

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

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IN THE MATTER OF:                   :  
  :  
Buddy's Inc.                         :  
t/a Buddy's DC                      :  
3234 11th Street NW               : Show Cause  
Retailer CT - ANC 6A               : Hearing  
License No. 123008                 :  
Case #23-CMP-00084                :  
  :  
(Operating After Hours)           :  
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Wednesday  
March 27, 2024

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

PRESENT:

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

ALSO PRESENT:

CHARLES JAMESON, DC ABCA Staff  
CARLY HAMPTON, Applicant  
GRANT MASON, Applicant  
MATTHEW EMMICK, DC OAG  
INVESTIGATOR MARK RUIZ

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

2 12:28 p.m.

3 CHAIRPERSON ANDERSON: All right. I  
4 had placed in the Chat for our next case, Case  
5 Number 23-CMO-00084, Buddy's D.C. I placed in the  
6 Chat that this case will be called at 1:30 p.m.,  
7 this afternoon. So, Buddy's D.C. will move to  
8 1:30 p.m. and I place it in the Chat earlier this  
9 morning. And so let me quickly do our agenda and  
10 then we'll -- so let's go back to our calendar,  
11 and the first case on our calendar, it's Case  
12 Number 27-CMP-00084, Buddy's D.C., License Number  
13 123008.

14 Mr. Jameson, can you please elevate  
15 the Government and the parties in Buddy's D.C.,  
16 please.

17 MR. JAMESON: They have been elevated.

18 CHAIRPERSON ANDERSON: Thank you, sir.  
19 Good afternoon. We'll start with the  
20 Government.

21 Good afternoon, Mr. Emmick, can you  
22 please spell and state your name for the record.

23 MR. EMMICK: Matthew, M-A-T-T-H-E-W,  
24 E-M-M-I-C-K on behalf of the District.

25 CHAIRPERSON ANDERSON: Good afternoon,

1 sir.

2 And let me have the Licensee, please,  
3 identify yourself for the record by spelling and  
4 stating your name.

5 MR. MASON: Grant Mason, Principal  
6 Owner of the Buddy's D.C. Grant, G-R-A-N-T,  
7 Mason, M-A-S-O-N.

8 MS. HAMPTON: And I am Carly Hampton,  
9 C-A-R-L-Y, H-A-M-P-T-O-N, and I'm another owner  
10 of Buddy's.

11 CHAIRPERSON ANDERSON: Good afternoon,  
12 everyone.

13 Mr. Emmick, are there any preliminary  
14 matters in this case?

15 MR. EMMICK: Not that I'm aware of.

16 CHAIRPERSON ANDERSON: All right.  
17 Then, fine. So, we are moving forward then with  
18 a Show Cause Hearing and basically this is the  
19 way the Show Cause operates.

20 The Government has the burden so the  
21 Government will go first and basically the  
22 basically the parties will then have an  
23 opportunity to start with the Government to give  
24 an opening statement. After the Government gives  
25 their opening statement, the Licensee can give an

1 opening statement or they can defer to give the  
2 opening statement until after the Government has  
3 presented its case.

4 The Government will call its first  
5 witness. Once the Government has called its  
6 first witness then the Licensee will have an  
7 opportunity to cross-examine that witness. Once  
8 the Licensee cross-examines the witness the Board  
9 will have an opportunity to ask questions of that  
10 witness. Then both the Licensee and the  
11 Government will have an opportunity to do follow-  
12 up questions based on the questions the Board  
13 asks. And the Government redirect.

14 Once the Government has presented and  
15 rested its case, then the licensee will have an  
16 opportunity to call witnesses to present its  
17 case. Once the Licensee has witnesses to call, I  
18 will swear them in. Their representative will  
19 ask direct question. The Government will have an  
20 opportunity to cross-examine. Then the Board  
21 will have an opportunity to ask questions and  
22 we'll go back through the process. And once the  
23 case is done, then both parties will have an  
24 opportunity to do closing statements.

25 Any questions before we start by

1 either party?

2 MS. HAMPTON: No.

3 MR. MASON: No.

4 CHAIRPERSON ANDERSON: Let me ask the  
5 question. Who on behalf of the Licensee, who  
6 will be the lead person in this case?

7 MR. MASON: I'll be the lead person.

8 CHAIRPERSON ANDERSON: All right. So,  
9 give me your name again, sir?

10 MR. MASON: Grant Mason.

11 CHAIRPERSON ANDERSON: Mr. Mason. And  
12 meaning that you will be the person who will  
13 cross-examine the Government's witness. And  
14 because you can't both people cross-examine, and  
15 then I guess you will be asking and presenting  
16 your case.

17 Do you have witnesses to call or are  
18 both of you going to testify? How will that  
19 work?

20 MR. MASON: It will be the two of us  
21 testifying.

22 CHAIRPERSON ANDERSON: All right. So,  
23 are you going to ask her questions, how do you  
24 plan to do that?

25 MR. MASON: Yes, I can ask her

1 questions.

2 MS. HAMPTON: Would I be able to ask  
3 him questions or no?

4 CHAIRPERSON ANDERSON: Well, then you  
5 can ask him questions but I just want one person  
6 per witness. Okay. So, you can do that once  
7 your case is presented. Okay?

8 MS. HAMPTON: All right.

9 CHAIRPERSON ANDERSON: All right. So,  
10 does the Government wish to make an opening  
11 statement?

12 MR. EMMICK: Yes, Mr. Chairman.

13 CHAIRPERSON ANDERSON: Yes. Go ahead,  
14 sir.

15 MR. EMMICK: Thank you. May it please  
16 the Board on the early morning hours of Sunday,  
17 October the 1st, 2023, at around 12:43 in the  
18 morning, Investigator Ruiz responded to a  
19 complaint at Buddy's DC located at 3234 11th  
20 Street, Northwest in Washington, D.C. in Columbia  
21 Heights.

22 When Investigator Ruiz arrived patrons  
23 were still hanging out on the patio summer garden  
24 area of the establishment, including some that  
25 still had drinks in their hand. The investigator

1 was also able to capture video and audio footage  
2 of the patron milling around on his cell phone  
3 which the Government intends to introduce this  
4 afternoon.

5 Buddy's knows itself as a neighborhood  
6 meeting space and a sports bar with elevated  
7 food. And, apparently, on the night in question  
8 the patrons that evening were watching an event  
9 on the outdoor TVs that ended well after  
10 midnight.

11 After briefly meeting with the  
12 neighbor who made this noise complaint,  
13 Investigator Ruiz met with Mr. Grant Mason the  
14 owner of the establishment and Ms. Carly Hampton  
15 another reported owner of the establishment. He  
16 pointed out to them that he could hear noise and  
17 observe people well after 12 a.m.

18 Ms. Hampton didn't deny that patrons  
19 were still at the summer garden but pointed out  
20 that per their settlement agreement she tried to  
21 justify it by saying that on that particular  
22 evening there wasn't loud or live music.

23 However, the plain language of the  
24 establishment's voluntary Settlement Agreement  
25 and their ABC license spells out the hours of



1 operation of the sidewalk caf, and summer garden  
2 shall be until 12 a.m. on Saturdays. There's no  
3 carve out to allow people to hang out in the  
4 summer garden as long as the establishment cuts  
5 off service. In this instance, 12 o'clock means  
6 12 o'clock. And while it's true that to the  
7 establishment's credit they've undertaken many  
8 efforts to ameliorate the noise efforts this  
9 Board even recognized a few short days after this  
10 particular incident on October the 4th, 2023,  
11 however, in this instance on that night and into  
12 those early morning hours, they failed to cease  
13 operations by midnight which constitutes a  
14 substantial change in operation when they didn't  
15 have Board approval to extend their hours and,  
16 therefore, we're asking that the Board find that  
17 the establishment is in violation of the sole  
18 charge under Title 25, Section 762(A) and (B) 13.

19 Thank you.

20 CHAIRPERSON ANDERSON: Thank you.

21 Was it Mr. Mason or Ms. Hampton do you  
22 want to make an opening statement or do you defer  
23 until you present your case?

24 MS. HAMPTON: We'll defer until we  
25 present our case.

1 CHAIRPERSON ANDERSON: All right.

2 Fine.

3 Mr. Emmick, do you have a witness you  
4 wish to call?

5 MR. EMMICK: Yes. The District would  
6 call Investigator Mark Ruiz.

7 CHAIRPERSON ANDERSON: Mr. Ruiz, can  
8 you raise your right hand, sir.

9 Do you swear or affirm to tell the  
10 truth and nothing but the truth?

11 INVESTIGATOR RUIZ: Yes.

12 CHAIRPERSON ANDERSON: Your witness,  
13 sir.

14 MR. EMMICK: Thank you, Mr. Chair.

15 DIRECT EXAMINATION

16 MR. EMMICK: Good morning, sir, can  
17 you please state and spell your name for the  
18 record.

19 INVESTIGATOR RUIZ: Yes. My name is  
20 Mark Ruiz, M-A-R-K R-U-I-Z.

21 MR. EMMICK: And how are you currently  
22 employed, sir?

23 INVESTIGATOR RUIZ: I am an  
24 Investigator with the Alcoholic Beverage and  
25 Cannabis Administration.

1 MR. EMMICK: And for how long have you  
2 been an Investigator with the Alcoholic Beverage  
3 and Cannabis Administration.

4 INVESTIGATOR RUIZ: Five years.

5 MR. EMMICK: And were you working in  
6 that capacity on the evening of September 30th  
7 into the early morning of October the 1st, 2023?

8 INVESTIGATOR RUIZ: Yes

9 MR. EMMICK: And did you respond to  
10 any locations?

11 INVESTIGATOR RUIZ: Yes.

12 MR. EMMICK: What location was that?

13 INVESTIGATOR RUIZ: I responded to  
14 Buddy's DC.

15 MR. EMMICK: And do you recall where  
16 that's located?

17 INVESTIGATOR RUIZ: 11th Street, 3234,  
18 Northwest.

19 MR. EMMICK: And what city or  
20 jurisdiction is that in?

21 INVESTIGATOR RUIZ: The District of  
22 Columbia.

23 MR. EMMICK: And what prompted you to  
24 respond to that location?

25 INVESTIGATOR RUIZ: I was assigned by

1 my supervisor to respond to an ABCA Hotline  
2 complaint of noise coming from the establishment  
3 and the operation of the summer garden beyond its  
4 licensed hours.

5 MR. EMMICK: And to take a step back,  
6 what day of the week was September 30th, 2023?

7 INVESTIGATOR RUIZ: It was Sunday,  
8 September 30th of Saturday.

9 MR. EMMICK: And October 1 would have  
10 been Sunday?

11 INVESTIGATOR RUIZ: That is correct.

12 MR. EMMICK: If I could ask the Board  
13 to take judicial notice that September 30th of  
14 2023 and October 1st of 2023 were Saturday and  
15 Sunday, respectively.

16 CHAIRPERSON ANDERSON: So noted.

17 MR. EMMICK: And, Investigator, what  
18 time did you arrive at the establishment?

19 INVESTIGATOR RUIZ: It was  
20 approximately 12:43 a.m.

21 MR. EMMICK: And when you arrived on  
22 site what did you observe?

23 INVESTIGATOR RUIZ: So, I arrived on  
24 site, of course, respond to the Complainant's  
25 residence first which butts up to the

1 establishment. The front area of the summer  
2 garden as well. While going to that  
3 Complainant's door I looked over and you could  
4 see into the summer garden and saw that there  
5 were still multiple patrons. TVs were still on.  
6 They appeared to be watching an event and that's  
7 when I took some video of that and then went in  
8 to visit with the Complainant.

9 MR. EMMICK: And the patrons that you  
10 observed in the summer garden did they appear to  
11 have any beverages in the vicinity?

12 INVESTIGATOR RUIZ: Yes. There  
13 appeared to be beverages amongst the tables.

14 MR. EMMICK: Now to take a step back,  
15 Investigator, as part of your duties as an  
16 investigator with ABCA did you prepare a report  
17 in this instance?

18 INVESTIGATOR RUIZ: I did.

19 MR. EMMICK: And if I could have the  
20 Chair's permission to share my screen?

21 CHAIRPERSON ANDERSON: Mr. Jameson,  
22 could you please allow Mr. Emmick to share his  
23 screen.

24 Go ahead, sir.

25 MR. EMMICK: Do you recognize what I'm

1 slowly scrolling through on my screen at this  
2 moment?

3 INVESTIGATOR RUIZ: Yes.

4 MR. EMMICK: And what do you recognize  
5 that to be?

6 INVESTIGATOR RUIZ: That's the Case  
7 Report that I drafted for the incident.

8 MR. EMMICK: And you mentioned a  
9 moment ago that you also were able to capture  
10 audio and video of the occasion, is that correct?

11 INVESTIGATOR RUIZ: Correct.

12 MR. EMMICK: Please a moment of  
13 indulgence, Mr. Chair. Give me one moment to fix  
14 my screen over here.

15 CHAIRPERSON ANDERSON: Sure.

16 MR. EMMICK: And for the purpose of  
17 identification, if I could just play the first  
18 few moments of what I was proffered the video in  
19 this instance.

20 CHAIRPERSON ANDERSON: Sure, go ahead.

21 MR. EMMICK: Investigator, do you  
22 recognize the first few seconds of that video?

23 INVESTIGATOR RUIZ: Yes. Walking up  
24 the steps.

25 MR. EMMICK: Okay. And with the

1 Chair's permission can I play the remainder of  
2 the video?

3 CHAIRPERSON ANDERSON: Any objection  
4 by the Hamptons, Ms. Hampton and Mr. Mason?  
5 Thank you. Go ahead.

6 Well, I'm sorry, only one person can  
7 answer. But, anyway, all right. Go ahead, sir.

8 (Playing video)

9 MR. EMMICK: What is depicted in the  
10 last few moments of that video?

11 INVESTIGATOR RUIZ: A view of the  
12 summer garden with individuals on it.

13 MR. EMMICK: All right. Is that a  
14 fair and accurate depiction of the cell phone  
15 video that you captured that evening?

16 INVESTIGATOR RUIZ: Yes.

17 MR. EMMICK: And that was included in  
18 your Case Report?

19 INVESTIGATOR RUIZ: It was.

20 MR. EMMICK: Mr. Chair, at this  
21 juncture I would ask that the Board admit  
22 Investigator Ruiz' report as Exhibit Number 1  
23 which would be the video from that evening per 23  
24 DCMR 1713.10?

25 CHAIRPERSON ANDERSON: I'll just let

1 the licensee know that by operation of law the  
2 Case Report is a part of our record but it's just  
3 automatically a part of the record that the Board  
4 can rely on by operation of law.

5 Okay. So, moved.

6 MR. EMMICK: And if I could once again  
7 share my screen.

8 CHAIRPERSON ANDERSON: You should  
9 still have --

10 MR. MASON: I object.

11 CHAIRPERSON ANDERSON: I'm sorry,  
12 what's the -- hold on, hold on, hold on, Mr.  
13 Emmick. Hold on.

14 MR. MASON: I'm just noticing that  
15 there is --

16 CHAIRPERSON ANDERSON: Hold on one  
17 minute, please.

18 Mr. Emmick, close your screen, please.

19 I'm sorry, what is it you're objecting  
20 to, sir?

21 MR. MASON: I guess the question is,  
22 I can't see a time stamp on the video.

23 CHAIRPERSON ANDERSON: All right.  
24 What was presented is that the video was provided  
25 as a part of his Case Report.



1 MR. MASON: Okay. That's fine.

2 CHAIRPERSON ANDERSON: And so the Case  
3 Report by operation and the Government has stated  
4 the regulation that stated that the Case Report  
5 that is articulated by the Government, I'm sorry,  
6 the agency, by operation of law it's part of our  
7 records. And so you should have had a copy of  
8 that same. You can ask questions later on about  
9 there's no time stamp. So, when you cross-  
10 examine the witness you can ask those questions.  
11 But because the document itself is already in the  
12 video and the Case Report is a part of the  
13 record, it's in the record but you can ask  
14 questions later on when you have an opportunity  
15 of the witness, okay?

16 MR. MASON: Okay, thank you.

17 CHAIRPERSON ANDERSON: You're welcome.  
18 Go ahead, Mr. Emmick, I apologize.

19 MR. EMMICK: No, problem, Mr. Chair.

20 I'm now showing for the purposes of  
21 identification Government Exhibits Number 4, if I  
22 could have permission to share my screen?

23 CHAIRPERSON ANDERSON: Yes.

24 MR. EMMICK: Investigator, do you  
25 recognize what is depicted on the screen if

1 Government Exhibit Number 4?

2 INVESTIGATOR RUIZ: Yes.

3 MR. EMMICK: What do you recognize  
4 that to be?

5 INVESTIGATOR RUIZ: Still from the  
6 video of the summer garden area.

7 INVESTIGATOR RUIZ: Is that a fair and  
8 accurate screenshot that's still from the video  
9 that you recorded that evening?

10 INVESTIGATOR RUIZ: Yes.

11 MR. EMMICK: Mr. Chair, I would move  
12 to admit Government Exhibit Number 4 and just for  
13 clarity of the record although it was a  
14 screenshot from the video I would just note that  
15 it's a separate exhibit from my perspective.

16 CHAIRPERSON ANDERSON: Is this  
17 document a part of the Case Report or is this a  
18 separate document?

19 MR. EMMICK: It was not part of the  
20 Case Report other than the fact that it was a  
21 screenshot from the video that was part of the  
22 Case Report.

23 CHAIRPERSON ANDERSON: All right. Any  
24 objection?

25 MR. MASON: Can we object to it?

1 CHAIRPERSON ANDERSON: What's the  
2 nature of your objection, sir?

3 MR. MASON: If it's not part of the  
4 Case Report.

5 CHAIRPERSON ANDERSON: Okay. And?

6 MR. MASON: As we said it before I  
7 don't even -- I can't validate the time in which  
8 this is from.

9 CHAIRPERSON ANDERSON: And so, Mr.  
10 Emmick, is there any -- is there a time stamp in  
11 the sense of the -- I don't know when this  
12 document was, how can you -- we need some  
13 validation. And so if you can validate how this  
14 one was taken and then I'm going to sustain the  
15 objection and that allows the document in  
16 because --

17 MR. EMMICK: Well, Chair, I would just  
18 note that investigator already testified that he  
19 arrived on scene at approximately 12:43 a.m. and  
20 that's when he captured the cell phone video.  
21 There's no meta date per se, there's no time  
22 stamp, but the investigator testified and there's  
23 been no reason to call into question at this  
24 juncture. That testimony is certainly something  
25 that could be caused the Investigator to be

1 cross-examined about.

2 CHAIRPERSON ANDERSON: All right. I'm  
3 going to overrule the objection. I'm going to  
4 allow the document in over the objection.  
5 However, when you have an opportunity cross-  
6 examine the witness you can ask questions of the  
7 witness of this document. Okay?

8 MR. MASON: All right.

9 CHAIRPERSON ANDERSON: All right. So,  
10 I'm going to move the Government Exhibit into  
11 evidence over the objection of the Licensee.

12 (Whereupon, the document was marked  
13 for identification as Government's Exhibit 4 and  
14 received into evidence.)

15 CHAIRPERSON ANDERSON: All right. Go  
16 ahead.

17 MR. EMMICK: Investigator, what is  
18 depicted in this screenshot?

19 INVESTIGATOR RUIZ: This is peering  
20 through into the Summer Garden. It's a patron  
21 sitting at a table.

22 MR. EMMICK: And after you recorded  
23 the video I believe you indicated you met with  
24 the neighbor. What happened then?

25 INVESTIGATOR RUIZ: I met with the

1 neighbor. Notified them of the Complaint from  
2 what I observed. We reviewed the Settlement  
3 Agreement together as far as dealing with the  
4 sound issue. And then talked about the hours  
5 that the Summer Garden was allowed to operate.

6 MR. EMMICK: And after you met with  
7 the neighbor what did you do then?

8 INVESTIGATOR RUIZ: Oh, with the  
9 neighbor. I thought it was with the Licensee.  
10 After I met with the neighbor I met with the  
11 Licensees at the establishment.

12 MR. EMMICK: And who specifically did  
13 you meet with at the establishment?

14 INVESTIGATOR RUIZ: Ms. Hampton, Mr.  
15 Mason.

16 MR. EMMICK: And those are the two  
17 individuals that are here on behalf of the  
18 establishment this afternoon in the virtual  
19 courtroom?

20 INVESTIGATOR RUIZ: Yes.

21 MR. EMMICK: And what, if anything,  
22 did you discuss with them?

23 INVESTIGATOR RUIZ: I discussed with  
24 them the Complaint made by the neighbor. We  
25 discussed the Settlement Agreement regarding the

1 sound issue and the Summer Garden hours, the  
2 operation of which patrons were not permitted on  
3 the Summer Garden after the close of the license  
4 hours of the a.m.

5 MR. EMMICK: And to take a step back,  
6 Investigator, did you ever have a prior occasion  
7 to investigate Buddy's DC?

8 INVESTIGATOR RUIZ: I responded to  
9 other complaints regarding them. I've met with  
10 them prior. Had a lot of the same conversations  
11 as far as the license hours, the sound, the noise  
12 complaint and the operation on the Summer Garden,  
13 yes.

14 MR. EMMICK: And was there ever any  
15 occasions where you responded to the location and  
16 found that there wasn't, that the noise complaint  
17 was not founded?

18 INVESTIGATOR RUIZ: I don't recall.  
19 I believe one time I did not find too much  
20 complaint founded. Yeah, one time, I believe. I  
21 can't recall exactly when that was.

22 MR. EMMICK: A brief indulgence, Mr.  
23 Chair.

24 I could not share my screen to  
25 Government Exhibit Number 2 which was part of the

1 Case Report.

2 MR. EMMICK: Investigator, do you  
3 recognize what's on the screen as Government's 2?

4 INVESTIGATOR RUIZ: Yes. That is the  
5 ABC license for the establishment.

6 MR. EMMICK: And if I could draw your  
7 attention to the Summer Garden hours, what are  
8 the Summer Garden hours, specifically on  
9 Saturday?

10 INVESTIGATOR RUIZ: Saturday Summer  
11 Garden hours of operation were from 6 a.m. to 12  
12 a.m.

13 MR. EMMICK: And the hour of sales?

14 INVESTIGATOR RUIZ: 11 a.m. to 12 a.m.

15 MR. EMMICK: And if I could now draw  
16 your attention to Government Exhibit Number 3  
17 which was part of the Case Report. Do you  
18 recognize this document?

19 INVESTIGATOR RUIZ: Yes. That would  
20 be their Settlement Agreement.

21 MR. EMMICK: Settlement Agreement and  
22 Board Order?

23 INVESTIGATOR RUIZ: Correct.

24 MR. EMMICK: If I could now draw your  
25 attention to page 2, paragraph number 2, Hours of

1 Operation under what I would characterize as the  
2 third paragraph there regarding Sidewalk Caf, and  
3 Summer Garden. What are those hours?

4 INVESTIGATOR RUIZ: For Friday and  
5 Saturday it was 6 a.m. to 12 a.m.

6 MR. EMMICK: And so those don't  
7 contradict in any way with the ABC license?

8 INVESTIGATOR RUIZ: No.

9 MR. EMMICK: And, Mr. Chair, at this  
10 point I could move in Government's 2 and 3 which  
11 were also part of the Case Report.

12 CHAIRPERSON ANDERSON: So moved.

13 (Whereupon, the documents were marked  
14 for identification and received in evidence as  
15 Government Exhibits 2 and 3.)

16 INSPECTOR DIEHM: Brief indulgence,  
17 Mr. Chair.

18 And, Investigator, when you met with  
19 Mr. Mason and Ms. Hampton what, if anything, did  
20 they state to you about the Summer Garden's  
21 operation that evening?

22 INVESTIGATOR RUIZ: They talked about,  
23 I believe Ms. Hampton talked about no loud of  
24 live music being allowed on the Summer Garden.

25 MR. EMMICK: And that's a provision of



1 their Settlement Agreement that you were  
2 referencing?

3 INVESTIGATOR RUIZ: Correct.

4 MR. EMMICK: But she didn't deny that  
5 there were, in fact, patrons there after 12  
6 o'clock that night?

7 INVESTIGATOR RUIZ: No.

8 MR. EMMICK: Nothing further from the  
9 District at this point, Mr. Chair.

10 CHAIRPERSON ANDERSON: So, either you,  
11 Mr. Mason or Ms. Hampton, who will be cross-  
12 examining the witness?

13 MS. HAMPTON: I'll do it.

14 CHAIRPERSON ANDERSON: Go ahead,  
15 ma'am.

16 MS. HAMPTON: Okay.

17 CROSS-EXAMINATION

18 MS. HAMPTON: Investigator Ruiz, you  
19 responded to a Hotline complaint, right?

20 INVESTIGATOR RUIZ: That's correct.

21 MS. HAMPTON: And the complaint whose  
22 home you went to was Mr. Almeda, correct?

23 INVESTIGATOR RUIZ: That's correct.

24 MS. HAMPTON: And you stated  
25 previously that you had come to Buddy's

1 previously on other complaints, correct?

2 INVESTIGATOR RUIZ: That's correct.

3 MS. HAMPTON: And were all of these  
4 complaints by the same neighbor?

5 INVESTIGATOR RUIZ: Yes.

6 MR. MASON: All right. Are you aware  
7 that we had a hearing in October and according to  
8 the findings of fact that we had zero violations  
9 after 20 plus, after 20 plus investigations.

10 MR. EMMICK: Objection, Mr. Chair.

11 CHAIRPERSON ANDERSON: What's the  
12 nature of the objection?

13 MR. EMMICK: Relevance. I think that  
14 the Board's record speaks for itself and whether  
15 or not they had other violations in the past  
16 isn't relevant to whether there was a violation  
17 on the night in question, October the 1st or the  
18 early morning of October the 1st.

19 CHAIRPERSON ANDERSON: I'm going to --  
20 can you respond, ma'am, to the objection before I  
21 make a ruling?

22 MS. HAMPTON: Yeah. I think it also  
23 speaks to what is going to be discussed as we  
24 continue this case in terms of this one  
25 individual who has constantly been trying to find

1 ways to, I guess, puts is in the sense of  
2 violating which is something that we are not  
3 doing. And as we continue to go through and  
4 discuss further in terms of what we're being  
5 accused of now, this is also going to tie back  
6 in.

7 CHAIRPERSON ANDERSON: All right.

8 MS. HAMPTON: Uh-huh.

9 CHAIRPERSON ANDERSON: All right. I'm  
10 going to sustain the objection because the  
11 question is that as stated by the Government on  
12 this particular occasion what occurred. So, it's  
13 irrelevant that this one individual might make 20  
14 complaints --

15 MS. HAMPTON: Uh-huh.

16 CHAIRPERSON ANDERSON: But on this  
17 particular night when a complaint was made the  
18 investigator is stating what they found. So, I'm  
19 going to overrule the objection and so that the  
20 witness can answer the question if he can.

21 INVESTIGATOR RUIZ: I don't know. I  
22 wasn't part of that hearing.

23 MS. HAMPTON: All right. Well, if  
24 maybe we c pull up the findings of fact, we have  
25 submitted it into evidence, if that's needed for

1 us to submit it or we can just --

2 MS. HAMPTON: We can take note of  
3 this.

4 CHAIRPERSON ANDERSON: I'm sorry, I --  
5 hold on a minute. Mr. Emmick, my apologies. My  
6 ruling was to sustain the objection not to  
7 overrule the objection. So, I gave all the  
8 reasons why I agree with you but I gave the wrong  
9 determination so I apologize.

10 So, the ruling was to sustain the  
11 objection and that the witness should not answer  
12 the question because it is not relevant. So,  
13 let's move on to another area, ma'am, I'm sorry.

14 MS. HAMPTON: Yes. And question for  
15 you all because the attorney has said that  
16 there's a sold charge and is that only the  
17 25726B13 of --

18 CHAIRPERSON ANDERSON: Hold on. Hold  
19 on.

20 The Show Cause Hearing notice  
21 basically states that, hold on, let me open the  
22 notice.

23 The Show Cause notice we are only  
24 speaking about what happened on Saturday, October  
25 1st, 2023, at 12:43 a.m. That is the only issue

1 that you're being charged with, is that you  
2 operated after your hours. From what I'm being  
3 told your Settlement Agreement and your license  
4 says that you're supposed to operate on a Summer  
5 Garden at 12 o'clock and you were operating at  
6 12:43. So, that is the only charge that we are  
7 discussing today. What happened on October 1st,  
8 2023, at 12:43 a.m. Okay?

9 MS. HAMPTON: All right.

10 And, so, Investigator when you  
11 approached the initial resident what was it that  
12 you heard?

13 INVESTIGATOR RUIZ: I heard --

14 MS. HAMPTON: Voices?

15 INVESTIGATOR RUIZ: -- patron sounds,  
16 yes. Yes, sounds, TV sounds so it's nothing  
17 there mostly patron noise.

18 MS. HAMPTON: Mostly patron noise.

19 INVESTIGATOR RUIZ: Yes.

20 MS. HAMPTON: Okay. And was this  
21 noise at a conversational level?

22 INVESTIGATOR RUIZ: I would say it was  
23 at a conversational level. Maybe slightly higher  
24 but not much more.

25 MS. HAMPTON: Okay. An when you left

1 the neighbor's residence, what did you see as you  
2 came into Buddy's. Were there people on the  
3 patio?

4 INVESTIGATOR RUIZ: Everybody was  
5 dispersing at that time. So, there was a lot  
6 less individuals on the patio. I believe there  
7 was only a couple of people left to include the  
8 ownership.

9 MS. HAMPTON: Uh-huh.

10 INVESTIGATOR RUIZ: The staff.

11 MS. HAMPTON: And were the TVs on?

12 INVESTIGATOR RUIZ: No, they were  
13 turned off.

14 MS. HAMPTON: Okay.

15 INVESTIGATOR RUIZ: I believe.

16 MS. HAMPTON: You believe like --

17 INVESTIGATOR RUIZ: I believe that  
18 they were turned off when I came around the other  
19 side.

20 MS. HAMPTON: Okay. And during your  
21 investigation did you see people being served  
22 alcohol?

23 INVESTIGATOR RUIZ: I seen the servers  
24 just what they had in front of them at the time.

25 MS. HAMPTON: Correct. And --

1 CHAIRPERSON ANDERSON: Sir? Sir? Mr.  
2 Mason, you can't ask her any question. I mean or  
3 if you're going to do I can't hear, because I can  
4 hear you so you can write a note but only one  
5 person can ask questions, sir.

6 MS. HAMPTON: Okay. And was there,  
7 your previous investigations when you had been  
8 called out to Buddy's due to complaints so, Mr.  
9 Almeda, was there ever anything founded? Was  
10 there ever a violation of noise or anything of  
11 that nature?

12 MR. EMMICK: Objection, Mr. Chair, at  
13 this point in time I believe this is just an  
14 attempt to re-ask the same questions here?

15 CHAIRPERSON ANDERSON: Yes. I'm going  
16 to sustain the objection. As I stated before,  
17 this case is about what happened on this specific  
18 date and not what happened before or after, but  
19 just exactly what it is that the investigator saw  
20 on October 1st, 2023, at 12:43 a.m.

21 MS. HAMPTON: And, Mr. Ruiz, when you  
22 came into Buddy's and you and I spoke, didn't we  
23 have a conversation about there not being any  
24 service happening on the patio?

25 INVESTIGATOR RUIZ: I do recall. I

1 think I do recall it that particular conversation  
2 but I believe I explained the hours of sale  
3 including sale, service and consumption that the  
4 alcohol had to removed as well as patrons being  
5 there past 12 a.m. because of the ultimate  
6 operation of the Summer Garden.

7 MS. HAMPTON: Correct. And didn't we  
8 have the conversation I explained to you that  
9 there was no alcohol being served and that what  
10 the lawyer had mentioned earlier that there was  
11 beverages but those beverages were water. There  
12 were no sales being made. There was no alcohol  
13 being served or food since you denied --

14 INVESTIGATOR RUIZ: After review of  
15 the video with the patrons there appeared to be  
16 alcohol on the table. But amber drinks and cups  
17 appeared to be a bottle as well on the table.

18 MS. HAMPTON: A bottle of what because  
19 we don't allow bottles outside.

20 INVESTIGATOR RUIZ: It appeared to be  
21 a bottle of beer, I believe, if I recall  
22 correctly.

23 MS. HAMPTON: Okay. All right.

24 And when you were also in the space,  
25 in the establishment you wrote in your report



1 that you got a phone call from Mr. Almeda stating  
2 that he could hear music in his home. Correct?  
3 But, when you answered that call I was there with  
4 you and do you recall me saying to you, is this  
5 loud to you?

6 MR. EMMICK: Objection, as to the form  
7 of the question, Mr. Chair.

8 MS. HAMPTON: Okay. I can rephrase  
9 it.

10 CHAIRPERSON ANDERSON: She's not an  
11 attorney so I'll give her some leeway. Well, at  
12 least she has not presented herself as an  
13 attorney, let me put it that way.

14 MS. HAMPTON: I can rephrase it.

15 CHAIRPERSON ANDERSON: No, it's,  
16 ma'am, I'm giving you the benefit of the doubt.  
17 So, okay. So, I'll give her some leeway in  
18 asking the questions. So, ask your question,  
19 ma'am.

20 MS. HAMPTON: Okay. When you were in  
21 the establishment and you received a phone call  
22 from Mr. Almeda about there still being loud  
23 music playing, do you recall us having the  
24 conversation about the sound level and your  
25 interpretation of the sound in that moment when

1 you received the call?

2 INVESTIGATOR RUIZ: Yes.

3 MS. HAMPTON: In your opinion was that  
4 music loud?

5 MR. EMMICK: Objection, Your Honor,  
6 relevance. This doesn't go to the ultimate issue  
7 of whether or not they were operating after  
8 hours.

9 MS. HAMPTON: Oh, okay.

10 CHAIRPERSON ANDERSON: Yes, and let me  
11 also clarify, attempt to.

12 MS. HAMPTON: Yes.

13 CHAIRPERSON ANDERSON: You were not  
14 charged with the noise complaint.

15 MS. HAMPTON: Okay.

16 CHAIRPERSON ANDERSON: Because the  
17 only charge that you were charged with is  
18 operating after 12 o'clock. So, because if you  
19 were charged with a noise then, yes, you can ask  
20 those questions. But it's strictly that you're  
21 operating --

22 MS. HAMPTON: Okay.

23 CHAIRPERSON ANDERSON: -- after your  
24 Board approved hours.

25 MS. HAMPTON: Okay. And so to kind of

1 wrap it up in a sense. Investigator Ruiz, are  
2 you aware that Buddy's does not sell beer  
3 bottles?

4 INVESTIGATOR RUIZ: I'm not aware, no.

5 MS. HAMPTON: Yes. Our facility does  
6 not have any glass bottles aside from like  
7 Champagne or Prosecco. So, it's not possible for  
8 us, Buddy's to have sold beer bottles --

9 MR. EMMICK: Objection, Your Honor,  
10 asked and answered.

11 MS. HAMPTON: Okay.

12 CHAIRPERSON ANDERSON: And you're  
13 making a statement, ma'am. I need you to ask in  
14 a question.

15 Do you have any more questions you  
16 wish to ask?

17 MS. HAMPTON: Not at this moment.

18 CHAIRPERSON ANDERSON: All right.

19 I have a question to ask Mr. Ruiz.

20 What is it per the license what are  
21 the times for the Summer Garden?

22 INVESTIGATOR RUIZ: 6 a.m. to 12 a.m.,  
23 Fridays and Saturdays.

24 CHAIRPERSON ANDERSON: And what does  
25 a 12 a.m. timeline mean? What exactly does that

1 mean, 12 a.m.?

2 INVESTIGATOR RUIZ: It means that at  
3 12 a.m. all patrons and basically the operations  
4 of the Summer Garden what we're talking about and  
5 that means all patrons and drinks and stuff are  
6 being removed from the Summer Garden area. The  
7 operation is stopped at that time and it's pretty  
8 much closed.

9 CHAIRPERSON ANDERSON: All right.  
10 Any other questions by any Board  
11 members?

12 CHAIRPERSON ANDERSON: This is not  
13 your time, ma'am. You'll get another  
14 opportunity.

15 All right.

16 Yes, Mr. Short?

17 MEMBER SHORT: Yes. I'd just like to  
18 ask -- Investigator Ruiz, did you inquire as to  
19 this operation having a time that they stopped  
20 serving alcohol or a close down time? Last call.

21 INVESTIGATOR RUIZ: I did not inquire  
22 about that.

23 MEMBER SHORT: Would you normally ask  
24 if they have a last call policy or last call?

25 INVESTIGATOR RUIZ: Sometimes I have

1 but I didn't in this case.

2 MEMBER SHORT: Okay. Can you tell us  
3 what was the last call have done at 12. It's  
4 supposed to close at 12 midnight, correct?

5 INVESTIGATOR RUIZ: Correct.

6 MEMBER SHORT: And then so what would  
7 happen if the last call was at that time?

8 INVESTIGATOR RUIZ: Last call was done  
9 at midnight and people would be up and leaving,  
10 bills to be paid. There would be an active  
11 motion of departure.

12 MEMBER SHORT: Was that appearing when  
13 you got there?

14 INVESTIGATOR RUIZ: Not when I  
15 initially arrived, no.

16 MEMBER SHORT: And what time was that?

17 INVESTIGATOR RUIZ: Approximately  
18 12:43 a.m.

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

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

23 Go ahead, Mr. Grant.

24 MEMBER GRANT: Mr. Ruiz, good  
25 afternoon to you.

1 INVESTIGATOR RUIZ: Good afternoon.

2 MEMBER GRANT: You may have stated  
3 this before but just for my clarification can you  
4 recall how many people were on the premises when  
5 you arrived at 12:43 a.m.?

6 INVESTIGATOR RUIZ: I would say  
7 approximately 15 or more. I don't know the exact  
8 number?

9 MEMBER GRANT: Fifteen or more. Is  
10 there a range that you can give me?

11 INVESTIGATOR RUIZ: Just probably  
12 between 15 and 25 maybe.

13 MEMBER GRANT: Okay. Thank you.  
14 That's my only question for now. Thank you.

15 CHAIRPERSON ANDERSON: Ms. Hampton,  
16 now you can ask Mr. Ruiz questions but based on  
17 the questions that were asked by the Board.

18 MS. HAMPTON: You answered a question  
19 in terms of operation, correct? Where can you  
20 find that definition of operations under ABCA's  
21 D.C. Code, Title 25 or is this just your  
22 interpretation of operations?

23 INVESTIGATOR RUIZ: It's the  
24 interpretation of the operation of a business.  
25 Question was in regards to the hours from 12 a.m.

1 An operation means it's the end, it's closing.  
2 Everybody should be leaving, not still partaking  
3 in viewing of televisions or beverages in front  
4 of them. All that should have been cleansed up.

5 MS. HAMPTON: So, with all due  
6 respect, that is your interpretation of  
7 operation?

8 INVESTIGATOR RUIZ: Yes, that's the  
9 law.

10 MS. HAMPTON: Thank you.

11 CHAIRPERSON ANDERSON: Do you have any  
12 other questions, ma'am?

13 MS. HAMPTON: Only --

14 CHAIRPERSON ANDERSON: Based on the  
15 questions that the Board asked.

16 MS. HAMPTON: Is the operation spelled  
17 out anywhere in like the agreement or in the code  
18 book to ABCA?

19 INVESTIGATOR RUIZ: I don't recall  
20 seeing a definition, just law of the  
21 establishment to cease operations at the licensed  
22 hours.

23 MS. HAMPTON: Okay. Thank you.

24 CHAIRPERSON ANDERSON: Mr. Emmick, any  
25 redirect?

1 MR. EMMICK: Yes. One quick question.

2 REDIRECT EXAMINATION

3 MR. EMMICK: Investigator, do you  
4 recall how long you were at the neighbor's  
5 residence before you returned to the  
6 establishment or went into the establishment?

7 INVESTIGATOR RUIZ: I recall maybe  
8 under if that 10 minutes maybe.

9 MR. EMMICK: Thank you, nothing  
10 further from the Government at this point.

11 CHAIRPERSON ANDERSON: All right.  
12 Thank you, Mr. Ruiz, for your testimony. You're  
13 free to go.

14 Does the Government have another  
15 witness?

16 MR. EMMICK: No, the Government rests.

17 CHAIRPERSON ANDERSON: All right. Ms.  
18 Mason, I'm sorry, Mr. Mason or Ms. Hampton. I  
19 don't know why I wrote your names down and I  
20 still can't get it right. Okay. I apologize.

21 Mr. Mason or Ms. Hampton, who wants to  
22 make an opening statement?

23 MR. MASON: I can make an opening  
24 statement.

25 CHAIRPERSON ANDERSON: Go ahead, sir.



1 MR. MASON: As I said before Buddy's  
2 DC is a neighborhood space. We have continued to  
3 comply and make sure that we were following all  
4 things in both our Settlement Agreement and on an  
5 ABRA -- I think is the issue at hand today is  
6 about interpretation. And when giving Mr. Ruiz'  
7 interpretation of what it says, we have gone  
8 above and beyond to make sure that we stay within  
9 that realm.

10 I think that this issue is not a  
11 violation, it's in the interpretation. Before  
12 midnight, cleared off all alcoholic beverages,  
13 made sure that Buddy's DC is always in compliance  
14 with what goes on with what the expectations are  
15 and we try to continue to do so. And I think  
16 that it will be proven through our testimony that  
17 we have stuck with that and have continued to  
18 make sure that we are operating well within the  
19 law and the expectations of the ANC as well as  
20 the ABCA Board.

21 CHAIRPERSON ANDERSON: All right. So,  
22 do you have a witness you wish you call?

23 MR. MASON: Yes. I will call Dr.  
24 Hampton.

25 CHAIRPERSON ANDERSON: Dr. Hampton,

1 can you raise your right hand, please.

2 Do you swear or affirm to tell the  
3 truth and nothing but the truth?

4 DR. HAMPTON: Yes.

5 CHAIRPERSON ANDERSON: Your witness,  
6 sir.

7 DIRECT EXAMINATION

8 MR. MASON: Dr. Hampton, on the  
9 morning of October 1st just after midnight, we  
10 were approached by Investigator Ruiz to which you  
11 guys had a conversations that started that I came  
12 and joined the ANC about the operation of the  
13 Summer Garden, what happened in that  
14 conversation?

15 DR. HAMPTON: Mr. Ruiz came in. At  
16 this time the patio was completely cleared. He  
17 came in and said that he saw patrons on the  
18 patio. To him I responded and said, well,  
19 there's no one outside now. He said that there  
20 was. I told him that I was not going to deny  
21 that people were on the patio.

22 I also informed him during that  
23 conversation that service had previously ended  
24 before midnight and that there was no service  
25 going on outside.

1 MR. MASON: Question. What are the  
2 operating hours of the establishment on the  
3 weekend? What time does the establishment close  
4 on weekends?

5 DR. HAMPTON: The establishment  
6 closes, we have until 2:00 a.m. in the morning on  
7 Friday and Saturday.

8 MR. MASON: Okay. So, at the time of  
9 what is presumed to be after midnight, 12:43 Mr.  
10 Ruiz came over, the establishment was still open  
11 but the issue was there were people even at that  
12 time when he came over still on the patio being  
13 workers, being us, different people but the crowd  
14 that was there, the 15 odd people or so that he  
15 said that were possibly there had begun to  
16 disperse.

17 DR. HAMPTON: Yes.

18 MR. MASON: Correct? So, I guess my  
19 next question is in your opinion, had you  
20 discontinued operation of that patio?

21 DR. HAMPTON: Yes. There was no  
22 operation going on. There were no orders being  
23 taken. There were no orders being given at that  
24 time.

25 MR. MASON: Right. And so in your

1 opinion how are held to gather or move people off  
2 of the property? What were you told was the best  
3 means for you to do so?

4 DR. HAMPTON: To, so we have signage  
5 outside that notes what the patio hours are  
6 specifically. It's on the wall on the patio.

7 In addition to that to inform people  
8 that they can no longer be served that at this  
9 point as far as outside patio goes that service  
10 will only be inside. And we give people 45  
11 minute notice so at 11:15, essentially, is when  
12 we tell people the patio closes at midnight so on  
13 the sign then last call for that is anywhere  
14 between 30 minutes and 15 before midnight.

15 MR. MASON: Okay. And my next  
16 question is, are you familiar with the Settlement  
17 Agreement that is in place for the address which,  
18 I believe was signed in 2012.

19 DR. HAMPTON: Yes.

20 MR. MASON: Or 11 and between 2011  
21 and the ANC.

22 DR. HAMPTON: Yes.

23 MR. MASON: Being familiar with that,  
24 do you have any contacts or any memories of what  
25 operations is and how it has been spelled out in

1 that document?

2 DR. HAMPTON: No. There's no  
3 description of what operates is in the Settlement  
4 Agreement or in the code book of office, under  
5 the section definitions.

6 MR. MASON: Okay. I also have a  
7 question to ask. Are there other businesses on  
8 your same block that have similar, the same  
9 closing time and operation times as you?

10 MR. EMMICK: Objection. Mr. Chair,  
11 relevance as to other establishment's Settlement  
12 Agreements licenses might dictate.

13 CHAIRPERSON ANDERSON: Let me --

14 MR. MASON: Can I state why I'm asking  
15 this?

16 CHAIRPERSON ANDERSON: Yes, go ahead,  
17 sir.

18 MR. MASON: I'm only saying, bringing  
19 this up because we have several businesses that  
20 are on the same block and none of them says it  
21 specifies what operating is nor does it say, it  
22 only says in one that I could find that no sales  
23 or food can be served during those operations, so  
24 after a certain time. None of them specifies  
25 what operating is. So, I'm trying to understand

1 more so.

2 CHAIRPERSON ANDERSON: Well, I',  
3 sustaining the objection and we'll move forward.  
4 But I believe that there are, I'm sustaining the  
5 objection, let's move on.

6 MR. MASON: All right. I'm done with  
7 this witness.

8 CHAIRPERSON ANDERSON: Any questions  
9 by any Board members?

10 Go ahead, Mr. Short.

11 MEMBER SHORT: The questioning is  
12 going to him or her?

13 CHAIRPERSON ANDERSON: Your question,  
14 Ms. Hampton is the one who testified so you're  
15 asking Ms. Hampton questions.

16 MEMBER SHORT: When I speak to her do  
17 I say Dr. Hampton?

18 DR. HAMPTON: Yes.

19 CHAIRPERSON ANDERSON: I'm sorry, I  
20 apologize.

21 DR. HAMPTON: That's fine.

22 CROSS-EXAMINATION

23 MEMBER SHORT: Dr. Hampton, thinking  
24 about operations --

25 DR. HAMPTON: Uh-huh.

1                   MEMBER SHORT: -- how long have you  
2 had your business been established here? What  
3 was your opening date?

4                   DR. HAMPTON: We opened in November of  
5 22 so it's been about 15 months or so.

6                   MEMBER SHORT: The question I had  
7 earlier to the Investigator, since you've been in  
8 the business have you heard anyone talk about  
9 last call and what does that mean to you?

10                  DR. HAMPTON: I feel like last call  
11 means that, you know, this is your last  
12 opportunity to purchase food or drinks because,  
13 you know, the area will be, you know, we're no  
14 longer going to be serving. And the patio, the  
15 Summer Garden rather is different than inside.  
16 So, it's last call for the patio but people are  
17 more than welcome to stay inside and, you know,  
18 drink. Was that answering your question?

19                  MEMBER SHORT: But, let me ask you  
20 this.

21                         When the Investigator got there,  
22 Investigator Ruiz got there at 12:40 --

23                   DR. HAMPTON: Yes. Uh-huh.

24                   MEMBER SHORT: Why were people still  
25 sitting on your patio with drinks in front of

1       them?

2                   DR. HAMPTON:   So, the thing is that  
3       people were on the patio.  There were no  
4       alcoholic beverages at all.  There weren't even  
5       sodas.  People were still on the patio because  
6       there was a sporting event that went over and so  
7       people were still watching the sporting event.

8                   Since why when he left Mr. Almeda's  
9       residence and came to Buddy's everybody was gone  
10      because they knew they could no longer serve  
11      drinks or alcohol or food or anything at all.  It  
12      was just watching the end of this sporting event  
13      and then they were gone.

14                  MEMBER SHORT:  Do you have any signage  
15      in that area to alert people that they must be  
16      quiet after your closing hours and there can't be  
17      any drinks in front of them?

18                  DR. HAMPTON:  Correct.  There's a sign  
19      on the patio which was also brought up in our  
20      previous hearing that states specifically,  
21      multiple times stating to please keep your noise  
22      levels down and be courteous of our neighbors.  
23      And there's also in the patio time is also listed  
24      there as well for patrons to see.

25                  MEMBER SHORT:  Ordinarily, how long do



1 you let persons stay on your Summer Garden after  
2 you officially close at 12 midnight?

3 DR. HAMPTON: That was, it's not a  
4 normal occurrence. That was literally, yeah,  
5 like that is it. My concern is that I don't want  
6 to force people off. Physically I'm not going to  
7 do that. I can tell --

8 MEMBER SHORT: Thank you for your  
9 answer but let me say this to you.

10 DR. HAMPTON: Yes.

11 MEMBER SHORT: If you knew that people  
12 staying there whether you forced them off or not  
13 because you like, would you force them off?

14 DR. HAMPTON: Oh, most definitely.

15 MEMBER SHORT: Okay.

16 DR. HAMPTON: I would call the police,  
17 I guess, to do that. But as a new small business  
18 in the area that we're in like I don't, I  
19 understand what you're saying. I don't want, you  
20 know, want customers to feel we're going to call  
21 the cops on them because they weren't being  
22 disruptive. They weren't, you know, because  
23 again in my mind we weren't operating. Everyone  
24 on that patio was aware of that. There was no  
25 service being had. It was them just watching the

1 rest of the sport --

2 MEMBER SHORT: Let's change just for  
3 a moment.

4 DR. HAMPTON: Okay.

5 MEMBER SHORT: You be a Board member  
6 and I'll be the owner over there.

7 DR. HAMPTON: Okay.

8 MEMBER SHORT: Now, I know if I'm the  
9 owner of a business, and I don't the  
10 investigators writing me tickets because people  
11 complaining then there's got to be some way,  
12 something has to moderate. There's got to be  
13 some way that I take care of having last call,  
14 sign up posted and enforced. Have you ever  
15 consider that with your last call sign up or  
16 posting up?

17 DR. HAMPTON: I am now. I think  
18 that's something that we can definitely add on  
19 the patio signage and have the last call  
20 situation added to that. But I would like to  
21 note that until this incident and having the  
22 conversation with Mr. Ruiz, we haven't had anyone  
23 on that patio outside 12 midnight period.  
24 Because we didn't think that we were technically  
25 operating.

1 MEMBER SHORT: Well, let me say this  
2 to you.

3 DR. HAMPTON: Yes.

4 MEMBER SHORT: If you had that many  
5 people out there and they were still watching  
6 TV--

7 DR. HAMPTON: Uh-huh.

8 MEMBER SHORT: -- whether they had a  
9 glass of water or anything else and maybe you  
10 went in murky places you don't want to be with  
11 the business license in the District of Columbia.

12 Are you aware that you can call down  
13 to ABCA and ask for special permission when you  
14 have sporting events? Are you familiar with  
15 that?

16 DR. HAMPTON: Yes. So, were informed  
17 of that also during that time that night. And so  
18 I also have in our --

19 MEMBER SHORT: No, no, no. Please  
20 forgive me.

21 DR. HAMPTON: Yes.

22 MEMBER SHORT: You have to do it prior  
23 to the night of the event.

24 DR. HAMPTON: Correct. And so what I  
25 was trying to say is that is when I -- this night

1 is when I was made aware and so when we did have  
2 an event where we felt like it may go over we did  
3 apply to ABCA for that. So, yes, we are aware  
4 now and we have since then taken steps to make  
5 sure that we are in line with what the Board  
6 requires.

7 MEMBER SHORT: So, are you willing  
8 because this Board can't make you do anything  
9 other than what you want to do to make sure you  
10 have --

11 CHAIRPERSON ANDERSON: Mr. Short.

12 MEMBER SHORT: Yes.

13 CHAIRPERSON ANDERSON: You can't ask  
14 that question, sir. Not at this -- this is not a  
15 fact-finding hearing so this is --

16 MEMBER SHORT: Thank you, Mr. Chair.

17 Getting back there was a question  
18 asked, I think from you to someone regarding  
19 operations of your business.

20 DR. HAMPTON: Uh-huh.

21 MEMBER SHORT: And since you signed  
22 yourself here before this Board today regarding  
23 operations that apparently had run afoul of the  
24 law because the Investigator testified as much.  
25 What are you going to do to make sure this

1 doesn't happen again?

2 DR. HAMPTON: And that's the thing  
3 that since that we've been aware, again, of Mr.  
4 Ruiz' interpretation of operations. I assume  
5 that this is the same, you know, wording that you  
6 all have. And since then, since that very same  
7 day, that same night after having the  
8 conversation with him we have made sure that  
9 people are off the patio. We're not forcing them  
10 off. We let them know. We turn the TVs off and  
11 that in itself is going to, you know, remove  
12 people. But, you know, we have taken the steps.  
13 I feel like that has been a learning experience.  
14 We no longer operate at 12:01 on the patio. We  
15 let --

16 MEMBER SHORT: Okay. This is my last  
17 question.

18 Since you've now been before the Board  
19 today --

20 DR. HAMPTON: Yes.

21 MEMBER SHORT: -- information you got  
22 about operations and other things, should an  
23 investigator come to your establishment at 12:40  
24 this weekend coming, would they find people in  
25 your business?

1 DR. HAMPTON: Inside the business,  
2 yes. On the patio, no.

3 MEMBER SHORT: No, where you had the  
4 violation for your Summer Garden?

5 DR. HAMPTON: Correct. No, they will  
6 not.

7 MEMBER SHORT: How can the Board be  
8 sure of that?

9 DR. HAMPTON: I feel like because, I  
10 feel like you can be sure of that because, again,  
11 like we're new. We're a new small business when  
12 we're learning certain things as we go. I didn't  
13 even know that afternoon about substantial  
14 changes. We were made aware of it. So going  
15 forward what we've done when we felt like it's  
16 possible to go past 12 o'clock, we apply for it.

17 I feel like, you know, I know you guys  
18 don't know me. You know us. But I personally  
19 feel like you can trust that we're going to do  
20 all the things.

21 We informed of signage. We have  
22 signage. We take the proper steps to try and  
23 make sure that our business is still for the  
24 entire community. We don't want to be a business  
25 that has to come before you because of

1 violations. Like we're trying to operate by the  
2 book. And so we'll --

3 MEMBER SHORT: Thank you very much and  
4 I don't want to take up anymore of the time with  
5 the Board today.

6 DR. HAMPTON: Yes.

7 MEMBER SHORT: The --

8 DR. HAMPTON: I would also like to say  
9 that ABRA has come since then. I'm sorry, Mr.  
10 Short.

11 MEMBER SHORT: Go ahead.

12 DR. HAMPTON: I just want to say that  
13 ABRA has come out multiple times since October  
14 because there is one neighbor who calls  
15 consistently and there has been no issue. They  
16 come all the time. They do and this is the only  
17 thing that you will see on your docket from us.

18 MEMBER SHORT: Believe it or not. We  
19 have other businesses that have the same problem.  
20 And most of them solved them to stay in business  
21 and hopefully you will do the same.

22 That's all that I have, Mr. Chair.

23 DR. HAMPTON: Thank you.

24 CHAIRPERSON ANDERSON: Thank you, Mr.  
25 Short.

1                   Go ahead, Mr. Grant.

2                   MEMBER GRANT: Dr. Hampton, thank you  
3 for being with us today and I hope things are  
4 well with you.

5                   I got a couple of questions for you.

6                   How many employees do you all have in  
7 total at Buddy's?

8                   DR. HAMPTON: In total or on a night,  
9 a given night?

10                  MEMBER GRANT: Both.

11                  DR. HAMPTON: So, operating we have  
12 two dishwashers. So, maybe about 15 staff  
13 members total. On a given night bartender-wise,  
14 no more than two. Two or three and there's  
15 bartenders.

16                  MEMBER GRANT: Do you recall how many  
17 people throughout the night or I would guess the  
18 crescendo or crux of the night were in attendance  
19 at Buddy's?

20                  DR. HAMPTON: I'm not 100 percent  
21 sure. I mean it, I'm not 100 percent sure. Like  
22 we, I am not sure. Like if could have been like,  
23 I don't know, throughout the whole night, maybe,  
24 I don't know.

25                  MEMBER GRANT: Okay. Mr. Ruiz he



1 stated during his testimony that when he arrived  
2 there was between 15 and I believe 20 to 25  
3 people that were on the premises. Is that your  
4 recollection? That range?

5 DR. HAMPTON: It's possible. I don't  
6 think that there was like, more than like 15  
7 there.

8 MEMBER GRANT: Okay. Okay.

9 I believe that may be all of my  
10 questions, Mr. Chair. I'll give it back to you.

11 CHAIRPERSON ANDERSON: All right.  
12 Thank you.

13 Mr. Emmick, any questions of the  
14 witness based on the questions that were asked by  
15 the Board?

16 MR. EMMICK: Mr. Chair, if I could  
17 share my screen.

18 CHAIRPERSON ANDERSON: Go ahead,  
19 please, you should the right.

20 REDIRECT EXAMINATION

21 MR. EMMICK: I'm now presenting what  
22 was previously submitted to the Board as  
23 Respondent's Exhibit 1.

24 Dr. Hanson, this is a photograph or a  
25 screenshot from your surveillance footage from

1 the night at issue here today.

2 DR. HAMPTON: Yes, and you can see on  
3 the time stamp that it's like 5 seconds after  
4 midnight. And if you were to zoom in on all the  
5 tables all you will see is water. And the  
6 patrons sitting on the rail have nothing in their  
7 hands.

8 MR. EMMICK: But it's a fair and  
9 accurate depiction of the scene that night at 12  
10 o'clock midnight?

11 DR. HAMPTON: At 12 o'clock, yes. But  
12 not at 12 --

13 MR. EMMICK: And is it fair to say  
14 that there's at least more than 10, possibly more  
15 than 15 people sitting apparently watching TV at  
16 12 o'clock?

17 DR. HAMPTON: At 12, yes. But that is  
18 not an image at 12:40 where some people have  
19 left.

20 MR. EMMICK: No, I understand there is  
21 a difference between 12 and what you testified to  
22 and 12:45.

23 DR. HAMPTON: Uh-huh.

24 MR. EMMICK: But after midnight, at  
25 12:05, five seconds after the hour, there's still

1 a number of patrons in your Summer Garden patio  
2 at that point in time watching TV.

3 DR. HAMPTON: Correct.

4 MR. EMMICK: Nothing further, Mr.  
5 Chair.

6 CHAIRPERSON ANDERSON: Mr. Mason, do  
7 you wish to ask here any follow-up questions  
8 based on the question, any redirect based on the  
9 questions that were -- any redirect questions?

10 MR. MASON: Yes. My redirect would be  
11 this all goes back to what we consider --

12 CHAIRPERSON ANDERSON: You're asking  
13 her questions, sir. You're asking her  
14 questions.

15 MR. MASON: I'm asking her, what would  
16 you at that moment in time were you under the  
17 impression that you were no longer operating  
18 after midnight?

19 DR. HAMPTON: Correct. Because there  
20 was no service going on. There was no alcohol  
21 being served. There's no alcohol out there.  
22 People at midnight are aware that the patio is  
23 closed. They were informed that there is no  
24 service being had. And, yes.

25 MR. MASON: My next question is, per

1 our, at that time approximately how many -- was  
2 there service going on inside of the  
3 establishment and was it viewed inside of the  
4 establishment at that same time?

5 DR. HAMPTON: Yes. There was service  
6 going on and there were some people inside, yes.

7 MR. MASON: Okay. So, those people  
8 that were outside that were no longer being  
9 served, and did not have service did they have  
10 the option to go inside or was it too many people  
11 there?

12 DR. HAMPTON: They had the option to  
13 go inside.

14 MR. MASON: So, was it space for them?

15 DR. HAMPTON: I mean --

16 MR. EMMICK: Objection. Relevance.  
17 Whether or not there were patrons inside or not,  
18 doesn't go to the ultimate issue of whether or  
19 not people were in the Summer Garden.

20 CHAIRPERSON ANDERSON: I'm going to  
21 sustained the objection. Let's move on.

22 MR. MASON: No redirect.

23 CHAIRPERSON ANDERSON: All right.

24 Dr. Hampton, thank you very much for  
25 your testimony. All right. Do we have, Mr.

1 Mason, do we have another witness?

2 DR. HAMPTON: Yes, Mr. Mason.

3 CHAIRPERSON ANDERSON: Mr. Mason, can  
4 you raise your right hand?

5 Do you swear or affirm to tell the  
6 truth and nothing but the truth?

7 MR. MASON: Yes.

8 CHAIRPERSON ANDERSON: Your witness,  
9 Dr. Hampton.

10 DIRECT EXAMINATION

11 DR. HAMPTON: Okay. Mr. Mason, you  
12 are aware of the Summer Garden hours, correct?

13 MR. MASON: Yes.

14 DR. HAMPTON: And you are aware that  
15 the Summer Garden service ends at 12 midnight?

16 MR. MASON: Yes.

17 DR. HAMPTON: Are people that are  
18 inside of Buddy's allowed -- well, actually, I'll  
19 say this.

20

21 On the night in question were there  
22 alcoholic beverages being served at all or and  
23 food being served after midnight on the patio, on  
24 the Summer Garden?

25 MR. MASON: No.

1 DR. HAMPTON: The water that you saw  
2 in the video image out there was that previously  
3 out there directly or was that brought out to  
4 them?

5 MR. MASON: It was already there.

6 DR. HAMPTON: Okay. In that image  
7 that was shown at 12, around 12:40 that night was  
8 there the same amount of people that was in that  
9 photo on the patio during that time?

10 MR. MASON: No.

11 DR. HAMPTON: And why do you think  
12 that people, why there was not that any people on  
13 the patio?

14 MR. MASON: Because from my opinion it  
15 had gone over. Some people who wanted to  
16 continue in a specified space came inside of the  
17 establishment.

18 DR. HAMPTON: Okay. Why would they go  
19 into the establishment versus staying on the  
20 Summer Garden?

21 MR. MASON: Because there is no  
22 service outside after midnight.

23 DR. HAMPTON: Okay. In your opinion,  
24 prior to that night did you feel like you were in  
25 compliance with ABCA and the Settlement Agreement

1 in terms of Summer Garden operation?

2 MR. MASON: Yes.

3 MR. EMMICK: Objection, Mr. Chair.  
4 Outside -- it's not relevant, it's outside the  
5 scope of the ultimate issue of October the 1st in  
6 terms of what had happened before leading up to  
7 that point.

8 CHAIRPERSON ANDERSON: All right. I  
9 will sustain the objection. Just reminding we ae  
10 only talking about what happened on --

11 DR. HAMPTON: Okay.

12 CHAIRPERSON ANDERSON: -- the day in  
13 question. All right.

14 DR. HAMPTON: So, on the day in  
15 question did you feel like Buddy's was operating  
16 in accordance to the ABCA and Settlement  
17 Agreement definition of, well, do you feel like -  
18 -

19 MR. MASON: Yes.

20 DR. HAMPTON: Okay.

21 MR. MASON: Yes. We felt I as the  
22 principal owner thought we were in compliance.

23 DR. HAMPTON: Okay.

24 MR. MASON: I was only been told by  
25 Mr. Ruiz after that, his expectation was that

1 everyone be cleared, not that service just be  
2 terminated. Had to be cleared and since that  
3 date we have made sure that everyone is either  
4 off or there is a substantial change application  
5 put in in case someone may be out there. But  
6 even then there is still no service outside after  
7 midnight.

8 DR. HAMPTON: Okay. And when you  
9 applied for the substantial changes did you apply  
10 for substantial changes for the Summer Garden  
11 hours before, after this incident, correct?

12 MR. MASON: Yes.

13 DR. HAMPTON: And at that time, ABRA  
14 notified you that --

15 MR. EMMICK: Objection, relevance.

16 DR. HAMPTON: I was just going to  
17 state that we applied for it and she also  
18 supported it. That was all I was going to -- I  
19 don't know.

20 CHAIRPERSON ANDERSON: It's --

21 MR. MASON: Not relevant?

22 CHAIRPERSON ANDERSON: It's not  
23 relevant to the day in question.

24 MR. MASON: I think that what I was  
25 just trying to get at is the fact that this



1 instance, this isolated situation is not  
2 something that --

3 CHAIRPERSON ANDERSON: This is what  
4 you can do. When you close --

5 MR. MASON: Oh, okay.

6 CHAIRPERSON ANDERSON: -- that's the  
7 argument you make --

8 MR. MASON: Okay.

9 CHAIRPERSON ANDERSON: When you do  
10 your closing you can make those type of  
11 arguments.

12 MR. MASON: Okay.

13 CHAIRPERSON ANDERSON: Say whatever  
14 you want to say to wrap up the case to convince  
15 the Board. Okay. But that's not appropriate in  
16 this juncture.

17 And I'll just say, a lot of the  
18 relevance, the objections that were made when you  
19 make a closing argument you can argue those if  
20 you so desire. But you can't ask those questions  
21 at this juncture. All right?

22 DR. HAMPTON: Okay. I think I  
23 understood.

24 CHAIRPERSON ANDERSON: All right. You  
25 have any other questions on -- yeah.

1 DR. HAMPTON: On the day in question,  
2 yes.

3 Okay. As far as operating you're  
4 aware that there is signage on the patio, right?

5 MR. MASON: Yes.

6 DR. HAMPTON: Have you made patrons  
7 aware of the signage?

8 MR. MASON: Yes.

9 DR. HAMPTON: Is the signage somewhere  
10 where patrons can clearly see it or is it hidden?

11 MR. MASON: It's in clear view.

12 DR. HAMPTON: Okay. And how many  
13 signs are on the patio indicating the hours and  
14 the asking of patrons to watch their sound levels

15 MR. MASON: Two.

16 DR. HAMPTON: Two of which one?

17 MR. MASON: Two allowing, telling them  
18 to watch their sound level and giving the hours.

19 DR. HAMPTON: Uh-huh.

20 MR. MASON: Bring it all together.

21 DR. HAMPTON: Yes. And what was to  
22 happen say you walked on the patio that  
23 afternoon, that evening and someone asked you for  
24 a drink? What would happen? What would have  
25 happened?

1 MR. MASON: I would -- they would be  
2 directed that they would need to go inside to  
3 order food or drinks and remain inside.

4 DR. HAMPTON: So, they could not come  
5 outside with what they purchased inside?

6 MR. MASON: No, they cannot. Because  
7 the door that goes from inside to outside on that  
8 side of the building is closed.

9 DR. HAMPTON: Okay. Thank you.

10 No further questions.

11 CHAIRPERSON ANDERSON: Thank you. Is  
12 there another witness or do you rest?

13 DR. HAMPTON: Rest.

14 CHAIRPERSON ANDERSON: All right.  
15 Thank you.

16 MR. EMMICK: Your Honor, or Mr. Chair,  
17 if I could very briefly inquire?

18 CHAIRPERSON ANDERSON: I'm sorry. Let  
19 me see. I never had the opportunity to cross-  
20 examine Mr. Mason.

21 CHAIRPERSON ANDERSON: Oh, you didn't.

22 MR. EMMICK: No, sir.

23 CHAIRPERSON ANDERSON: I apologize.  
24 I apologize, sir. Why didn't you alert me prior  
25 to, I apologize, sir. Go ahead.

1 CROSS-EXAMINATION

2 MR. EMMICK: Mr. Mason, there was  
3 testimony earlier in this proceeding that there  
4 was a sporting event on, is that correct that  
5 night?

6 MR. MASON: Yes.

7 MR. EMMICK: And that sporting event  
8 continued on past midnight?

9 MR. MASON: It did.

10 MR. EMMICK: And you didn't turn off  
11 the TVs at midnight?

12 MR. MASON: The TV, most nights we  
13 don't turn the TVs off at midnight. That's part  
14 of allow people to see that we're still open and  
15 they come inside even though they're not allowed  
16 on the patio at that time the TVs remain on.

17 MR. EMMICK: After 2 a.m. as well?

18 MR. MASON: They remain on until we  
19 completely close.

20 MR. EMMICK: But to be clear, you  
21 didn't clear patrons from the Summer Garden area  
22 at any point after midnight. You left the  
23 sporting event to continue to play?

24 MR. MASON: On that evening we allowed  
25 the sporting event to continue to play by

1 clearing them on that, we allowed the sporting  
2 event to continue to play.

3 MR. EMMICK: You didn't clear them out  
4 at midnight?

5 MR. MASON: We did not clear them out  
6 at midnight because we weren't under the  
7 impression that we needed to clear them out.

8 MR. EMMICK: So, that's a no?

9 MR. MASON: That is a no.

10 MR. EMMICK: I have nothing further,  
11 Mr. Chair.

12 CHAIRPERSON ANDERSON: All right. All  
13 right.

14 And the Board has had an opportunity  
15 to ask questions. The Board has already asked  
16 questions of Mr. Mason, is that correct? The  
17 Board has not asked questions of Mr. Mason? All  
18 right.

19 DR. HAMPTON: We asked him questions.

20 CHAIRPERSON ANDERSON: Okay. All right.  
21 Any questions of the Board of Mr.  
22 Mason?

23 MEMBER GRANT: Yeah, just a brief  
24 question.

25 CHAIRPERSON ANDERSON: Mr. Grant,

1       yeah.

2                       MEMBER GRANT:   Mr. Mason, thank you  
3       for being here.   A couple of things with you  
4       outside of being here for the hearing today.

5                       Can you just briefly describe your  
6       relationship well the establishment's  
7       relationship with the ANC in the area, just  
8       briefly if you can.   Any communication, any sort  
9       of judgment call on your relationship with the  
10      ANC.

11                      MR. MASON:   I believe that we have an  
12      ongoing relationship.   We have found it to be a  
13      slow moving relationship.   Right now we are  
14      trying to work in getting a new Settlement  
15      Agreement.   This started last December upon us  
16      opening to which our license was challenged.   But  
17      the ANC, because of the neighborhood we're in  
18      good standing with them.   But because of this  
19      scenario with the neighbor we've been presented  
20      of moving forward.   So, right now we're still  
21      held to a Settlement Agreement that's unlike any  
22      other business in our corridor.

23                      So, it's a little bit, it's tenuous  
24      because we go to everything.   We speak to them  
25      and they promise that some things will change but

1 we haven't been able to get past anything  
2 because we have this one neighbor that  
3 continuously calls and bothers even though we've  
4 had neighbors on our behalf that live next to us  
5 and across the street from us call but we just  
6 can't, we just haven't had any movement. So,  
7 right now we're under a Settlement Agreement like  
8 I said that's from 12 years ago that doesn't even  
9 relate to the business or what's going on in the  
10 neighborhood even.

11 MEMBER GRANT: One follow-up question.

12 Earlier when Dr. Hampton was being  
13 examined by Mr. Short here on the Board he asked  
14 a question about the likelihood of us being able  
15 to believe that you all won't have any additional  
16 challenges with meeting the limitations of  
17 shutting off operations at midnight. Do you  
18 recall that interaction?

19 MR. MASON: Yes, I do.

20 MEMBER GRANT: Do you recall the  
21 questions that I had for Dr. Hampton around the  
22 number of staff that were on site during the  
23 night in question?

24 MR. MASON: Yes, I remember.

25 MEMBER GRANT: And then do you recall

1 the photograph that Mr. Emmick posted of the  
2 folks sitting out on the patio?

3 MR. MASON: Yes, I do.

4 MEMBER GRANT: In your estimation, do  
5 you all have enough staff on site to be able to  
6 insure that that number of people will be able to  
7 leave the patio to go back inside or to leave the  
8 premises all together?

9 MR. MASON: Yes, we have enough staff.

10 MEMBER GRANT: Okay.

11 Those are my only questions, Mr.  
12 Chair, thank you.

13 CHAIRPERSON ANDERSON: Thank you Mr.  
14 Grant.

15 Do any other Board members have  
16 questions?

17 Mr. Emmick, any questions, of Mr.  
18 Mason based on the questions asked by the Board?

19 MR. EMMICK: No, Mr. Chair, thank you.

20 CHAIRPERSON ANDERSON: Dr. Hampton,  
21 any questions of Mr. Mason, any redirect  
22 questions of Mr. Mason based on the question --  
23 any redirect questions of Mr. Mason?

24 DR. HAMPTON: Yes. Just in relation  
25 to what Mr. Grant asked as far as the



1 relationship with the ANC.

2 REDIRECT EXAMINATION

3 DR. HAMPTON: Has Buddy's ever  
4 participated or has Buddy's ever implemented  
5 things for the community with the ANC?

6 MR. MASON: Yes. We're very active  
7 with the ANC. We hope to clean up across the  
8 neighborhood. We're very active in the community.  
9 Not only in the neighborhood but throughout D.C.

10 DR. HAMPTON: So, as far as like the  
11 events you were saying Buddy's organized a  
12 community clean up with the ANC?

13 MR. MASON: Yes.

14 DR. HAMPTON: And didn't Buddy's also  
15 organize with the ANC a toy drive where neighbors  
16 could drop stuff off and we donated it?

17 MR. MASON: Our relationship with the  
18 ANC overall is good. It's just we had an issue  
19 with the Settlement Agreement being amended.

20 DR. HAMPTON: Correct.

21 MR. MASON: In some regards, that is  
22 it.

23 DR. HAMPTON: Okay. Thank you.

24 CHAIRPERSON ANDERSON: All right.  
25 Thank you very much. Is that your last witness?

1 DR. HAMPTON: Yes.

2 CHAIRPERSON ANDERSON: All right. Are  
3 the parties ready to close? The parties ready to  
4 close?

5 MR. EMMICK: The Government is ready,  
6 Mr. Chair.

7 CHAIRPERSON ANDERSON: All right. So,  
8 basically where we are now, we're going to do  
9 closing. So, the Government will tell us  
10 specifically what it is that they want the Board  
11 to do and I want the Licensee to then in their  
12 closing share what is it that they want the Board  
13 to do as regarding this matter.

14 So let's start with the Government.

15 MR. EMMICK: Thank you, Mr. Chair.

16 The Government based on the evidence  
17 presented and the testimony here today has met  
18 its burden of substantial evidence and proves the  
19 sole charge that the establishment was in  
20 violation by operating after hours without having  
21 first gotten Board approval. Specifically, a  
22 violation of Section 25-723A and E13 and asking  
23 that the Board impose a modest and reasonable  
24 fine under Section 25823A1.

25 You heard the testimony of the

1 Investigator who responded to a noise complaint  
2 that evening. Arrived on the scene at 12:43. He  
3 could hear noise and saw patrons in the Summer  
4 Garden area which the Board also had an  
5 opportunity to review the cell phone video that  
6 he captured.

7 The patrons were apparently watching  
8 a sporting event that continued well past  
9 midnight. He then met with Mr. Mason and Dr.  
10 Hampton who didn't deny the patrons were there  
11 after midnight who apparently cleared out after  
12 the sporting event wrapped up when the  
13 Investigator was in the neighbor's residence.

14 He reviewed with them their Settlement  
15 Agreement and their ABC ABRA license and pointed  
16 out that not only the sales have to end but  
17 operations have to end at 12 midnight.

18 While I understand that there may be  
19 misunderstanding about that in this instance. As  
20 the idiom goes, events of the law is no defense.  
21 And by way of comparison, I would point out to  
22 the Board that just because you stop serving  
23 doesn't mean that you can continue to operate.  
24 That's the whole point of having a separate  
25 definition under the ABC licenses. By that same

1 reasoning, then someone could say, well, I've  
2 discontinued service at midnight as per my ABC  
3 license but I left the TVs on until 5 a.m. so  
4 that somebody could, you know, stay until the  
5 early hours and carry on, watch a sporting event  
6 or something of that nature.

7 Again, the plain language of their  
8 license and the Settlement Agreement provides  
9 that operation is to terminate and cease at 12  
10 a.m.

11 And the other thing that I think is  
12 noteworthy is that Mr. Mason testified and Dr.  
13 Hampton testified both very credibly but that the  
14 TVs stayed on and so I believe it's reasonable to  
15 conclude that although service and sale of  
16 alcoholic beverage did terminate, that patrons  
17 stayed on the scene in the Summer Garden well  
18 past the hours of operation. And so for those  
19 reasons we would ask that the Board impose,  
20 again, a modest fine in this instance.

21 CHAIRPERSON ANDERSON: Thank you.

22 Dr. Hampton or Mr. Mason, who is going  
23 to make the closing statement?

24 DR. HAMPTON: I will.

25 CHAIRPERSON ANDERSON: Go ahead.

1 DR. HAMPTON: I would say that, you  
2 know, Buddy's DC has been trying to operate  
3 within the standards that have been set by ABRA  
4 and within our Settlement Agreement.

5 I would like to point out that there  
6 is nowhere in the ABCA code in a Settlement  
7 Agreement that specifically and clearly spells  
8 out what the definition of operation is.

9 Now, you know, going through the  
10 process that has happened we are very now well  
11 aware of what our expectations are moving  
12 forward. Again, since that date, we haven't  
13 allowed anyone to be out on our Summer Garden  
14 past midnight. By even the TVS being on, the  
15 patio gates are closed and locked. There's a sign  
16 from inside the establishment leading outside  
17 that also says, closed. So, people cannot access  
18 it.

19 I would like the Board to please take  
20 into consideration and note that we were  
21 operating in what we felt was compliance to the  
22 Board. We weren't serving alcohol. We weren't  
23 serving food. We weren't taking, you know,  
24 taking any orders or anything of that nature. We  
25 try our best to adhere by what the laws and

1 regulations are. Signs being posted to people,  
2 you know, going forward. We do note that the  
3 five people that the patio closes and they will  
4 have to, you know, remove themselves from the  
5 patio now. And people don't have an issue doing  
6 so. They fully understand what the situation is.  
7 But, again, I can sully assure you and the Board  
8 that you don't have to worry about if we will be  
9 back here for the same instance. We've taken  
10 steps and have gone through since being made  
11 aware of this since that date as far as going  
12 about applying for substantial changes until we  
13 hopefully get out Settlement Agreement amended so  
14 that we are treated the same way as the rest of  
15 the establishments on our block.

16 I would also like to note that even  
17 despite the TVs being on, there is no sound being  
18 played from the TVs so that doesn't add to any  
19 noise.

20 I would like for you to also remember  
21 what Mr. Ruiz said in terms of what the sound was  
22 out there and it was around conversational level.  
23 I feel and I guess I'm asking the Board to, you  
24 know, if anything maybe let us off with a warning  
25 and I just want to reassure you you won't have to

1 worry about this again going forward with us.  
2 We, you know, from looking at our previous times  
3 we've had with you all in the findings of fact,  
4 we operate in accordance to what is expected. We  
5 understand that we have a microscope on us. We  
6 understand that we have someone who doesn't want  
7 us to be there and exist at all. And so with  
8 that being in mind we're trying to cross all our  
9 Ts and dot all our Is. And it's just this one  
10 instance we weren't aware that we were according  
11 to you all operating.

12 It's not as an excuse. We are now  
13 well aware of, again, what the expectation is and  
14 moving forward we will continue to abide by it as  
15 we have since October 1st.

16 So, again, I ask that, you know, you  
17 guys show us a little as possible and let us off  
18 with a warning. And I can assure you you won't  
19 have to deal with this again.

20 Thank you for your time.

21 CHAIRPERSON ANDERSON: All right.

22 Thank you for your presentation.

23 The record is now closed.

24 (Whereupon, this proceeding was  
25 concluded at 3:18 p.m.)

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Place: teleconference

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

*Neal R Gross*

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Court Reporter

**NEAL R. GROSS**

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