will renew the license with the
2 current settlement agreement in place if the
3 board decides to renew the license.

4 And based on what's presented today,
5 the board might add additional conditions to the
6 license, but the board will not touch what's in
7 the settlement agreement because as part of the
8 renewal, the licensee did not request that we
9 terminate the agreement, sir.

10 So, I don't need to have any testimony
11 on the current settlement agreement and what your
12 client agrees to or do not agree to, sir, okay?
13 Let's move on.

14 MR. CROCKER: All right, just one
15 final point here --

16 CHAIRPERSON ANDERSON: There is
17 nothing else on the settlement agreement, sir.
18 Let's move on. We are not discussing the
19 settlement agreement today. Let's move onto
20 another area, topic.

21 BY MR. CROCKER:

22 Q Okay, well, let me ask this then, Mr.
23 Amente. You're coming to the board today and
24 what is it that you're asking for the board to
25 do?

1 A I'm asking that I did everything, I
2 would say most everything right, you know,
3 following the settlement that the board ordered
4 the last, you know, the last three years, and I
5 don't mind keeping it, but I don't want to add as
6 a restriction that they came with that is going
7 to affect me because most of them that the new
8 settlement has is nothing to do with my ABRA
9 license or anything, so I don't want to sign
10 those things. That's all. There's five, I
11 think, five things.

12 It wasn't really hard for me and the
13 ANC to come up with -- really started an argument
14 and just keep going and we shouldn't be here
15 today, but just I don't want to sign everything
16 that is nothing to do with ABRA, nothing to do
17 with my license. I don't want to join everything
18 they say with ABRA. I don't want to cut my hours
19 too.

20 MR. CROCKER: Right, so the only issue
21 that you have in here is the hours. So, you're
22 coming, you're asking the board to relieve you of
23 the restrictions that's been placed on your --

24 CHAIRPERSON ANDERSON: Mr. Crocker,
25 how many times can I repeat this, sir? The board

1 is not going to revisit the settlement agreement
2 because this is not an issue.

3 (Simultaneous speaking.)

4 CHAIRPERSON ANDERSON: Mr. Crocker, it
5 only becomes an issue if, as part of the renewal,
6 he had asked the board to terminate the
7 settlement agreement. So, the board will not
8 address the settlement agreement.

9 Now, if there are additional issues,
10 if what's presented today, if the protestants
11 present information for the board to revisit the
12 hours, then the board will revisit it.

13 However, the board is not going to
14 touch the settlement agreement. It remains, this
15 settlement agreement remains with this license
16 until and unless the board decides to make
17 changes to it.

18 MR. AMENTE: So, can I finish?

19 MR. CROCKER: Go ahead. I'm sorry.

20 MR. AMENTE: Yeah, so I just don't
21 want to -- I can't lose another hours again that
22 I didn't do nothing. Just I would like the board
23 to know I didn't do anything wrong and I can't
24 lose another hours again because there is no
25 evidence.

1 I'm fine with what I have, fine with
2 what I have, and I will continue the same thing
3 that I'm doing, but just I can't lose another
4 hours without no evidence, without no nothing. I
5 think that's it.

6 MR. CROCKER: Okay, well, we'll end
7 the examination there, and did you have anything
8 else to say that you want to finish up, Mr.
9 Amente, that you want to present to the board?

10 MR. AMENTE: No.

11 MR. CROCKER: Okay, thank you. I'm
12 finished, Chairman Anderson.

13 CHAIRPERSON ANDERSON: Close your
14 screen, please. Thank you. Stop sharing your
15 screen, sir. Mr. Kelty, any questions for the
16 licensee?

17 MR. KELTY: Chairman Anderson, I'm a
18 little confused at where we are in this whole
19 proceeding.

20 CHAIRPERSON ANDERSON: Sir, you're
21 cross examining him based on his testimony. Do
22 you have any questions you want to ask him based
23 on the testimony that he just gave, sir?

24 MR. KELTY: No, thank you.

25 CHAIRPERSON ANDERSON: All right,

1 thank you. Any questions by the board members of
2 the licensee based on -- any questions of the
3 licensee? Hearing none, thank you. Mr. Crocker,
4 do you have another witness you wish to call?

5 MR. CROCKER: No.

6 CHAIRPERSON ANDERSON: Do you rest
7 your case, sir?

8 MR. CROCKER: Yes, I rest my case.

9 CHAIRPERSON ANDERSON: Thank you. All
10 right, it's 4:11. We're going to take a break
11 and we're going to, this time we'll get back,
12 we'll come back, we'll reconvene at 4:30. I
13 don't need anyone to sign off. Just turn your --
14 just mute your volume and mute your video and we
15 will come back on the record at 4:30, okay.

16 (Whereupon, the above-entitled matter
17 went off the record at 4:10 p.m. and resumed at
18 4:31 p.m.)

19 CHAIRPERSON ANDERSON: I don't see Mr.
20 Crocker. I see Mr. Amente because he never left.
21 Is Mr. Crocker there, still here? Mr. Crocker,
22 are you here?

23 MR. KELTY: Chairman, I have a brief
24 question.

25 CHAIRPERSON ANDERSON: Mr. Crocker is

1 not here, so let me wait for Mr. Crocker to come
2 back. Mr. Amente, can you call Mr. Crocker to
3 see where he is, please?

4 MR. AMENTE: Okay, let me call him.
5 Can you hear me?

6 CHAIRPERSON ANDERSON: I can hear you,
7 sir, yes.

8 MR. AMENTE: Okay.

9 MR. KELTY: I'm sorry. It's just that
10 I have a witness that needs to leave at 4:40.

11 CHAIRPERSON ANDERSON: As soon as Mr.
12 Crocker comes on, then it's your -- you're going
13 to present, sir. He just has to be online.

14 MR. AMENTE: He's not answering.

15 CHAIRPERSON ANDERSON: Where is Mr.
16 Crocker?

17 MR. AMENTE: I just called and he's
18 not answering.

19 CHAIRPERSON ANDERSON: Well, Mr.
20 Amente, he is your representative. Do you want
21 to move forward without him or do you want to
22 wait for him?

23 MR. AMENTE: Is that possible --

24 CHAIRPERSON ANDERSON: You, sir --

25 MR. AMENTE: I don't know what is --

1 CHAIRPERSON ANDERSON: Mr. Amente, he
2 is your representative, I take it. Do you want
3 me to wait for him --

4 MR. AMENTE: Yes, please.

5 CHAIRPERSON ANDERSON: -- or do you
6 want to move on?

7 MR. AMENTE: Yeah, just two or three
8 minutes if possible.

9 CHAIRPERSON ANDERSON: All right, so
10 can you continue calling him so we can find out
11 where he is?

12 MR. AMENTE: Okay, okay, okay.

13 CHAIRPERSON ANDERSON: I'm sorry, Mr.
14 Kelty, but I can't until he gets back online.

15 MR. KELTY: I understand.

16 CHAIRPERSON ANDERSON: If I realized,
17 I would not have -- I know we had to take a
18 break, but I probably could have delayed, but I'm
19 sorry.

20 MR. KELTY: No, it --

21 CHAIRPERSON ANDERSON: I try to take
22 a break every two hours and we went for a while
23 before we were able to take a break, so.

24 MR. KELTY: I was ready for a break
25 too.

1 CHAIRPERSON ANDERSON: Okay, okay, I
2 don't feel bad then, all right.

3 MR. KELTY: I'm 52. I can't sit that
4 long.

5 CHAIRPERSON ANDERSON: You are a young
6 man, Mr. Kelty. You're a young man, so I'll say
7 that, okay? Were you able to locate him, Mr.
8 Amente?

9 MR. AMENTE: I called, I texted, I
10 don't know.

11 MR. KELTY: Chairman?

12 CHAIRPERSON ANDERSON: Yes?

13 MR. KELTY: My first witness is
14 actually not elevated. His name is Jordan Baugh.
15 It might save a little time if we could elevate
16 him.

17 CHAIRPERSON ANDERSON: Yeah, he is now
18 elevated. I see his name on there, yes. What is
19 it you want us to do? We took a break. I told
20 everyone that we were going to reconvene at 4:30.
21 It's 4:36.

22 MR. AMENTE: Okay.

23 CHAIRPERSON ANDERSON: I will wait
24 until 4:40. I mean, I don't necessarily want to
25 move forward without him, but I told everyone, so

1 can you continue calling him to find out what's
2 going on because this is --

3 MR. AMENTE: Yes.

4 CHAIRPERSON ANDERSON: This is almost
5 ten minutes past the break that we all agreed to.

6 MR. AMENTE: I'll keep calling, sir.
7 Thank you. I think he is here now.

8 CHAIRPERSON ANDERSON: I don't see
9 him. He wasn't supposed to have left the line.
10 He wasn't supposed to have signed off. I'll ask
11 --

12 (Simultaneous speaking.)

13 MR. AMENTE: Oh, he signed off?

14 CHAIRPERSON ANDERSON: I'm sorry?

15 MR. AMENTE: I just talked to him. I
16 think he was in the bathroom, so.

17 CHAIRPERSON ANDERSON: I don't see
18 him. I'm saying the parties were not supposed to
19 sign off. All the parties were supposed to do is
20 to mute their microphone and turn their video
21 off. I see, unfortunately, you, Mr. Amente. I
22 mean, Mr. Amente, now I can't see you, but during
23 the --

24 MR. AMENTE: You can't? I am right
25 here. I'm here.

1 CHAIRPERSON ANDERSON: No, I said I
2 cannot see you, but I'm saying during the entire
3 break, I saw you. When I specifically told you
4 to stop your video, you did not stop your video.

5 MR. AMENTE: Oh, I'm sorry.

6 CHAIRPERSON ANDERSON: So, I saw you
7 the entire break. Now I want to see you and I'm
8 not seeing you.

9 MR. AMENTE: I'm here, no?

10 CHAIRPERSON ANDERSON: I'm not seeing
11 you, Mr. Amente.

12 MR. AMENTE: Because the video is on
13 the red and an X on it. I'm clicking it. I see
14 myself.

15 CHAIRPERSON ANDERSON: Mr. Amente,
16 during the entire break, I saw you.

17 MR. AMENTE: Okay, I am here.

18 CHAIRPERSON ANDERSON: Yes, I can see
19 you now.

20 MR. AMENTE: Okay.

21 CHAIRPERSON ANDERSON: Mr. Crocker,
22 are you there, sir? Mr. Crocker, we were
23 supposed to -- everyone was here at 4:30, sir,
24 with the exception of you. All right, go ahead,
25 Mr. Kelty. Do you have a witness you wish to

1 call, sir?

2 MR. KELTY: Yes, good afternoon,
3 board. I have two witnesses. I will try to be
4 very brief because I know this has gone on a long
5 time. I do have a list of exhibits that I will
6 read into the record if the board wishes and then
7 I have a brief statement. My first witness is
8 Jordan Baugh.

9 CHAIRPERSON ANDERSON: Mister, is that
10 Mister -- okay, Mr. Baugh, can you raise your
11 right hand, please?

12 WHEREUPON,

13 JORDAN BAUGH

14 Was called for examination by the Alcoholic
15 Beverage Control Board, and after having been
16 first duly sworn, was examined and testified as
17 follows:

18 CHAIRPERSON ANDERSON: Go ahead, Mr.
19 Kelty.

20 DIRECT EXAMINATION

21 BY MR. KELTY:

22 Q Mr. Baugh, do you live in -- where do
23 you live? Just give me the block, name and block
24 number.

25 A The 700 block of 7th Street, NE.

1 Q And is that in ANC 6C or ANC 6A?

2 A It is in ANC 6C. When the
3 redistricting lines were drawn, they went
4 straight down the middle of my street.

5 Q Who is your commissioner?

6 A You are.

7 Q And have you been at all impacted by
8 the operations of Allure Lounge, 711 H Street?

9 A I have. We have heard noise emanating
10 from the establishment on a number of occasions.
11 I can hear amplified music while I'm sitting in
12 my bedroom which faces 7th Street. I heard it on
13 a number of occasions.

14 On one, at least one occasion, I went
15 out to investigate where the noise was coming
16 from because I wasn't sure if it was coming from
17 a car or coming from an establishment, and I
18 walked into the alley which is kind of kitty-
19 corner across from house, and could hear it get
20 louder and louder the closer I got to Allure --

21 Q Okay.

22 A -- and when I was back behind Allure,
23 I could hear the music coming from, emanating
24 from Allure.

25 Q I know you need to go, so I'm just

1 going to cut you off. That's all I needed to
2 know.

3 A Oh, sure, yeah.

4 Q Last question, have you ever filed a
5 noise complaint with ABRA?

6 A Yes, that day we called the ABRA
7 after-hours hotline to file a noise complaint, to
8 alert them that we could hear noise audibly
9 coming from Allure in our house.

10 MR. KELTY: Thank you, Mr. Baugh.
11 That's all I have for the witness.

12 CHAIRPERSON ANDERSON: Mr. Crocker, do
13 you have any questions of Mr. Baugh?

14 MR. CROCKER: Yes, I do. Can you hear
15 me now?

16 CHAIRPERSON ANDERSON: I can hear you,
17 but I can't see you. So, go ahead, sir.

18 CROSS EXAMINATION

19 BY MR. CROCKER:

20 Q Okay, the only question I had was were
21 you aware in the settlement agreement that it has
22 a cure notice in there to where you're supposed
23 to contact the applicant before you reached out
24 to ABRA?

25 A I am not personally a party to the

1 settlement agreement and I don't have Mr. Z's
2 contact information.

3 Q Okay, well, you said you're in 6C,
4 correct?

5 A Yes, but not every member, person --
6 my understanding is that when there's a complaint
7 to be made, the appropriate thing to do is to
8 call the ABRA hotline per ABRA's procedures, and
9 I am not personally a party to the settlement
10 agreement. I did not personally sign the
11 settlement agreement.

12 Q Okay.

13 A So, I was not aware of all of the
14 stipulations of that settlement agreement that
15 I'm not personally a party to.

16 MR. CROCKER: Okay, well, actually,
17 this testimony to ABRA though is against that
18 settlement agreement because he --

19 CHAIRPERSON ANDERSON: Mr. Crocker, do
20 you have a question to ask, sir?

21 MR. CROCKER: Yeah.

22 BY MR. CROCKER:

23 Q Can you be more specific about when
24 you heard, you said you heard loud noise
25 emanating from --

1 A I heard amplified music. It was late
2 fall last year. I don't have the exact date in
3 front of me.

4 Q Okay, and so is that the only time
5 you've heard --

6 A No.

7 Q -- or had to complain?

8 A No, in fact, I heard the same type of
9 music coming last night when I was sitting in my
10 bed. I didn't walk out to investigate because it
11 was at about 12:30 at night and there had been an
12 armed carjacking two nights ago, and I frankly
13 don't want to walk outside into the alley at
14 night right now.

15 Q Do you have any other complaints
16 outside of just hearing noise and sounds?

17 A Certainly had a lot of issues with
18 drunk and disorderly patrons around the time that
19 Allure closes for sure. We hear them a lot and
20 have called MPD on a number of occasions.

21 Q Okay, so are any of those calls that
22 -- have you been here for the whole hearing and
23 did you get a chance to see the ABRA inspector's
24 call record? Were any of those calls from you?

25 A I didn't -- I would need to look at my

1 phone records and compare notes, but I don't have
2 that in front of me.

3 Q But you are testifying that you did
4 call back last fall, that you, you called the
5 ABRA hotline and you called the MPD, Metropolitan
6 Police Department?

7 A That is what I testified.

8 Q So, you called the ABRA hotline?

9 A That is what I testified.

10 CHAIRPERSON ANDERSON: Do you have
11 another question, Mr. Crocker?

12 MR. CROCKER: All right, no other
13 questions, sir.

14 CHAIRPERSON ANDERSON: Any questions
15 of this witness by any board members?

16 MR. AMENTE: Can I ask a question or
17 no?

18 CHAIRPERSON ANDERSON: Who is that?
19 No, Mr. Amente, you need to talk to Mr. Crocker.

20 MR. AMENTE: Okay, can you hold the
21 witness and talk to my representative, please?
22 Can you hold the witness?

23 MR. CROCKER: Just text me your
24 question.

25 CHAIRPERSON ANDERSON: Text him. I'm

1 sorry, Mr. Baugh. I know that you have --

2 MR. BAUGH: I have to pick up my child
3 from school and I do need to leave.

4 CHAIRPERSON ANDERSON: Would you --

5 MR. BAUGH: So, I don't have time for
6 them to confer on questions, I'm afraid.

7 CHAIRPERSON ANDERSON: Mr. Baugh, I'm
8 sorry. I appreciate that, sir, but you can't
9 leave until he asks you the question, sir. I
10 appreciate and I apologize. If you leave, then
11 your entire testimony, I would have to strike
12 from the record.

13 MR. BAUGH: Well, okay.

14 CHAIRPERSON ANDERSON: I do -- sir, I
15 appreciate the fact that you have to pick up your
16 child and I know that, sir, and I know that your
17 child is not going to understand when you tell
18 him or her that you were in a hearing or the
19 daycare is not going to understand. I understand
20 that, sir, but if you -- I'm just saying to you
21 if you leave now before we're done --

22 MR. BAUGH: I'm here. I'm here,
23 Chairman.

24 CHAIRPERSON ANDERSON: So, I
25 apologize, but I just want to say procedurally I

1 have to do that, sir, okay? Mr. Crocker?

2 MR. KELTY: -- attention that we heard
3 extensive testimony just now from a witness who
4 is not on the witness list, Mr. Amente. We
5 wouldn't be in this position had we not heard
6 testimony from a witness that wasn't on the
7 witness list.

8 CHAIRPERSON ANDERSON: Mr. Kelty, you
9 did not raise that. However, I would have
10 allowed him to testify anyway because it's not a
11 surprise that he would have testified, sir. The
12 other witness --

13 (Simultaneous speaking.)

14 MR. KELTY: I'm sorry. I'm frustrated
15 that I inconvenienced my witness.

16 CHAIRPERSON ANDERSON: Mr. Crocker, do
17 you have a question, sir?

18 MR. CROCKER: Yeah, I do have a
19 question.

20 BY MR. CROCKER:

21 Q The witness just stated that he said
22 he heard loud music yesterday. He said after
23 12:30, is that correct?

24 A That's correct.

25 Q Okay, well, the establishment closed

1 yesterday at 12:00. They have karaoke evening.
2 Yesterday was Monday night and they have karaoke,
3 so he was closed at 12:00. Are you sure it was
4 12:30?

5 A It was around 12:00, 12:30. It was
6 that time frame.

7 Q Okay, did you make a call or are you
8 just testifying --

9 A I did not, because as I stated, I
10 wasn't able to go out and investigate where it
11 was actually coming from.

12 MR. CROCKER: Okay, so you said you
13 heard it about 12:30. He's stating that he
14 closed. You don't know if it originated from
15 Allure Lounge, so we just ask that that not be
16 attributed to Allure Lounge because his testimony
17 cannot --

18 CHAIRPERSON ANDERSON: Mr. Crocker, if
19 you have a question, ask your question.

20 (Simultaneous speaking.)

21 CHAIRPERSON ANDERSON: Do you have
22 another question, sir? Do you have another
23 question?

24 MR. CROCKER: Yeah, and then the other
25 question is he mentioned something about drug use

1 or something like that when he was referring --

2 CHAIRPERSON ANDERSON: I didn't hear
3 that, Mr. Crocker. If you're asking a question,
4 ask a question. Don't say what you think you
5 thought you heard, sir. Ask a question that --
6 and that's not based on, what you're asking is
7 not based on any question -- it's on based on
8 direct, sir, so I'm going to intercede myself.
9 So, do you have a question to ask that was based
10 on his direct testimony, sir?

11 MR. CROCKER: Okay, I apologize. I
12 just, I didn't understand why he brought that up,
13 okay. All right, no more --

14 CHAIRPERSON ANDERSON: Any other
15 questions, sir?

16 MR. CROCKER: No, we don't have any
17 other questions.

18 CHAIRPERSON ANDERSON: Any questions
19 by the board members? Mr. Baugh, thank you very
20 much for your testimony. Please apologize to
21 your, let your daughter or son know that the
22 board apologizes for the fact that you were late,
23 sir, but thank you for your testimony.

24 MR. BAUGH: Mr. Chairman, I appreciate
25 that. Thank you very much.

1 CHAIRPERSON ANDERSON: All right,
2 thank you. Do we have another witness, Mr.
3 Kelty?

4 MR. KELTY: I'd like to call Mike
5 Velasquez.

6 CHAIRPERSON ANDERSON: All right, Mr.
7 Velasquez, can you raise your right hand, please?
8 WHEREUPON,

9 MIKE VELASQUEZ
10 Was called for examination by the Alcoholic
11 Beverage Control Board, and after having been
12 first duly sworn, was examined and testified as
13 follows:

14 CHAIRPERSON ANDERSON: All right, your
15 witness, sir. Go ahead.

16 DIRECT EXAMINATION

17 BY MR. KELTY:

18 Q Mr. Velasquez, are you the
19 commissioner for ANC 6A?

20 A I am, excuse me, 6A02.

21 Q 6A02, and are you the commissioner for
22 the area in which Allure has been redistricted?

23 A I am the commissioner. As of January
24 when redistricting when into effect, I am the
25 commissioner for the area in which Allure is

1 located, yes.

2 Q And do you support the protest of this
3 application on your behalf by ANC 6C?

4 A Based on the concerns of the
5 constituents that I represent, I am supportive of
6 this protest.

7 Q Thank you, and my understanding is
8 that you've had some discussions with the police
9 department regarding crime in the 700 block of H
10 Street. Can you very quickly describe those
11 conversations?

12 A Yes, there was -- the conversations
13 arose from a murder that happened on the 1200
14 block of H Street, NE, and so I spoke with
15 Commander Tasha Bryant, who is the commander of
16 the First District, asking her to move a camera
17 from the corner of 7th and H Street, NE to in
18 front of the Auto Zone where the murder was, and
19 she was unable.

20 Her and Captain Williams, who manages
21 PSA 104 which encompasses both Allure Lounge and
22 the parking lot where the homicide happened, both
23 of them expressed many times that they were
24 unable to honor my request, and when I asked them
25 for additional information, they said they were

1 concerned about the crime at night on the 700
2 block of H Street, and that the camera at the
3 corner of 7th and H provided video surveillance
4 and they needed to keep it there because of their
5 concerns, and they would not elaborate anymore
6 about their specific concerns or investigative
7 nature of that camera.

8 Q Was that also what you heard from, I
9 believe it was Lieutenant Alali?

10 A Yes, so in a meeting that I attended
11 with neighbors and officials, both from ABRA and
12 the councilmembers' Office, where folks on 7th
13 Street between G and H were expressing their
14 concerns about violence in the area, Lieutenant
15 Alali made a presentation and said that he knew
16 of crime and disturbances related to the
17 establishments on the 700 block of H Street.

18 So, he shared that with -- I heard
19 that directly from him and he shared that with
20 the group. Lieutenant Alali is in charge of the
21 Special Mission Unit for the First District of
22 MPD and he expressed concerns to me about those
23 establishments.

24 MR. KELTY: Okay, thank you. No
25 further questions.

1 CHAIRPERSON ANDERSON: Thank you, Mr.
2 Velasquez. Mr. Crocker, do you have any
3 questions?

4 MR. CROCKER: Yes, just real quickly.

5 CROSS EXAMINATION

6 BY MR. CROCKER:

7 Q You mentioned the murder that happened
8 in the 1200 block of H Street, right?

9 A Yes, sir.

10 Q Okay, that's located in your ANC that
11 you're the chairman for, the commissioner for?

12 A Yes, sir.

13 Q All right, I had an opportunity to
14 look at like 15 different settlement agreements
15 that you signed or 6A signed. Do you have any
16 provisions in your settlement agreements
17 regarding things like having cameras by the
18 establishments out front or in the rear?

19 A I know that there are settlement
20 agreements related to -- I know there are
21 provisions in the settlement agreements related
22 to video surveillance, but I don't recall whether
23 they're inside, or outside, or both.

24 MR. CROCKER: Okay, well, I can
25 recall. I've reviewed every one of them and you

1 don't have any --

2 CHAIRPERSON ANDERSON: Mr. Crocker,
3 can you ask a question, sir --

4 MR. CROCKER: Yes.

5 CHAIRPERSON ANDERSON: -- and not
6 testify, sir?

7 BY MR. CROCKER:

8 Q Well, you expressed a lot of concern
9 about trying to have the police move their camera
10 from 7th Street down to 12th Street and, you
11 know, the settlement agreements are settlement
12 agreements you review and you signed, and the
13 question was did you make any attempt to have
14 establishments install cameras if you're
15 concerned about 12th Street?

16 A So, the area in consideration is not
17 an establishment and does not have a liquor
18 license. It is a private establishment not
19 related to the hospitality industry, and so that
20 wouldn't apply.

21 Q Yeah, but you were looking to increase
22 surveillance of the block, right?

23 A No, I wanted to increase the
24 surveillance of a specific parking lot where the
25 murder happened --

1 Q Okay.

2 A -- and the parking lot is owned by an
3 establishment that does not engage in the
4 hospitality industry.

5 Q All right, are you familiar with
6 Bronze D.C.?

7 A I am.

8 Q And the address of Bronze D.C. is 1245
9 H Street, NE, correct?

10 A Sure, close enough.

11 Q Okay, that agreement was just passed
12 in September of 2022, correct?

13 A That sounds about right.

14 Q Okay, did you include any provisions
15 in that agreement, if that was the block you were
16 so concerned about, that was different than
17 settlement agreements you have throughout the
18 rest of 6A?

19 A I have not specifically compared every
20 single settlement agreement that has been signed
21 since I've been involved in the ABL or elected as
22 the commission in 6A02.

23 Q Okay, myself and the owner reached out
24 to you to attempt to attend one of your 6A
25 meetings with the monthly meetings that you

1 actually have. Can you testify to the board what
2 your response was and why you didn't agree to
3 that?

4 A I did not disagree to that. I
5 forwarded it to our ABL chair, Ms. Sullivan, for
6 her consideration. According to our SOP and our
7 bylaws, 6A uses the committee process, and so I
8 forwarded it to Ms. Sullivan for her
9 consideration as the Chair of the ABL and before
10 appearing before the agenda on the full ANC 6A.

11 Q Okay, did she respond back to our
12 request?

13 A I am not aware if she did or not.

14 Q When did you forward that to -- you're
15 testifying today that you forwarded the request
16 for us to attend your 6A meeting. When did you
17 forward that?

18 A I don't remember exactly, and to be
19 clear, the email you forwarded me was in
20 representing two different establishments, this
21 one and another.

22 Q Yes, both of them are now located in
23 6A, so the email I sent you was to request that
24 you include Vision Lounge and then you also
25 include Allure Lounge on your next scheduled full

1 body meeting, which it's my understanding you
2 have that every month, correct?

3 A The ANC has a meeting every month,
4 correct.

5 MR. CROCKER: All right, one
6 noticeable thing is that you are appearing as a
7 witness for 6C.

8 CHAIRPERSON ANDERSON: Why is that
9 relevant, Mr. Crocker? Why are we asking that
10 question? He's a witness, so --

11 MR. VELASQUEZ: That wasn't a question
12 by the way, Mr. Chairman. That was a statement.

13 (Simultaneous speaking.)

14 MR. CROCKER: I'm sorry. I apologize.

15 BY MR. CROCKER:

16 Q Are you appearing as a witness for ANC
17 6C?

18 A I'm appearing as a witness
19 representing my constituents. ANC 6C is a party
20 to this and they have asked me to appear --

21 Q Okay.

22 A -- to speak on behalf of my
23 constituents.

24 Q But I guess the meat of your testimony
25 was your concerns are based upon your discussion

1 with a police officer or someone, a detective or
2 something like that in the area, correct?

3 A What I also testified was that my
4 concerns are based on what I've heard from the
5 residents that I represent and they were
6 corroborated by D.C. officials on the
7 Metropolitan Police Department.

8 Q Okay, what have you heard from the
9 residents that you represent about Allure?

10 A I've heard about crime, noise,
11 disorderly conduct, shootings, et cetera.

12 Q Crime, noise, disorderly conduct,
13 shootings, okay, and you said --

14 A Shootings in the neighborhood.

15 Q And you're saying that the individuals
16 you represent, they've said that that's coming
17 from Allure Lounge?

18 A They don't have any knowledge of
19 whether or not it comes from Allure Lounge, but
20 there's disorderly conduct based on the --
21 there's disorderly conduct that they've noticed
22 based on people leaving establishments along the
23 700 block of H Street, including Allure Lounge,
24 yes.

25 Q So, you represent 6A, which is the

1 entertainment district, and they're not
2 complaining about people coming from your
3 district?

4 A I represent the district that Allure
5 Lounge is in, and if you look at the
6 comprehensive master plan, actually the arts and
7 entertainment district starts at 11th Street and
8 goes to 15th Street, and it doesn't actually
9 include the area that Allure Lounge is in, so
10 let's please be specific.

11 Q Okay, what I mean by that is there's
12 probably at least two to three times the number
13 of establishments with CT licenses that are
14 located 11th Street and beyond. Would you agree
15 to that?

16 A More or less, sure.

17 Q Okay, so you're saying that your
18 constituents or the people that you represent
19 that live down there on 11th Street where there's
20 at least two to three times more taverns and
21 lounges that are located in that area, they're
22 complaining about people from 7th Street?

23 A No, I'm talking about the people along
24 7th Street and 8th Street that I represent.

25 Q But, I mean, you just recently started

1 representing them when they redrew the lines,
2 right? That was just back in January, right?

3 A Yes, and that exactly goes to the
4 heart of this concern, that they're already
5 speaking to me immediately when I'm elected, then
6 they have some very serious concerns that need to
7 be heard.

8 Q Well, Mr. Kelty has no neighbors here
9 as a part of this hearing, so ideally, they
10 should --

11 A He did actually. Mr. Baugh lives
12 along 7th Street if I recall correctly. He
13 testified to his location along 7th Street.
14 Along with Commissioner Kelty, I also represent a
15 part of 7th Street.

16 So, the way D.C. divides it is
17 unfortunately down the center of the street
18 rather than the alleys, so Mr. Kelty has one side
19 of 7th Street and I have the other. We have both
20 heard from neighbors on both sides of the street.
21 I continue to --

22 MR. CROCKER: That's not true. That's
23 not true.

24 CHAIRPERSON ANDERSON: Mister --

25 MR. CROCKER: 7th Street isn't a

1 dividing line.

2 MR. VELASQUEZ: That is true, sir.
3 Please look at the map. Maybe Mr. Kelty can
4 enter it into evidence or I can show it right now
5 if you'd like me to.

6 MR. CROCKER: Well, it is evidence.
7 As a matter of fact, if you've been here --

8 CHAIRPERSON ANDERSON: Mr. Crocker,
9 just ask a question, sir.

10 MR. CROCKER: -- for the full hearing,
11 you didn't see when it was presented?

12 CHAIRPERSON ANDERSON: Mr. Crocker,
13 this is not a colloquy between you and the
14 witness. Please answer -- just please ask a
15 question, sir.

16 MR. CROCKER: Okay, one second. I
17 want to put up an exhibit, okay?

18 CHAIRPERSON ANDERSON: Well, Mr.
19 Crocker, I can't see you, so I'm not sure. You
20 said you want to put up an exhibit, so therefore,
21 I'm not going to see the exhibit because I can't
22 even see you on my screen.

23 MR. CROCKER: Yes, you will. I'm just
24 going to share. Okay, I'm going to share my
25 screen and you'll be able to see the exhibit.

1 CHAIRPERSON ANDERSON: Mr. Crocker, I
2 just said I cannot see you, so if I cannot see
3 you, I will not be able to see an exhibit. I
4 will not be able to see your screen because I
5 cannot physically see you. I have not seen you
6 since we resumed this hearing, sir, but I have
7 not said anything.

8 MR. CROCKER: My apologies. Can you
9 see me now?

10 CHAIRPERSON ANDERSON: No, sir.

11 MR. CROCKER: Can you see me now? How
12 is that?

13 CHAIRPERSON ANDERSON: No.

14 MR. CROCKER: How about that?

15 CHAIRPERSON ANDERSON: No, sir.

16 MR. CROCKER: How about that?

17 CHAIRPERSON ANDERSON: I can see you
18 now, sir.

19 MR. CROCKER: Thank you. I really do
20 apologize. Let me just quickly, I want to show
21 an exhibit here that I showed earlier, but
22 apparently Mike wasn't on the phone earlier, so
23 let me pull it back up again real quick.

24 CHAIRPERSON ANDERSON: Mr. Orellana,
25 please allow Mr. Crocker to share his screen,

1 please.

2 MR. ORELLANA: This has been elevated.

3 CHAIRPERSON ANDERSON: Thank you.

4 MR. CROCKER: Okay, I'm sharing my
5 screen now. Can you see this?

6 CHAIRPERSON ANDERSON: What's the
7 question? Yes, we can see the map, sir.

8 BY MR. CROCKER:

9 Q Okay, you mentioned that you represent
10 one half of 7th Street and then that Mr. Kelty
11 represents another half of 7th Street, right?

12 A That was what I said, yes.

13 Q Okay, now that I'm pulling up this
14 map, does this kind of refresh your memory? This
15 is --

16 A Yes, I'd like to revise my remarks.
17 I represent one half of 7th Street from G Street
18 to K Street, NE. Mr. Kelty represents the other
19 half of 7th Street from G Street to 8th Street,
20 NE. The commissioner from 6A01 represents the
21 other half of 7th Street from 8th Street to K
22 Street, NE. I hope that clarifies the point you
23 were trying to make, sir.

24 Q Right, but the point I'm trying to
25 make is that for 7th Street, 7th and 8th Street -

1 -

2 A Yes, sir.

3 Q -- then you're the only person who's
4 a representative for that?

5 A That's incorrect. If you look at this
6 map, on the corner of 7th and 8th, there are
7 three commissioners that represent the corner of
8 7th and 8th, 6A01, 6A02, and 6A05. I represent
9 the eastern half starting down the center of 7th
10 Street --

11 Q All right.

12 A -- the eastern half of 7th Street from
13 G Street to K Street, NE, sir.

14 Q Right, and his location is between 7th
15 and 8th --

16 A Right, which is in my --

17 (Simultaneous speaking.)

18 Q -- beyond 7th Street is in your ANC?

19 A Yes.

20 Q Okay, that's --

21 A From 7th Street down to 13th Street
22 along H.

23 Q Right, okay, let me ask you this.
24 During the period upon which Mr. Amente, the
25 owner, had displayed the placards, is there any

1 reason why 6A didn't file a complaint or protest?

2 A At the time that the application was
3 received and properly noticed, the establishment
4 was in 6C. 6C had jurisdiction at the time, and
5 so we let 6C handle that based on their
6 jurisdiction.

7 Q Okay, I mean, but the decision to
8 change the boundaries or the updates to the
9 boundaries was made available to all D.C. --

10 CHAIRPERSON ANDERSON: Mister -- I
11 don't know why we're going down this.

12 BY MR. CROCKER:

13 Q -- in June of 2022. So, were you
14 aware that these two establishments, well, I'll
15 say just one, that Allure Lounge was going to be
16 located in your ANC as a result of this change?
17 Were you aware of that before September when you
18 actually submitted the -- because it happened
19 back in June of 2022.

20 A Sir, I was not the ANC commissioner in
21 June of 2022. I was the ANC commissioner as of
22 the time I was swearing in in January.

23 Q Okay, so did you and the prior, I
24 think his name was Steve, did you and the prior
25 ANC commissioner talk at all about the inclusion

1 of these establishments now in 6A?

2 A I talked -- I didn't talk to people in
3 general -- I didn't talk to a gentleman named
4 Steve about whether or not this establishment was
5 in 6A, no.

6 Q Okay, now just for the sake of just
7 clarification here, you said a number of your
8 constituents. Can you give me roughly, are we
9 talking about a whole lot of constituents, like
10 17 to 20 people, or are we talking about like one
11 or two? Like one guy came in and said he heard
12 something last fall, and it was loud and it came
13 from Allure, and then he said he heard something
14 last night, so we're just trying to get --

15 A At least half of the residents that
16 live in my district on 7th Street between G and
17 H, and at least half of the residents that live
18 on 8th Street between G and H are concerned about
19 this, have expressed to me concerns about the
20 establishments that you represent along the 700
21 block of H Street, allegedly represent.

22 When I asked you earlier whether --
23 when you tried to contact me, you didn't give me
24 any indication that you were the lawful legal
25 representative and you tried many times to

1 contact me, so many -- so, yes, people have
2 expressed that concern.

3 Q I mean, you're the ANC chair. Is
4 there restrictions on --

5 A No, I'm not the ANC chair. I'm a
6 single member district.

7 Q You're the ANC commissioner, correct,
8 for 6A?

9 A Yes, sir.

10 Q So, are there restrictions on who can
11 call you and ask to attend your meetings? I
12 mean, I don't understand --

13 A No, you did not attend my meeting --

14 CHAIRPERSON ANDERSON: Mister --

15 MR. VELASQUEZ: There is no
16 restriction on who can attend publicly noticed
17 meetings, sir.

18 MR. CROCKER: All right.

19 CHAIRPERSON ANDERSON: Mr. Crocker,
20 where are we going with this line of questioning,
21 sir? Can we move on?

22 MR. CROCKER: The only thing I was
23 doing there was we had reached out to him and
24 requested that we be welcomed into 6A. Give the
25 owner an opportunity to come in, introduce

1 himself, talk about his establishment, welcome
2 all of the neighbors and stuff like that --

3 CHAIRPERSON ANDERSON: Mr. Crocker,
4 you're testifying, sir. Just ask a question,
5 sir. Ask a question and move on, sir. I don't
6 need any testimony. Ask a question and move on,
7 sir.

8 MR. CROCKER: Okay, I apologize.

9 BY MR. CROCKER:

10 Q Well, just, okay, you said half of the
11 residents in 7 -- this was talked about at board
12 meetings or was this talked about via email?

13 A These are people who reached out to me
14 via email and asked for a meeting with me.

15 Q Okay, and these are people you met
16 with that wanted to voice concerns about Allure
17 Lounge specifically?

18 A They mentioned Allure Lounge
19 specifically, yes.

20 Q And what actions did you take as a
21 result of those requests?

22 A As a result of those requests, I
23 reached out to Councilmember Allen, and I
24 continued a conversation with Lieutenant Alali,
25 and I reached out to Commissioner Kelty regarding

1 that since I know he had represented them before,
2 and I was told that there was a protest, and so I
3 reached out to Commissioner Kelty about the
4 status of the application for a renewal license
5 and the status of the protest.

6 Q Okay, so you're testifying today that
7 you were the one that reached out to Mr. Kelty
8 first, not the other way around?

9 A I don't recall who reached out first,
10 sir, but I know I definitely reached out to him.
11 As Mr. Kelty has made clear and I will also make
12 clear, I'm an unpaid volunteer for this job, and
13 so this is -- after being a full-time federal
14 employee, and a father, and a husband, I'm also
15 the ANC commissioner and I do my best to remember
16 everything I can and help my constituents.

17 Q Okay, I mean, it's just important for
18 us to establish --

19 CHAIRPERSON ANDERSON: Mr. Crocker,
20 can you move on, sir? I mean, I've gotten to the
21 point -- what are you trying to prove? Can you
22 just move on, sir? Move on.

23 MR. CROCKER: Okay, the only thing I'm
24 trying to prove is --

25 CHAIRPERSON ANDERSON: You have -- Mr.

1 Crocker --

2 MR. CROCKER: You asked me what am I
3 trying to prove.

4 CHAIRPERSON ANDERSON: Asked and
5 answered. Mr. Crocker --

6 MR. CROCKER: Please --

7 CHAIRPERSON ANDERSON: Mr. Crocker --

8 MR. CROCKER: Please state --

9 CHAIRPERSON ANDERSON: No, Mr.
10 Crocker. Asked and answered. Move on to another
11 subject area, sir. You have exhausted this area.

12 MR. VELASQUEZ: Mr. Chair, can we see
13 the folks rather than the map again unless he
14 needs to --

15 CHAIRPERSON ANDERSON: If he's still
16 asking a question, sir, I will -- all right, Mr.
17 Crocker, do you have another question you want to
18 ask, sir?

19 BY MR. CROCKER:

20 Q Okay, have you had a chance to read
21 the settlement agreement that's in place for the
22 two new, well, just for Allure that's now located
23 in your ANC?

24 A Have I looked at the current
25 settlement agreement that is not at issue before

1 the board? No, I have not.

2 Q Okay, I mean, but you're very familiar
3 with the other settlement agreements that you
4 have in 7A, so would you be opposed to Allure
5 signing, if we were willing to be able to wrap
6 this whole thing up, to --

7 CHAIRPERSON ANDERSON: Mr. Crocker,
8 Mr. Crocker, it's irrelevant. The board -- we're
9 having a protest hearing and the board is going
10 to make a decision. This is not the time to
11 discuss settlement, sir. I asked at the
12 beginning of the hearing. We're having a
13 hearing, so I really --

14 I don't care whether or not he wants
15 to unless all of the parties say right now that
16 they want to withdraw the hearing and they want
17 to sign a settlement agreement. So, I don't care
18 what he wants to do in his individual position,
19 so let's move on from there, sir.

20 MR. CROCKER: I mean, that's what I'm
21 getting to. Is he --

22 CHAIRPERSON ANDERSON: Mr. Crocker,
23 it's not what he does. Mr. Kelty is representing
24 the protestant, okay, so it's Mr. Kelty's call,
25 the same way I do not ask a question to Mr.

1 Amente without your input. So, it's Mr. Kelty's
2 call. He makes the decision, sir.

3 It's irrelevant on this particular
4 issue what Mr. Velasquez's position is. If you
5 want to ask him a question, fine, ask him, but I
6 don't care whether or not he wants to sign a
7 settlement agreement or not.

8 And even if Mr. Velasquez wants to
9 sign a settlement agreement, his entire ANC would
10 have to have a public meeting and vote on a
11 settlement agreement, sir. So, let's move on.

12 MR. CROCKER: Okay, all right, all
13 right, okay. All right, I don't have any
14 additional questions for Mr. Velasquez.

15 CHAIRPERSON ANDERSON: Thank you very
16 much, sir. Any questions by the board members?
17 Yes, Mr. Short?

18 MEMBER SHORT: Mr. Velasquez, good
19 afternoon.

20 MR. VELASQUEZ: Just call me Mike.

21 MEMBER SHORT: Mike? Okay, Mike, I
22 guess I'm getting a little tired too. How long
23 have you lived in the vicinity? Before this,
24 congratulations on being elected to the ANC
25 commissioner. It's a very important job.

1 MR. VELASQUEZ: Thank you.

2 MEMBER SHORT: How long have you lived
3 in the community?

4 MR. VELASQUEZ: I've lived on the 1200
5 block of G Street for 19 years.

6 MEMBER SHORT: All right, according to
7 our code book and D.C. law, ANCs have a lot of
8 way and sway when it comes to peace, order, and
9 quiet. Can you grade in your mind what you and
10 the people that you represent, how would they
11 grade this licensee dealing with peace, order,
12 and quiet?

13 MR. VELASQUEZ: I personally haven't
14 observed this licensee, but based on what I have
15 heard from my constituents who I take at their
16 word, I would give these folks a D minus.

17 MEMBER SHORT: Thank you very much.
18 That's all I have, Mr. Chair.

19 CHAIRPERSON ANDERSON: Thank you, Mr.
20 Short. Any other questions by any of the board
21 members? Mr. Crocker, any questions of Mr.
22 Velasquez based on the question, based solely on
23 the question that was asked by Mr. Short?

24 MR. CROCKER: That is the grade of a
25 D minus and that's very --

1 (Simultaneous speaking.)

2 CHAIRPERSON ANDERSON: Do you have a
3 question to ask, Mr. Crocker, not a comment --

4 MR. CROCKER: Yeah.

5 CHAIRPERSON ANDERSON: -- a question,
6 please?

7 MR. CROCKER: Yes, yes.

8 BY MR. CROCKER:

9 Q Have any of your constituents made any
10 calls to ABRA or made any calls to the
11 Metropolitan Police Department to report their
12 concerns? If it's a D minus, I mean, that's
13 pretty, you know, pretty low, so, do you know of
14 any --

15 A I don't -- I'm not aware of anything
16 and I don't keep official records. I would defer
17 to ABRA and MPD for those records, sir.

18 Q I mean, but you got emails from the,
19 from your constituents, right, expressing their
20 concerns?

21 A I have gotten emails. Most of it was
22 in group meetings.

23 Q I mean, you got minutes from the group
24 meetings, right? So, if I were to submit a
25 Freedom of Information Act request, you would

1 have something to substantiate that, right?

2 A It wasn't a publicly noticed meeting,
3 sir, no.

4 MR. CROCKER: Okay, we just have
5 issues with that type of evidence.

6 CHAIRPERSON ANDERSON: Mr. Crocker,
7 it's cross examination. You ask questions, sir.
8 No commentary, sir.

9 MR. CROCKER: Okay. Now, you
10 mentioned your conversations with the
11 Metropolitan Police Department.

12 CHAIRPERSON ANDERSON: Mr. Crocker,
13 that's beyond -- Mr. Short did not ask any
14 questions about that, sir. So, I said it's based
15 on the questions that Mr. Short asked. Mr. Short
16 did not ask any questions about MPD. Do you have
17 another question about his constituents who --
18 his D-minus grade, sir?

19 MR. CROCKER: Okay. Would you rate
20 any of the other establishments in 6A at a
21 D-minus?

22 MR. VELASQUEZ: When I look at 6A-02,
23 I don't have the same concerns with other
24 establishments as I do with a lower lounge, based
25 solely on my personal observation and what I have

1 heard from my constituents.

2 MR. CROCKER: So, not based upon the
3 police record?

4 CHAIRPERSON ANDERSON: Mr. Crocker?
5 Mr. Crocker?

6 MR. CROCKER: Yes.

7 CHAIRPERSON ANDERSON: No,
8 Mr. Crocker. I told you you can't ask any
9 questions about -- Mr. Crocker, I specifically
10 stated that you can ask questions based on the
11 questions that was asked by Mr. Short.

12 Mr. Short did not ask any questions
13 about a police record, sir. No questions about
14 any police, sir.

15 MR. CROCKER: Okay. Sir, I'm just
16 asking when says --

17 CHAIRPERSON ANDERSON: I don't care
18 what you're asking, sir. I specifically told you
19 what you can or can't ask. I gave you an
20 opportunity to ask questions based solely on the
21 question that was asked by Mr. Short.

22 MR. CROCKER: It is -- he graded
23 D-minus --

24 CHAIRPERSON ANDERSON: No, sir, it is
25 not.

1 MR. CROCKER: I'm trying to find out
2 what that assessment was based upon.

3 CHAIRPERSON ANDERSON: You've asked
4 that question. You're asking about MPD. I don't
5 care about MPD, sir. Do you have another
6 question about the community? If not, end your
7 question, sir.

8 MR. CROCKER: With all due respect, he
9 opened --

10 CHAIRPERSON ANDERSON: He did not open
11 anything up, Mr. Crocker. I gave you an
12 opportunity to ask questions based solely on the
13 question that was asked by Mr. Short.

14 MR. CROCKER: Okay, okay. Let me --
15 let me just ask the question and seek
16 clarification.

17 CHAIRPERSON ANDERSON: There's no
18 clarification. What clarification you're
19 asking --

20 MR. CROCKER: Relying on the question
21 that was just asked. Okay?

22 CHAIRPERSON ANDERSON: What question
23 was just asked, Mr. Crocker?

24 MR. AMENTE: No. Can I call him?
25 Please?

1 CHAIRPERSON ANDERSON: No, you can't
2 call him.

3 MR. AMENTE: Then we can let's go.
4 Please. Okay, no problem. That's all right,
5 thank you.

6 CHAIRPERSON ANDERSON: Mr. Kelty, do
7 you have any formal questions, sir?
8 Mr. Velasquez, thank you very much for your
9 testimony.

10 MR. VELASQUEZ: Thank you, Mr. Chair.
11 Appreciate your time. And everybody on the
12 Board, I appreciate your time and your service.

13 CHAIRPERSON ANDERSON: Thank you, sir.
14 Mr. Kelty, do you have another witness to call?

15 MR. KELTY: I'm not going to call any
16 more witnesses. I want everyone to be able to go
17 home at a reasonable hour. I just want to read
18 my exhibits and make a closing statement.

19 CHAIRPERSON ANDERSON: Well then if
20 you're going to -- you don't need to identify the
21 exhibits, because you don't have -- are these
22 exhibits that someone has testified to?

23 MR. KELTY: I was under the impression
24 I have to read into the record the exhibits I
25 submitted with the PIF. Do I need to do that?

1 CHAIRPERSON ANDERSON: Someone needs
2 to identify. So, therefore, if you want to move
3 your documents into evidence, then you yourself
4 then would have to identify what they are and
5 talk about them.

6 And then Mr. Crocker will have an
7 opportunity to opine on it. Because you can
8 move, but you have to identify the document, say
9 what it is, and put some context in it, sir.

10 Therefore, you are giving direct
11 testimony, and then you're subject to cross-
12 examination.

13 MR. KELTY: Okay. Is now the time to
14 do that?

15 CHAIRPERSON ANDERSON: Then I need to
16 swear you in, sir. You raise your right hand.

17 WHEREUPON,

18 JOEL KELTY

19 Was called for examination by the Alcoholic
20 Beverage Control Board, and after having been
21 first duly sworn, was examined and testified as
22 follows:

23 CHAIRPERSON ANDERSON: Go ahead, sir.

24 MR. KELTY: Oh good. I'd like to
25 share my screen.

1 CHAIRPERSON ANDERSON: Mr. Orellana,
2 can you please allow Mr. Kelty to share his
3 screen, please.

4 And I appreciate the fact, Mr. Kelty,
5 that you're trying. You don't have to speed up.
6 I mean, the Board is here as long as it takes to
7 complete this case, sir. So, I don't want you to
8 speed your testimony because you're saying that
9 you believe that we're exhausted. Okay?

10 MR. KELTY: Okay. I'm exhausted.

11 CHAIRPERSON ANDERSON: All right,
12 that's a different story. Okay.

13 MR. KELTY: So, the exhibits were
14 prepared I had my testimony prepared, so the
15 order jumps around a bit.

16 CHAIRPERSON ANDERSON: That's fine,
17 sir.

18 MR. KELTY: Would you like me to go
19 through the new order of my testimony, or just
20 read them in numerically?

21 CHAIRPERSON ANDERSON: Whichever way
22 you want to present them, sir.

23 MR. KELTY: Okay. In the interest of
24 speeding things up, I'm going to read them as
25 they relate to my testimony.

1 So, ANC 6C protests the renewal of the
2 Class CT license for Allure Lounge at
3 711 H Street on the following grounds.

4 The establishment does not meet the
5 appropriate standards set forth in the
6 regulations, and the applicant is not fit for
7 licensure under the standard set forth in the
8 regulations either.

9 Under the appropriate standard in
10 Title 25, the applicant shall bear the burden of
11 proving to the satisfaction of the Board that the
12 license sought is appropriate for the locality,
13 section, portion of the district where it is
14 located.

15 The applicant, so far at least, has
16 failed to provide any evidence demonstrating it
17 meets that criteria. The applicant has, rather,
18 asserted that its operations should be evaluated,
19 not in relation to the surrounding context, its
20 immediate proximity, but rather that it shall be
21 compared to establishments located five blocks
22 further east on H Street in the Arts and
23 Entertainment subdistrict.

24 The regulations require the
25 establishment be evaluated in relation to its

1 immediate context.

2 And I do have in here -- I'm sorry I
3 have to skip around, but there is a map here.
4 This is Exhibit 13, which shows the location of
5 the establishment in the NC-16.

6 (Whereupon, the above-referred to
7 document was marked as Protestant Exhibit 13 for
8 identification.)

9 MR. KELTY: This is 7th Street. My
10 ANC continues to be this area here, and as we
11 discussed, 6A is over here.

12 As discussed during prior protests of
13 this establishment, Allure Lounge operates not
14 like a traditional tavern, but more like a
15 nightclub. I'm sorry, I'm going to go back up
16 here to its license. You can see here this is
17 its registration. Its license, which you saw in
18 the investigator's report, is for a tavern that's
19 Exhibit 3.

20 (Whereupon, the above-referred to
21 document was marked as Protestant Exhibit 3 for
22 identification.)

23 MR. KELTY: The regulations define
24 nightclub as a space regularly used as a place
25 that serves food, alcohol, provides music and

1 facilities for dancing.

2 Allure has an entertainment
3 endorsement, as shown here in Exhibit 3,
4 advertises music events organized by outside
5 promoters, as shown in my Exhibit 20, which I
6 will skip to here -- bear with me. Here is
7 Exhibit 20 --

8 (Whereupon, the above-referred to
9 document was marked as Protestant Exhibit 20 for
10 identification.)

11 MR. KELTY: -- and routinely hosts
12 events with amplified music, both live and
13 recorded, as shown here in Exhibit 22.

14 (Whereupon, the above-referred to
15 document was marked as Protestant Exhibit 22 for
16 identification.)

17 MR. KELTY: That sound is often
18 audible beyond the premises, as you heard from my
19 witness.

20 The establishment, as I mentioned, is
21 located in the NC-16 neighborhood commercial
22 zone. It is separated from the RF-1 residential
23 zone directly behind it by a ten-foot-wide alley,
24 which is shown in my Exhibit 12 and 13.

25 Here is Exhibit 12, which is a plat

1 from a surveyor's office showing the premises,
2 H Street, and here you see a ten-foot alley to
3 the rear of the premises.

4 (Whereupon, the above-referred to
5 document was marked as Protestant Exhibit 12 for
6 identification.)

7 MR. KELTY: And again, Exhibit 13 I
8 showed you previously. This is the alley along
9 the backside of the premises.

10 As noted both in prior protests and in
11 the ABRA investigative report, the establishment
12 has not taken any measures to mitigate sound or
13 prevent it from reaching the neighboring
14 residents just across the rear alley.

15 Sound continues to be a concern and
16 source of complaints from nearby residents, as
17 shown in my Exhibit 24, which I will skip to
18 here, which is an email from a nearby resident
19 with a list of her phone records. I'll read it.

20 It says, I pulled my phone records.
21 These are my 911 and ABRA after-hours calls from
22 October through January. Jordan has more, but
23 has trouble accessing his phone records.

24 And you can see there was one on
25 October 1st, October 15th, October 30th,

1 November 10th, and November 13th.

2 (Whereupon, the above-referred to
3 document was marked as Protestant Exhibit 24 for
4 identification.)

5 MR. KELTY: As noted by the Board
6 itself in Board Order 2019-527, and I quote,
7 late-night entertainment and drinking associated
8 with an establishment operating as a nightclub,
9 can impose burdens on the surrounding community,
10 and the quality of life of its residents.

11 In Board Order 2021-221, which I
12 include here as Exhibit 3 -- I'm sorry, it is not
13 Exhibit 3. I have a mistake, but let me keep
14 going.

15 The Board further found that an
16 establishment two doors to the west and in the
17 same block was in a vicinity already found to be
18 a locus of rowdiness.

19 Rowdiness, noise and loitering, as
20 well as littering criminal activity, are all
21 considerations the Board must take into account.

22 Rowdiness within the establishment
23 itself is also evident on social media. The
24 fifth photo in Exhibit 22 -- and I will skip over
25 to Exhibit 22 -- this, by the way, I believe is

1 the Board Order I just referenced, Exhibit 17.

2 Exhibit 22 has a number of interior
3 photos, many of which show the consumption of
4 Hookah, but this one in particular shows a
5 bartender pouring liquor into a patron's open
6 mouth.

7 While it is unclear whether such
8 behavior is illegal, this behavior seems more
9 typical of a ruckus nightclub than a neighborhood
10 tavern.

11 A review of Metropolitan Police
12 Department calls for service shows that the 700
13 block of H Street consumes a significant amount
14 of police resources, and that Allure is one of
15 four establishments in the block that draw the
16 most requests for assistance.

17 And I have an exhibit here, and I
18 don't have the number written down,
19 unfortunately, but let me pull it up. Here it
20 is, it's Exhibit 5.

21 Now, I'll note that this exhibit
22 differs from the data in the ABRA investigator's
23 report and I'm not sure why. This information
24 was received directly from the police department,
25 whereas the investigator's information was

1 received from Office of Unified Communications.

2 (Whereupon, the above-referred to
3 document was marked as Protestant Exhibit 5 for
4 identification.)

5 MR. KELTY: However, anyway, as I was
6 saying, Allure is one of four establishments in
7 the block that draw the request for assistance.
8 Of the four, two are licensed establishments.
9 One was Felicity, now Vision Lounge, and the
10 second is Allure Lounge.

11 During the period of March 2021 to
12 February 2023, there were ten calls for service
13 at Felicity Vision Lounge, and eighteen calls for
14 service at Allure Lounge. So, a substantially
15 greater number at Allure.

16 Of the eighteen calls for service at
17 Allure, six were for disorderly conduct or
18 disturbance, two were for assault, late shooting
19 or stabbing, and two were for threats or
20 harassment.

21 A large number of MPD calls to Allure
22 demonstrate that the establishment is not
23 appropriate for the surrounding vicinity, and
24 does have an adverse impact on nearby residents,
25 particular those just across the rear alley.

1 Because Allure is operating like a
2 nightclub and the Board has already found that
3 the vicinity of the 700 block of H Street is not
4 appropriate for a nightclub, the applicant's
5 current operations do not meet the
6 appropriateness standards of Title 25.

7 I will also note that the Board
8 recognized this in Board Order 2021-115, limited
9 Allure's hours. Unfortunately, that did not
10 fully address the issue.

11 I also point out that the applicant
12 does not meet the qualifications for licensure.
13 Those qualifications are listed under Title 25,
14 Section 301.

15 Specifically, the applicant has a poor
16 record of compliance with ABRA regulations and
17 Board orders, has violated other District
18 regulations, and has made untruthful or
19 misleading statements, all of which are
20 disqualifying.

21 The applicant has a long history of
22 flagrantly disregarding D.C. regulations, as well
23 as direct Board orders, and should be sanctioned
24 for its open and willful disobedience of the
25 Board's instructions.

1 Specifically, the applicant has
2 committed the following violations. I know we're
3 not going to discuss Hookah, but they violated a
4 Board Order, 2021-115.

5 Violation of a Board Order is a
6 violation of the ABRA regulations, and it is a
7 primary tier violation.

8 Secondly, the applicant illegally
9 increased occupancy of its establishment without
10 it first obtaining Board approval. That is a
11 substantial change. And they did it not once,
12 but twice.

13 They were issued a violation, I
14 believe it was in 2019. Your investigator
15 referenced that in his report. And then also did
16 it again, for which they have yet been issued a
17 violation. But I note that it is a primary tier
18 violation.

19 Three, the applicant failed to post
20 the required license for renewal placard, and we
21 already discussed that so I won't go into the
22 details. But that is a secondary tier violation.

23 And the applicant has made incomplete
24 and inaccurate statements on its renewal
25 application, which is a violation of

1 23 DCMR 2003. That's a primary tier violation
2 with no warning.

3 Now, I'm not going to get into all of
4 the Hookah at length because the Chair has made
5 clear that ABRA's not going to entertain that
6 issue.

7 I do note though, that there was a
8 Board Order -- it's Exhibit 17, 2021-115 -- and
9 the Board gave specific direction under item two
10 that the establishment shall not permit smoking
11 of Hookah until it obtained the exemption from
12 the Department of Health. And the applicant has
13 failed to do that.

14 (Whereupon, the above-referred to
15 document was marked as Protestant Exhibit 17 for
16 identification.)

17 MR. KELTY: It is in violation of
18 this -- it sells Hookah. Here in Exhibit 21, you
19 can see Hookah's listed for \$15.

20 (Whereupon, the above-referred to
21 document was marked as Protestant Exhibit 21 for
22 identification.)

23 MR. KELTY: Social Media exhibits show
24 Hookah, and I'm not going to go through all of
25 them. There are a number in my exhibits, but you

1 can see them in number 22.

2 And ABRA's own investigator
3 photographed Hookah in the ABRA investigator's
4 report, Exhibits 8 and 19.

5 Allure was issued a smoking exemption
6 certificate, Exemption 14. However, it clearly
7 says on it -- you can see it here, Exhibit 14 --
8 I'm sorry it's sideways, but right here in the
9 middle it says, no flavored products may be sold
10 or distributed.

11 (Whereupon, the above-referred to
12 document was marked as Protestant Exhibit 14 for
13 identification.)

14 They were also issued a letter on
15 January 9th, Exhibit 15, from the Department of
16 Health -- and again, this goes to the violation
17 of a Board Order. We're not talking specifically
18 about smoking Hookah. I'm sorry, my computer's
19 going a little crazy here. Give me one moment to
20 get back to Exhibit 15.

21 Here, you can see there's a letter in
22 the record where Department of Health warns the
23 establishment that it may not sell flavored
24 tobacco.

25 (Whereupon, the above-referred to

1 document was marked as Protestant Exhibit 15 for
2 identification.)

3 MR. KELTY: So, despite the Board
4 Order, the letter from the Department of Health,
5 the establishment has continued to violate the
6 Board Order.

7 Allure Lounge also illegally increased
8 its occupancy without first obtaining approval of
9 a substantial change, not once, but twice. As I
10 mentioned, there was one in 2019. They pled
11 guilty as part of an offer-in-compromise.

12 And then in April 2022, they were
13 established a new certificate of occupancy, which
14 I have here as Exhibit 8. This is CO,
15 number 2201761, increasing the occupant load from
16 69 to 140 persons.

17 The licensee must have known that this
18 was illegal, as it already paid a fine for the
19 exact same thing in 2019.

20 The increase in occupancy is
21 particularly egregious given that there appears
22 to be only a single legal means of egress, when
23 two are required.

24 Two means of egress are required under
25 the International Building Code, Section

1 1006.2.1, for any occupancy in excess of 49
2 persons.

3 From the ABRA investigator's photos,
4 and from his own testimony during my questioning,
5 the rear means of egress passes through a
6 kitchen, a Hookah storage room, and other space,
7 which is in itself a building code and fire code
8 violation.

9 The specific code citation is
10 International Building Code and International
11 Fire Code, Section 1016.2.2.5, which states that
12 egress shall not pass through, quote, kitchens,
13 storage rooms, closets, or spaces used for
14 similar purposes. End quote. The International
15 Fire Code has the exact same language.

16 Exhibits 10 and 11 -- this is
17 Exhibit 10, which is a picture of the
18 establishment's building permit drawings for its
19 recent sprinkler installation. This was a prior
20 building permit.

21 (Whereupon, the above-referred to
22 document was marked as Protestant Exhibit 10 for
23 identification.)

24 MR. KELTY: And then this one, I
25 believe, Exhibit 11, is their more recent

1 building permit application.

2 (Whereupon, the above-referred to
3 document was marked as Protestant Exhibit 11 for
4 identification.)

5 MR. KELTY: Both of these show two
6 doors at the rear of the building exiting to an
7 alley, when in fact there is only a single exit
8 door in the alley, which appears to be dead
9 bolted.

10 We've already discussed the placard
11 issue. And I believe it's an ABRA violation.
12 Perhaps I'm wrong. I'm not going to get into the
13 details of that.

14 I do want to talk a little bit about
15 untruthful statements and disqualifying personal
16 history.

17 The applicant's renewal application in
18 Exhibit 2, which I am showing you right now, has
19 a question 14. Question 14 asks the applicant to
20 list the name and title of each individual who
21 owns ten percent or greater of the business,
22 Allure Lounge LLC. And the applicant wrote, N/A.

23 Question 15 says, list the name of any
24 person that appears in question 14 that has been
25 convicted of a misdemeanor or felony since the

1 last renewal period. And the applicant wrote,
2 N/A, in response.

3 It's unclear to me why ABRA approved
4 an application with N/A as a response but they
5 did.

6 In signing the certification in
7 item 16 on that application, the applicant made a
8 false or misleading affidavit, which is a
9 violation of 23 DCMR 200.3. That is another
10 primary tier note warning violation.

11 I don't want to get into the details,
12 but that is an absolute false statement. And
13 providing false and misleading information on a
14 license application is also a violation of
15 Title 25, Section 401, also a primary tier
16 violation with no warning.

17 I think I've provided ample reasons
18 why both the establishment is incompatible with
19 its locale, and why the applicant is not fit for
20 licensure.

21 So, I'm going to wrap up here. For
22 the reasons outlined above, the ANC does not
23 believe the establishment meets the
24 appropriateness standards, does not believe the
25 establishment has demonstrated compliance with

1 the regulations, nor is applicant suitable for
2 licensure.

3 We ask the Board to deny the renewal
4 application for Allure Lounge.

5 Should the Board determine that the
6 application and the establishment are appropriate
7 and renews the license over the community's
8 objections, the ANC requests the following
9 conditions be imposed upon the license to
10 mitigate the adverse impacts on the neighborhood.

11 One, prohibit the use of outside
12 promoters. Two, prohibit charging a cover
13 charge. Three, require the applicant to submit
14 and receive ABRA approval of a security plan.
15 Four, require the applicant to hire two officers
16 from the MPD Reimbursable Detail Program whenever
17 live or DJ entertainment is offered. And five,
18 require that sound shall not be audible when
19 standing ten feet from the rear of the building.

20 I will note that the Board previously
21 limited Allure's hours, in Order 2021-115, and we
22 are not necessarily requesting a further
23 reduction of hours at this time, merely that the
24 hours be kept as they are in the existing
25 license.

1 With that, I'll conclude my testimony.
2 Thank you for your time.

3 CHAIRPERSON ANDERSON: Thank you.
4 Remove your screen please, sir.

5 MR. KELTY: Yes, give me one moment,
6 please.

7 CHAIRPERSON ANDERSON: It has been.

8 MR. KELTY: Oh, thank you.

9 CHAIRPERSON ANDERSON: Any questions,
10 Mr. Crocker, of Mr. Kelty?

11 MR. CROCKER: Yes, just real quickly,
12 just kind of going back through some of your
13 information.

14 You testified that you said the
15 tavern, with a CT license, is operating as though
16 it's a nightclub. Okay, can you just clarify to
17 us and the Board what gives you that opinion? Or
18 what are you basing your assessment on?

19 MR. KELTY: I believe that that was
20 the Board's own finding. Give me a moment to --

21 MR. CROCKER: No, that's 2019. We're
22 post-2021. We're talking about the current
23 settlement agreement that's in place from May of
24 2021 until now. So, the previous stuff was dealt
25 with on that settlement agreement.

1 So, let's please just stay between May
2 2021 and now. That's the new settlement
3 agreement, and as Chairman Anderson has stated,
4 that's the only thing to be discussed here.

5 MR. KELTY: Yeah, I'm not talking
6 about a settlement agreement. I'm speaking about
7 a Board Order and about --

8 MR. CROCKER: Right, But those are
9 findings before 2021.

10 MR. KELTY: Would you --

11 MR. CROCKER: We're talking about the
12 current settlement.

13 MR. KELTY: -- offer me the courtesy
14 of finishing my sentence, sir?

15 MR. CROCKER: Okay.

16 MR. KELTY: What I was saying, was
17 that the Board previously found that Allure was
18 operating like a nightclub. That was the Board's
19 finding, not mine.

20 MR. CROCKER: Where is that.

21 MR. KELTY: Please allow me to finish,
22 sir. My own experience and reports from my
23 constituents are that there's been no substantial
24 change in the operation of the business since
25 that time.

1 MR. CROCKER: When did the Board find
2 that we were operating like a nightclub?

3 MR. KELTY: I believe it was in Board
4 Order 2021-115. I can look and see if I can find
5 the exact text. It may have also been in the
6 transcript from that hearing.

7 MR. CROCKER: Okay. Well, you're
8 testifying though that that discovery was made
9 prior to the settlement.

10 So, you use that as argument for
11 getting the existing settlement agreement in
12 place. And are you now trying to use the same
13 argument for adding some additional restrictions?

14 MR. KELTY: Sir, I didn't negotiate
15 the prior settlement agreement. I had nothing to
16 do with the prior settlement agreement. I'm
17 speaking about the current license renewal
18 application. And I am testifying that the Board
19 previously found that the establishment operated
20 as a nightclub, and the Board previously found
21 that it was necessary to impose conditions upon
22 the establishment to mitigate the adverse impacts
23 of its operations on the community.

24 MR. CROCKER: Right. And you're
25 testifying that the outcome of that was the

1 settlement agreement that was signed by the ANC
2 Commissioner at that time, back in May of 2021.

3 MR. KELTY: I did not say that and
4 that is not my testimony.

5 MR. CROCKER: Well, you're introducing
6 a statement or phrase from a Board ruling that
7 was prior to May 2021. So, that evidence was
8 used, and the Board made this decision to
9 restrict an hour of operating time off of the
10 applicant's current operating hours, based upon
11 that evidence.

12 So, are you attempting to use the same
13 evidence that the Board's already ruled on --
14 they've already made a decision, they've already
15 restricted the hours based upon it -- for this
16 settlement agreement as well?

17 MR. KELTY: I'm not here testifying
18 about a settlement agreement. So, I would have
19 to answer in the negative.

20 MR. CROCKER: Okay, well let me phrase
21 the question a little differently then. Okay, in
22 the current settlement agreement there is a cure
23 notice. Are you familiar with that?

24 MR. KELTY: I'm not here testifying
25 about the prior settlement agreement. The

1 Chairman has been quite clear about that and I'm
2 going to respect his wishes.

3 MR. CROCKER: No, we're not testifying
4 about the prior. I'm just talking about what's
5 in the current settlement agreement. And the
6 reason I ask that is because the cure notice
7 offers an opportunity for the applicant to fix
8 any problems that you had.

9 So, have you or any of your
10 constituents reached out to Mr. Amente, via email
11 or by phone, to express these concerns?

12 MR. KELTY: Chair, I don't understand
13 the protestant's line of questioning. And I
14 frankly find it harassing.

15 CHAIRPERSON ANDERSON: Mr. Crocker,
16 rephrase your question. Ask your question again.
17 Rephrase.

18 MR. CROCKER: Okay. In the current
19 settlement agreement there's a cure notice that's
20 supposed to be supplied by the ANC or neighbors
21 that have any issues with Mr. Amente's
22 operations.

23 And what it states is that any ANC
24 commissioner or any neighbors that have any
25 issues with any violations of any of the terms of

1 that existing settlement agreement that you, the
2 Chairman, has stated is in place and it will
3 remain in place until it's cancelled, that he
4 shall be notified.

5 It has his email address, it has his
6 phone number in there, to where anybody that has
7 any complaints can contact him and allow him to
8 attempt to fix the problem.

9 So, if the music is loud, they're
10 supposed to call him, he can turn it down, before
11 they submit any claims or any issues over to
12 ABRA.

13 So, the mere fact that you're coming
14 to this meeting and he's expressing these
15 complaints, that's in violation of the current
16 agreement.

17 CHAIRPERSON ANDERSON: Mr. Crocker,
18 this is a renewal of license. Every three years
19 we renew licenses. And the ANC has an
20 opportunity to protest license renewal every
21 three years.

22 So, I don't understand why you're
23 asking this question, sir.

24 MR. CROCKER: With them coming and
25 protesting to ABRA without communicating to

1 Mr. Amente --

2 CHAIRPERSON ANDERSON: Mr. Crocker,
3 this is a renewal. Okay? ABRA advised the
4 community that this licensee is trying to renew
5 his license, his license of renewal.

6 MR. CROCKER: Yes. Mm-hmm.

7 CHAIRPERSON ANDERSON: The ANC has
8 45 days to file a protest. That's what they've
9 done. That is their right to do that if they
10 believe that the establishment impacts peace
11 and/or quiet. And so, that's why we're here
12 before.

13 Whether or not a settlement agreement
14 is in place, and whether or not there's a cure,
15 that's irrelevant here. Mr. Crocker, an ANC are
16 a group of five or more, or an abutting property
17 neighbor, they can protest a renewal application,
18 sir. There's no requirement, sir, that they need
19 to abide by a previous settlement agreement and
20 they need to contact them.

21 Every three years a licensee opens up
22 themselves to the possibility that some neighbor
23 will protest their application, their renewal
24 application, sir.

25 So, let's move on from the line of

1 question, sir. It is their right to protest, and
2 that's why we have the hearing, sir.

3 MR. CROCKER: But just like --

4 CHAIRPERSON ANDERSON: Mr. Crocker --

5 MR. CROCKER: I've asked you to grant
6 me the same concessions that you've granted
7 Mr. Kelty.

8 CHAIRPERSON ANDERSON: Mr. Crocker,
9 please. There's no granting no concessions, sir.
10 I don't want you to go through the settlement
11 agreement to say that the settlement agreement
12 says that this is what they need to do, before
13 they can do something.

14 Every three years, whenever a licensee
15 requests that their license be renewed, the
16 community has an opportunity to question whether
17 or not their license should be renewed, sir.

18 So, the questions you have asked so
19 far were appropriate. I did not see a problem
20 because you were talking about nothing --
21 whatever happened prior to 2019 is not relevant
22 to this current renewal period.

23 But we're not going to have current
24 conversations about the settlement agreement says
25 that there's a cure provision first. That's not

1 relevant, sir, to a renewal application, sir.

2 Let's move on.

3 MR. CROCKER: Okay. Mr. Kelty, during
4 your presentation you just gave, did you
5 highlight or mention any violations to the
6 existing settlement agreement? That was a
7 question.

8 MR. KELTY: I got pretty clear
9 instruction from the Chairman that we weren't
10 talking about the settlement agreement. I'm
11 confused why you're asking the question.

12 MR. CROCKER: Did you mention anything
13 about the bill?

14 MR. KELTY: Yes, because it's a Board
15 Order violation. Has nothing to do with the
16 settlement agreement?

17 MR. CROCKER: Well, I mean, the Board
18 was very clear that they weren't going to address
19 that at this hearing.

20 MR. KELTY: They're not addressing the
21 smoking of Hookah. I feel they should address
22 the violation of a Board Order.

23 MR. CROCKER: Right, but he didn't
24 stop you from addressing it but you did. You
25 continued down the route. And just -- can you

1 pull that exhibit back up again? Because he does
2 have Exhibit 13. He does have the smoking
3 exemption.

4 CHAIRPERSON ANDERSON: What's the
5 question you're asking, Mr. Crocker?

6 MR. CROCKER: Well, the argument that
7 he was making, or he was insinuating, was that
8 Mr. Amente and Allure Lounge was doing something
9 illegal.

10 And the smoking of Hookah is not
11 what's been banned by D.C. Department of Health.
12 It's flavored tobacco. All tobacco's not
13 flavored tobacco.

14 MR. CROCKER: All right, but Mr. --
15 that's not relevant -- the ANC can make whatever
16 allegation that they want, but the Board is going
17 to listen to the testimony, and they're going to
18 make determination on what we believe is relevant
19 to the decision we have to make.

20 Why are we spending time talking about
21 flavored tobacco, or Hookah, or whatever?

22 MR. CROCKER: Because he --

23 CHAIRPERSON ANDERSON: It's not
24 relevant. Mr. Crocker --

25 (Simultaneous speaking.)

1 MR. CROCKER: He stated that he would
2 like for the Board to take that into
3 consideration. You didn't stop him from speaking
4 to that.

5 (Simultaneous speaking.)

6 CHAIRPERSON ANDERSON: Mr. Crocker, I
7 mean, normally I don't get involved. But I'm
8 trying to make sure that we move this hearing
9 along. We move this hearing along, and so
10 therefore it drag on needlessly.

11 If he said something or questioned,
12 you could have objected to it. You are the
13 representative. If you believe that wasn't
14 relevant, you could have objected to it and I
15 will make a ruling on that.

16 So, this is not a matter of me -- no.
17 It's your job, if he says something, you can
18 object to that, I will stop, making a ruling, and
19 move forward. Let's move on, sir. Do you have
20 another question you have to ask him, sir?

21 MR. CROCKER: Yes. He did make
22 comments about the establishment not being
23 able -- shouldn't be in operations. And the
24 establishment has been around since 2018.

25 So, the Board has made various

1 different rulings, placed various different
2 restrictions.

3 CHAIRPERSON ANDERSON: What's the
4 question you're asking him, sir. He can say
5 whatever he wants to. Ask him a question, sir.

6 MR. CROCKER: Okay. Okay. Okay. In
7 his police report, he highlighted the calls to
8 711 H Street, NE. Do you know -- and, I mean,
9 that kind of contradicts the report that came
10 from the ABRA investigator and whatnot. So, do
11 you have any additional information to know,
12 first of all, who those calls came from?

13 MR. KELTY: Are you asking me?

14 MR. CROCKER: Yes, I am.

15 MR. KELTY: I obtained that
16 information directly from the Metropolitan Police
17 Department. And they indicated to me that those
18 calls were from 711 H Street. From Allure
19 Lounge. If you'll give me a moment, I think I
20 can quote you what it said.

21 MR. CROCKER: Those were calls from
22 Allure Lounge. So, that's Allure security.

23 MR. KELTY: Well, they were calls for
24 service involving 711 H Street. If you give me a
25 moment, I will try to quote from the actual

1 document, rather than do it from memory.

2 The email says -- this is Exhibit 5:
3 Greetings. Please find tables and stats below
4 for the 700 block of H Street, as well as Allure
5 Lounge, 711 H Street.

6 Okay? That's what it says. So, they
7 gave me block data, and they also gave me
8 specific data. The second page has specific data
9 for Allure Lounge, and it says: eighteen total
10 CFS -- that's calls-for-service -- at
11 711 H Street, NE. And it goes into some detail
12 about the different kinds of calls. That's
13 711 H Street.

14 MR. CROCKER: Okay, let me ask you
15 this. Have you ever called the Metropolitan
16 Police Department, or called ABRA, and filed a
17 complaint? Yourself, personally?

18 MR. KELTY: Are you asking me about
19 specific to Allure Lounge? Or have I ever called
20 the police department in general?

21 MR. CROCKER: I'm sorry, specific to
22 Allure Lounge.

23 MR. KELTY: No. I don't live anywhere
24 near there. I'm protesting this on behalf of the
25 residents who asked me to protest it. I don't

1 really care.

2 MR. CROCKER: Okay, great. You don't
3 really care. Okay.

4 MR. KELTY: I mean, me personally, I
5 live far enough away that the issues there do not
6 impact me personally, in terms of noise,
7 rowdiness, so on and so forth. But I have many
8 constituents who are adversely impacted. And
9 that is why we are here.

10 MR. CROCKER: So, how have you
11 received your communications from constituents?
12 Has it been in the form of emails? Has it been
13 in the form of just the monthly meetings? How,
14 primarily, have you been receiving complaints
15 regarding Allure Lounge?

16 MR. KELTY: I received numerous
17 complaints over the years from the residents
18 around Allure Lounge. Those complaints have been
19 made in person, they've been made at community
20 meetings, they've been made at ANC 6C ABL
21 Committee meetings, and I think there have been
22 probably some by email.

23 MR. CROCKER: Okay. Well, once you
24 got those types of complaints, did you make any
25 effort to try to reach out to Mr. Amente, the

1 owner, and notify him of what those concerns and
2 complaints were?

3 MR. KELTY: The complaints I received
4 have generally been in response to the protest
5 notice that ABRA issued the establishment.

6 So, it's not like I'm getting
7 complaints all the time. People are complaining
8 to ABRA directly. But when they see the protest
9 notice go out, that's when they reached out.

10 MR. CROCKER: Okay. So, you brought
11 in one of the witnesses. And he complained about
12 two occasions, one last fall, where he heard the
13 noise was loud, and then last night he said he
14 heard some loud music playing.

15 It was after the establishment closed.
16 And then he actually admitted that he didn't go
17 out and find out if it was coming from Allure, or
18 where it was originating from. Okay? So, you
19 just selected him as a witness. So, is that
20 representative of the type of information you
21 receive?

22 MR. KELTY: That was a very long
23 question. I'm trying to get all that in my mind.
24 No, that's not representative of all the types of
25 complaints that we've heard.

1 That applicant didn't -- well, you
2 heard the applicant's testimony. I don't need to
3 repeat it.

4 MR. CROCKER: Okay. And then in your
5 evidence you showed a list of one of the
6 residents that had called 911. Right?

7 MR. KELTY: I'm sorry?

8 MR. CROCKER: You had showed a list of
9 one of your, I guess, neighbors that had made a
10 number of 911 calls. And those 911 calls don't
11 align with the police records that you submitted,
12 or the police records that the ABRA investigator
13 submitted.

14 MR. KELTY: I think that you're
15 referring to an email from a constituent
16 regarding call logs, in which she noted calls
17 both to 911 and after-hours ABRA hotline.

18 I don't work at the Office of Unified
19 Communications or ABRA. I can't explain why the
20 complaint logs between her log, ABRA's
21 information from Office of Unified
22 Communications, and the information I got
23 directly from the police department, are
24 different. But I fail to see how that's
25 relevant.

1 MR. CROCKER: Well, it's very
2 relevant, because you're presenting -- we're
3 asking ABRA to make a decision, and you're
4 presenting evidence that's just circumstantial.
5 It's not based upon what I would consider
6 factual --

7 MR. KELTY: Are we having a discussion
8 here, or are you asking me questions?

9 CHAIRPERSON ANDERSON: Gentlemen.
10 Mr. Crocker, I need you to ask him a question.
11 Mr. Kelty, I need to answer the question. This
12 is not a conversation. You have had
13 opportunities to converse. You have not.
14 Mr. Crocker, ask him a question.

15 MR. CROCKER: Okay. Okay, one of the
16 images that you showed -- okay? -- I guess you
17 said a patron was pouring liquor down the throat
18 of another attendee, right?

19 MR. KELTY: No, that's not what I
20 said.

21 MR. CROCKER: Well, you showed an
22 image and you said this was not like a lounge,
23 this is more like a nightclub, where there was a
24 young lady that was, I think, standing at the bar
25 and you said she was pouring drinks down her

1 throat. Is that right?

2 MR. KELTY: That is not what I said.
3 Would you like me to say what I said again, so
4 you'll understand?

5 MR. CROCKER: Yes. Yes, please.

6 MR. KELTY: What I said was, it was a
7 photograph of a bartender at Allure -- it was
8 actually a video. It's a video that I took a
9 screen shot of, because I didn't know how to make
10 a video in an exhibit.

11 But it's a screen shot of a video of
12 a bartender at Allure pouring a bottle of liquor
13 down a customer's throat. And I said that I
14 wasn't sure if that was legal or not, but it
15 certainly seemed more like something that would
16 happen in a nightclub, not in a neighborhood
17 tavern. And that was in Exhibit 22.

18 MR. CROCKER: Well, a tavern has a
19 license to serve liquor. So, why would you say
20 that's more like a nightclub than a tavern?

21 CHAIRPERSON ANDERSON: Okay,
22 Mr. Crocker. Mr. Crocker, can you just ask a
23 question that's relevant to the renewal of this
24 license, sir.

25 MR. CROCKER: That's the question.

1 I'm asking him --

2 CHAIRPERSON ANDERSON: Sir, he said
3 that's his opinion, okay? He said he saw the
4 picture. He testified about a picture. Let's
5 move on from that picture, sir.

6 MR. CROCKER: Do you know the date
7 when that picture was taken?

8 CHAIRPERSON ANDERSON: No, that's not
9 relevant. Mr. Crocker --

10 MR. CROCKER: He presented it as
11 evidence, sir.

12 CHAIRPERSON ANDERSON: But
13 Mr. Crocker, there's a lot of things you present
14 as evidence that the Board doesn't care. I'm
15 saying to you, that's not an issue that the Board
16 will make a determination on, sir, whether or not
17 we're going to renew the license or not, sir.

18 MR. CROCKER: Okay, I got you. Well,
19 let me see. I have no additional questions.

20 CHAIRPERSON ANDERSON: Thank you, sir.
21 Any questions by any Board members? Hearing
22 none, thank you. Do you rest, Mr. Kelty?

23 All right, we're going to prepare for
24 closing. It's 5:54; 6:05 we'll do closing.
25 Mr. Crocker, 6:05 we will do closing.

1 MR. CROCKER: Yes, sir, 6:05.

2 (Whereupon, the above-entitled matter
3 went off the record at 5:53 p.m. and resumed at
4 6:06 p.m.)

5 CHAIRPERSON ANDERSON: All right, now
6 it's time for closing. This is what I want from
7 each side. What is it that you want the Board to
8 do? In clear and concise, and during their
9 closing argument, I need both sides to tell us
10 what is it that you want the Board to do. And
11 we'll start with you, Mr. Crocker.

12 MR. CROCKER: Okay. Well, I've spent
13 a lot of time talking to my owner of the
14 establishment. And the only thing he wants is,
15 he really feels kind of discouraged by these
16 attacks upon him. He feels as though they're
17 personal.

18 And the only thing he wants is, he's
19 been busting his butt for the last three years,
20 adhering to all the rules and regulations, and
21 following the ABRA laws, as well as adhering to
22 everything that's in the settlement agreement.

23 He's not received a single complaint
24 from the ANC Chair, nor from the neighbors. It's
25 not until he submitted his renewal, that this

1 protest action appeared, that we're hearing this
2 message from the ANC Chairs -- ANC 6A, as well as
3 ANC 6C -- stating that he's been in violation of
4 the settlement agreement, and that he's some sort
5 of nuisance to the neighborhood.

6 So, this has kind of affected him
7 personally. And I don't have any answers for
8 him. As we walk through the evidence that the
9 ANC presented, most of it was circumstantial, as
10 far as it wasn't supported by the evidence from
11 the police department, it was not supported by
12 the evidence from the ABRA investigator, nor is
13 it supported by any emails, or any communications
14 with the owner and whatnot.

15 We attempted to enter into a mediation
16 agreement with the other side and they
17 continuously attempted to impose new
18 restrictions, or additional restrictions, and yet
19 they had no record of any violations, or any
20 issues that they've had with the applicant, until
21 today, on mediation day. Okay?

22 Mr. Kelty -- Joel -- he came in and he
23 presented a number of pieces of information that
24 dates back before May of 2021, before the current
25 settlement agreement's in place.

1 He's trying to use evidence that the
2 Board used, or that the same information he
3 presented, or as the ANC presented, back before
4 the existing settlement was in place, to justify
5 some new restraints to be placed upon the
6 applicant.

7 I would love for him to have a few
8 seconds to speak. I mean, he's asked for that as
9 a part of our closing arguments. Will the Board
10 grant that wish?

11 CHAIRPERSON ANDERSON: No,
12 Mr. Crocker.

13 MR. CROCKER: Okay. I just wanted to
14 put that on the table. Okay? And just going
15 back through some of the evidence that was
16 presented, I just ask the Board to take into
17 consideration that, one, these are strictly
18 attacks and attempts to put restraints on
19 Mr. Amente's establishment, and they're not
20 placing the same types of restraints on other
21 establishments. And that's evident by our review
22 of probably twelve to thirteen other settlement
23 agreements, and none of them had the restrictions
24 that they're trying to place upon this Allure
25 Lounge.

1 And Mike, he mentioned the shooting up
2 at 12th Street. But yet, in September, which is
3 a few months back, he agreed with Bronze Lounge
4 to agree to a settlement agreement that has
5 nowhere near the restraints that this settlement
6 agreement that they proposed to Allure Lounge was
7 based upon.

8 None of the neighbors, nor the ANC or
9 whatnot, could testify that, like loud sounds, or
10 noise, or even the calls that were made by the
11 police department, were related to incidents that
12 occurred at Allure Lounge.

13 My client has testified that his
14 security, on a number of occasions, had called
15 the police, so some of those calls actually came
16 from his police detail, helping to clean up the
17 neighborhood.

18 As Mike had presented, there's always
19 been issues on 7th Street, and we would argue
20 that the mere fact that his establishment is
21 there is actually helping.

22 But some of the requests that they're
23 asking for, with respect to him having to foot
24 the bill to pay for Metropolitan Police
25 Department detail to be there, it's not his

1 responsibility to pay for patrolling the
2 neighborhood. So, we think that's excessive.

3 He does provide security, and he has
4 a very professional security establishment. They
5 keep a log of any incidents that occur, and even
6 with the police department, we attempted to bring
7 in a police officer today who was going to come
8 and testify that Allure Lounge is not the source
9 of this information.

10 And I would argue that since he's been
11 there, since 2018, that crime has actually fallen
12 as a result of Allure Lounge being there.

13 We would also argue, just based on tax
14 records since 2009 versus 2022, that the property
15 values in the neighborhood have increased,
16 instead of decreased, as a result of Allure
17 Lounge actually being there.

18 So, we just ask the Board for, one,
19 that we've attempted to live with the neighbors,
20 try to cooperate with them, given the owner has
21 given his email address and his phone number --
22 personal phone number, his cell phone number --
23 where if anybody had any complaints, they had
24 initially agreed in that agreement that they
25 would reach out and call him, and allow him to

1 first fix the problem before they bring things to
2 the Board.

3 But we personally believe that this is
4 strictly an attack on the establishment, and it's
5 not justified by any empirical data. It's a lot
6 of hearsay, it's a lot of subjective.

7 I heard something last fall and it was
8 coming from Allure's Lounge. I heard something
9 last night but I don't know for sure if it was
10 coming from Allure Lounge.

11 So, we ask that the Board take those
12 things into consideration, and that there are a
13 number of different establishments on H Street,
14 up and down that whole corridor.

15 And to say that Allure Lounge is
16 causing parking problems. To say that Allure
17 Lounge is the one that's the source of all the
18 noise. To say that Allure Lounge is the source
19 of increased crime in the area.

20 The data that was presented today, the
21 factual data -- which I'll take the ABRA
22 investigator's data as being factual, also the
23 data from the Metropolitan Police Department,
24 I'll take that as being factual -- it's not
25 corroborated by what the neighbors have said have

1 occurred.

2 And even just based upon the dates
3 that they gave, saying they looked in their phone
4 book for the dates of the calls or whatnot,
5 there's something fishy about that whole thing,
6 because it is not supported by central commands,
7 call records, nor is it supported by the
8 Metropolitan Police Department's call records as
9 well.

10 So, we just ask that the Board look at
11 the actual evidence that we have on file that has
12 been presented, and look at the factual
13 narratives, and realize that Allure is nowhere a
14 nuisance in the neighborhood. It's actually
15 cleaned that corridor up a lot.

16 So, we ask that the Board take that
17 into consideration, and we ask that we get our
18 hour back that was taken from us the last time
19 around, because we have adhered to all of the
20 requirements and provisions in the settlement
21 agreement.

22 It's the opposing side that hasn't
23 adhered to it. Nor have they tried to fix
24 issues, or communicate directly with the owner,
25 before trying to report things to the police, or

1 report things to ABRA, and things of that sort.

2 So, we just ask that we keep the
3 existing settlement agreement in place and
4 whatnot. This new agreement that they poured out
5 of the woodwork, and in the interests of saying
6 we want to standardize our settlement agreements
7 across all of the CT establishments, that the
8 Board recognize that we're no longer in 6C.

9 So, if we were going to standardize
10 the agreements across any ANC, we'd like to do it
11 across 6A. And there are fourteen different
12 settlement agreements that we would sign today,
13 that 6A has approved for establishments of like
14 size, of like quantity, and at the same license,
15 a CT license.

16 And like I said, we just ask that the
17 Board recognize that the evidence that was
18 presented today, none of it could be corroborated
19 by what I would call authoritative sources --
20 like the police records, like the 911 calls, like
21 the ABRA records that we have from the ABRA
22 investigator.

23 So, I mean, I'm just hoping that the
24 Board would recognize that this has been a model
25 operation, as far as how it's been run. It's not

1 a nightclub. It is a tavern.

2 They serve liquor. He has a tobacco
3 exemption to where he can serve Hookah. Not
4 flavored Hookah, but he can serve Hookah.

5 And that all of the things that were
6 presented by Mr. Kelty is just coming from his
7 perspective, and it appears to be personal. And
8 as you can see, there are no group-of-five, or
9 there are no neighbors, or anything like that,
10 that's here that's protesting this establishment.
11 It's only Mr. Kelty. Thank you much.

12 CHAIRPERSON ANDERSON: Mr. Kelty, on
13 behalf of the ANC, your closing, please?

14 MR. KELTY: First of all, I'd like to
15 object to the applicant's closing statement. The
16 applicant provided new, fresh testimony in there
17 that I don't think should be admitted.

18 With that said, the community would
19 welcome a good neighbor business. The community
20 would welcome a bonafide restaurant, or even a
21 neighborhood tavern.

22 Unfortunately, this establishment
23 chooses to operate as a nightclub, and has
24 adverse impacts on the community.

25 The applicant had the burden of proof

1 to demonstrate its appropriateness in relation to
2 standards of the regulations. The applicant
3 failed to do that.

4 The applicant also failed to follow
5 ABRA regulations, Board Orders, and in the case
6 of this protest, administrative procedure.

7 The conduct of the establishment and
8 its representatives shows a total disregard for
9 the regulations of the District, and the rule of
10 law in general.

11 We ask that the license not be
12 renewed. Or, if the Board chooses to renew the
13 license, the Board imposes conditions to mitigate
14 adverse impacts on the community.

15 Specifically, prohibit the use of
16 outside promoters, prohibit charging a cover
17 charge, require the applicant to submit and
18 receive approval from ABRA of a security plan,
19 require the applicant to hire two officers from
20 the MPD Reimbursable Detail Program to monitor
21 the interior of the premises and the adjacent
22 surroundings, whenever live or DJ entertainment
23 is offered, and require that sound shall not be
24 audible while standing ten feet from the rear of
25 the property.

1 Thank you for your time. I conclude.

2 CHAIRPERSON ANDERSON: Thank you,
3 Mr. Kelty. This matter is now closed. All
4 right, the record is now closed. Do the parties
5 wish to file proposed findings of fact and
6 conclusions of law, or waive their right to do
7 so? Mr. Crocker?

8 MR. CROCKER: Yes, I would. I'd like
9 to submit findings of facts as a review of the
10 transcript. I know I think we have 30 days to
11 respond to it. But yes.

12 CHAIRPERSON ANDERSON: Mr. Crocker?

13 MR. CROCKER: Yes.

14 CHAIRPERSON ANDERSON: I cannot deny
15 you the right to do this, sir.

16 MR. CROCKER: Right.

17 CHAIRPERSON ANDERSON: The last
18 protest hearing that we had, sir, you stated that
19 you're going to file it. You did not file it,
20 and neither did you inform the Agency that you
21 were not going to file it.

22 Secondly, at the protest hearing
23 status, you were making oral arguments on
24 standing. I specifically asked you to file a
25 formal motion on standing.

1 MR. CROCKER: Mm-hmm.

2 CHAIRPERSON ANDERSON: You did not
3 file it. Today, I asked you why did you not file
4 it. And you know what your response was, sir, is
5 that I am not an attorney. So, because I'm not
6 an attorney, I was unable to file it.

7 Proposed findings of fact and
8 conclusions of law, sir, is a legal memorandum
9 that you're going to write to us, that you're
10 going to review the transcript.

11 Once you review the transcript, you're
12 going to say, this is what the state of the law
13 is, and this is what's proven at the hearing, and
14 this is what the Agency should rule.

15 So, I'm just making it clear to you,
16 sir, what is the expectation. If you decide that
17 you are not going to do that, you need to advise
18 the Agency as soon as possible, that you're not
19 going to do that.

20 And I would hope that you're not using
21 this as a stalling process to forestall the Board
22 to issue a determination. Okay?

23 So, since the parties have chosen to
24 file proposed findings of fact and conclusions of
25 law, then 90 days from the Board receives

1 proposed findings of fact and conclusions of law.

2 The transcript will be emailed to the
3 parties in approximately three weeks. Thirty
4 days after the three weeks, that's when the
5 proposed findings of fact and conclusions of law
6 are due.

7 If the parties decide at any time that
8 they are not going to do that, please alert the
9 Agency as soon as possible. Okay?

10 (Simultaneous speaking.)

11 CHAIRPERSON ANDERSON: Mr. Grandis,
12 hold on. Mr. Grandis, hold on one minute,
13 please. Hold on one minute, please. Let's be
14 off the record for one minute, please. Hold on,
15 please. Hold on.

16 I'm sorry, we're back on the record.
17 Yes, Mr. Grandis. You had a question?

18 MEMBER GRANDIS: I may have missed
19 hearing what the protestant's representatives
20 said, but it wasn't clear that the protestant
21 representative said that they would be doing the
22 same. If they did say that, then I missed it and
23 I apologize.

24 CHAIRPERSON ANDERSON: I asked the
25 applicant. So, they're the ones who have that

1 right. And so, therefore, so we're going to go
2 by the applicant.

3 The protestant, they don't have to do
4 it. If they want to do it, they can do it. But
5 since the applicant says that they're going to do
6 it, so the protestants can elect not to do that.
7 That's their right.

8 MEMBER GRANDIS: Thank you, sir. I
9 just wanted that clarification for the record.
10 Thank you. Thank you very much.

11 CHAIRPERSON ANDERSON: All right,
12 so -- all right. Okay.

13 All right, as Chairperson of the
14 Alcoholic Beverage Control Board for the District
15 of Columbia, and in accordance with D.C. Official
16 Code, Section 2-575 of the Open Meetings Act, I
17 move that the ABC hold a closed meeting for the
18 purpose of seeking legal advice from our counsel
19 on case number 22-PRO-00143, Allure Lounge,
20 pursuant to D.C. Official Code,
21 Section 2-575(b)(4)(A) of the Open Meetings Act,
22 and deliberating upon case number 22-PRO-00143,
23 Allure Lounge, for the reasons cited in D.C.
24 Official Code, Section 2-575(b)(13) of the Open
25 Meetings Act. Is there a second?

1 MEMBER GRANDIS: Ed Grandis will
2 second.

3 MEMBER CROCKETT: Ms. Crockett
4 seconds.

5 CHAIRPERSON ANDERSON: Ms. Crockett
6 and Mr. Grandis has seconded the motion. I will
7 now take a roll call vote on the motion.
8 Mr. Short.

9 MEMBER SHORT: Mr. Short, I agree.

10 CHAIRPERSON ANDERSON: Mr. Cato.

11 MEMBER CATO: Bobby Cato, I agree.

12 CHAIRPERSON ANDERSON: Ms. Crockett.

13 MEMBER CROCKETT: Ms. Crockett, I
14 agree.

15 CHAIRPERSON ANDERSON: Ms. Hansen.

16 MEMBER HANSEN: I agree.

17 CHAIRPERSON ANDERSON: Mr. Grandis.

18 MEMBER GRANDIS: Edward Grandis, I
19 agree.

20 CHAIRPERSON ANDERSON: And
21 Mr. Anderson, I agree. As it appears that the
22 motion has passed 6-0-0, I hereby give notice
23 that the ABC Board will recess these proceedings
24 to hold a closed meeting, pursuant to
25 Section 2-575 of the Open Meetings Act.

1 I would like to thank both parties for
2 their presentations today. Thank you for your
3 attention and your courtesy. The Board will
4 issue a determination.

5 As I said before, the transcript will
6 be mailed to the parties within the next three
7 weeks.

8 And thirty days after receiving the
9 transcript, then the proposed findings of fact
10 and conclusions of law are due, and ninety days
11 from there we'll issue a determination.

12 And I advised the parties, if the
13 parties decide that they will not file the
14 complaint, the proposed findings of fact and
15 conclusions of law, as a professional courtesy
16 please alert the Agency.

17 Because our hands are tied to make a
18 decision until we receive this information from
19 the parties. All right?

20 MR. CROCKER: Okay, thank you.

21 CHAIRPERSON ANDERSON: Thank you very
22 much. Have a great day.

23 And I believe that we're at the end of
24 our calendar for the day, and so I'm going to
25 close our hearing for the day.

1 As Chairperson of the Alcoholic
2 Beverage Control Board for the District of
3 Columbia, and in accordance with D.C. Office
4 Code, Section 2-575(b), and Section 2-575(b)(14)
5 of the Open Meetings Act, I move that Agency
6 Board hold a closed meeting on March 22, 2023,
7 for the purpose of discussing and hearing reports
8 concerning ongoing or planned investigations of
9 alleged criminal or civil misconduct, or
10 violations of law or regulations, and seek legal
11 advice for a legal counsel on the matter
12 identified on the Board's legal licenses and
13 licensee and investigative agenda, for March 22,
14 2023, as published in D.C. Register on March 17,
15 2023. Is there a second?

16 Mr. Short has seconded the motion. I
17 will now take a roll call vote of the motion, now
18 that it has been properly seconded. Mr. Short.

19 MEMBER SHORT: Mr. Short, I agree.

20 CHAIRPERSON ANDERSON: Mr. Cato.

21 MEMBER CATO: Bobby Cato, I agree.

22 CHAIRPERSON ANDERSON: Ms. Crockett.

23 MEMBER CROCKETT: I agree.

24 CHAIRPERSON ANDERSON: Ms. Hansen.

25 MEMBER HANSEN: Jeni Hansen, I agree.

1 CHAIRPERSON ANDERSON: Mr. Grandis.

2 MEMBER GRANDIS: Edward Grandis, I
3 agree.

4 CHAIRPERSON ANDERSON: And
5 Mr. Anderson, I agree. As it appears that the
6 motion has passed 6-0-0, I hereby give notice
7 that the ABC Board will hold this closed meeting,
8 pursuant to the Open Meetings Act.

9 Notice will also be posted on the ABC
10 Board hearing room bulletin board, placed on
11 electronic calendar on ABRA's website, and
12 published in the D.C. Register in as timely a
13 manner as practical. We're adjourned for the
14 day.

15 Thank you. I now direct all Board
16 members to return to Executive Session for
17 further developments.

18 Thank you very much, and have a great
19 evening.

20 (Whereupon, the above-entitled matter
21 went off the record at 6:27 p.m.)
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